

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 124

As Recommended by Senate Committee on
Judiciary

Brief*

SB 124 would amend the law governing determination of legal custody, residency, and parenting time. The bill would replace the requirement for a court to consider, among other relevant factors, evidence of “spousal abuse,” either emotional or physical, with a requirement to consider evidence of domestic abuse, including, but not limited to, a pattern or history of physically or emotionally abusive behavior used by one person to gain or maintain domination and control over an intimate partner or household member or an act of domestic violence, stalking, or sexual assault. The bill would also amend the law to require courts to determine parenting time in accordance with the best interests of the child and specify “custody” in that statute refers to “legal custody.”

Background

The bill was introduced at the request of Senator Pilcher-Cook. In the Senate Committee on Judiciary hearing, Senator Pilcher-Cook appeared as a proponent of the bill and explained a similar version of the bill was considered last year, 2016 SB 393, and was assigned to the Kansas Judicial Council for further study. This bill (SB 124) represents the recommendation of the Judicial Council’s Family Law Advisory Committee. Representatives of the Jorabelus Foundation and the Kansas Coalition Against Sexual and Domestic Violence also appeared in support of the bill. A

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

representative of the Judicial Council and a professor from Washburn University School of Law, who served on the Family Law Advisory Committee, provided written-only proponent testimony. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget, enactment of the bill would have no fiscal effect.