

## Rule 910

### CASE MANAGEMENT

- (a) **Court-Ordered Case Management.**
- (1) A case manager helps the parties by providing a procedure, other than mediation, that facilitates negotiation of a plan for child custody, residency, or parenting time. If the parties are unable to reach an agreement, the case manager must make recommendations to the court.
  - (2) Before ordering case management, a district court must determine whether case management is appropriate.
  - (3) An appropriate case for case management must involve at least one of the circumstances identified in K.S.A. 23-3508(b).
  - (4) When referring a dispute to case management, a district court must appoint a person who meets the qualifications under subsection (b).
- (b) **Qualifications of a Case Manager.** An approved case manager is an individual who:
- (1) meets the requirements of K.S.A. 23-3508(d)(1)(A) or (d)(1)(B); and
  - (2) has received a certificate of approval under Rule 911.
- (c) **Court Order.** If a district court determines that case management is appropriate, the court must issue an order naming the case manager appointed to the case. The case manager must receive the written order before initiating case management. The order must include the provisions listed below.
- (1) **Appointment of Case Manager.** The order must:
    - (A) specify the dispute to be resolved; and
    - (B) specify the case manager's term of appointment under the following guidelines:
      - (i) the term of appointment for any case manager must not exceed 36 months; but
      - (ii) at the end of a case manager's term of appointment, if the district court determines that case management is still appropriate, the court may reappoint the same case manager under this rule and K.S.A. 23-3508.
  - (2) **Not a Confidential Process.** The order must include a statement explaining that case management is not a confidential process, the parties waive confidentiality of the proceeding under K.S.A. 5-512, and the case manager has the responsibility to report to the court and to other authorities under K.S.A. 23-3509 and as the court order directs.

- (3) **Written Reports or Recommendations.** The order must specify:
  - (A) whether the case manager must file written reports or recommendations with the court; and
  - (B) any information the case manager must include in a filed report or recommendations under K.S.A. 23-3509.
- (4) **Communications with Each Party.** The order must specify whether the case manager may communicate individually with each party.
- (5) **Communication with a Nonparty.** The order must specify whether the case manager may communicate with a nonparty, such as any person involved with the family, including a step-parent, the custody evaluator, an attorney, a school official, a physical or mental health provider, or any person the case manager determines to have a significant role in contributing to or resolving the dispute between the parties. If communication with a nonparty is permitted, the district court should direct the parties to execute a release or written consent authorizing the communication.
- (6) **Fees and Other Charges.** The order must address the allocation of fees between the parties, including any prepayment amount or an apportionment of case management costs between the parties, and address the case manager's duty to notify the court when a party fails to meet the financial obligations of the case management process under K.S.A. 23-3509. Any fee for case management should be based on the actual time expended by the case manager relating to the dispute between the parties unless the court directs otherwise. A fee for case management services must not include costs for professional time wholly unrelated to the scope of appointment.
- (d) **Written Agreement.** A case manager must enter into a written agreement with each party. The written agreement should include the case manager's expectations and procedures; billing practices, method of payment, and use of collections; and any other information the case manager deems necessary when providing case management services.
- (e) **Domestic Violence Screening.** A case manager must screen and continually monitor each case for domestic violence. A case manager should adapt the methods used during case management to avoid coercion and an imbalance of power and control between the parties. If the case manager does not have the competency to manage a dispute involving domestic violence, the case manager must not

accept the case management or must terminate an existing case management.

- (f) **Limited Case Management.** Limited case management is subject to all Supreme Court Rules and laws governing case management, except:
  - (1) the district court may restrict the case manager to resolving specified issues; and
  - (2) the appointment of a case manager terminates when a negotiated agreement has been filed with the district court or the case manager has filed a written report, including any recommendations, with the district court.
- (g) **Objections to a Report or Recommendations.** A party may object to a case manager's report or recommendations by filing a motion under K.S.A. 23-3509.
- (h) **Withdrawal or Removal.** The district court may permit the withdrawal of or remove a case manager under K.S.A. 23-3509(b).
- (i) **Reporting of CDRE Credit Hours to the District Court.** If requested by a district court, a case manager must report to the district court the number of CDRE credit hours the case manager has attended in the current compliance period.

[**History:** New rule adopted effective January 1, 2020.]