

2018 Kansas Statutes

59-104. Docket fee; authorized only by legislative enactment; poverty affidavit; additional court costs.

(a) *Docket fee.* (1) Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, without payment of an appropriate docket fee as follows, on and after July 1, 2014:

Treatment of mentally ill	\$34.50
Treatment of alcoholism or drug abuse	34.50
Determination of descent of property	49.50
Termination of life estate	48.50
Termination of joint tenancy	48.50
Refusal to grant letters of administration	48.50
Adoption	48.50
Filing a will and affidavit under K.S.A. 59-618a	48.50
Guardianship	69.50
Conservatorship	69.50
Trusteeship	69.50
Combined guardianship and conservatorship	69.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto	23.50
Decrees in probate from another state	173.00
Probate of an estate or of a will	109.50
Civil commitment under K.S.A. 59-29a01 et seq.	33.50

(2) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2017, through June 30, 2019, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of K.S.A. 60-2001(b) and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

History: L. 1984, ch. 147, § 1; L. 1992, ch. 128, § 11; L. 1993, ch. 193, § 1; L. 1995, ch. 193, § 13; L. 1996, ch. 234, § 13; L. 2003, ch. 101, § 10; L. 2004, ch. 95, § 3; L. 2006, ch. 195, § 15; L. 2007, ch. 195, § 29; L. 2008, ch. 95, § 11; L. 2009, ch. 116, § 19; L. 2009, ch. 143, § 18; L. 2010, ch. 62, § 13; L. 2011, ch. 87, § 13; L. 2012, ch. 66, § 15; L. 2013, ch. 125, § 15; L. 2014, ch. 82, § 33; L. 2015, ch. 81, § 21; L. 2017, ch. 80, § 17; July 1.

Revisor's Note:

Section was amended three times in the 2006 session, see also 59-104a.

Amendment by L. 2006, ch. 210, § 18, effective July 1, 2007, was repealed by L. 2007, ch. 195, § 59.

Section was also amended by L. 2009, ch. 82, § 4, but that version was repealed by L. 2009, ch. 143, § 37.

L. 2014, ch. 82, was held to be an invalid enactment, see *Solomon v. State*, 303 K. 512, 364 P.3d 536 (2015).