CIVIL CASE SUBTYPE DEFINITIONS

TORT

ASBESTOS PRODUCT LIABILITY - Cases in which it is alleged that injury has been caused by exposure to, or ingestion of, asbestos.

AUTOMOBILE TORT - Cases involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle. Negligent operation of air or water vehicles should be counted among "other tort" cases. Similar terminology: auto tort, motor vehicle tort, auto negligence.

INTENTIONAL TORT - Cases in which injury to property or person is alleged to be willfully brought upon one party by another. Similar terminology: assault, battery, vandalism.

LEGAL MALPRACTICE - Cases that allege misconduct or negligence by a person in the legal profession acting in a professional capacity, such as lawyers and paralegals.

MEDICAL MALPRACTICE - Cases that allege misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician assistants, dentists, etc.

OTHER PROFESSIONAL MALPRACTICE - Cases that allege misconduct or negligence by a person not involved in the medical or legal professions acting in a professional capacity, such as accountants or architects.

OTHER TORT - Cases involving cases of unknown specificity or cases not attributable to one of the other previously defined tort case categories (e.g., animal attack).

PREMISES LIABILITY - Cases involving claims brought against the owner of real property, the condition of which is purported to be the cause of personal injury. Similar terminology: slip and fall.

SLANDER/LIBEL/DEFAMATION - Cases alleging harm to the reputation, community standing, or livelihood of the claimant caused by false or misleading statements made by the defendant.

TOBACCO PRODUCT LIABILITY - Cases in which it is alleged that injury has been caused by the use of, or exposure to, tobacco products, including cigarettes, cigars, and chewing tobacco.

TOXIC/OTHER PRODUCT LIABILITY - Cases in which it is alleged that injury has been caused by the use of, or exposure to, a toxic substance (other than asbestos or tobacco), cases involving alleged defective products or cases of unknown specificity.

CONTRACT

BUYER PLAINTIFF - Cases involving a buyer of goods or services bringing suit against a seller of goods or services for failure either to deliver said goods or services or to honor a warranty as promised in an expressed or implied contract.

EMPLOYMENT DISPUTE – DISCRIMINATION - Cases in which the plaintiff/employee alleges that the defendant/employer denied hiring, denied advancement, or terminated the employee based on the employee's race, gender, national origin, religion or disability. Although discrimination is typically regarded as a tort, these cases arise from the contractual relationship between employer and employee and, for the purposes of statistical reporting, should be counted in this category.

EMPLOYMENT DISPUTE – OTHER - Cases of unknown specificity or cases not involving an allegation of employment discrimination.

FRAUD - Fraud, as applied to contracts, is the intentional misrepresentation of fact for the purpose of financial or legal gain. Although certain aspects of contract fraud are, by nature, tortious, these cases should be counted among contract cases for the purposes of statistical reporting. Similar terminology: bad faith.

LANDLORD/TENANT - UNLAWFUL DETAINER - These cases are typically brought by landlords against tenants after repeated attempts to collect rent or make reasonable accommodations have failed and the tenant refuses to relinquish the property. Although these cases are based on the unlawful inhabitation of real property, the underlying dispute involves the contractual agreement between the landlord and tenant and, therefore, these cases should be classified in the contract category. Similar terminology: eviction.

LANDLORD/TENANT DISPUTE – OTHER - Cases of unknown specificity or cases not classified as unlawful detainer cases.

SELLER/PLAINTIFF (DEBT COLLECTION) - Cases wherein the plaintiff/seller brings suit against a buyer of goods or services for failure to pay for said goods or services as promised in an expressed or implied contract.

OTHER CONTRACT - Cases of unknown specificity or cases not attributable to any of the other previously-defined contract case categories.

OTHER CIVIL (NON-DOMESTIC) - Cases including ones of unknown specificity or cases not attributable to one of the other previously-defined civil case categories.

REAL PROPERTY

EMINENT DOMAIN - Cases wherein a property owner challenges the amount of money/compensation offered by the state or federal government for the taking of a parcel of land. Similar terminology: condemnation, expropriation.

MORTGAGE FORECLOSURE - Cases in which a mortgage holder petitions to sell mortgaged property to satisfy a mortgage debt. These cases are typically brought by a mortgage holder for a failure on the part of the mortgagor to make complete or timely payments on real property.

OTHER REAL PROPERTY - Cases of unknown specificity or cases not classified as eminent domain cases (e.g., quiet title, other title disputes).

TAX FORECLOSURE – Cases involving judicial tax foreclosure procedures.

CIVIL APPEALS

ADMINISTRATIVE AGENCY - Cases brought in the court of general jurisdiction disputing the ruling or finding of an administrative agency or department.

OTHER CIVIL APPEALS - Cases brought in the court of general jurisdiction, including ones of unknown specificity or cases that are an appeal of a district magistrate judge or small claims appeal.

TAX APPEAL – Cases brought in the court of general jurisdiction disputing the ruling or finding of the board of tax appeals.

MISCELLANEOUS

60-1507 - A type of extraordinary writ wherein a prisoner petitions the court for relief from his/her sentence.

HABEAS CORPUS - A type of writ designed to test the legality of the detention or imprisonment of an individual, not the question of guilt or innocence.

NAME CHANGE – Cases involving a petition to the court for a legal change of name.

OTHER WRITS - Cases including writs of unknown specificity or not involving writs of habeas corpus or prison conditions.

POST JUDGMENT ELEVATION LM TO CV – Limited Action cases that are elevated to Chapter 60 Civil case after judgment has been made in the limited case.

TRANSFER PRE-JUDGMENT LM TO CV – Limited Action cases that are transferred to a Chapter 60 Civil case prior to judgment in the limited case.

DOMESTIC CASE SUBTYPE DEFINITIONS

DOMESTIC FOREIGN JUDGMENT (OUT OF COUNTY) – Cases where a foreign judgment from another county is being filed for enforcement.

MARRIAGE DISSOLUTION/DIVORCE - Cases involving divorce or annulment.

NON DIVORCE VISITATION, CUSTODY, SUPPORT - Cases in which an individual(s) requests that a court schedule the time the individual(s) will spend with the minor children, requests that a court make a determination regarding the control or care of a child, or cases filed by a parent/guardian to request maintenance of that parent/guardian or a minor child by a person who is required, by law, to provide such maintenance. Do not include in this category cases in which visitation/custody/support issues are part of a marriage dissolution/divorce proceeding.

OTHER DOMESTIC RELATIONS - Cases of unknown specificity or cases not attributable to one of the other previously-defined domestic relations categories (e.g., separate maintenance; foreign support without enforcement; foreign judgment liens).

PATERNITY - Cases intended to establish the identity and/or responsibilities of the father of a minor child.

PROTECTION FROM ABUSE - Cases in which the court has issued a protection or restraining order designed to limit or eliminate the contact between two or more individuals.

PROTECTION FROM STALKING - Cases in which the court has issued an order of protection from the intentional harassment of another person that places the other person in reasonable fear for that person's safety.

UIFSA - Cases filed to request maintenance of a parent/guardian or a minor child by a person living in a different state.

PROBATE CASE SUBTYPE DEFINITIONS

ADOPTION – Cases involving a request for the establishment of a new, permanent relationship of parent and child between persons not having that relationship naturally.

CARE AND TREATMENT – Cases where the court is requested to make a legal determination as to whether an individual is mentally ill or incompetent and should be placed, or should remain, under care, custody, and/or treatment. The court may also determine if alcohol or drug treatment is required.

CONSERVATORSHIP/TRUSTEESHIP - Cases involving the establishment of, or a controversy over: 1) the relation existing between a person (conservator) lawfully invested with the power and charged with the duty of taking care of the property of another person (ward) who is considered by the court as incapable of managing his or her own affairs; and 2) the legal possession of real or personal property held by one person (trustee) for the benefit of another.

DECEDENT ESTATE - Cases involving: 1) the determination of whether a will is a valid instrument; 2) the statutory method of establishing its proper execution; and 3) the determination, in the absence of a will, of the disposition of the decedent's estate. Court actions providing for estate administration, appointment of executors, inheritances, and so forth should be included in this category.

DETERMINATION OF DESCENT - Cases involving the determination of descent of real or personal property in which the decedent property owner has been dead at least six months.

FILING WILL AND AFIDAVIT – Cases involving the filing of the will and affidavit only.

FOREIGN ADOPTION – Cases involving a request for the establishment of a new, permanent relationship of parent and child between persons not having that relationship naturally and the child is in a foreign country.

GUARDIANSHIP – ADULT - Cases involving the establishment of, or a controversy over, the relation existing between a person (guardian) lawfully invested with the power and charged with the duty of taking care of the rights of another adult (ward) who is considered by the court as incapable of caring for himself/herself.

GUARDIANSHIP – MINOR - Cases involving the establishment of, or a controversy over, the relation existing between a person (guardian) lawfully invested with the power and charged with the duty of taking care of the rights of another juvenile (ward) who is considered by the court as incapable of caring for himself/herself.

GUARDIAN/CONSERVATORSHIP – ADULT - Cases involving the establishment of, or a controversy over, the relationship existing between a person (guardian, conservator) lawfully invested with the power and charged with the duty of taking care of the rights and property of another adult (ward) who is considered by the court as incapable of caring for himself/herself.

GUARDIAN/CONSERVATORSHIP – MINOR - Cases involving the establishment of, or a controversy over, the relationship existing between a person (guardian, conservator) lawfully invested with the power and charged with the duty of taking care of the rights and property of a juvenile (ward) who is considered by the court as incapable of caring for himself/herself.

OTHER PROBATE/ESTATE - Cases of unknown specificity or cases that are not attributable to any of the previously defined probate/estate categories (e.g., foreign wills, refusal to grant letters, wills with affidavit, special administration, foreign judgments, change of venue, termination of life estate, termination of joint tenancy).

PROBATE RECORD – OTHER COUNTY – duly certified copy of any document on file or of record in any probate proceeding from another county in Kansas.

PROBATE RECORD – OTHER STATE – duly certified copy of any document on file or of record in any probate proceeding from another state.

REFUSAL TO GRANT LETTERS – cases involving a petition to the court for refusal of letters in estates.

SEXUALLY VIOLENT PREDATOR - Any person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in repeat acts of sexual violence.

TERMINATION OF JOINT TENANCY – cases filed to petition the court to partition the property of joint tenancy.

TERMINATON OF LIFE ESTATE – cases filed to petition the court to make a finding regarding a life estate.