

## Kansas Legislature

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## 60-1608

### Chapter 60.--PROCEDURE, CIVIL

#### Article 16.--DIVORCE AND MAINTENANCE

**60-1608. Time for hearing; pretrial conferences; counseling, when.** (a) *Time.* An action for divorce shall not be heard until 60 days after the filing of the petition unless the judge enters an order declaring the existence of an emergency, stating the precise nature of the emergency, the substance of the evidence material to the emergency and the names of the witnesses who gave the evidence. A request for an order declaring the existence of an emergency may be contained in a pleading or made by motion. Unless otherwise agreed by the parties, a request for the declaration of an emergency shall not be heard prior to the expiration of the time permitted for the filing of an answer. Unless waived, notice of the hearing requesting the declaration of an emergency shall be given to all parties not in default not less than seven days prior to the date of the hearing. Upon a finding that an emergency exists, the divorce and all issues pertaining thereto may be heard immediately.

(b) *Pretrial conferences.* The court shall conduct a pretrial conference or conferences in accordance with K.S.A. 60-216, and amendments thereto, upon request of either party or on the court's own motion. Any pretrial conference shall be set on a date other than the date of trial and the parties shall be present or available within the courthouse.

(c) *Marriage counseling.* After the filing of the answer or other responsive pleading by the respondent, the court, on its own motion or upon motion of either of the parties, may require both parties to the action to seek marriage counseling if marriage counseling services are available within the judicial district of venue of the action. Neither party shall be required to submit to marriage counseling provided by any religious organization of any particular denomination.

(d) *Cost of counseling.* The cost of any counseling authorized by this section may be assessed as costs in the case.

**History:** L. 1963, ch. 303, 60-1608; L. 1970, ch. 239, § 1; L. 1977, ch. 204, § 3; L. 1981, ch. 235, § 1; L. 1982, ch. 152, § 8; L. 1991, ch. 171, § 1; L. 1996, ch. 186, § 1; L. 1997, ch. 173, § 31; July 1.