

Kansas Judicial Council Bulletin

DECEMBER, 1964

PART 4—THIRTY-EIGHTH ANNUAL REPORT

Court Days, 1965



Recommendations as to the Revision of the Probate Code Relating to “Care or Treatment” for a “Mentally Ill Person”

Please Help Us Keep Our Mailing List Up to Date

The JUDICIAL COUNCIL BULLETIN is published at least twice annually and mailed without charge to lawyers, courts, public officials, newspapers and libraries, who are or may be interested in our work. We are glad to add to our mailing list the name of any person who is interested in receiving the BULLETIN regularly. We will also send current numbers to persons making requests for them, and will furnish back numbers so far as available.

In order to save unnecessary printing expenses, we are constantly revising our mailing list, and are attempting to eliminate the names of persons who have died or moved out of the state or who have changed their addresses and are receiving the BULLETIN at the new address.

Please advise promptly if you have changed your address, giving the old address as well as the new. If you do not receive any current BULLETIN and wish to remain on the mailing list, please notify us to that effect. If you are receiving a BULLETIN addressed to some person who has died or moved away, please let us know and we will remove the name from the list.

Address all inquiries to THE JUDICIAL COUNCIL, STATEHOUSE, TOPEKA, KAN.

Table of Contents

	PAGE
FOREWORD	68
RECOMMENDATIONS AS TO THE REVISION OF THE PROBATE CODE RELATING TO "CARE OR TREATMENT" FOR A "MENTALLY ILL PERSON"	69
COURT DAYS IN DISTRICT COURTS FOR 1965	86
PLEASE HELP US KEEP OUR MAILING LIST UP TO DATE	<i>(Inside front cover)</i>
MEMBERS OF JUDICIAL COUNCIL	<i>(Inside back cover)</i>
FORMER MEMBERS OF JUDICIAL COUNCIL	<i>(Inside back cover)</i>

Foreword

This issue of the BULLETIN contains a list of court days for 1965 in the various district courts of the state of Kansas.

The advisory committee of the Judicial Council appointed pursuant to House Concurrent Resolution No. 43 to make a study, report and recommendations of and pertaining to the provisions of the Kansas probate code and other laws relating to the voluntary hospitalization, emergency and other involuntary commitment and admission of persons to mental hospitals, the guardianship of the person and property of incompetents including the mentally ill, chronically physically ill, and the conservation of the estates of such persons, is submitting a special report in this BULLETIN concerning the first phase of its work.

Mr. Robert H. Cobean of Wellington is Chairman of this committee in his capacity as a member of the Judicial Council. The other members of this advisory committee are the Honorable Joe H. Swinehart of Kansas City, Roy Kirby of Coffeyville, Marvin E. Thompson of Russell, Raymond Briman of Topeka, and Donald L. Burnett of Larned. Mr. Dan Hopson, Jr. of Lawrence is the Reporter-Draftsman.

Preface

This issue of the BULLETIN presents recommendations of the Judicial Council Advisory Committee for the revision of the Probate Code relating to "care or treatment" for a "mentally ill person." These recommendations have to do only with the "care or treatment" of a "mentally ill person," who may or may not also be an "incapacitated person."

The Advisory Committee is presently working on companion recommendations relating to the "incapacitated person" and providing for the appointment of a "guardian" for the person of an "incapacitated person" and the appointment of a "conservator" of the estate of an "incapacitated person." The powers and duties of a "guardian" will be substantially the same as the present powers and duties of a guardian of the person; the powers and duties of a "conservator" will be substantially the same as the present powers and duties of a guardian of the estate.

The members of the Bar are requested to carefully consider the material in this BULLETIN on "care or treatment" for objection, errors or omissions.

It is the hope of the Advisory Committee that the next issue of the BULLETIN may carry the recommendations relating to the "incapacitated person," at which time the Bar will again be invited to consider the future recommendations relating to the "incapacitated person" and the appointment of a "guardian" and/or "conservator."

Suggestions in connection with the recommendations in this BULLETIN may be mailed to either Professor Dan Hopson, Jr., KU Law School, Lawrence, Kansas or Robert H. Cobean, 119 East Harvey, Wellington, Kansas.

The Advisory Committee.

Recommendations for Revision of Probate Code

SEC. 1. *Name and citation.* This act shall be named and may be cited as the Act for Obtaining "Care or Treatment" for a "Mentally Ill Person."

COMMITTEE NOTES: The title of the existing Kansas statutes refers to commitments and insane persons. Since the new statute avoids such terminology and the philosophy underlying such words, a new title was mandatory. See section 2 (12) for the definition of "care or treatment." Note that all terms defined in section 2 are enclosed with quotation marks throughout the act to indicate their use in accordance with their definitions.

SEC. 2. *Definitions.* When used in this act—(1) The term "mentally ill person" shall mean any person who is mentally impaired, except by reason of mental deficiency only, to the extent that he is in need of "care or treatment" and:

(A) who lacks sufficient understanding or capacity to make responsible decisions with respect to his need for "care or treatment," or;

(B) who refuses to seek "care or treatment."

COMMITTEE NOTES: This definition is a substitute for insane person in Kan. 1961 Supp. 59-2001. The in need of "care or treatment" language is sufficiently broad to cover the old word endanger. Requiring that the person lack capacity to make the decision, narrows the phrase, proper person.

(2) The term "patient" shall mean a person who is an "informal patient," a "voluntary patient," a "proposed patient," or an "involuntary patient."

COMMITTEE NOTES: See Committee Notes after "involuntary patient."

(3) The term "informal patient" shall mean a person either receiving outpatient "care or treatment," which includes day or night hospitalization, at a psychiatric hospital or who is admitted therein pursuant to section 4.

COMMITTEE NOTES: See Committee Notes after "involuntary patient."

(4) The term "voluntary patient" shall mean a person, other than an "informal patient," who is receiving "care or treatment" at a "psychiatric hospital" other than by order of any court.

COMMITTEE NOTES: See Committee Notes after "involuntary patient."

(5) The term "proposed patient" shall mean a person for whom an application pursuant to section 13 has been filed.

COMMITTEE NOTES: See Committee Notes after "involuntary patient."

(6) The term "involuntary patient" shall mean a "mentally ill person" who is receiving "care or treatment" under an order of a probate court.

COMMITTEE NOTES: The act provides for several different methods of receiving "care or treatment" and terminology is needed to distinguish among them. The word "patient" covers all of the classes. Note that "involuntary patient" is the only class defined as a "mentally ill person." Neither an "informal patient" nor a "voluntary patient" is a "mentally ill person." They have sought "care or treatment" so do not, by definition, lack understanding or capacity. A "proposed patient" also is not a "mentally ill person," but is only one who is alleged to be a "mentally ill person," pursuant to section 13. The phrase, any court, in the definition of "voluntary patient" was used to indicate that a person admitted to the "psychiatric hospital" by order of a court having criminal jurisdiction, as well as from probate courts, was not a "voluntary patient."

(7) The term "psychiatric hospital" shall mean a state hospital, a veteran's hospital, a private or public hospital established, licensed, certified or accredited under state law as suitable for the detention, "care or treatment" of a "patient."

COMMITTEE NOTES: See section 2 (2) for definition of "patient."

(8) The term "general hospital" means a hospital licensed by the state of Kansas and operated primarily to provide a place for the diagnosis and treatment of the physically ill.

(9) The term "other facilities for 'care or treatment'" shall mean any mental health clinic, nursing home, "physician" or any other institution or individual authorized or licensed by law to give "care or treatment" to any "patient."

COMMITTEE NOTES: This definition limits the court's power to use only approved facilities. Since local facilities for the "care or treatment" of "patients" are rapidly increasing, the court may wish to make use of them. When clinical psychologists and psychiatric social workers become licensed to give "care or treatment," the court may treat them as a facility.

(10) The term "physician" shall mean a person licensed to practice the healing arts as provided by the Kansas Healing Arts Act, as amended, or a person employed by a Kansas state hospital or by an agency of the United States who is authorized by either government to practice the healing arts.

COMMITTEE NOTES: This term is broadly defined to conform with the new approach taken by the Kansas Healing Arts Act. Provision is made for non-Kansas doctors who work for the federal or state government (mainly at the state and veteran hospitals.)

(11) The term "head of the hospital" shall mean the administrative director of a hospital if the administrative director is a "physician," or the chief medical officer, if the administrative director is not a "physician."

COMMITTEE NOTES: Since the "head of the hospital" is required in several places in the act to give a medical opinion, the term is defined to indicate that a "physician" will occupy the position. The phrase, chief medical officer, is sufficiently broad to accommodate the wide variety of organizational forms of medical staffs.

(12) The term "care or treatment" shall mean such necessary services as are in the best interests of the physical and mental health of the "patient" and rendered by or under the supervision of a "physician."

COMMITTEE NOTES: This definition includes physical as well as mental treatment. Thus it would allow a "physician" to perform necessary surgical procedures.

(13) The term "available" shall mean that period of time when the office of the probate court is open for the transaction of business.

COMMITTEE NOTES: The phrase, transaction of business, is taken from Kan. G. S. 1949, 59-211, and is intended to have the same meaning as it does in that section.

(14) The term "discharge" shall mean the final and complete release from "care or treatment," by either an order of a probate court pursuant to section 23 or a "psychiatric hospital."

(15) The term "convalescent" shall describe the status of any "patient" who has not been "discharged," but who is permitted by the "head of the hospital" to live apart from a "psychiatric hospital."

(16) The various terms defined in section 2 of the act for obtaining a "guardian" or "conservator," as amended, shall mean the same herein as they do in said act.

SEC. 3. *"Psychiatric hospital," "general hospital," "other facilities for 'care or treatment,' authority.* "Psychiatric hospital," "general hospital," and "other facilities for 'care or treatment'" may detain any "patient" subject to the conditions and limitations of this act.

COMMITTEE NOTES: This section merely grants general authority to institutions to detain a "patient" under the conditions established by this act.

SEC. 4. *Informal admission to a "psychiatric hospital."* Any person sixteen (16) years of age or older may be admitted to a "psychiatric hospital" as an "informal patient" when there are available accommodations and in the judgment of the "head of the hospital" or his designee such person is in need of "care or treatment" therein. Such person may be admitted as an "informal patient" without making formal or written application therefore and any such "informal patient" shall be free to leave such hospital on any day between the hours of 9:00 a. m. and 5:00 p. m.

COMMITTEE NOTES: This section creates a new status. Individuals with mental problems are to be encouraged to seek help without the intervention of a court. This section, giving the right to leave the "psychiatric hospital" at any reasonable time, should encourage admission. Presumably the "head of the hospital" will not admit those individuals who would not benefit from this status. Sixteen (16) is set as the minimum age of admission to conform to the right to voluntary admission. See section 5.

SEC. 5. *Voluntary admission to a "psychiatric hospital."* Any person may be admitted to a "psychiatric hospital" as a "voluntary patient" when there

are available accommodations and in the judgment of the "head of the hospital" or his designee such person is in need of "care or treatment" therein. Such person, if sixteen (16) years of age or older, shall make written application for admission. If such person is less than sixteen (16) years of age, then the parent or person in *loco parentis* to such person shall make such written application. In any case, if such person has a "guardian," the "guardian" shall make such application. The "head of the hospital" or his designee may require a statement of such person's attending "physician" or a statement of the county health officer of the county in which such person resides that he is in need of "care or treatment" in a "psychiatric hospital."

COMMITTEE NOTES: This section is a substitute for Kan. G. S. 1949, 65-404 (voluntary admission to private hospitals) and Kan. G. S. 1949, 76-1233 (voluntary admission to state hospitals.) The basic philosophy is changed to make admission to a "psychiatric hospital" as similar to admission to a "general hospital" as possible. The hope is to encourage voluntary admission. The "head of the hospital" is, of necessity given ultimate control over admissions. He may refuse to admit, admit as an "informal patient" (see section 4) or admit as a "voluntary patient." For purposes of admission, the age of majority is lowered to 16 years of age. An application for admission under this section would constitute a consent to "care or treatment." Such consent would include both physical, as well as mental, treatment and would allow a "physician" to perform necessary surgical procedures. See definition of "care or treatment" in section 2 (12).

SEC. 6. *Discharge of an "informal patient" or "voluntary patient."* The "head of the hospital" shall "discharge" any "informal patient" or "voluntary patient" whose hospitalization he determines to be no longer advisable. He may also "discharge" any "informal patient" or "voluntary patient" if in his judgment the "discharge" would contribute to the most effective use of the "psychiatric hospital."

COMMITTEE NOTES: There is nothing in existing Kansas law that is comparable. The "head of the hospital" probably has inherent power to "discharge" "informal patients," or "voluntary patients," but this new section makes it clear that an "informal patient" or a "voluntary patient" has no right to remain in the "psychiatric hospital" merely because that is his wish.

SEC. 7. *Right to "discharge" of "voluntary patient;" procedure.* The "head of the hospital" shall "discharge" any "voluntary patient" who has requested "discharge," in writing, or whose "discharge" is requested, in writing, by another person, within ten (10) days after the receipt of such request. If however, such request is made by another person, such "discharge" shall be conditioned upon the written consent of the "voluntary patient," except that if the "voluntary patient" be under sixteen (16) years of age, such "discharge" shall be conditioned only upon the consent of his parent or person in *loco parentis*. If, however, such "voluntary patient" has a "guardian," such "discharge" shall be conditioned only upon the consent of the "guardian."

During such ten (10) day period and before the "discharge" of the "voluntary patient," the "head of the hospital" or another person may file an application to determine whether the "voluntary patient" is a "mentally ill person" as provided in section 13. Accompanying such application shall be a written notice from the "head of the hospital" stating: (1) the "discharge" of the "voluntary patient" has been requested, (2) the date of the receipt of the request, (3) the opinion of the "head of the hospital" that the "voluntary patient" is a "mentally ill person." If such application and notice are filed, the probate court shall proceed as in any case where an application, as provided in section 13, is filed, except:

(A) the court may decline to issue the order for mental evaluation as provided in section 14 (F);

(B) the court shall issue an order of protective custody as provided in section 12 (B) without the necessity of the filing of an application or the necessity of finding that the "proposed patient" is likely to injure himself or others.

In no event shall an application to determine whether a person is a "mentally ill person" be filed with respect to a "voluntary patient" unless he has requested or consented to his "discharge" or, if the "voluntary patient" is under sixteen (16) years of age, his "discharge" has been requested by the parent, "guardian" or person in *loco parentis* to him.

COMMITTEE NOTES: Under Kan. G. S. 1959, 65-405, a court order was necessary for "discharge" from a private hospital while under Kan. G. S. 1949, 76-1233, the Superintendent of a public hospital had to "discharge" within ten days. The new provision applies a uniform standard and describes the procedures in detail. Many additional rights and protection are given the "voluntary patient." The "head of the hospital" may detain the "voluntary patient" only when he is willing to state that in his opinion, the "voluntary patient" has become a "mentally ill person."

SEC. 8. *Emergency hospitalization; detention; authority of peace officers.* Any peace officer who has reason to believe that any person is a "mentally ill person" and because of his illness is likely to injure himself or others if allowed to remain at liberty may take such person into custody without a warrant. If he takes such person into custody when the probate court of the county of the presence of such person is "available," the peace officer shall forthwith present to such court an application for an order of protective custody pursuant to section 12. If he takes such person into custody when such court is not "available," he shall transport such person to any "general hospital" or "psychiatric hospital" willing to admit such person and shall present to the "general hospital" or "psychiatric hospital" the application provided for in section 9: (B): *Provided*, If there is no "general hospital" or "psychiatric hospital" willing to receive such person within the territorial limits of the peace officer's jurisdiction, the peace officer may detain such person in any other suitable place until the close of the first day such probate court is "available."

COMMITTEE NOTES: See Committee Notes after section 11.

SEC. 9. *Emergency hospitalization; procedure.* Any "general hospital" or "psychiatric hospital" may admit and detain any person for emergency observation, "care or treatment" under any of the following procedures:

(A) Upon an order of protective custody issued by a probate court pursuant to section 12.

(B) Upon written application of any peace officer having custody of any person pursuant to section 8. The application shall state:

- (1) The name and address of such person, if known;
- (2) The name and address of his spouse or his nearest relative, if known;
- (3) The officer's belief that such person is a "mentally ill person" and because of his illness is likely to injure himself or others if not immediately detained;

(4) The circumstances under which such person was taken into custody;

(5) The fact that the probate court is not "available" to issue an order of protective custody pursuant to section 12.

(C) Upon the written application of any individual. The application shall state:

- (1) The name and address of such person, if known;

(2) The name and address of his spouse or of his nearest relative, if known;
(3) The applicant's belief that such person is a "mentally ill person" and because of his illness is likely to injure himself or others if not immediately detained;

(4) The circumstances in support of such belief;

(5) The fact that the probate court is not "available" to issue an order of protective custody pursuant to section 12.

The application shall be accompanied by a statement in writing of a "physician" confirming the existence of the described condition of such person.

Upon the filing of the written application, the "head of the hospital" or his designee may authorize and order in writing any peace officer or other person to take into custody and transport such person to the hospital.

COMMITTEE NOTES: See Committee Notes after section 11.

SEC. 10. *Emergency hospitalization; notice.* Whenever any person has been admitted to a "general hospital" or a "psychiatric hospital," pursuant to section 9, the "head of the hospital" or his designee shall immediately notify such person's legal guardian, spouse, or any next of kin, if known, unless such application was made by such person's legal guardian, spouse, or next of kin.

COMMITTEE NOTES: See Committee Notes after section 11.

SEC. 11. *Emergency hospitalization; "discharge."* The "head of the hospital" or his designee shall "discharge" any person admitted pursuant to section 9 (A) when the order of protective custody expires. He shall "discharge" any person admitted pursuant to Section 9 (B) or (C), not later than the close of the first full day that the probate court of the county of the presence of such person is "available" after the admission date of such person unless an order of protective custody, pursuant to section 12, has been entered by the probate court of the county of the presence of or residence of such person.

COMMITTEE NOTES: Kan. Supp. 1961, 59-2002, provided for temporary detention up to 90 days unless a hearing is demanded. However, the Kansas statute made no provision for emergency hospitalization when the probate judge was unavailable. This section attempts to remedy this omission. Authority is granted only when the probate court is not "available." (See section 2 (13) for the definition of "available.") Procedural safeguards are included and the hospital may detain the person only until the probate court becomes "available." A jail is not to be used unless there are no other facilities willing to accept such person. The sick person is not designated a "proposed patient" in this section since the application to determine a "mentally ill person" would not yet be filed. (See section 2 (5) for the definition of "proposed patient.")

SEC. 12. *Order of protective custody.* A probate court may issue an ex parte order of protective custody under any of the following circumstances:

(A) Upon the verified application of any peace officer. The application shall state:

(1) The name and address of the person, if known;

(2) The name and address of his spouse or of his nearest relative, if known;

(3) The affiant's belief that the person is a "mentally ill person" and because of his illness is likely to injure himself or others if not immediately detained;

(4) The circumstances under which the person was taken into custody.

This order shall only be valid until the close of the second "available" day of the probate court after the date of issuance. The probate court shall not issue successive orders of protective custody pursuant to this subsection.

(B) Upon the verified application of any person, if the application provided for in section 13 has been filed in the court. The application shall state:

- (1) The application provided for in section 13 has been filed;
- (2) The affiant's belief that the "proposed patient" is a "mentally ill person;"
- (3) Because of the "proposed patient's" illness, he is likely to injure himself or others if not immediately detained.

This order shall only be valid until the conclusion of the hearing held pursuant to section 17.

(C) Upon the verified application of any person or upon the court's own motion at any time after the hearing provided for in section 17 when the court has found at such hearing that the "proposed patient" is a "mentally ill person." This order shall be valid until the order for "care or treatment" is executed.

The order of protective custody shall authorize a health officer, "physician," peace officer or other person to take the "proposed patient" into custody and to transport and place him in a designated "general hospital" or "psychiatric hospital" or other suitable place willing to receive him. The order of protective custody shall designate the place of detention but no person shall be detained in protective custody in a non-medical facility used for the detention of persons charged with or convicted of a crime unless other facilities are not available.

COMMITTEE NOTES: Kan. Supp. 1961, 59-2002, provides for temporary detention up to 90 days unless a hearing is demanded. However, the statute offered no protections nor were there any procedural or substantive criteria. The new provision limits the time that the court may hold a person in protective custody. If the request is by a police officer, custody is limited, under most circumstances, to approximately 24 hours. Others may obtain an order which is valid until the hearing, but must file a verified application to determine a "mentally ill person" first. After the hearing, the "involuntary patient" may be detained pending execution of the court's order for "care or treatment." It may be a few days before the "involuntary patient" can be admitted to the "psychiatric hospital." No order should be issued for the ordinary individual. Only when he is likely to injure himself or others should the court act. A jail is to be used only as a last resort.

SEC. 13. *Application to determine a "mentally ill person;" content.* Any person may file in the probate court of the county of the "proposed patient's" residence or presence a verified application to determine whether the "proposed patient" is a "mentally ill person." The application shall state:

- (1) The applicant's belief that the "proposed patient" is a "mentally ill person;"
- (2) The name, age, residence, and present address of the "proposed patient," if known to the applicant;
- (3) The name and address of the nearest relatives of the "proposed patient," if known to the applicant, and if not known, that he has made diligent inquiry to learn the name of such relatives;
- (4) The pecuniary condition of the "proposed patient" to the extent known by the applicant;
- (5) The name and address of the person, if any, having custody and control of the "proposed patient," if known to the applicant;
- (6) The names and addresses of court of witnesses by whom the truth of the application may be proved;
- (7) A request that the court make a determination that the "proposed patient" is a "mentally ill person" and make one or more of the orders provided for in sections 12 (B), 14 and 15.

Any such application may be accompanied by a statement in writing of a "physician" stating that he has examined the "proposed patient" and is of the opinion that the "proposed patient" is a "mentally ill person" or such application may be accompanied by a verified statement by the applicant that

the "proposed patient" has refused to submit to an examination by a "physician."

COMMITTEE NOTES: Carrying out the general philosophy of the act, all references to insanity and commitment found in 1961 Supp. 59-2271 are dropped. Several substantive changes are made. The applicant need not be a Kansas domiciliary. The two-witnesses requirement is eliminated. The contents of the application are spelled out in detail. Emergency authority is given to the court upon the filing of the application. See section 12 (B).

SEC. 14. *Mandatory preliminary orders; procedure.* Upon the filing of the application provided for in section 13, the probate court shall issue the following:

(A) An order fixing the time and place of the hearing on the application. The time designated in the order shall in no event be earlier than seven (7) days or later than fourteen (14) days after the date of the filing of the application.

(B) An order that the "proposed patient" appear at the time and place of the hearing unless the court enters an order that the "proposed patient's" presence would be injurious to his welfare.

(C) An order appointing an attorney to represent the "proposed patient" at all stages of the proceedings. The court shall give preference, in the appointment of the attorney, to any attorney who has represented the "proposed patient" in other matters if the court has knowledge of the prior relationship. The "proposed patient" shall have the right to engage an attorney of his own choice and, in such an event, the attorney appointed herein shall be relieved of all duties by the court.

(D) An order that the "proposed patient" shall appear at a time and place that is in the best interest of the patient to consult with his court appointed attorney, which time shall be prior to the execution of the order for mental evaluation unless an order of protective custody has been issued and detention of the "proposed patient" thereunder is in a place outside the jurisdiction of the court.

(E) A notice in the manner provided for in section 16.

(F) An order for mental evaluation. Such order may be served on the "proposed patient" at the same time or after notice is given. It shall be served in the manner provided for in section 16. It shall order the "proposed patient" to submit himself for a mental evaluation and to undergo such evaluation at a "general hospital" or a "psychiatric hospital," mental health clinic, private psychiatrist or "physician" designated by the court in the order. A state "psychiatric hospital" shall receive and evaluate any "proposed patient" ordered evaluated therein. At the time designated by the court in the order, but in no event later than three days prior to the date of the hearing provided for in section 17, the examiner shall submit to the court a report of the evaluation. Such report shall state that the examiner has made an examination of the "proposed patient" and shall state the examiner's opinion as to whether the "proposed patient" is a "mentally ill person." Such order shall be issued unless the court shall determine that the statement of the "physician," if any, filed with the application is a sufficient evaluation.

COMMITTEE NOTES: This section and section 15 constitute a major revision of existing Kansas law. Kan. C.S. 1961, 59-2002 and 59-2260, the ninety-day referral sections, were found wanting in that they did not adequately provide for notice and hearing nor was any provision made for the appointment of counsel if no hearing was demanded. The ninety-day provision was used for involuntary short term treatment as well as evaluation. Hearings were seldom, if ever, held prior to a ninety-day referral order. Section 14 (F) pro-

vides for short term (not to exceed fourteen days in most cases) detention, if necessary, for evaluation. Notice must be given, counsel must be appointed, and they must consult with each other. Note that the act still provides for a ninety-day treatment order prior to a hearing (see section 18), but only if a continuance is requested by the "proposed patient."

SEC. 15. Discretionary preliminary orders; procedure. At or after the filing of the application provided for in section 13 and prior to the hearing provided for in section 17, the court may issue any of the following orders:

(A) An order of protective custody. The order shall be subject to the requirements and limitations of section 12 (B).

(B) An order for investigation. Such investigation shall cover the character, family relationships, past conduct, whether or not the "proposed patient" is likely to injure himself or others if allowed to remain at liberty, and other pertinent factors. At the direction of the court, such investigation may be made by the county welfare department, a social worker or other investigator appointed by the court. The person who conducts the investigation shall promptly make a report to the court, in writing or orally, in open court or in chambers, as directed by the court.

(C) An order of continuance. For good cause shown, one continuance may be granted for no longer than seven (7) days, provided that such limitations do not apply to a request for an order of continuance made by the "proposed patient."

COMMITTEE NOTES: See committee notes under section 14. Note that these orders, in contrast to those provided for in section 14, are discretionary with the court. Although a speedy hearing is desirable, subsection (C) provides for one short continuance. However the applicant should not be able, by obtaining successive continuances, to postpone the hearing particularly when the "proposed patient" is under protective custody. But the "proposed patient" may be granted more than one continuance and for more than seven days. The "proposed patient" may need more time to prepare his case.

SEC. 16. Notice. The notice required by section 14 (E) shall be given to the "proposed patient" named in the application, the attorney appointed pursuant to section 14 (C), and to such other persons as the court shall direct. The notice shall state:

(A) that an application has been filed, alleging that the proposed patient is a "mentally ill person" and requesting that the court order "care or treatment;"

(B) the time and place of the hearing and whether the "proposed patient" shall be present thereat;

(C) the name of the attorney appointed to represent the "proposed patient" and the time and place where he shall consult with such attorney;

(D) that the "proposed patient" has a right to demand a hearing before a jury.

The Court may order any of the following to serve the notice:

(A) the "physician" currently administering to the "proposed patient," provided the "physician" consents:

(B) the head of the local mental health clinic or his designee;

(C) the county medical health officer or his designee;

(D) the county director of social welfare or his designee;

(E) any peace officer.

The notice shall be served personally on the "proposed patient" and the attorney appointed pursuant to section 14 (C) not less than five (5) days prior to the date of the hearing and immediate return thereof shall be made.

Notice to all other persons shall be in such manner and within such time as the court shall direct.

COMMITTEE NOTES: Kan. G. S. 1949, 59-2272, and Kan. Supp. 1961, 59-2260, both provided for notice, but the wording was rather vague, allowed considerable court discretion and implied that the "proposed patient" was to be arrested. Section 16 spells out the content of the notice. It may be served by others than the sheriff. Notice may be quite traumatic to a "proposed patient" and service by a "physician," psychologist or social worker would be preferred.

SEC. 17. *Hearing; procedure.* The hearing shall be held at the time and place specified in the court's order unless the "proposed patient" has requested a continuance as provided in section 15 or section 13. The hearing shall be held to the court only, unless the "proposed patient" shall, at least forty-eight (48) hours prior to the time of the hearing, request in writing a hearing before a jury.

The jury, if one is requested, shall consist of six (6) persons. The jury shall be selected as follows: the court shall prepare, by lot, a list of a sufficient number of names of persons, citizens of the county, said names to be drawn from any last preceding panel or list drawn in the manner provided by law to serve as jurors in the district court or any division thereof of said county from which twelve (12) qualified jurors, who have been passed for cause, shall be empaneled. Prior service as a juror in any court shall not, for that reason, exempt any person from jury service hereunder. From the panel so obtained, the "proposed patient" or his attorney shall strike one (1) name; the applicant, or his attorney, one (1); and so on alternately until each shall have stricken three (3) names. If either party neglect or refuse to aid in striking the names, the court shall strike the name in behalf of such party. In the event that twelve (12) qualified jurors cannot be so empaneled, the court shall draw from such panel or list, by lot, sufficient additional names to empanel twelve (12) qualified jurors.

The applicant and the "proposed patient" shall be afforded an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses. All persons not necessary for the conduct of the proceedings may be excluded. The hearings shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the "proposed patient." The court shall receive all relevant and material evidence which may be offered, including the testimony or written findings and recommendations of the hospital, clinic or "physician" who has examined or evaluated the "proposed patient" and such evidence shall not be privileged for the purpose of this hearing.

If the applicant is not represented by counsel, the county attorney shall represent the applicant, prepare all necessary papers, appear at the hearing and present such evidence as he shall determine to be of aid to the court in determining whether the "proposed patient" is a "mentally ill person."

If, upon the completion of the hearing, the court finds that the "proposed patient" is a "mentally ill person," the court shall order "care or treatment" for such person at any of the following facilities:

- (A) A state "psychiatric hospital;"
- (B) Any facility of the United States government available for the "care and treatment" of a "mentally ill person;"
- (C) A private "psychiatric hospital;"
- (D) "Other facilities for 'care or treatment.'"

Provided, however, That an order for "care or treatment" in any of the facilities (B) through (D) is conditioned upon the consent of such facility.

When the court orders "care or treatment" in facilities (B) through (D), it shall retain jurisdiction to modify, change or terminate such order.

If, upon the completion of the hearing the court finds that the "proposed patient" is not a "mentally ill person," the court shall enter such findings in the record and shall by an appropriate order terminate the proceedings.

COMMITTEE NOTES: This section is a complete revision of Kan. G. S. 1949, 59-2262 and 59-2265, and Kan. Supp. 1961, 59-2261 and 59-2264, which covers the manner of holding the hearing to determine mental illness. The two-physician commission is abolished. The probate judge should make the decision with "physicians" as witnesses, not as associate judges. Through the use of the preliminary orders provided for in sections 14 and 15, the court can obtain relevant and material evidence. The right to a jury trial, upon demand of the "proposed patient," is retained, but in line with the shift in approach, the jury will no longer have a "physician" as one of its members. The district court jury selection procedure is used to insure that the jury will be of high quality. The manner of holding the hearing is proscribed in detail. The implication found in existing law that the trial is of a criminal nature is abolished. Many applicants can not or will not have an attorney. Since the "care or treatment" of a "mentally ill person" as distinguished from the appointment of a "guardian" or "conservator" is of public concern, the county attorney is made available to represent the applicant. Other statutes impose the same type of duty on the county attorney. See, e.g. Kan. G. S. 1949, 62-2301 *et seq.*, as amended. (Bastardy proceedings.) Certainly the court should not be both judge and presenter of evidence. Upon a finding that the "proposed patient" is a "mentally ill person," the court is given a wide range of possible dispositions. An "involuntary patient" may not need hospitalization. If "care or treatment" in the state "psychiatric hospital" is ordered, the hospital must admit the "involuntary patient." If the court orders "care or treatment" in facilities (B) through (D), their consent is required. If "care or treatment" is ordered in any "psychiatric hospital," the hospital may "discharge." See section 24. The court may also discharge. See section 23. If the order is to any facility other than a state "psychiatric hospital," the court may change, modify or terminate such order. Of course, such change or modification must occur, when the order is to a private "psychiatric hospital," prior to the "discharge" by the hospital.

SEC. 18. *Continuance of hearing; order of referral.* The "proposed patient" may, at any time prior to the hearing provided for in section 17, request, in writing, that said hearing be continued for ninety (90) days so that the court may make an order of referral. Upon receipt of such request, the court may refer the "proposed patient" for a period of time not to exceed ninety (90) days, for short term "care or treatment," to any of the following facilities:

- (A) A state "psychiatric hospital;"
- (B) Any facility of the United States government available for the "care or treatment" of a "mentally ill person;"
- (C) A private "psychiatric hospital;"
- (D) "Other facilities for 'care or treatment.'"

Provided, however, that an order for "care or treatment" in any of the facilities (B) through (D) is conditioned upon the consent of such facility.

Provided, further, That the court may not issue an order of referral unless:

(A) The report of the examiner, provided for in Section 14 (F) or the statement of the "physician," if one has been filed with the application and found by the court to be a sufficient evaluation, states that the "proposed patient" is a "mentally ill person;"

(B) The attorney representing the "proposed patient" has filed a statement, in writing, stating that he has explained to the "proposed patient" the nature of the order of referral and his right to a hearing before a court or jury to determine whether he is a "mentally ill person."

Any "proposed patient" who has been referred for "care or treatment" under this section may be accepted for voluntary admission in a "psychiatric hospital" pursuant to section 5, or if referred to a "psychiatric hospital," may

be "discharged" by such hospital pursuant to section 24. When the "proposed patient" has been admitted as a "voluntary patient" or "discharged," the "psychiatric hospital" shall file written notice of the change in status of the "proposed patient" in the court which had ordered the referral. The filing of either notice shall constitute a dismissal of the pending application.

Unless the "proposed patient" has been accepted as a "voluntary patient" by a "psychiatric hospital" or "discharged" by a "psychiatric hospital," the facility treating the "proposed patient" shall, not later than ten (10) days prior to the expiration date of the referral period, file a written report of its findings and recommendations with the court. The court shall then set the date for the hearing. Such hearing date shall not be later than the expiration date of the referral period, unless continued for good cause shown.

COMMITTEE NOTES: Kan. Supp. 1961, 59-2002 and 59-2260, provided for a ninety-day referral for evaluation. In fact, this procedure was used as a way of obtaining short term treatment without the necessity of an adjudication of insanity. Section 18 retains this desirable goal, but protects the "proposed patient" from the involuntary nature of the existing procedure. A "proposed patient" may now postpone his hearing while he obtains short term treatment. However, unlike the existing law, a "proposed patient" who is too ill to consent to short term treatment must be given a hearing.

SEC. 19. *Order for admission to state "psychiatric hospital."* All orders of referral or for "care or treatment" in a state "psychiatric hospital" shall be made on the form prescribed by the state department of social welfare. Admission shall be to the state "psychiatric hospital" previously designated by the state department of social welfare to accept persons from the area of the court's jurisdiction, and at a time specified by the "head of the hospital" which shall be not more than fifteen (15) days after the date of the order. Notice of the order shall be given immediately to the designated "psychiatric hospital."

COMMITTEE NOTES: Kan. Supp. 1961, 59-2003, was reworded and shortened. Several substantive changes were made. The issuance of the warrant to the sheriff is now covered by section 20. The court no longer need inquire into the pecuniary condition of the "proposed patient" or "involuntary patient" and those bound by law to support him. This is an administrative, not a judicial function. The "head of the hospital" designates the date of admission. The court must give notice to the "psychiatric hospital."

SEC. 20. *Transportation.* All orders of protective custody, referral or "care or treatment" shall authorize a relative or other suitable person to transport the individual named in the order to the place of detention or "care or treatment" specified in the order. All such orders shall be served by the person transporting the individual named in the order upon the person in charge of the place of detention or "care or treatment" or his designee and due return thereof made to the court. A female being transported to such place, shall be accompanied by a female attendant, unless she is accompanied by an adult relative. An individual shall not be transported in a marked police car or sheriff's car if other means of transportation are available.

COMMITTEE NOTES: Kansas currently has no statute authorizing anyone other than a sheriff (see Kan. Supp. 1961, 59-2003) to transport patients to a hospital. A section comparable to section 20, Kan. G. S. 1949, 76-1221, was repealed in 1963 (Kan. Laws 1963, Ch. 254) apparently on the assumption that a new mental health act would be enacted by the 1963 Legislature. Section 20 allows relatives or others to do the transporting. A female attendant is required unless the female named in the court order is accompanied by an adult relative. Marked police cars are to be avoided. The new act attempts to abolish any criminal stigma.

SEC. 21. *Execution of orders.* An order of referral or "care or treatment" to a state "psychiatric hospital" shall be executed within fifteen (15) days by the admission of the "proposed patient" or "involuntary patient" to a state "psychiatric hospital." An order of referral or "care or treatment" to a private "psychiatric hospital" or "other facility for 'care or treatment'" shall be

executed, as soon as such "psychiatric hospital" or "other facility for 'care or treatment'" consents, by admission of the "proposed patient" or "involuntary patient" to the private "psychiatric hospital" or "other facility for 'care or treatment'."

COMMITTEE NOTES: Presently there is no comparable Kansas law. The committee felt that an order of referral or "care or treatment" should be executed within a reasonable time. The court should not delay executing the order for six months and then have the sheriff transport the individual to the hospital.

SEC. 22. *Change of venue.* After the application provided for in section 13 or 23 is filed, the probate court may at any time, on its own motion or upon the written request of any person, transfer the venue of any case to any of the following probate courts under the following conditions:

(A) When the application is filed in the county of the residence of the "proposed patient."

(1) To the county where the "proposed patient" is being detained in a "psychiatric hospital" under the authority of an order issued pursuant to section 12 or 18 of this act.

(2) To any other county designated by court, provided that the "proposed patient" has made a request for a change of venue and the probate court finds that the "proposed patient" cannot obtain a fair hearing in the county of his residence.

(B) When the application is filed in the county of the presence of the "proposed patient."

(1) To the county of the residence of the "proposed patient."

(2) To the county where the "proposed patient" is being detained in a "psychiatric hospital" under the authority of an order issued pursuant to section 12 or 18 of this act.

(3) To any other county designated by the court, provided that the "proposed patient" has made a request for a change of venue and the probate court finds that the "proposed patient" cannot obtain a fair hearing in the county of his presence.

Provided, however, That if any "proposed patient" is in a "psychiatric hospital" the probate court of the county in which is located such hospital may not transfer venue under any circumstances unless the "proposed patient" has requested such transfer.

When any order changing venue is issued, the probate court issuing such order shall transmit to the probate court to which venue was changed a certified copy of all pleadings and orders in the case. The probate court issuing such order shall transmit to the probate court of the residence of the "proposed patient" a statement of all expenses incurred by the county of the probate court issuing such order and a certified copy of all pleadings and orders in the case.

Any probate court to which venue is transferred shall proceed in the case as if the application had been originally filed therein and shall cause notice of the change of venue to be given to the persons and in the manner provided for in section 16: *Provided,* That the court need not issue the order of mental evaluation pursuant to section 14 (F) if such order has previously been issued.

Any probate court to which venue is transferred shall transmit a statement of any expenses incurred and a certified copy of all pleadings and orders in the case to the probate court of the county of the residence of the "proposed patient."

COMMITTEE NOTES: Kan. G. S. 1949, 59-2274, providing that in all cases venue should be transferred to the residence of the patient and Kan. Supp. 1961, 59-2260, providing for hearings in the county of a state hospital after a referral were both unduly restrictive and perhaps contradictory. Under the new section, the case may be heard where the application is filed or it may be transferred to the residence of the "proposed patient" or to the county of the "psychiatric hospital" if the patient is at the hospital under an order of protective custody (section 12) or an order of referral (section 18). Many cases will, undoubtedly, be transferred to the hospital county. The hospital county must hear the case unless the patient requests transfer. Any case may be transferred when the patient so requests and the court finds that a fair hearing may not be had.

SEC. 23. "*Discharge*" by court order; procedure. Any "involuntary patient" or any person on his behalf may file a verified application for "discharge" in the probate court that issued the order for "care or treatment." The application shall state:

(A) the name of the "involuntary patient;"

(B) the name and address of the nearest relatives of the "involuntary patient," if known to the applicant;

(C) a request for "discharge."

Provided, That such an application may not be filed within six (6) months from the date of the original order for "care or treatment" nor oftener than once every six (6) months thereafter.

Upon the filing of the application, the court shall order the "involuntary patient" to be examined by a "physician" who is not on the staff of the psychiatric hospital or "other facility for 'care or treatment'" to which he was ordered for "care or treatment," unless such application is accompanied by a statement in writing of a "physician." Unless the statement of either "physician" states that he has examined the "involuntary patient" and is of the opinion that he is no longer a "mentally ill person," the court shall dismiss the application.

If the hearing is held the probate court shall proceed in the same manner and with the same powers as if an application, pursuant to section 13, had been filed in said court: *Provided*, That the court shall not issue the orders provided for in sections 14 (F) and 15 (B) but shall give notice of the time and place of the hearing to the "psychiatric hospital" or "other facilities for 'care or treatment'" to which the "involuntary patient" was ordered for "care or treatment."

Upon the completion of the hearing, if the probate court finds that the "involuntary patient" continues to be a "mentally ill person," the probate court shall order either that the original order for "care or treatment" continue or that a new order for "care or treatment" be issued. If the court finds that the "involuntary patient" is no longer a "mentally ill person," it shall discharge him. A copy of the court's order shall be sent by mail to the "involuntary patient" and to the "psychiatric hospital" or "other facilities for 'care or treatment'" to which the "involuntary patient" had been ordered for "care or treatment."

COMMITTEE NOTES: Kan. G. S. 1949, 59-2268, allowed one who had been adjudged insane or incompetent to petition, once every six months, for restoration of capacity. Section 23 also provides for a court hearing every six months. However, to protect against obviously spurious applications, it requires a "physician's" statement that the applicant is not mentally ill. If the applicant cannot obtain an examining "physician," the court must order an examination. Note that a finding by the court that the "involuntary patient" is no longer a "mentally ill person" results in "discharge." This "discharge" is from the order for "care or treatment" and does not modify or change a finding that the "patient" is an "incapacitated person" made pursuant to section 10 of the Act for Obtaining a "guardian" and "conservator." "Care or treatment" is separated from capacity. See sections 30 and 33. Both the court and a "psychiatric hospital" may discharge. See section 24. In addition to discharge under this section, a "patient" could obtain release from a "psychiatric hospital" through a writ of habeas corpus. See Code Civ. Pro. 60-1501

et seq. However, release through habeas corpus would occur only if the order of referral or for "care or treatment" was defective. If such orders were proper, only section 23 could be applicable.

SEC. 24. *Transfer; "discharge" and "convalescent" release; procedure.* The state director of institutions may transfer any "patient" from any institution under his control to any other such institution whenever he deems it to be in the best interest of the "patient."

When any "proposed patient" or "involuntary patient" has been ordered to any "psychiatric hospital" on referral or for "care or treatment," the "head of the hospital" shall "discharge" him when he is no longer in need of "care or treatment."

The "head of the hospital" may release any "patient" on "convalescent" status when he believes that such release is in the best interest of the "patient."

The "psychiatric hospital" shall continue to have the responsibility for the mental and physical well being of any "patient" released on "convalescent" status. Such responsibility shall also include a plan of "care or treatment," and the place where it shall be received, notwithstanding any law authorizing the "patient" or the guardian of his person, if any, to determine such place. The "head of the hospital" shall have the authority to change the plan or place of "care or treatment" whenever he deems it necessary for the welfare of the "patient." Such authority shall include the right to revoke the release on "convalescent" status and to order the "patient" re-admitted to the "psychiatric hospital." The "head of the hospital" may authorize and order any peace officer or other person to take into custody and transport the "patient" to a "psychiatric hospital" or "other facility for 'care or treatment.'" Prior to the end of the first year on "convalescent" status, and not less often than annually thereafter while an "involuntary patient" is on "convalescent" status, the "head of the hospital" shall re-examine the facts relating to the "care or treatment" of the "involuntary patient" on "convalescent" status.

Nothing in this section shall be construed to amend or modify or repeal any law relating to the confinement of persons charged with or convicted of a criminal offense.

COMMITTEE NOTES: Kan. Supp. 1961, 75-3328, provided broad authority to transfer inmates of institutions operated by the division of institutional management. The first paragraph of this section gives even broader transfer authority, but it only applies to "patients." Transfer of those not "patients" would still be controlled by Kan. Supp. 1961, 75-3328. Kan. G. S. 1949, 59-2007, limiting discharge by the hospital to the five stated reasons and providing for parole is completely outmoded both in terms of language and modern medical practices. The "psychiatric hospital" is given authority either to "discharge" or to release on "convalescent" status. "Discharge" then can be obtained either by a court order pursuant to section 23 or from the "psychiatric hospital" pursuant to this section. This "discharge" does not modify or change a finding that the "patient" is an "incapacitated person" made pursuant to section 10 of the Act for Obtaining a "guardian" and "conservator." See also sections 30 and 33 of the Act for Obtaining Psychiatric "Care or Treatment." The "psychiatric hospital" continues to be responsible for those on "convalescent" status. It has authority to determine the place of "care or treatment," transfer such place or re-admit. The "convalescent" status of "involuntary patients" must be reexamined at least once a year (a "proposed patient" will have his hearing at the end of ninety days unless "discharged.")

SEC. 25. *Notice of change of status; dismissal of case; when:* The "head of the hospital" shall notify, in writing, the probate court, which has ordered the "care or treatment" of the "involuntary patient" or the referral of the "proposed patient," of his "discharge" or of his release on "convalescent" status. When a notice of "discharge" is received, the court shall file the same in the record, which shall terminate the proceedings. When a notice of release on "convalescent" status is received, the court shall file the same in the records.

COMMITTEE NOTES: Kan. G. S. 1949, 59-2007, provided for 10 days notice to the probate court when a patient was released not restored to capacity. Kan. G. S. 1949, 59-2276, provided that when notified by the superintendent that the patient was restored, the court entered such an order. In *re* Estate of Deibolt, 187 Kan. 2 (1960) and *In re* Estate of Correll, 178 Kan. 618 (1955) wrestled with the distinctions between hospitalization and capacity. Since this act is only concerned with "care or treatment" (see sections 30 and 33) the filing of the notice of "discharge" automatically terminates the proceedings in the probate court. For the court to issue an order would be a useless ministerial function.

SEC. 26. *Unauthorized absence; procedure.* If any "patient" leaves the place of his "care or treatment" without the authority of the "head of the hospital," the "head of the hospital" may authorize and order, in writing, any peace officer or other person to take such "patient" into custody and transport him to such place as may be directed by the "head of the hospital."

COMMITTEE NOTES: Kan. G. S. 1949, 76-1227, covered escapes from the hospital. The new section is much broader in order to provide for unauthorized absences not only from the "psychiatric hospital" but also from the various clinics, rest homes, etc., where the patient may be placed while on "convalescent" status.

SEC. 27. *Right to humane "care or treatment."* Every "patient" shall receive humane care and to the extent that facilities, equipment, and personnel are available, medical treatment consistent with accepted medical ethics and practices.

COMMITTEE NOTES: Currently the Kansas law has no comparable provision. It establishes a legislative policy that "patients" should be well cared for and that medical treatment should be fostered. Mere custodianship should not be a "patient's" fate.

SEC. 28. *Restraint of "patients."* Restraints shall not be applied to a "patient" unless it is determined by the "head of the hospital" or a member of the medical staff to be required by the "patient's" medical needs. The "head of the hospital" or a member of the medical staff shall sign a statement explaining the medical necessity for the use of any restraints and shall make such statement a part of the clinical record of such "patient."

COMMITTEE NOTES: This section merely rewords and slightly limits Kan. G. S. 1949, 76-1223. Restraints may be applied only when required by the "patient's" medical needs.

SEC. 29. *Rights of "patients."* Every "patient" detained in a "psychiatric hospital" or "other facility for 'care or treatment'" shall have the absolute right to communicate by letter with the state department of social welfare, the "head of the hospital," any court, "physician," or attorney. The "head of the hospital" may impose reasonable rules and regulations on any "patient" concerning his communication by letter or otherwise with any other person or agencies and concerning his right to receive visitors, provided that any "patient" shall have the right to be visited by any "physician" or attorney at any reasonable hour. Any person wilfully depriving any "patient" of the rights protected by this section shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) and/or imprisonment for not more than six (6) months.

COMMITTEE NOTES: Kan. G. S. 1949, 76-1222, provided certain limited rights of communication by letter, but made no provision for seeing visitors. This section expands the agencies and persons with whom the "patient" has an absolute right to communicate. Visitors are provided for with an absolute right to see an outside "physician" or attorney. The criminal penalty for depriving a "patient" of his rights is increased.

SEC. 30. *Civil rights of "patients."* Except as limited by this act, a person shall not lose his rights as a citizen, his property rights or his legal capacity by reason of being a "patient;" provided, that the "head of the hospital" may make reasonable rules and regulations concerning the exercise of such rights by the "patients" in the "psychiatric hospital."

COMMITTEE NOTES: Under existing Kansas law the legal capacity of an individual found to be insane and committed was in serious doubt even if no guardian was appointed.

Under this act, the need for "care or treatment" is completely divorced from capacity. A "patient" under an order of "care or treatment" may still sell property, make a will, etc. The exercise of these rights may be limited by reasonable rules while the "patient" is in the "psychiatric hospital."

SEC. 31. *Disclosure of records.* The probate court, hospital or medical records of any "patient" or former "patient" that are in the possession of any probate court, "psychiatric hospital," "general hospital" or "other facility for 'care or treatment'" shall be privileged and shall not be disclosed except as:

- (1) otherwise provided in this act; or
- (2) under any of the following conditions:

(A) Upon the consent, in writing, of the "patient" or former "patient," or if he be under sixteen (16) years of age, by his parent, or if he has a "guardian," by his "guardian." However, the "head of the hospital" of the head of the "other facility for 'care or treatment'" who has the records may refuse to disclose such records if he shall have stated, in writing, that such disclosure will be injurious to the welfare of the "patient" or former "patient."

(B) Upon the sole consent of the "head of the hospital" or the head of the "other facility for 'care or treatment'" who has the records after a statement, in writing, by such head that such disclosure is necessary for the "care or treatment" of the "patient" or former "patient." However, such head may make such disclosure to the "patient" or former "patient," his next of kin, any concerned state agency, state or national accreditation agency, or scholarly investigator without making such determination.

(C) Upon the order of any court of record after a determination by the court issuing the order that such records are necessary for the conduct of proceedings before it and are otherwise admissible in evidence.

(D) In proceedings under this act, upon the oral or written request of any attorney representing the "patient," former "patient," or applicant.

Any person wilfully violating this section shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) and/or imprisonment for not more than six (6) months.

COMMITTEE NOTES: There is no comparable provision in the current Kansas statutes. Several problems necessitate this section. A "patient" should be protected from the idly curious. Adoptions or juvenile court proceedings present a similar problem. Abstractors need not routinely see the court file since an order of "care or treatment" does not affect capacity. See Section 33. A court order may be obtained if the records are needed. However, the court must still exclude all immaterial or irrelevant information contained in the patient's records and this section in no way modifies the physician-patient privilege. On the other hand, common law rules of confidentiality and right of privacy prevent hospital authorities from releasing records to others who may need to have information concerning the patient's past medical records. This section allows the release of the records in that situation. Even a "patient" is restricted if examination of his file would be injurious to his own welfare.

SEC. 32. *Civil and criminal liability.* Any person acting in good faith and without negligence shall be free from all liability, civil or criminal, which might arise out of acting pursuant to this act. Nothing herein shall be construed to limit the criminal liability of any person who violates the specific criminal provisions contained in this act.

COMMITTEE NOTES: Kan. Supp. 1961, 76-1239 currently protects a physician, except for gross negligence, from liability for injuries or death resulting from "shock" treatments. This section now extends the protection only to persons operating in good faith and without negligence in carrying out the provisions of this act. Both sections 29 and 31 provide specific criminal penalties for those wilfully violating these sections. Kan. G. S. 1949, 59-2008, provides for criminal penalties for those who act with corrupt consideration or through malice.

SEC. 33. *Effect of an order of referral or an order for "care or treatment."*

Neither an order of referral nor an order for "care or treatment" made pursuant to this act shall imply an adjudication of incapacity, nor shall either order create any presumption that the "proposed patient" or "involuntary patient" is an "incapacitated person."

COMMITTEE NOTES: This section makes explicit the basic assumption of this act. The need for "care or treatment" need not be related to capacity. If a "proposed patient" or "involuntary patient" does in fact lack capacity, the probate court should so find in the separate proceedings under the Act for Obtaining a "guardian" and "conservator." The hearing on the two applications may be consolidated but the court makes two separate findings of fact and two separate orders.

COURT DAYS IN DISTRICT COURTS—1965

(Please see notes on page 94)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Allen.....	Iola.....	Spencer A. Gard.....	Jeanne Smith.....	37	12	8	8	5	4	7	13	5	8	13
Anderson.....	Garnett.....	Floyd H. Coffman.....	Roberta Bowman.....	4	8b	5b	1b	9b	14b	14b	17b	17b	12b	3b
Atchison.....	Atchison.....	Edmund L. Page.....	Mildred Magin.....	2	6 13 20 27	3 10 17 24	3 10 17 24 31	7 14 21 28	5 12 19 26	2 9 16 23 30	1 8 15 22 29	6 13 20 27	3 10 17 24	1 8 15 22 29
Barber (See note 8).....	Medicine Lodge.....	Charles H. Stewart.....	Edith Myers.....	24	4	8	2	26	12	1	21	25	18	6
Barton (See note 6).....	Great Bend.....	Frederick Woleslagel.....	Geneva Steincamp.....	20	6	3	2	7	5	1	1	6	1	1
Bourbon (See note 3).....	Fort Scott.....	Robert H. Miller.....	Mary Smallwood.....	6	4	3	3	7	10	9	13	6	3	8
Brown.....	Hiawatha.....	Chester C. Ingels.....	Edna Boicourt.....	22	19c	16c	16c	20c	18c	2c	21c	19c	16c	21c
Butler.....	El Dorado.....	George S. Reynolds Page W. Benson	Leah E. Miller.....	13	8	1	1	2	10	14	3	1	8	3
Chase.....	Cottonwood Falls.....	Jay Sullivan.....	Myrtle Austin.....	5	29	26	26	30	28	25	24	29	26	31
Chautauqua.....	Sedan.....	George S. Reynolds Page W. Benson	Grace Sears.....	13	11	5	5	5	7	4	7	4	1	6
Cherokee.....	Columbus.....	Jerome Harman.....	Nina Coldiron.....	11	5 6	2 3	2 3	6 7	4 5	1 2	14 8	5 6	2 17	7 8
Cheyenne.....	St. Francis.....	William B. Ryan.....	Eva Zimbelman.....	17	22	12	5	5	24	9	16	6	2	16

COURT DAYS IN DISTRICT COURTS—1965—CONTINUED

(Please see notes on page 94)

Counties	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Clark.	Ashland.	Ernest M. Vieux.	Hope Grimes.	31	7c	4c 15c	4c	8c	6c	3c	2c 27c	7c	4c	9c
Clay (See note 7).	Clay Center.	Lewis L. McLaughlin.	Hazel K. Chestnut.	21	6	3	1	1	4	7	8	1	1	2
Cloud.	Concordia.	Marvin O. Brummett.	Minnie L. Johnson.	12	4	3	3	5	5	9	27	20	17	15
Coffey.	Burlington.	Jay Sullivan.	Mary H. Finnerty.	5	25	22	29	26	31	30	29	27	29	29
Comanche.	Coldwater.	Ernest M. Vieux.	Mary Guyer.	31	6c	3c	3c	7c	5c 17c	2c	8c	6c	3c	6c
Cowley.	Winfield.	Doyle E. White.	Barbara Gilland.	19	8	5	5	2	7	4	3	1	5	3
Crawford (See note 11).	Girard.	Don Musser.	Josephine Cattaneo.	38	8 13	5 10	5 10	2 14	7 12	4 9	3 8	1 13	5 10	3 8
Deatur.	Oberlin.	William B. Ryan.	Alice J. Vernon.	17	20	10 23	3	13	10	2	14	4 11	16	15
Dickinson (See note 4).	Abilene.	Walter E. Hembrow Albert B. Fletcher, Jr.	Seth Barter, Jr.	8	4c	2c	2c	1c	17c	1c	13c	1c	1c	1c
Doniphan.	Troy.	Chester C. Ingels.	Alice F. Crane.	22	20c	17c	17c	21c	19c	3c	22c	20c	17c	22c
Douglas (See note 12).	Lawrence.	Frank R. Gray.	Lucille E. Allison.	41	8b	1b	5b	2b	3b	4b	17b	1b	1b	3b
Edwards.	Kinsley.	Maurice A. Wildgen.	Cecil Matthews.	33	6a	2a 8b	3a	7a	3b	2a	8a	6a 25b	3a	8a
Elk.	Howard.	George S. Reynolds Page W. Benson	Gertrude Loyd.	13	4	8	8	9	3	7	20	8	5	10

COURT DAYS IN DISTRICT COURTS—1965—CONTINUED

(Please see notes on page 94.)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Harvey (See note 5).....	Newton.....	Sam H. Sturm.....	Joe Fox.....	9	7b 21b	8b 18b	11b 25b	1b 22b	10b 20b	3b 17b	9b 23b	7b 21b	8b 18b	2b 16b
Haakell.....	Sublette.....	L. L. Morgan.....	Mildred Chrispens.....	39	4c	1c	8c	5c	10c	1c	20c	4c	1c	1c
Hodgeman.....	Jetmore.....	Maurice A. Wildgen.....	Agnes C. Gleason.....	33	6f	3f 22b	3f	7f	5f 17b	2f	8f	6f	3f 8f	8f
Jackson (See note 10).....	Holton.....	Robert H. Kaul.....	Florence Clementis.....	36	11b	3c	3c	7c	3b	9c	8c	4b	3c	8c
Jefferson (See note 10).....	Oskaloosa.....	Robert H. Kaul.....	Marian Steffey.....	36	15c	5c	1b	9c	7c	7b	10c	8c	1b	10c
Jewell.....	Mankato.....	Donald J. Magaw.....	Carol Ross.....	15	4	4	1	5	3	4	20	7	1	7
Johnson Div. No. 1..... Div. No. 2..... Div. No. 3..... Div. No. 4.....	Olathe.....	Earl E. O'Connor Clayton Brenner Raymond H. Carr Harold R. Riggs	Pat Holland.....	10	4	1	1	5	3	7	7	4	1	6
Kearny.....	Lakin.....	Bert J. Vance.....	Bertha Adams.....	32	7c	11c	8c	16c	20c	28c	23c	25c	8c	6c
Kingman (See note 8).....	Kingman.....	Charles H. Stewart.....	Janis Mc Ilrath.....	24	6	3	22	6	6	7	27	19	19	13
Kiowa.....	Greensburg.....	Ernest M. Vieux.....	Billie M. Huckriede.....	31	6f	3f	3f	7f	3c	2f	8f	6f 17c	3f	8f
Labette.....	Oswego.....	Hal Hyler.....	Glen R. Cosatt.....	16	8 22	2 19	5 19	13 30	7 21	11 25	10 24	5 18	5 2	10 23
Parsons Div.....	.....	.....	.....	.....	5	8	13	19	4 17	14	13	18	15	20
Lane.....	Dighton.....	Bert J. Vance.....	Eva Cramer.....	32	4c	9c	15c	21c	18c	21c	27c	27c	15c	7c
Leavenworth.....	Leavenworth.....	Kenneth Harmon.....	Mary Kate Gausz.....	1	8	5	5	2	7	4	3	1	5	3

COURT DAYS IN DISTRICT COURTS—1965—CONTINUED
(Please see notes on page 94)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Lincoln..... Div. No. 1..... Div. No. 2.....	Lincoln.....	John I. Young L. A. McNalley	Roy Livingood.....	30	5	15	3	1	17	9	13	4	8	2
Linn (See note 3).....	Mound City.....	Robert H. Miller.....	Ferne Beary.....	6	5	2	2	5	11	8	14	5	2	6
Logan.....	Oakley.....	Benedict P. Cruise.....	H. Belle Selley.....	23	21a	18a	10a	5a	26a	16a	7a	13a	10a	6a
Lyon.....	Emporia.....	Jay Sullivan.....	Alice M. Long.....	5	27	24	31	28	26	23	27	25	24	27
Marion (See note 4)..... Div. No. 1..... Div. No. 2.....	Marion.....	Walter E. Hembrow Albert B. Fletcher, Jr.	Geraldine Seibel.....	8	6c	1c	3c	6c	3c	2c	2c	4c	2c	3c
Marshall (See note 7).....	Marysville.....	Lewis L. McLaughlin.....	Ruby Finnigan.....	21	4	5	3	5	14	9	7	8	3	10
McPherson (See note 5).....	McPherson.....	Sam H. Sturm.....	Alma Bretches.....	9	11b 22b	5b 19b	12b 26b	5b 23b	7b 21b	4b 18b	10b 24b	4b 22b	5b 19b	3b 17b
Meade.....	Meade.....	Ernest M. Vieux.....	Edyth Cooper.....	31	5f	2f	2f	6f	4f	1f	7f	5f	2f	7f
Miami (See note 3).....	Paola.....	Robert H. Miller.....	Ethel J. Hunt.....	6	6	1	1	6	12	7	15	4	1	7
Mitchell.....	Beloit.....	Donald J. Magaw.....	Ida B. Jamison.....	15	5	3	2	1	4	3	21	6	2	1
Montgomery..... Independence Div..... Coffeeville Div.....	Independence.....	Warren B. Grant.....	Bessie Scofield.....	14	4	4	4	1	6	3	2	7	4	2
Morris (See note 4)..... Div. No. 1..... Div. No. 2.....	Council Grove.....	Walter E. Hembrow Albert B. Fletcher, Jr.	Nellie McMichael.....	8	7c	4c	4c	5c	5c	2/c	3c	6c	3c	6c
Morton.....	Elkhart.....	L. L. Morgan.....	Mary Collins.....	39	5f	8c	2c	6f	11f	2f	7c	5f	2f	2f

COURT DAYS IN DISTRICT COURTS—1965—CONTINUED

(Please see notes on page 94)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Nemaha.....		Chester C. Ingels.....	Ruth Shaffer.....	22	18c	15c	15c	19c	17c	1c	20c	18c	15c	20c
Neosho.....		George W. Donaldson.....	Betty Barr.....	7	6	3	9	7	5	2	1	13	3	1
Eric Div.....				12	12	2	10	13	4	1	14	12	2	7
Chanute Div.....														
Ness.....	Ness City.....	Maurice A. Wildgen.....	Martha Borthwick.....	33	5f	2f	2f	6f	4f	1f	7f	5f	2f	7f
							8b				13b			13b
Norton.....	Norton.....	William B. Ryan.....	Elsie Brault.....	17	11	8	1	19	14	3	7	8	17	13
					18									
Osage.....	Lyndon.....	Alex Hotchkiss.....	Lucille Getsinger.....	35	8c	5c	2c	2c	7c	1c	3c	1c	2c	3c
Osborne.....	Osborne.....	Donald J. Magaw.....	Irene Laffoon.....	15	7	1	3	6	6	1	23	5	4	2
Ottawa.....	Minneapolis.....	John I. Young.....	Esther Plunkett.....	30	11	2	2	12	4	8	8	25	1	3
Div. No. 1.....		L. A. McNealey.....												
Div. No. 2.....														
Pawnee.....	Larned.....	Maurice A. Wildgen.....	Eulah Almqvist.....	33	7a	4a	4a	8a	6a	3a	9a	7a	4a	9a
					25b			12b				11b		
Phillips.....	Phillipsburg.....	William B. Ryan.....	Evelyn M. Parker.....	17	19	1	2	15	3	1	13	18	3	14
						9					20			
Pottawatomie.....	Westmoreland.....	Robert H. Kaul.....	Deane L. Arnold.....	36	14c	4c	4c	6b	6c	10c	7b	7c	4c	7b
(See note 10)														
Pratt (See note 8)	Pratt.....	Charles H. Stewart.....	Mabel Axline.....	24	5	2	8	5	17	2	13	18	8	2
Rawlins.....	Atwood.....	William B. Ryan.....	Louise Portschy.....	17	21	11	4	14	17	8	15	5	1	17
							15						8	

COURT DAYS IN DISTRICT COURTS—1965—CONTINUED

(Please see notes on page 94)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Renp. Div. No. 1. Div. No. 2.	Hutchinson.	W. A. Gossage. James H. Rexroad.	George Walter.	40	1 8 15 22 29	5 12 19 26	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	3 10 17 24 29	1 8 15 22 29	5 12 19 26	3 10 17 24 31
Republic.	Belleville.	Marvin O. Brummett.	Earl J. Baldrige.	12	5	1	2	6	3	8	28	18	16	14
Rice (See note 6).	Lyons.	Frederick Woelagel.	Laura Saint.	20	5	1	1	6	3	7	7	4	2	6
Riley (See note 7).	Manhattan.	Lewis L. McLaughlin.	Joseph F. Musil.	21	8	1	5	2	3	11	3	4	5	3
Rooks.	Stockton.	C. E. Birney.	Irma Renner.	34	11	8	4	15	3	4	7	13	10	7
Rush.	La Crosse.	Maurice A. Wildgen.	Esta Manahan.	33	5a 11b	2a	2a 22b	6a	4a	1a	7a 27b	5a	2a	7a
Russell.	Russell.	Benedict P. Cruise.	Gladys Kling.	23	4a	15a	8a	12a	3a	14a	13a	4a	8a	13a
Saline. Div. No. 1. Div. No. 2.	Salina.	John I. Young L. A. McNalley	Betty J. Just.	30	4	1	1	2	3	7	7	1	2	6
Scott.	Scott City.	Bert J. Vance.	Nellie Scheuerman.	32	5f	10c	11f	12c	13c	14f	21f	5c	2c	13c
Sedgwick. Div. No. 1. Div. No. 2. Div. No. 3. Div. No. 4. Div. No. 5. Div. No. 6. Div. No. 7.	Wichita.	William C. Kandt Howard C. Kline B. Mack Bryant James V. Riddel, Jr. James J. Noone E. E. Sattgast Tom Raum	Joann Dunn.	18	MORTONS: See note 13.									
Seward.	Liberal.	L. L. Morgan.	Mary Lindley.	39	11c	5c	5c	19c	14c	4c	3c	11c	5c	3c

COURT DAYS IN DISTRICT COURTS—1965—CONTINUED

(Please see notes on page 94)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Shawnee (See note 2) . . . Div. No. 1	Topeka	William Randolph Carpenter	Lucile M. Carter	3	28	26	26	1	21	18	10	8	5	1
Div. No. 2		Marion Beatty			7	5	5	2	28	25	17	15	12	31
Div. No. 3		E. Newton Vickers			14	12	12	9	7	4	24	22	19	17
Div. No. 4		David Prager			21	19	19	16	14	11	3	29	1	24
Sheridan	Hoxie	C. E. Birney	Minnie Carder	34	4	23	1	12	17	1	14	4	9	1
Sherman	Goodland	C. E. Birney	Viva Peter	34	7	11	2	5	7	7	13	11	15	6
Smith	Smith Center	Donald J. Magaw	Florence Vincent	15	6	2	4	7	5	2	22	4	3	6
Stafford (See note 6) . . .	St. John	Frederick Woelagel	Arlene E. McCandless	20	4	2	3	5	4	2	8	5	3	7
Stanton	Johnson	L. L. Morgan	Marjorie Newton	39	5c	22c	1c	6c	11c	2c	19c	5c	2c	1f
Stevens	Hugoton	L. L. Morgan	John F. Fulkerson	39	25c	4c	22c	8c	13c	3c	2f	25c	4c	2c
Sumner	Wellington	John A. Potuck	Mary E. Carter	25	5	2	2	6	4	1	14	5	2	7
Thomas	Colby	C. E. Birney	Thelma Livingston	34	5	5	15	13	24	2	15	1	1	2
Trego	WaKeeney	Benedict P. Cruise	Virginia Webb	23	19a	16a	1a	14a	24a	7a	15a	11a	1a	15a
Wabunsee	Alma	Alex Hotchkiss	Mary E. Tolbert	35	7c	2c	4c	1c	4c	3c	2c	5c	4c	2c
Wallace	Sharon Springs	Benedict P. Cruise	Evelyn A. Warren	23	21d	18d	10d	19a	26d	16d	20a	13d	10d	20a
Washington	Washington	Marvin O. Brummett	Lois Acee	12	6	2	1	7	4	7	29	19	15	13
Wichita	Leoti	Bert J. Vance	Kate Elder	32	8c	12c	17c	19c	19c	15c	22c	4c	23c	20c

COURT DAYS IN DISTRICT COURTS—1965—CONCLUDED
(Please see notes on page 94)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Wilson	Fredonia	George W. Donaldson	Dwaine Spoon	7	5	4	4	6	6	3	7	7	4	2
Woodson	Yates Center	Spencer A. Gard	Alma Abbott	37	5	9	2	6	11	1	14	12	9	14
Wyandotte (See note 9)	Kansas City	O. Q. Claflin, III	Richard D. Shannon	29	8	5	5	2	7	4	3	1	5	3
Div. No. 1		William J. Burns		15	12	12	12	9	14	11	10	8	12	10
Div. No. 2		Harry G. Miller, Jr.		22	19	19	19	16	21	18	17	15	19	17
Div. No. 3		William H. McHale		29	26	26	26	23	28	25	24	22	26	23
Div. No. 4														

Italicized dates indicate the first day of the regular term of court.

a. 9:00 a. m.; b. 9:30 a. m.; c. 10:00 a. m.; d. 1:00 p. m.; e. 1:30 p. m.; f. 2:00 p. m.

NOTE 1. See Rule No. 113 of the Supreme Court, relating to Districts Courts.

NOTE 2. In Shawnee County the schedule continues through July and August, as follows:

Div. No. 1, July 16 and August 13.

Div. No. 2, July 23 and August 20.

Div. No. 3, July 2 and August 27.

Div. No. 4, July 9 and August 6.

NOTE 3. In Bourbon County, July 14 is court day. In Linn County, July 12 is opening day of court term. In Miami County, July 13 is court day.

Court convenes at 10:00 a. m. except when jury appears, on which day court convenes at 9:00 a. m.

NOTE 4. No jury at May term in Dickinson County, and June terms in Geary and Morris Counties, except on special order.

NOTE 5. In Harvey County, court days are July 1 and 15, and August 5. In McPherson County, court days are July 2 and 16, and August 6.

NOTE 6. In Barton, Rice and Stafford Counties, court convenes at 10:00 a. m. except when jury appears, when court convenes at 9:00 a. m.

NOTE 7. In Marshall County opening day of September term delayed one day a/c Labor Day. In addition to the regular days of court in Riley and Riley Counties as the need arises.

NOTE 8. In Barber, Harper, Kingman and Pratt Counties, court convenes at 10:00 a. m. on court days, and at 9:30 a. m. for jury trials. In Barber County, July 12 is court day.

NOTE 9. In Wyandotte County the Judge presiding hears all motions during July and August. In addition to regular court days, each division handles its own alimony and child custody matters each Friday. Post-trial motions are heard by the Court as soon as possible after the trial, but on no special day.

NOTE 10. In Jackson, Jefferson and Pottawatomie Counties, time permitting, a special court day will be held in each county two weeks after the regular court days.

NOTE 11. In Crawford County, July 2 and August 6 are court days in the Girard Division; and July 14 and August 11 in the Pittsburg Division.

NOTE 12. In Douglas County, July 2 and August 6 are court days. On days on which a term of court opens, the civil docket will be called beginning at 9:30 a. m., and the criminal docket will be called beginning at 2:00 p. m.

NOTE 13. All motions which have been on file 5 days or more, except those in domestic matters, shall be peremptorily heard by the Judge of the Division to which the case has been assigned at 9:30 a. m. on the following days:

Division No. 1 the 1st Thursday of each month
 Division No. 2 the 1st Friday of each month
 Division No. 3 the 2nd Thursday of each month
 Division No. 4 the 2nd Friday of each month
 Division No. 5 the 3rd Thursday of each month
 Division No. 6 the 3rd Friday of each month
 Division No. 7 the 4th Thursday of each month

All motions in domestic matters which have been on file 5 days or more, including contempt, change of custody and modification of previous orders shall be peremptorily heard by the Judge of the Division to which the case has been assigned at 9:30 a. m. on the following days:

Division No. 1 the 1st Friday of each month
 Division No. 2 the 1st Thursday of each month
 Division No. 3 the 2nd Friday of each month
 Division No. 4 the 2nd Thursday of each month
 Division No. 5 the 3rd Friday of each month
 Division No. 6 the 3rd Thursday of each month
 Division No. 7 the 4th Friday of each month

No post-trial motion, pleading or other process in any divorce, separate maintenance or annulment case shall be filed by the Clerk unless there is on deposit with the Clerk as security for costs a balance of Ten (\$10.00) Dollars or more except, by permission of the Judge of the Division to which the case has been assigned.



30-5844

MEMBERS OF THE JUDICIAL COUNCIL

ALFRED G. SCHROEDER, <i>Chairman.</i> (1963-)	Newton
Justice of the Supreme Court.	
JAMES D. WAUGH, <i>Secretary.</i> (1963-)	Topeka
JAMES E. TAYLOR. (1941-)	Sharon Springs
ROBERT H. COBEAN. (1947-)	Wellington
J. WILLARD HAYNES. (1951-)	Kansas City
DOYLE E. WHITE. (1961-)	Arkansas City
Judge, Nineteenth Judicial District.	
ALEX HOTCHKISS. (1964-)	Lyndon
Judge, Thirty-fifth Judicial District.	
CLYDE HILL. (1961-)	Yates Center
Chairman, House Judiciary Committee.	
STEADMAN BALL. (1963-)	Atchison
Chairman, Senate Judiciary Committee.	

FORMER MEMBERS OF THE JUDICIAL COUNCIL

W. W. HARVEY, <i>Chairman.</i> (1927-1941)	Ashland
Justice of the Supreme Court.	
WALTER G. THIELE, <i>Chairman.</i> (1941-1954)	Lawrence
Justice of the Supreme Court.	
ROBERT T. PRICE, <i>Chairman.</i> (1954-1963)	Topeka
Justice of the Supreme Court.	
J. C. RUPPENTHAL, <i>Secretary.</i> (1927-1941)	Russell
RANDAL C. HARVEY, <i>Secretary.</i> (1941-1953)	Topeka
WILLIAM M. MILLS, JR., <i>Secretary.</i> (1953-1957)	Topeka
WALTER G. THIELE, <i>Secretary.</i> (1957-1963)	Topeka
EDWARD L. FISCHER. (1927-1943)	Kansas City
ROBERT C. FOULSTON. (1927-1943)	Wichita
CHARLES L. HUNT. (1927-1941)	Concordia
CHESTER STEVENS. (1927-1941)	Independence
JOHN W. DAVIS. (1927-1933)	Greensburg
C. W. BURCH. (1927-1931)	Salina
ARTHUR C. SCATES. (1927-1929)	Dodge City
WALTER PLEASANT. (1929-1931)	Ottawa
ROSCOE H. WILSON. (1931-1933)	Jetmore
GEORGE AUSTIN BROWN. (1931-1933)	Wichita
RAY H. BEALS. (1933-1938)	St. John
HAL E. HARLAN. (1933-1935)	Manhattan
SCHUYLER C. BLOSS. (1933-1935)	Winfield
E. H. REES. (1935-1937)	Emporia
O. P. MAY. (1935-1937)	Atchison
KIRKE W. DALE. (1937-1941)	Arkansas City
HARRY W. FISHER. (1937-1939)	Fort Scott
GEORGE TEMPLAR. (1939-1941, 1943-1947, 1953)	Arkansas City
EDGAR C. BENNETT. (1938-1951)	Marysville
SAMUEL E. BARTLETT. (1941-1951)	Wichita
PAUL R. WUNSCH. (1941-1943)	Kingman
WALTER F. JONES. (1941-1945)	Hutchinson
GROVER PIERPONT. (1943-1944)	Wichita
I. M. PLATT. (1943-1945)	Junction City
C. A. SPENCER. (1944-1951)	Oakley
CHARLES VANCE. (1945-1947)	Liberal
RICHARD L. BECKER. (1949-1951)	Coffeyville
W. D. VANCE. (1951-1952)	Belleville
JOHN A. ETLING. (1945-1953)	Kinsley
DALE M. BRYANT. (1947-1949, 1951-1953)	Wichita
FRANKLIN B. HETTINGER. (1952-1953)	Hutchinson
JOHN H. MURRAY. (1953-1957)	Leavenworth
A. K. STAVELY. (1951-1959)	Lyndon
MAX L. DICE. (1957-1959)	Johnson
WILLIAM L. MITCHELL. (1959-1961)	Hutchinson
JOSEPH J. DAWES. (1953-1960, 1961)	Leavenworth
WILFORD RIEGLE. (1953-1960, 1961)	Emporia
GLEE S. SMITH. (1961-1963)	Larned
SPENCER A. GARD. (1959-1964)	Iola

KANSAS JUDICIAL COUNCIL
STATE HOUSE
TOPEKA, KANSAS
RETURN REQUESTED

Bulk Rate
U. S. POSTAGE

PAID

Topeka, Kansas
Permit No. 421

PRINTED BY
HARRY (BUD) TIMBERLAKE, STATE PRINTER
TOPEKA, KANSAS
1964



30-5844