

## Please read directions completely

# Pro Se Motion To Appeal Hearing Officer Decision

If you wish to appeal a Hearing Officer's decision, you must complete (typed or black ink) the following forms:

1. Motion and Notice of Hearing
2. Request and Service Instructions Form

Contact the Administrative Assistant in the District Court to which your case is assigned and obtain a date and time for a hearing of your appeal.

File the original and copies of the (1) Motion and Notice of Hearing (2) Request for Service Form with the Clerk of the District Court. The Clerk of the District Court will file-stamp all copies and keep the originals.

Clerk of the District Court will file stamp all copies and keep the originals  
Clerk of the District Court is open Monday-Friday, 8:00-5:00  
100 North Kansas Avenue  
2nd floor, Courthouse  
Olathe, Kansas 66061

Deliver a copy of these forms to the Hearing Officer's Office-Room 335 (3rd floor of the courthouse). Serve a 'file-stamped' copy of the Motion and Notice of Hearing on the opposing party (ex-spouse, partner/parent etc.) and his/her Attorney of record by one of the following methods. Service must be completed at least 5 days prior to the hearing date (excluding weekends and holidays-add 3 days if serving by mail).

### Service Methods:

1. **Service by US Mail**-Postage pre-paid, to opposing parties at last known address by the undersigned pro se litigant.
2. **Certified mail service by the undersigned Pro Se Litigant** - Return of service for Certified Mail Form, must be filed with the Clerk of the Court after green card is returned and before court date.
3. **Personal service by the Johnson County Sheriff's Office** - party to be served must live/work in Johnson County Kansas. The Clerk of the District Court will issue the paperwork (two copies) to the Sheriff's Office.
4. **Certified mail service by Johnson County Kansas Sheriff's Office** - party to be served must live/work in the State of Kansas. The Clerk of the District Court will issue the paperwork to the Sheriff's Office.
5. **Service by Sheriff's Office (outside the State of Kansas)** - You will need to call the Sheriff's office in the county where you want service completed and find out the cost of civil service of paperwork. A personal check/ money order must accompany your paperwork at the time of filing, made out to that Sheriff's Office. The Clerk of the District Court will then issue the paperwork and personal check/money order to that Sheriff's Office.

It is up to you to get the correct papers filed, and proper service completed, in order for your case to go forward on its assigned hearing date and time. Be advised, the Hearing Officer can dismiss the motion for lack of proof of service.

**Rule 26:** Final Judgment. An order of the Hearing Officer which is approved by a Judge of the District Court and filed with the Clerk of the District Court shall become a final judgment of the district court unless a party requests either (1) a rehearing before the Hearing Officer or (2) a review hearing before the District Judge pursuant to Supreme Court Rule 172(h). The request shall be by written motion filed within 14 days of the filing of the judgment and served counsel for all parties, on all pro se parties, and on the District Court Trustee Office.

Within 30 days after filing the motion for a review hearing, the movant shall obtain from the District Court Judge a date for the review hearing. If a hearing date is not timely obtained, the motion will be dismissed for lack of prosecution pursuant to K.S.A. 60-241(b)(2).

If no request is made within time allowed for a De Novo hearing or rehearing, the Hearing Officer's Orders shall be final.

09/2016

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CIVIL COURT DEPARTMENT

IN THE MATTER OF

Petitioner

and

Respondent

Case #

Division #

Chapter 60  
Hearing Room 334/336

**MOTION TO APPEAL HEARING OFFICER DECISION**

Pursuant to Supreme Court Rule 172(h), the undersigned (Petitioner/Respondent) appeals from and seeks a De Novo hearing of the Hearing Officer decision rendered on , for the following specific reasons:

**NOTICE OF HEARING**

**Please take notice that a De Novo Hearing on the motion that is subject of the above described hearing officer decision will be held at the Johnson County Courthouse, 100 N. Kansas Avenue, Olathe, Kansas 66061.**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Division \_\_\_\_\_ Court Room# \_\_\_\_\_

\_\_\_\_\_  
Signed By

Address: \_\_\_\_\_

e-mail address:

Phone #:

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CIVIL COURT DEPARTMENT

IN THE MATTER OF

Petitioner

and

Respondent

Case #

Division #

Chapter 60  
Hearing Room 334/336

**REQUEST AND SERVICE INSTRUCTION FORM**

To: Clerk of the District Court-the following forms are filed herewith for service:  
(check all applicable forms to be served)

Motion to Appeal Hearing Officer Decision and Notice of Hearing

Other \_\_\_\_\_ List name of form to be served

Notice of Hearing

Name of person to be served: \_\_\_\_\_

Address for service is: \_\_\_\_\_

Service is requested by one of the following methods:

Service by US Mail-postage pre-paid, to opposing parties at last known address by undersigned pro se litigant.

Certified mail service by the undersigned pro se litigant, who understands that the responsibility for obtaining service shall be their own. The return of service (green card) must be filed with the Clerk of the District Court prior to hearing date.

Personal service by the Sheriff of Johnson County, Kansas (party to be served, must live or work in Johnson County, Kansas).

Certified mail service by the Sheriff of Johnson County, Kansas (party to be served, must live or work in the State of Kansas).

Personal service (other than Johnson County) through the Office of the Sheriff of \_\_\_\_\_ County, State of  
Personal check/money order made payable to that Sheriffs office must accompany paperwork.

\_\_\_\_\_  
Signed By

Address: \_\_\_\_\_

e-mail address: \_\_\_\_\_

Phone #: \_\_\_\_\_

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CIVIL COURT DEPARTMENT

IN THE MATTER OF

Petitioner

and

Respondent

Case #

Division #

Chapter 60

**RETURN OF SERVICE FOR CERTIFIED MAIL**

STATE OF KANSAS

COUNTY OF JOHNSON

The undersigned pro se litigant being duly sworn, state: I have served a Motion to appeal Hearing Officer Decision on the

Petitioner     Respondent     Attorney

on record and the following Return for Receipt of Service was served

by certified mail on \_\_\_\_\_ (date) at the time and place listed on the attached green card.

When you receive the signed green card from the Petitioner/Respondent/attorney of record, tape it here and file this form with the Clerk of the District Court Office prior to hearing.

\_\_\_\_\_  
Signed By

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

My appointment expires: \_\_\_\_\_ Notary Public \_\_\_\_\_