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REVISOR of STATUTES

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MEMORANDUM

To: Senate Committee on Judiciary
From: Jenna Moyer, Assistant Revisor of Statutes
Date: January 24, 2018
Subject: SB280 - Amending court considerations in parentage actions regarding legal custody, residency and parenting time.

SB 280 aligns the criteria for court orders of legal custody, residency and parenting time in parentage actions with criteria currently considered in divorce proceedings.

Article 22 of chapter 23 is the Kansas Parentage Act, which applies to actions where the parentage of a child is in dispute. Section 1 of the bill amends the range of statutes that are included in the parentage act to reflect the repeal of K.S.A. 23-2225.

Section 2 amends K.S.A. 23-2215 so that court determinations of legal custody, residency and parenting time are governed by article 32 of chapter 23. Subsection (d) applies when both parents are parties in the parentage action, most of which is struck. Inserted is language that the court shall enter orders for legal custody, residency and parenting time considered to be in the best interests of the child under article 32.

Subsection (e), which relates to children in need of care in parentage cases, is struck in its entirety because the contents of this section are already included with the reference to article 32 through K.S.A. 23-3207.

This bill would also repeal K.S.A. 23-2225, which governs notice to parents when a child's residence is changed. With the added cross reference to article 32, these situations would be governed by K.S.A. 23-3222, making this statute unnecessary.