

*As Amended by Senate Committee*

Session of 2006

**SENATE BILL No. 462**

By Committee on Judiciary

1-26

10 AN ACT concerning child exchange and visitation centers; relating to  
11 docket fees; amending K.S.A. 60-2001 and K.S.A. 2005 Supp. 20-367  
12 and repealing the existing sections.  
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2005 Supp. 20-367 is hereby amended to read as  
16 follows: 20-367. Of the remittance of the balance of docket fees received  
17 by the state treasurer from clerks of the district court pursuant to sub-  
18 section (f) of K.S.A. 20-362, and amendments thereto, the state treasurer  
19 shall deposit and credit to the access to justice fund, a sum equal to ~~5.90%~~  
20 5.84% of the remittances of docket fees; to the juvenile detention facilities  
21 fund, a sum equal to ~~3.27%~~ 3.23% of the remittances of docket fees; to  
22 the judicial branch education fund, the state treasurer shall deposit and  
23 credit a sum equal to ~~2.52%~~ 2.49% of the remittances of docket fees; to  
24 the crime victims assistance fund, the state treasurer shall deposit and  
25 credit a sum equal to ~~.67%~~ .66% of the remittances of the docket fees;  
26 to the protection from abuse fund, the state treasurer shall deposit and  
27 credit a sum equal to ~~3.22%~~ 3.19% of the remittances of the docket fees;  
28 to the judiciary technology fund, the state treasurer shall deposit and  
29 credit a sum equal to ~~5.10%~~ 5.04% of the remittances of docket fees; to  
30 the dispute resolution fund, the state treasurer shall deposit and credit a  
31 sum equal to .41% of the remittances of docket fees; to the Kansas ju-  
32 venile delinquency prevention trust fund, the state treasurer shall deposit  
33 and credit a sum equal to ~~1.49%~~ 1.47% of the remittances of docket fees;  
34 to the permanent families account in the family and children investment  
35 fund, the state treasurer shall deposit and credit a sum equal to .25% of  
36 the remittances of docket fees; to the trauma fund, a sum equal to ~~1.77%~~  
37 1.75% of the remittance of docket fees; to the judicial council fund, a  
38 sum equal to ~~1.33%~~ 1.32% of the remittance of docket fees; *to the child*  
39 *exchange and visitation centers fund, a sum equal to 1.08% of the remit-*  
40 *tance of docket fees;* and to the judicial branch nonjudicial salary initiative  
41 fund, the state treasurer shall deposit and credit a sum equal to ~~21.41%~~  
42 21.18% of the remittance of docket fees. The balance remaining of the  
43 remittances of docket fees shall be deposited and credited to the state

1 general fund.

2 Sec. 2. K.S.A. 60-2001 is hereby amended to read as follows: 60-  
3 2001. (a) *Docket fee*. Except as otherwise provided by law, no case shall  
4 be filed or docketed in the district court, whether original or appealed,  
5 without payment of a docket fee in the *following* amount ~~of \$106~~ to the  
6 clerk of the district court:

7 (1) *For ~~cases~~ petitions filed or docketed for divorce or separate main-*  
8 *tenance, pursuant to K.S.A. 60-1601, and amendments thereto; for an-*  
9 *nulment, pursuant to K.S.A. 60-1602, and amendments thereto; pursuant*  
10 *to the Kansas parentage act, K.S.A. 38-1110 et seq., and amendments*  
11 *thereto; and for the enforcement of child support; \$115; or*

12 (2) *for all other cases, \$106.*

13 (b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where  
14 a plaintiff by reason of poverty is unable to pay a docket fee, and an  
15 affidavit so stating is filed, no fee will be required. An inmate in the  
16 custody of the secretary of corrections may file a poverty affidavit only if  
17 the inmate attaches a statement disclosing the average account balance,  
18 or the total deposits, whichever is less, in the inmate's trust fund for each  
19 month in (A) the six-month period preceding the filing of the action; or  
20 (B) the current period of incarceration, whichever is shorter. Such state-  
21 ment shall be certified by the secretary. On receipt of the affidavit and  
22 attached statement, the court shall determine the initial fee to be assessed  
23 for filing the action and in no event shall the court require an inmate to  
24 pay less than \$3. The secretary of corrections is hereby authorized to  
25 disburse money from the inmate's account to pay the costs as determined  
26 by the court. If the inmate has a zero balance in such inmate's account,  
27 the secretary shall debit such account in the amount of \$3 per filing fee  
28 as established by the court until money is credited to the account to pay  
29 such docket fee. Any initial filing fees assessed pursuant to this subsection  
30 shall not prevent the court, pursuant to subsection (d), from taxing that  
31 individual for the remainder of the amount required under subsection (a)  
32 or this subsection.

33 (2) *Form of affidavit.* The affidavit provided for in this subsection  
34 shall be in the following form and attached to the petition:

35 State of Kansas, \_\_\_\_\_ County.

36 In the district court of the county: I do solemnly swear that the claim set forth in the  
37 petition herein is just, and I do further swear that, by reason of my poverty, I am unable to  
38 pay a docket fee.

39 (c) *Disposition of fees.* The docket fees and the fees for service of  
40 process shall be the only costs assessed in each case for services of the  
41 clerk of the district court and the sheriff. For every person to be served  
42 by the sheriff, the persons requesting service of process shall provide  
43 proper payment to the clerk and the clerk of the district court shall for-

1 ward the service of process fee to the sheriff in accordance with K.S.A.  
2 28-110, and amendments thereto. The service of process fee, if paid by  
3 check or money order, shall be made payable to the sheriff. Such service  
4 of process fee shall be submitted by the sheriff at least monthly to the  
5 county treasurer for deposit in the county treasury and credited to the  
6 county general fund. The docket fee shall be disbursed in accordance  
7 with K.S.A. 20-362 and amendments thereto.

8 (d) *Additional court costs.* Other fees and expenses to be assessed as  
9 additional court costs shall be approved by the court, unless specifically  
10 fixed by statute. Other fees shall include, but not be limited to, witness  
11 fees, appraiser fees, fees for service of process, fees for depositions, al-  
12 ternative dispute resolution fees, transcripts and publication, attorney  
13 fees, court costs from other courts and any other fees and expenses re-  
14 quired by statute. All additional court costs shall be taxed and billed  
15 against the parties as directed by the court. No sheriff in this state shall  
16 charge any mileage for serving any papers or process.

17 Sec. 3. K.S.A. 60-2001 and K.S.A. 2005 Supp. 20-367 are hereby  
18 repealed.

19 Sec. 4. This act shall take effect and be in force from and after its  
20 publication in the statute book.