

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Judicial Council
Program: Agency-Wide Information

GENERAL AGENCY INFORMATION**AGENCY MISSION:**

To study the administration of justice in Kansas and make recommendations for improvement.

In completing its mission, the Judicial Council maintains a number of standing advisory committees, currently 14, with two ad hoc committees formed specifically for studies requested by the Legislature and the League of Kansas Municipalities. The Judicial Council conducts studies on request from the Legislature, the Judiciary, attorneys, public officials, and citizens. The Judicial Council has also been instrumental in writing and/or keeping current most of the major statutory codes regularly used in Kansas courts, including: Administrative Procedure Act; Adoption and Relinquishment Act; Care and Treatment Acts; Civil Code; Code for Care of Children; Code of Criminal Procedure; Code of Procedure for Limited Actions; Criminal Code; Family Law Code; False Claims Act; Guardianship and Conservatorship Act; Informal Administration Act; Judicial Review Act; Juvenile Offender Code; Municipal Court Code; Parentage Act; Power of Attorney Act; Probate Code; Protection from Abuse Act; and Trust Code.

In addition, the Judicial Council contributes to the administration of justice in Kansas by authoring and publishing five high-quality legal publications: *Kansas Appellate Practice Handbook*, *Kansas Judicial Council Probate Forms*, *Kansas Municipal Court Manual*, *Pattern Instructions for Kansas - Civil*, and *Pattern Instructions for Kansas - Criminal*. The Judicial Council drafts and provides on its website approximately 600 legal forms that are available at no cost for use by attorneys and the general public.

AGENCY PHILOSOPHY:

The principles and responsibilities of the judicial system shall be maintained, and the rights and privileges associated with our system of justice shall be respected as the Judicial Council carries out its mission.

PROGRAMS ESTABLISHED TO ASSIST WITH AGENCY MISSION:

The Judicial Council operates under a single general program to carry out its mission.

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STATUTORY HISTORY:

The Judicial Council was created by the Legislature in 1927, and its membership and duties are prescribed by statute (K.S.A. 20-2201 to 20-2208).

OVERVIEW

Prior to fiscal year 1993, the Judicial Council received all of its funding from the State General Fund. However, the agency began managing a Publications Fee Fund in fiscal year 1993 that allowed it to receive revenue from the sale of publications. Between fiscal year 2004 and fiscal year 2023, the Judicial Council was fully fee-funded through a combination of publication sales revenue and docket fees. Beginning with fiscal year 2024, the Judicial Council directs all revenue from publication sales to the State General Fund and receives all of its funding from the State General Fund.

Current Year and Budget Year Overview:

The Judicial Council is submitting a revised request for FY2025 due to a reduction in agency expenditures, primarily in the area of contractual services.

Actual Position Data:

FY 2025 - 5 FTE
FY 2026 - 5 FTE

EXPENDITURE JUSTIFICATION - General Government Program**Object Code 100: Salaries and Wages**

Summary: For FY2025, the Judicial Council was authorized 5.0 FTE positions, including an Executive Director, two Staff Attorneys, one Fiscal Officer, and an Administrative Assistant. Also included in this area are per diem and subsistence paid to Committee members who elect to receive these payments pursuant to K.S.A. 20-2206. The Judicial Council plans to hold 57 full committee meetings and 14 subcommittee meetings in fiscal year 2025. The Judicial Council plans to hold 55 full committee meetings and 14 subcommittee meetings in fiscal year 2026.

FY 2025: \$619,493
FY 2026: \$624,584

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Object Code 200: Contractual Services

Summary: Items funded in this area are telephone services, postage, freight, printing, photocopier rent, OITS fees, professional services, and mileage for Judicial Council and advisory committee meetings. Also included in the contractual services area is funding for the preparation, publication, and mailing of supplements to the Council's publications. Costs for the maintenance and expansion of the Council's website are contained in this object code.

Additionally, the amount of sales tax the Judicial Council collects from the sale of publications and subsequently deposits into SGF is considered a contractual expense and included in this object code.

FY 2025: \$102,224

FY 2026: \$95,077

Object Code 300: Commodities

Summary: The requests under this object code include office and computer supplies, session laws, statute books, and supplements.

FY 2025: \$5,739

FY 2026: \$4,745

Object Code 400: Capital Outlay

Summary: The capital outlay request covers computer software expenses and fees pursuant to the computer lease agreement.

FY 2025: \$5,485

FY 2026: \$5,622

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PROGRAM NARRATIVE INFORMATION

GOAL:

To continuously survey and study the judicial branch of the state, to recommend to the Supreme Court and the Legislature improvements in the administration of justice, and to take other appropriate actions to carry out the mission of the Judicial Council.

OBJECTIVE #1:

To consider the judicial branch of the state and various substantive and procedural codes that are used by or before the judicial branch, to identify problem areas or areas of potential improvement, and to take appropriate action.

Strategies For Objective #1:

The Judicial Council will:

1. Continue to meet regularly to receive and consider study requests and suggestions relating to the administration of justice in Kansas, identify problem areas and areas of needed improvement, undertake projects and assign projects to existing or new advisory committees, receive and review the work product of the advisory committees, and take appropriate action.
2. Continue the following existing advisory committees and their respective responsibilities and current assignments as follows:
 - A. The Administrative Procedure Advisory Committee monitors the Kansas Administrative Procedure Act and the Kansas Judicial Review Act.
 - B. The Adoption Law Advisory Committee monitors the Kansas Adoption and Relinquishment Act and is available for additional assignments in the area. The Committee recently recommended clarifying amendments to the legislation passed in 2018. Those amendments were passed in 2024 in HB 2549.
 - C. The Appellate Practice Advisory Committee monitors the area of appellate procedure and practice and recommends needed changes in the Supreme Court rules relating to appellate practice. The Committee also prepares periodic supplements to the *Kansas Appellate Practice Handbook*.
 - D. The Civil Code Advisory Committee monitors the civil code and related areas, and is available for additional assignments in the area. At the request of Representatives Susan Humphries and Bob Lewis, the Committee currently is studying HB 2593 and whether Kansas' Revised Uniform Arbitration Act, K.S.A. 5-423 *et seq.*, should

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include a provision addressing the validity of certain arbitration agreements in insurance contracts.

- E. The Criminal Law Advisory Committee monitors the Kansas Criminal Code and the Kansas Code of Criminal Procedure. The Committee is currently conducting a study requested by Representative Stephen Owens regarding the admission of evidence of previous domestic violence offenses during a prosecution of a subsequent offense.
- F. The Family Law Advisory Committee is drafting pro se forms for parentage actions. The Committee also monitors the area of family law and is available for additional assignments in the area.
- G. The Guardianship and Conservatorship Advisory Committee is reviewing and updating the Guardianship and Conservatorship Act and will prepare and update forms used under the Act. The Committee also monitors the Care and Treatment Act for Mentally Ill Persons and the Care and Treatment Act for Persons with an Alcohol or Substance Abuse Problem and prepares and updates forms used under both civil commitment codes.
- H. The Juvenile Offender/Child in Need of Care Advisory Committee is conducting a study requested by Representatives Susan Humphries and Bob Lewis regarding the state's guardian ad litem system. The Committee continues to monitor the Revised Kansas Code for Care of Children, the Revised Kansas Juvenile Offender Code, and the forms it prepared, copyrighted, and published for use under the codes.
- I. The Municipal Court Manual Advisory Committee prepares the annual supplement to the *Kansas Municipal Court Manual* and proposes to the Judicial Council any suggested improvements in related areas of the law that come to its attention while preparing the supplement.
- J. The Pattern Instructions for Kansas - Civil (PIK-Civil) Advisory Committee prepares biennial supplements to *PIK-Civil 4th* and reports to the Judicial Council any suggested improvements in the area of civil law that come to its attention while preparing the supplements.
- K. The Pattern Instructions for Kansas - Criminal (PIK-Criminal) Advisory Committee prepares the annual supplement to *PIK-Criminal 4th* and reports to the Judicial Council any suggested improvements in the area of criminal law that come to its attention while preparing the supplement.

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- L. The Probate Law Advisory Committee is preparing a 2024 supplement to *Kansas Judicial Council Probate Forms 3d*. The Committee also monitors the probate code and related areas.
 - M. The Tribal-State Judicial Forum was created to encourage greater understanding and exchange of information between the tribal and state judicial systems in Kansas. The Forum identifies and discusses issues regarding court practices, procedures, and administration that are of common concern to members of tribal and state judicial systems. At the request of Representative Susan Concannon, the Forum is studying HB 2772 regarding enacting a Kansas Indian Child Welfare Act.
 - N. The Website Forms Advisory Committee was created to review and approve new legal forms that are posted on the Judicial Council website. The Committee reviews each new form for style, accuracy, consistency, and ease of use.
3. Establish new advisory committees or assign new projects to existing committees as the Council's mission, goals and objectives dictate. As a part of this strategy, the Judicial Council has established many ad hoc committees to study a single issue. Ad hoc committees are generally dissolved after the assignment is complete. The current ad hoc committees are:
- A. The Civil Asset Forfeiture Advisory Committee was formed in 2017 in response to a Legislative request to study and make recommendations regarding the Kansas Standard Asset Seizure and Forfeiture Act, K.S.A. 60-4141 *et. seq.* The Committee's recommendations were introduced in 2018 and passed by the Legislature in HB 2459. On the request of Representatives Fred Patton and Stephen Owens, the Committee reconvened in 2023 to review 2023 HB 2380 and recommended a number of amendments that were passed in 2024.
 - B. The Ad Hoc Advisory Committee on Municipal Defendant Competency was formed in 2024 in response to a request from the League of Kansas Municipalities that the Judicial Council study SB 448 regarding competency evaluations in municipal courts.
4. Continue the practice of appointing to the advisory committees capable, experienced persons from a variety of backgrounds who bring expertise to the committees.

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Performance Measures for Objective #1:**OUTCOME MEASURES:**

Consider the activity of the advisory committees and determine if the Council is fulfilling its obligation to consider and suggest improvements to the judicial branch and the procedural codes which are used by or before it.

Number of Meetings Held and Anticipated

COMMITTEE	FY 2024 Full Comm.	FY 2024 Sub Comm.	FY 2025 Full Comm.	FY 2025 Sub Comm.	FY 2026 Full Comm.	FY 2026 Sub Comm.
Administrative Procedure	0	0	0	0	0	0
Adoption Law	2	3	0	0	0	0
Ad Hoc Committee on Municipal Defendant Competency	0	0	4	0	1	0
Appellate Practice	0	0	0	0	0	0
Civil Asset Forfeiture	5	0	0	0	0	0
Civil Code	0	7	4	7	2	7
Criminal Law	3	0	3	0	3	0
Family Law	7	4	7	4	7	4
Guardianship and Conservatorship	7	0	7	0	7	0
Judicial Council	3	0	2	0	2	0
Juvenile Offender/Child in Need of Care	2	2	5	0	5	0
Municipal Court Manual	1	0	1	0	1	0
Pattern Instructions for Kansas - Civil	3	0	0	0	5	0
Pattern Instructions for Kansas - Criminal	4	0	5	0	5	0
Probate Law	4	0	4	0	4	0
Tribal-State Judicial Forum	1	0	5	0	3	0
Website Forms	11	0	10	3	10	3
TOTAL	53	16	57	14	55	14

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OUTPUT MEASURES:

Determine if the Judicial Council is performing its statutory duties by its response to requests for studies and determine if the Legislature, the Supreme Court, the bench, the bar, the public and the committee members are bringing matters to the attention of the Council for consideration.

	Requests by Legislature	Requests by Supreme Court/ Judiciary	Requests by Others	Total Requests	Requests granted/ assigned to Committee
FY 2023	3	0	4	7	7
FY 2024	1	0	3	4	4
FY 2025	5	0	3	8	7
FY 2026	4	1	1	6	6

OBJECTIVE #2:

To publish and distribute high quality publications to further the mission of the Judicial Council including publication of the *Kansas Appellate Practice Handbook 6th*, the *Kansas Judicial Council Probate Forms 3d*, the *Kansas Municipal Court Manual*, *PIK-Civil 4th*, and *PIK-Criminal 4th*; and to maintain and improve the Judicial Council’s subscription-based website for Council publications and forms.

Strategies for Objective #2:

1. Continue with the existing advisory committees and their respective responsibilities as follows:
 - A. The Appellate Procedure Advisory Committee will update and supplement the *Kansas Appellate Practice Handbook 6th* when feasible.
 - B. The Probate Law Advisory Committee will prepare a supplement to the *Kansas Judicial Council Probate Forms 3d* in FY2025.
 - C. The Municipal Court Manual Committee will update and supplement the *Kansas Municipal Court Manual* annually.

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- D. The PIK-Civil Advisory Committee will update and supplement the civil pattern jury instructions published in *Pattern Instructions for Kansas-Civil 4th* biennially.
- E. The PIK-Criminal Advisory Committee will update and supplement *Pattern Instructions for Kansas-Criminal 4th* annually.
- 2. Establish new advisory committees or make additional assignments to existing advisory committees if it is deemed desirable to undertake additional publication projects.
- 3. Continue development and expansion of the subscription-based portion of the Judicial Council website, which allows subscribers online access to Judicial Council publications.
- 4. Monitor the contract between the Judicial Council and West Publishing Group which provides revenue to the Judicial Council from the licensing of *PIK-Civil 4th* and *PIK-Criminal 4th* to West Publishing Group for use on Westlaw.
- 5. Monitor the contract between the Judicial Council and LexisNexis Publishing which provides revenue to the Judicial Council from the licensing of *PIK-Civil 4th* and *PIK-Criminal 4th* for use on LexisNexis.

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Performance Measures for Objective #2:

OUTCOME MEASURES:

The following tables depict the publications that will be distributed in fiscal years 2025 and 2026.

Publications to be Printed and Distributed

<p style="text-align: center;"><u>FY2025</u> Kansas Municipal Court Manual 2024 Supplement Kansas Probate Forms 3d 2024 Supplement PIK-Civil 4th 2024 Supplement PIK-Criminal 4th 2024 Supplement</p>
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<p style="text-align: center;"><u>FY2026</u> Kansas Municipal Court Manual 2025 Supplement PIK-Criminal 4th 2025 Supplement</p>

OUTPUT MEASURES:

The following table indicates the actual and expected sales of publications:

FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
938	2,179	1,486	1,665	1,373	2,010	986

OBJECTIVE #3

To improve the administration of justice by providing approximately 600 legal forms to the public, attorneys, and the courts on the Council website. These include forms the Judicial Council is statutorily required to provide, forms the Judicial Council is required to provide under Supreme Court Rules, and forms the Council has developed in fulfilling its mission to improve the administration of justice.

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The Legislature has directed the Judicial Council to prepare legal forms and make them available in the areas of adoption, code enforcement complaints, eminent domain, garnishments, protection from abuse, protection from stalking, and legal forms that were removed from volumes 4 and 4A of the Kansas Statutes Annotated. In addition, the Council has prepared and posted on its website forms for use in K.S.A. Chapter 60 garnishment, K.S.A. Chapter 61 (including garnishment), the Revised Kansas Code for Care of Children, the Revised Kansas Juvenile Offender Code, name change at or after divorce, divorce forms for self-represented parties, and others. There are now nearly 600 forms on the Judicial Council website that are available free to the bar and the public. The Council updates these forms as necessary and they are available on the Council’s website at www.kansasjudicialcouncil.org.

Strategies for Objective #3:

1. Review session laws annually to determine any new obligation for the Council to create a legal form.
2. Review session laws to determine whether changes to existing forms are required.
3. Monitor case law for holdings or opinions that impact legal form content.
4. Monitor changes to Supreme Court Rules that impact legal form content.
5. Periodically review and update existing Judicial Council forms.
6. Continue to prepare and post on the Judicial Council website new forms that improve the administration of justice.

Performance Measures for Objective #3:

OUTCOME MEASURES:

The following table depicts the number of site visits and unique visitors to the legal forms on the Judicial Council website, including estimates for fiscal years 2025 and 2026.

	FY 2024	FY 2025	FY 2026
Avg. Site Visits/month	31,300	33,000	35,000
Total Unique Website Visitors - Annual	221,800	243,000	254,000

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OUTPUT MEASURES:

The following table lists some of the forms drafted by the Judicial Council and maintained on its website. The columns on the right side of the table indicate the reason the forms were created.

Partial Listing of Forms on the Judicial Council's Website	Required by Statute	Required by S. Ct. Rule	Created to Improve Admin. Of Justice
Adoption, Consent and Relinquishment	X		
Case Filing Cover Sheets		X	
Chapter 61 Forms (Evictions, Replevin)			X
Child Support and Parenting Time			X
Civil Pleading Forms (Chapter 60)	X		
Code for Care of Children		X	X
Divorce Forms			X
Expungement			X
Forms for Rules Relating to Appellate Courts		X	
Forms for Rules Relating to District Courts		X	
Garnishment and Attachment	X		
Guardianship and Conservatorship	X		X
Juvenile Justice Code		X	X
Miscellaneous Statutory Forms	X		
Name Change			X
Protection From Abuse	X		
Protection From Stalking, Sexual Assault, or Human Trafficking	X		
Poverty Affidavit	X		
Small Claims	X		
Summons and Service of Process	X		