

Amendment to Rule 23: Filing in a District Court

The Kansas Supreme Court is accepting public comment on proposed amendments to Supreme Court Rule 23(c). Rule 23(c) provides the reasons a clerk may return documents filed in the Kansas Court eFiling system.

If adopted, the amendment will add one more reason clerks may return a document: the hearing date on a notice of hearing is a date that has already passed, or it is a future date the court is closed.

Proposed changes are shown using strikethrough for deletion and underlining for new language.

Comment may be made by email to publiccomments@kscourts.org until 5 p.m. Friday, June 30, 2023. The subject line must read "Rule 23."

Rule 23

FILING IN A DISTRICT COURT

- (a) **Filing User's Obligations.** When filing a document with the district court, at the eFiling interface, a filing user must correctly designate the case and document type and indicate if the document is submitted under subsection (b) or certify that the document complies with Rule 24. The requirement to certify compliance with Rule 24(b) does not apply to those individuals exempted from the definition of "filing user" in Rule 21(l).
- (1) A court employee is not required to review a document that a filing user submits to ensure that the filing user appropriately designated a case, document, or information.
 - (2) If a document does not comply with these rules, the court may order that the document be segregated from public view until a ruling has been made on its noncompliance.
- (b) **Filing Under Seal.**
- (1) If a filing user submits a document under a pre-existing seal order, the filing user must affirm by certification on the eFiling interface that such an order exists.

- (2) If at the time of filing a filing user believes that a document not covered by a pre-existing seal order should be sealed, the filing user must submit a motion to seal that includes a general description of the document at issue. The filing user must affirm by certification on the eFiling interface that the motion complies with Rule 24.
- (3) A filing user may file a motion to seal a document already on file. The motion must specify the document that is proposed to be sealed. When a motion to seal is filed, the identified document will be segregated from public view until the court rules on the motion to seal. A court employee is not required to search for a document that is not identified with specificity in a motion to seal.
- (4) A case or document may be sealed only by a court order that is case or document specific or as required by a statute or Supreme Court rule.

(c) **District Court Clerk Processing of an eFiled Document.**

- (1) **Document Review.** Upon receipt of a document submitted to a district court using the Kansas Court eFiling System, a clerk of the district court is authorized to return the document only for the following reasons:
 - (A) the document is illegible or in a format that prevents it from being opened;
 - (B) the document does not leave a margin sufficient to affix a file stamp, as required by Rule 111;
 - (C) the document does not have the correct county designation, case number, or case caption; ~~or~~
 - (D) the applicable fee has not been paid or no poverty affidavit is submitted with the document or already on file in the case; or
 - (E) the hearing date on a notice of hearing is a date the court is closed or that has already passed.
- (2) **Timeline for a Clerk to Process a Document.** A clerk of the district court must process a document for filing as quickly as possible but not more than four business hours after the filing user submits the document for filing.

- (3) **Return of Document.** If a clerk determines that a document must be returned for any of the reasons listed in subsection (c)(1), the clerk must designate the reason for its return.
 - (4) **Quality Review.** If a document is not rejected under subsection (c)(1), a clerk will approve the document for filing in the case management system. The clerk may flag the document for further review as authorized by the standard operating procedures adopted by the judicial administrator.
 - (5) **File Stamping a Document.** A document submitted through the Kansas Court eFiling System will be marked with the date and time of original submission.
- (d) **Inclusion of a Paper Document.** If a clerk is authorized to accept a paper document for filing in a case record under a standard operating procedure adopted by the judicial administrator, the clerk must follow the requirements of that procedure for including the document in the case management system.

Comments

- [1] Rule 23(c)(1) applies to a document filed in an existing case where the clerk must match the county designation, the names of the parties in the case caption, and the case number with those of the existing case.
- [2] The Kansas eCourt Rules make clear that the responsibility for correctly filing a document in a court case rests with the person filing the document.