

2021 Kansas Statutes

23-2225. **Change in child's residence; notice; effect; exception.** (a) Except as provided in subsection (d), a parent granted rights pursuant to K.S.A. 2021 Supp. 23-2215(d), and amendments thereto, shall give written notice to the other parent who has been granted rights pursuant to K.S.A. 2021 Supp. 23-2215(d), and amendments thereto, not less than 30 days prior to:

- (1) Changing the residence of the child; or
- (2) removing the child from this state for a period of time exceeding 90 days. Such notice shall be sent by restricted mail, return receipt requested, to the last known address of the other parent.

(b) Failure to give notice as required by subsection (a) is an indirect civil contempt punishable as provided by law. In addition, the court may assess, against the parent required to give notice, reasonable attorney fees and any other expenses incurred by the other parent by reason of the failure to give notice.

(c) A change of the residence or the removal of a child from this state as described in subsection (a) may be considered a material change of circumstances which justifies modification of a prior order of child support, custody or parenting time. In determining any such motion, the court shall consider all factors the court deems appropriate including, but not limited to:

- (1) The effect of the move on the best interests of the child;
- (2) the effect of the move on any party having rights granted pursuant to K.S.A. 2021 Supp. 23-2215(d), and amendments thereto; and
- (3) the increased cost the move will impose on any party seeking to exercise rights granted under K.S.A. 2021 Supp. 23-2215(d), and amendments thereto.

(d) A parent who has been granted rights pursuant to K.S.A. 2021 Supp. 23-2215(d), and amendments thereto, shall not be required to give the notice required by this section to the other parent when the other parent has been convicted of any crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2021 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto, in which the child is the victim of such crime.

(e) This section shall be part of and supplemental to the Kansas parentage act.

History: L. 1998, ch. 139, § 11; L. 2000, ch. 171, § 11; L. 2011, ch. 30, § 154; L. 2015, ch. 94, § 10; July 1.