FORMS QR CODE

PROCEDURES FOR FILING AN EVICTION CASE FOR FAILURE TO COMPLY (OTHER THAN NONPAYMENT OF RENT)

- These instructions apply only to an eviction case that arises when a Tenant fails to comply with a residential rental agreement in a material way, or fails to comply with the Tenant's statutory duties in a way that materially affects health and safety.

- The eviction forms mentioned below are located on the Kansas Judicial Council website: https://kjc.ks.gov/legal-forms/evictions-landlord-tenant/evictions/filing-an-eviction/failure-to-comply-other-than-nonpayment.

- Scan the QR code in the upper left corner to locate the forms online.

- Forms the Landlord may use to file an eviction case for failure to comply:

  - ☐ PRE-EVICTION NOTICE OF TERMINATION OF RENTAL AGREEMENT FOR FAILURE TO COMPLY AND NOTICE TO LEAVE PROPERTY
  - ☐ PETITION FOR EVICTION
  - ☐ CIVIL COVER SHEET
  - ☐ SELF-REPRESENTED LITIGANT CERTIFICATION FORM
  - ☐ EVICTION SUMMONS

- The Landlord will need more than one of the following documents.

  - PRE-EVICTION NOTICE OF TERMINATION OF RENTAL AGREEMENT FOR FAILURE TO COMPLY AND NOTICE TO LEAVE PROPERTY – one copy for the Tenant and one for the Landlord's records, and if the eviction case is filed, a copy to attach to the PETITION;

  - PETITION FOR EVICTION – at least one copy for the clerk, one for the Landlord's records (which the Landlord may wish to request the clerk to file stamp), and one for each Tenant;

  - CIVIL COVER SHEET – at least one copy for the clerk and one for the Landlord's records;

  - SELF-REPRESENTED LITIGANT CERTIFICATION FORM – at least one copy for the clerk and one for the Landlord's records (which the Landlord may wish to request the clerk to file stamp);

  - EVICTION SUMMONS – at least one copy for the clerk, one for the Landlord's records, and one for each Tenant.

1. Before filing an eviction case for a Tenant's failure to comply with the rental agreement or statutory duties, the Landlord must give each Tenant notice terminating the rental agreement and notice to leave. The Landlord may combine these two types of notice into one notice.

2. The Landlord must complete the PRE-EVICTION NOTICE OF TERMINATION OF RENTAL AGREEMENT FOR FAILURE TO COMPLY AND NOTICE TO LEAVE PROPERTY.

3. If the Tenant does not fix the problem listed in the Notice or move out within the stated time periods, the Landlord may choose to file an eviction case. To begin an eviction case, the Landlord must complete the forms listed below.

4. Complete the PETITION FOR EVICTION.

5. The Landlord must complete a CIVIL COVER SHEET. The Landlord must mark the following items:

    a. In the "Civil" section, where it states, "If a CH. 61 $ _____ (Judgment Demand Amount)," enter the total amount the Landlord seeks from the Tenant.

    b. In the "Civil" section, under "Contract," mark "Landlord/Tenant – Forcible Detainer."

    c. Next to the "Jury Demand," check "Yes" if the Landlord wants a jury trial, or "No" if the Landlord wants the judge alone to decide the case.

    d. Next to "Summons Attached," check "Yes."

    e. Next to "Service By," check:

        i. "Process Server/Attorney" if the Landlord plans to serve the Petition by return receipt delivery (see paragraph 10 below) or by hiring a process server;

        ii. "Sheriff in State" and fill in the name of the County if the Tenant is in Kansas and the Landlord wants the sheriff to serve the Petition; or

        iii. "Sheriff out of State" if the Tenant is outside the state of Kansas. This is highly unlikely, and the Landlord may need to consult an attorney.

    f. Next to "Sheriff's Process Fee Attached," check "Yes" if the Landlord checked (e)(i) above. Check "No" for the other options.

g. On Page 2 of the CIVIL COVER SHEET, the Landlord must provide as much of the requested information as possible for the Plaintiff and the Defendant. The Landlord is the Plaintiff and the Tenant is the Defendant. On pages 3 and 4, fill out the "Additional Civil Party Information" if there is more than one Landlord or Tenant. Do not complete the section "For Domestic Cases."

6. Complete the SELF-REPRESENTED LITIGANT CERTIFICATION FORM.

7. Complete the top part of the EVICTION SUMMONS form so that the form shows the correct court and includes the names of the Landlord and the Tenant.

8. The Landlord must submit the EVICTION SUMMONS to the court clerk, and the clerk will fill in the parts of the form that require a case number and hearing date. The clerk will set a first hearing date that is at least three days after the case is filed but no more than 14 days after the case is filed.

9. The Landlord must pay a fee when the Landlord files the case unless the Landlord files a Poverty Affidavit, which can be found on the Judicial Council website. The fee varies depending on how much money the Landlord is requesting. The clerk will tell the Landlord how much to pay. Information about how to reach the clerk in each county is available here: https://kscourts.gov/About-the-Courts/District-Courts.

10. The Landlord must serve the Petition and Summons on the Tenant. The Landlord must do one of the following:

    a. If the Landlord chooses to have the sheriff serve the Petition and Summons, the Landlord must pay a separate fee. The clerk will tell the Landlord how much to pay. The sheriff will fill out the RETURN ON SERVICE OF SUMMONS, which is attached to the EVICTION SUMMONS, and file it with the court.

    b. If the Landlord chooses to serve the Petition and Summons by mail, the Landlord must use return receipt delivery. Return receipt delivery can be by certified mail, priority mail, commercial courier service, overnight delivery service, or other reliable personal delivery service to the party addressed. The written or electronic delivery receipt must show who the documents were delivered to, the date of delivery, the address where delivered, and the person or entity completing delivery. The Landlord must fill out the RETURN ON SERVICE OF SUMMONS, which is attached to the EVICTION SUMMONS, and file it with the court.

    c. If the Landlord chooses to have a process server serve the Petition and Summons, the Landlord must pay any fee charged by the process server. The process server will fill out the RETURN ON SERVICE OF SUMMONS, which is attached to the EVICTION SUMMONS, and file it with the court.

11. Arrive at the courtroom for the court hearing at least a few minutes before the scheduled hearing time.

GETTING HELP

- The Kansas Judicial Branch provides resources for people who represent themselves in court without an attorney and information about how to obtain legal help. You can find that information at: https://self-help.kscourts.gov/.

- The Kansas Bar Association may be able to connect you with a lawyer you can hire. You can find information at www.ksbar.org.

- The Kansas Residential Landlord and Tenant Act laws are K.S.A. 58-2540 – 58-2573.

- Laws about the eviction process are K.S.A. 61-3801 – 61-3808.