FORMS QR CODE

PROCEDURES FOR RESPONDING TO A RESIDENTIAL EVICTION CASE

- When a Landlord files an eviction case against a Tenant, the Landlord is called the Plaintiff and the Tenant is called the Defendant. These instructions apply to you if you are the Tenant/Defendant.

- The eviction forms listed below are located on the Kansas Judicial Council website: https://kjc.ks.gov/legal-forms/evictions-landlord-tenant/evictions/responding-to-an-eviction.

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

- Forms you may need to respond to an eviction case:

  - ☐ ANSWER TO PETITION FOR EVICTION
  - ☐ SELF-REPRESENTED LITIGANT CERTIFICATION FORM

1. Before filing an eviction case, your Landlord must give you a written notice terminating the rental agreement and a written notice to move out of the property. Your Landlord may combine these two types of notice into one written notice. You may defend against eviction if the notice does not contain the information required by law or is not delivered properly.

2. Even if you receive proper notice, you sometimes may avoid termination of the rental agreement and the filing of an eviction case.

   a. If the notice terminates the rental agreement for nonpayment of rent - you may avoid termination by paying the rent due within 3 days, or 5 days if the notice is sent by mail.

   b. If the notice that terminates the rental agreement states that you failed to comply with the rental agreement or that you failed to comply with your statutory duties as a tenant affecting health and safety and the failure can be fixed by repairs, payment of damages, or otherwise – you may avoid termination by adequately beginning, within 14 days after receiving the notice, a good faith effort to fix the problem listed in the notice.

   c. The options listed in a. and b. for you to avoid termination of the rental agreement do not apply if the notice terminates a month-to-month rental agreement at the option of your Landlord, but termination must be on a date rent is due under the agreement that is at least 30 days after you receive the notice.

3. If the rental agreement terminates and you do not move out before the deadline listed in the notice, the Landlord may file an eviction case against you.

4. After the eviction case is filed, you will be served with a summons and petition. The petition will list the reason(s) why the Landlord is evicting you. The summons will list a hearing date, time, and location.

5. If you decide to challenge the eviction case, you must file a written response (called an "answer") on or before the hearing date **or** you must appear at the hearing. If you file an answer, you are not required to appear at the hearing, but you may choose to do both.

6. Each Tenant named in the petition must appear at the hearing **or** sign and file each tenant's own ANSWER TO PETITION FOR EVICTION or a joint ANSWER TO PETITION FOR EVICTION with another Tenant. One Tenant may not appear in court for another Tenant.

7. The remainder of the instructions below only apply if you decide to file a written ANSWER TO PETITION FOR EVICTION.

8. The ANSWER TO PETITION FOR EVICTION gives you an opportunity to respond in writing to the Landlord's petition.

    a. In paragraph 1, check ADMIT only if you agree with the statements in the petition, agree that the Landlord has a right to evict you, and agree that the Landlord is entitled to all damages demanded in the Petition. **If you check ADMIT on paragraph 1, do not complete paragraphs 2 or 3**. Even if you check ADMIT on paragraph 1, you may make a counterclaim in paragraph 4.
    b. If you disagree with any of the statements in the petition, check ADMIT or DENY in paragraph 2, depending on whether you agree or disagree with the statements in the Landlord's petition; and provide the additional information requested in paragraph 2(i) and (j).
    c. In paragraph 3, state any other reason(s) why you should not be evicted or why the Landlord is not entitled to the money demanded.
    d. In paragraph 4, state any claim(s) you have against the Landlord. The claim(s) may be for money, repairs, or other relief.
    e. In paragraph 5, check the box next to all orders you want the judge to make.

9. You will need at least three copies of your ANSWER TO PETITION FOR EVICTION: one for your landlord, at least one to file with the court clerk, and one to keep for your records.

10. You must deliver or mail a copy of the completed ANSWER TO PETITION FOR EVICTION to the Landlord's attorney or, if the Landlord does not have an attorney, deliver or mail the form directly to the Landlord.

11. Complete the certificate of service at the bottom of the ANSWER TO PETITION FOR EVICTION.

12. Complete the SELF-REPRESENTED LITIGANT CERTIFICATION FORM.

13. You must deliver the ANSWER TO PETITION FOR EVICTION and the SELF-REPRESENTED LITIGANT CERTIFICATION FORM to the court clerk to be filed in the case. Information about how to reach the clerk in each county is available here: https://kscourts.gov/About-the-Courts/District-Courts.

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://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.

- Kansas Legal Services helps low- and moderate-income people in Kansas with court proceedings. Find information at https://www.kansaslegalservices.org/ or call (316) 267-3975.

- Kansas Elder Law Hotline serves any Kansas resident aged 60 or older without regard to income. The hotline provides senior citizens access to an attorney to advise them about legal questions in civil cases and referrals to other resources when needed. Call (888) 353-5337.

- 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.