

SENATE BILL No. 124

By Committee on Judiciary

2-1

1 AN ACT concerning the Kansas family law code; relating to child custody,
2 residency and parenting time; evidence of domestic abuse; amending
3 K.S.A. 2016 Supp. 23-3201 and 23-3203 and repealing the existing
4 sections.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2016 Supp. 23-3201 is hereby amended to read as
8 follows: 23-3201. The court shall determine *legal* custody ~~or~~, residency
9 *and parenting time* of a child in accordance with the best interests of the
10 child.

11 Sec. 2. K.S.A. 2016 Supp. 23-3203 is hereby amended to read as
12 follows: 23-3203. (a) In determining the issue of legal custody, residency
13 and parenting time of a child, the court shall consider all relevant factors,
14 including, but not limited to:

15 (1) Each parent's role and involvement with the minor child before
16 and after separation;

17 (2) the desires of the child's parents as to custody or residency;

18 (3) the desires of a child of sufficient age and maturity as to the
19 child's custody or residency;

20 (4) the age of the child;

21 (5) the emotional and physical needs of the child;

22 (6) the interaction and interrelationship of the child with parents,
23 siblings and any other person who may significantly affect the child's best
24 interests;

25 (7) the child's adjustment to the child's home, school and community;

26 (8) the willingness and ability of each parent to respect and appreciate
27 the bond between the child and the other parent and to allow for a
28 continuing relationship between the child and the other parent;

29 (9) evidence of ~~spousal abuse, either emotional or physical~~ *domestic*
30 *abuse, including, but not limited to:*

31 (A) *A pattern or history of physically or emotionally abusive*
32 *behavior used by one person to gain or maintain domination and control*
33 *over an intimate partner or household member; or*

34 (B) *an act of domestic violence, stalking or sexual assault;*

35 (10) the ability of the parties to communicate, cooperate and manage
36 parental duties;

- 1 (11) the school activity schedule of the child;
- 2 (12) the work schedule of the parties;
- 3 (13) the location of the parties' residences and places of employment;
- 4 (14) the location of the child's school;
- 5 (15) whether a parent is subject to the registration requirements of the
- 6 Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments
- 7 thereto, or any similar act in any other state, or under military or federal
- 8 law;
- 9 (16) whether a parent has been convicted of abuse of a child, K.S.A.
- 10 21-3609, prior to its repeal, or K.S.A. 2016 Supp. 21-5602, and
- 11 amendments thereto;
- 12 (17) whether a parent is residing with an individual who is subject to
- 13 registration requirements of the Kansas offender registration act, K.S.A.
- 14 22-4901 et seq., and amendments thereto, or any similar act in any other
- 15 state, or under military or federal law; and
- 16 (18) whether a parent is residing with an individual who has been
- 17 convicted of abuse of a child, K.S.A. 21-3609, prior to its repeal, or K.S.A.
- 18 2016 Supp. 21-5602, and amendments thereto.
- 19 (b) To aid in determining the issue of legal custody, residency and
- 20 parenting time of a child, the court may order a parent to undergo a
- 21 domestic violence offender assessment conducted by a certified batterer
- 22 intervention program and may order such parent to follow all
- 23 recommendations made by such program.
- 24 Sec. 3. K.S.A. 2016 Supp. 23-3201 and 23-3203 are hereby repealed.
- 25 Sec. 4. This act shall take effect and be in force from and after its
- 26 publication in the statute book.