

2018 Kansas Statutes

60-206. Time, computation and extension; accessibility of court; definitions. (a) *Computing time.* The following provisions apply in computing any time period specified in this chapter, in any local rule or court order or in any statute or administrative rule or regulation that does not specify a method of computing time.

(1) *Period stated in days or a longer unit.* When the period is stated in days or a longer unit of time:

- (A) Exclude the day of the event that triggers the period;
- (B) count every day, including intermediate Saturdays, Sundays and legal holidays; and
- (C) include the last day of the period, but if the last day is a Saturday, Sunday or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.

(2) *Period stated in hours.* When the period is stated in hours:

- (A) Begin counting immediately on the occurrence of the event that triggers the period;
- (B) count every hour, including hours during intermediate Saturdays, Sundays and legal holidays; and
- (C) if the period would end on a Saturday, Sunday or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday or legal holiday.

(3) *Inaccessibility of the clerk's office.* Unless the court orders otherwise, if the clerk's office is inaccessible:

- (A) On the last day for filing under subsection (a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday or legal holiday; or
- (B) during the last hour for filing under subsection (a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday or legal holiday.

(4) *"Last day" defined.* Unless a different time is set by a statute, local rule or court order, the last day ends:

- (A) For electronic or telefacsimile filing, at midnight in the court's time zone; and
- (B) for filing by other means, when the clerk's office is scheduled to close.

(5) *"Next day" defined.* The "next day" is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

(6) *"Legal holiday" defined.* "Legal holiday" means any day declared a holiday by the president of the United States, the congress of the United States or the legislature of this state, or any day observed as a holiday by order of the Kansas supreme court. A half holiday is considered as other days and not as a holiday.

(b) *Extending time.* (1) *In general.* When an act may or must be done within a specified time, the court may, for good cause, extend the time:

- (A) With or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or
- (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

(2) *Exceptions.* A court must not extend the time to act under K.S.A. 60-250(b), K.S.A. 60-252(b), K.S.A. 60-259(b), (e) and (f) and K.S.A. 60-260(b), and amendments thereto.

(c) *Motions, notices of hearing and affidavits or declarations.* (1) *In general.* A written motion and notice of the hearing must be served at least seven days before that time specified for the hearing with the following exceptions:

- (A) When the motion may be heard ex parte;
- (B) when these rules set a different time; or
- (C) when a court order, which a party may, for good cause, apply for ex parte, sets a different time.

(2) *Supporting affidavit or declaration.* Any affidavit or declaration pursuant to K.S.A. 53-601, and amendments thereto, supporting a motion must be served with the motion. Except as otherwise provided in K.S.A. 60-259(d), and amendments thereto, any opposing affidavit or declaration must be served at least one day before the hearing, unless the court permits service at another time.

(d) *Additional time after certain kinds of service.* When a party may or must act within a specified time after being served and service is made under K.S.A. 60-205(b)(2)(C) (mail), or (D) (leaving with the clerk), and amendments thereto, three days are added after the period would otherwise expire under subsection (a).

History: L. 1963, ch. 303, 60-206; L. 1988, ch. 207, § 1; L. 1988, ch. 206, § 1; L. 1988, ch. 208, § 1; L. 1997, ch. 173, § 3; L. 2005, ch. 183, § 1; L. 2007, ch. 190, § 16; L. 2010, ch. 135, § 73; L. 2011, ch. 48, § 4; L. 2017, ch. 75, § 2; July 1.

Revisor's Note:

Section was also amended by L. 2010, ch. 11, § 14, but that version was repealed by L. 2010, ch. 135, § 225.