

PROPOSED AMENDMENT TO K.S.A. 61-2707

1 **61-2707. Trial of action; exclusion of attorneys; appearance by others in a representative**
2 **capacity; enforcement of judgment; certain judgments null and void.** (a) The trial of all actions
3 shall be to the court, and except as provided in K.S.A. 61-2714, and amendments thereto, no party
4 in any such action shall be represented by an attorney prior to judgment. A party may appear by a
5 full-time employee or officer or any person in a representative capacity so long as such person is not
6 an attorney. Discovery methods or proceedings shall not be allowed nor shall the taking of
7 depositions for any purpose be permitted. No order of attachment or garnishment shall be issued in
8 any action commenced under this act prior to judgment in such action.

9 (b) When entering judgment in the action, the judge shall include as a part of the judgment
10 form or order a requirement that, unless the judgment has been paid, the judgment debtor shall
11 submit to the clerk of the district court, within 30 days after receipt of the form therefor, a verified
12 statement describing the location and nature of property and assets which the person owns, including
13 the person's place of employment, account numbers and names of financial institutions holding
14 assets of such person and a description of real property owned by such person. ~~The office of judicial~~
15 ~~administration shall develop the form to be used in submitting information to the clerk under this~~
16 ~~subsection.~~ The court shall also include as a part of the judgment form or order a requirement that,
17 within 15 days of the date judgment is entered, unless judgment has been paid, the judgment creditor
18 shall mail a copy of the judgment form or order to the judgment debtor, together with the form for
19 providing the information required to be submitted under this subsection, and that the judgment
20 creditor shall file with the court proof of the mailing thereof. When the form containing the required
21 information is submitted to the clerk as required by this subsection, the clerk shall note in the record
22 of the proceeding that it was received and then shall mail the form to the judgment creditor. No copy

1 of such form shall be retained in the court records nor shall it be made available to other persons.
2 Upon motion of the judgment creditor, the court may punish for contempt any person failing to
3 submit information as required by this subsection.

4 (c) Any judgment entered under this act on a claim which is not a small claim, as defined in
5 K.S.A. 61-2703 and amendments thereto, or which has been filed with the court in contravention
6 of the limitation prescribed by K.S.A. 61-2704 and amendments thereto on the number of claims
7 which may be filed by any person, shall be void and unenforceable.

8 **Comment**

9 **Effective July 1, 2005, the small claims forms were**
10 **removed from K.S.A. 61-2713, and the statute was amended to**
11 **say “The forms to be utilized under the small claims procedure**
12 **act shall be set forth by the judicial council.”**

13 **The Legal Forms Committee proposes a minor**
14 **amendment to K.S.A. 61-2707 to delete the sentence regarding**
15 **provision of a form by the office of judicial administration.**