

**60-255. Default.** (a) *Entry.* When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the party is in default. On request and a showing that a party is entitled to a default judgment, the court must render judgment against the party in default for the remedy to which the requesting party is entitled. But a default judgment may be entered against a minor or incapacitated person only if represented by a guardian, conservator or other legally authorized representative who has appeared in the action, or by a guardian ad litem appointed by the court. If the party against whom a default judgment is sought has appeared personally, or by a representative, that party or its representative must be served with written notice of the request for judgment at least seven days before the hearing. The court may conduct hearings or make referrals, preserving any statutory right to a jury trial, when to enter or effectuate judgment it needs to:

- (1) Conduct an accounting;
- (2) determine the amount of damages;
- (3) establish the truth of any allegation by evidence; or
- (4) investigate any other matter.

(b) *Setting aside a default judgment.* The court may set aside a default judgment under subsection (b) of K.S.A. 60-260 and K.S.A. 60-309, and amendments thereto.

(c) *Judgment against the state.* A default judgment may be entered against the state, its officers or its agencies only if the claimant establishes a claim or right to relief by evidence that satisfies the court.

**History:** L. 1963, ch. 303, 60-255; L. 1965, ch. 354, § 4; L. 2010, ch. 135, § 128; July 1.