

SENATE BILL No. 550

AN ACT concerning form of statutory and legal documents; prescribing certain duties on the judicial council; amending K.S.A. 19-4710, 19-4712, 19-4713, 19-4715, 19-4738 and 38-133 and K.S.A. 2005 Supp. 26-506 and repealing the existing sections.

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

Section 1. K.S.A. 19-4710 is hereby amended to read as follows: 19-4710. A complaint shall be in writing and shall be signed by the complainant. More than one violation may be charged in the same complaint. A complaint shall be deemed sufficient if in ~~substantially the form of the complaint set forth in the appendix of forms contained in this act~~ *substantial compliance with the form set forth by the judicial council.*

Sec. 2. K.S.A. 19-4712 is hereby amended to read as follows: 19-4712. A notice to appear shall describe the offense charged, shall summon the accused person to appear, shall contain a space in which the accused person may agree, in writing, to appear at a time not less than five days after such notice to appear is given, unless the accused person shall demand an earlier hearing. A notice to appear may be signed by a judge, the clerk of the district court, the county counselor, or any law enforcement officer or code enforcement officer.

A notice to appear shall be deemed sufficient if in ~~substantially the form of the notice to appear set out in the appendix of forms contained in this act~~ *substantial compliance with the form set forth by the judicial council.*

Sec. 3. K.S.A. 19-4713 is hereby amended to read as follows: 19-4713. In all cases a complaint and notice to appear may be made in the form of the uniform complaint and notice to appear which shall be deemed sufficient if in ~~substantially the form set out in the appendix of forms contained in this act~~ *substantial compliance with the form set forth by the judicial council.*

Sec. 4. K.S.A. 19-4715 is hereby amended to read as follows: 19-4715. The notice to appear shall be served upon the accused person by delivering a copy to such person personally, or by leaving it at the dwelling house of the accused person or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing it to the last known address of such person. A notice to appear may be served by any law enforcement officer or code enforcement officer within the state and, if mailed, shall be mailed by a law enforcement officer or code enforcement officer or the clerk of the district court. Upon service by mail, the law enforcement officer or code enforcement officer or the clerk of the district court shall execute a verification to be filed with a copy of the notice to appear. Such verification shall be deemed sufficient if in ~~substantially the following form:~~ *substantial compliance with the form set forth by the judicial council.*

The undersigned hereby certifies that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a copy of notice to appear was mailed to \_\_\_\_\_ at \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Law Enforcement Officer, Code Enforcement Officer or Clerk of District Court

Sec. 5. K.S.A. 19-4738 is hereby amended to read as follows: 19-4738. ~~The forms contained in the appendix of forms are sufficient under this act and are intended to indicate the simplicity and brevity of statement which this act contemplates.~~

**APPENDIX OF FORMS**  
**INTRODUCTORY**

~~The following forms are intended for illustration only, but they are expressly declared by K.S.A. 19-4738 to be sufficient.~~

~~**Form No. 1: FORM FOR COMPLAINT**  
**IN THE DISTRICT COURT**  
**OF \_\_\_\_\_, KANSAS**~~

~~The County of \_\_\_\_\_, Kansas;~~

~~\_\_\_\_\_ vs.~~

\_\_\_\_\_  
\_\_\_\_\_  
*(Accused person)*  
\_\_\_\_\_

the undersigned, complains that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the County of \_\_\_\_\_, and State of Kansas, \_\_\_\_\_

did then and there unlawfully \_\_\_\_\_

in violation of Resolution No. \_\_\_\_\_ of the County of \_\_\_\_\_, Kansas:

Signature of Officer or Complainant \_\_\_\_\_ No. \_\_\_\_\_

—Sworn to positively before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Officer authorized to administer oaths

—This complaint is not required to be sworn if it is signed by a law enforcement officer or a code enforcement officer.

Form No. 2: FORM FOR NOTICE TO APPEAR

IN THE DISTRICT COURT

OF \_\_\_\_\_, KANSAS

The County of \_\_\_\_\_, Kansas;

vs.

(Accused person)

(Address)

NOTICE TO APPEAR

The County of \_\_\_\_\_, Kansas, to the above named accused person:

You are hereby summoned to appear before the District Court of \_\_\_\_\_, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., to answer a complaint charging you with \_\_\_\_\_

If you fail to appear a warrant will be issued for your arrest.

Dated \_\_\_\_\_, 19\_\_\_\_.

Signature of Official

Title of Official

I agree to appear in the Court at the stated time and place.

Signature of Accused Person

RETURN

The undersigned hereby certifies that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the notice to appear was served, mailed or delivered:

Law Enforcement Officer or Code Enforcement Officer

Form No. 3: FORM FOR UNIFORM COMPLAINT AND NOTICE TO APPEAR

UNIFORM COMPLAINT

AND NOTICE TO APPEAR

State of Kansas

County of \_\_\_\_\_

The undersigned complains that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ p.m. (a.m.)

Name \_\_\_\_\_ (Please Print)

Street Address \_\_\_\_\_

County \_\_\_\_\_ State \_\_\_\_\_

Birth Date \_\_\_\_\_ Sex \_\_\_\_\_

Did unlawfully at \_\_\_\_\_

All in violation of Section(s) \_\_\_\_\_

of Resolution No. \_\_\_\_\_ of \_\_\_\_\_ County, Kansas:

Signature of Officer or Complainant \_\_\_\_\_ No. \_\_\_\_\_

<sup>a</sup>Sworn to positively before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Judge

<sup>a</sup>This complaint is not required to be sworn if it is signed by a law enforcement officer or code enforcement officer:

**NOTICE TO APPEAR**

The County of \_\_\_\_\_, Kansas, to the above-named person:

—You are hereby summoned to appear before the District Court of \_\_\_\_\_, Kansas, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., to answer the above complaint.

—If you fail to appear a warrant will be issued for your arrest.

—Dated \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of Official

\_\_\_\_\_  
Title of Official

I agree to appear in the Court at the stated time and place.

\_\_\_\_\_  
Signature of Accused Person

**RETURN**

—The undersigned hereby certifies that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the notice to appear was served, mailed or delivered.

\_\_\_\_\_  
Law Enforcement Officer or Code  
Enforcement Officer

*Forms to be utilized under the code for the enforcement of county codes and resolutions shall be set forth by the judicial council.*

Sec. 6. K.S.A. 2005 Supp. 26-506 is hereby amended to read as follows: 26-506. (a) *Notice, time, place and manner of hearing.* The appraisers shall, after they have been sworn, and instructed by the judge, make their appraisal and assessment of damages, by actual view of the lands to be taken and of the tracts of which they are a part, and by hearing of oral or written testimony from the plaintiff and each interested party as named in K.S.A. 26-502, and amendments thereto, appearing in person or by an attorney. Such testimony shall be given at a public hearing held in the county where the action is pending at a time and place fixed by the appraisers. Notice of the hearing shall be mailed at least 10 days in advance thereof to the plaintiff and to each party named in the petition if their address is known or can with reasonable diligence be ascertained, and by one publication in a newspaper of general circulation in each county where the lands are situated at least 10 days in advance of the hearing. In case of failure to meet on the day designated in the notice, the appraisers may meet on the following day without further notice. In case of failure to meet on either of such days, a new notice shall be required. A hearing begun pursuant to proper notice may be continued or adjourned from day to day and from place to place until the hearing with respect to all properties involved in the action has been concluded.

(b) *Form of notice.* The notice of hearing shall be deemed sufficient if in ~~substantially the following form:~~ *substantial compliance with the form set forth by the judicial council.*

In the District Court of \_\_\_\_\_ County, Kansas. \_\_\_\_\_ Plaintiff, vs. \_\_\_\_\_ Defendant,

—Notice is hereby given that the undersigned appraisers appointed by the court, will, in accordance with the provisions of K.S.A. 26-501 et seq., and amendments thereto, hold a public hearing on all matters pertaining to their appraisal of compensation and the assessment of damages for the taking of the lands or interests therein sought to be taken by the plaintiff in the above entitled matter covering the following described lands (description of lands). Such hearing will commence at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_ at \_\_\_\_\_, or on the following day without further notice, and may be continued thereafter from day to day or place to place until the same is

~~concluded with respect to all properties involved in the action. Any party may appear in person or by an attorney and may present either oral or written testimony by the landowner or other witnesses at such hearing.~~

~~You are further notified that the court has set the \_\_\_\_\_ day of \_\_\_\_\_, (year), for the filing of the awards of these appraisers with the clerk of the court, and any party dissatisfied with the award may appeal therefrom as by law permitted within 30 days from the day of filing.~~

~~\_\_\_\_\_ Appraisers.~~

Sec. 7. K.S.A. 38-133 is hereby amended to read as follows: 38-133.  
(a) Whenever any child has been placed by the secretary of social and rehabilitation services or by any court of competent jurisdiction in a licensed foster care home, or a home approved by the department of health and environment and department of social and rehabilitation services as meeting licensing standards of a foster care home, and such child needs medical or surgical care determined by a physician to be necessary for the welfare of such child, consent to such care by the child's parent or other legal guardian shall be deemed to have been given if there has been given a consent to medical and surgical care by the terms of a written order of a court of competent jurisdiction or if there has been given a consent ~~in terms that substantially conform to the provisions of subsection (c)~~ and such form has been signed by a parent or other legal guardian of such child and acknowledged before a notary public or other person authorized by law to administer oaths. *The consent form shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.*

(b) The secretary of social and rehabilitation services or such secretary's designee is authorized to sign the consent form as legal guardian of any child committed to the custody of the secretary when the parental rights of a child's parents have been severed or when authorized by order of a court of competent jurisdiction.

~~(c) The form provided for in subsection (a) is as follows:~~

CONSENT TO MEDICAL CARE

~~I, \_\_\_\_\_, parent or legal guardian of \_\_\_\_\_, born \_\_\_\_\_, do hereby consent to any medical or surgical care and the administration of anesthesia determined by a physician to be necessary for the welfare of \_\_\_\_\_ while said child is \_\_\_\_\_ (Name of Child)~~

~~under the care, custody and control of the secretary of social and rehabilitation services:~~

~~\_\_\_\_\_  
(Signature of Parent or Legal Guardian)~~

~~Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,~~

~~\_\_\_\_\_  
Signature of Notary Public~~

~~My appointment expires \_\_\_\_\_,~~

Sec. 8. K.S.A. 19-4710, 19-4712, 19-4713, 19-4715, 19-4738 and 38-133 and K.S.A. 2005 Supp. 26-506 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

\_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*