

2021 Kansas Statutes

60-224. Intervention. (a) Intervention of right. On timely motion, the court must permit anyone to intervene who:

- (1) Is given an unconditional right to intervene by a statute; or
- (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter substantially impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

(b) Permissive intervention. (1) In general. On timely motion, the court may permit anyone to intervene who:

- (A) Is given a conditional right to intervene by a statute; or
- (B) has a claim or defense that shares with the main action a common question of law or fact.

(2) By a government officer or agency. (A) On timely motion, the court may permit a governmental officer or agency to intervene if a party's claim or defense is based on:

- (i) A statute or executive order administered by the officer or agency; or
- (ii) any regulation, order, requirement or agreement issued or made under the statute or executive order.

(B) When the validity of an ordinance, regulation, statute or constitutional provision of this state or a governmental subdivision of this state is drawn in question in any action to which the state or governmental subdivision or an officer, agency or employee thereof is not a party, the court may notify the chief legal officer of the state or its subdivision, and permit intervention on proper application.

(C) When notice to the attorney general is required by K.S.A. 75-764, and amendments thereto, the court must permit intervention by the attorney general on proper application.

(3) Delay or prejudice. In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights.

(c) Notice and pleading required. A motion to intervene must be served on the parties as provided in K.S.A. 60-205, and amendments thereto. The motion must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.

History: L. 1963, ch. 303, 60-224; amended by Supreme Court order dated July 17, 1969; L. 2010, ch. 135, § 93; L. 2016, ch. 8, § 2; July 1.