

2012 Kansas Statutes

60-252. Findings and conclusions by the court; judgment on partial findings. (a) *Findings and conclusions.* (1) *In general.* In an action tried on the facts without a jury or with an advisory jury or upon entering summary judgment, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of evidence, or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered under K.S.A. 60-258, and amendments thereto.

(2) *For an interlocutory injunction.* In granting or refusing an interlocutory injunction, except in divorce cases, the court must similarly state the findings and conclusions that support its action.

(3) *Effect of a master's findings.* A master's findings, to the extent adopted by the court, must be considered the court's findings.

(4) *Questioning the evidentiary support.* A party may later question the sufficiency of the evidence supporting the findings, whether or not the party requested findings, objected to them, moved to amend them or moved for judgment on partial findings.

(5) *Setting aside the findings.* Findings of fact must not be set aside unless clearly erroneous, and the reviewing court must give due regard to the trial court's opportunity to judge the witness' credibility.

(b) *Amended or additional findings.* On a party's motion filed no later than 28 days after the entry of judgment, the court may amend its findings, or make additional findings, and may amend the judgment accordingly. The motion may accompany a motion for a new trial under K.S.A. 60-259, and amendments thereto.

(c) *Judgment on partial findings.* If a party has been fully heard on an issue during a nonjury trial and the court finds against the party on that issue, the court may enter judgment against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue. The court may, however, decline to render any judgment until the close of the evidence. A judgment on partial findings must be supported by findings of fact and conclusions of law as required by subsection (a).

History: L. 1963, ch. 303, 60-252; amended by Supreme Court order dated July 28, 1976; L. 1997, ch. 173, § 27; L. 2010, ch. 135, § 123; July 1.