

March 6, 2020

Kansas House Judiciary Committee
Kansas State House, Room 346-S
Topeka, Kansas

Re: Senate Bill No. No. 157

Dear Committee:

We write today in opposition to Senate Bill No. 157. In particular, we oppose the definition of equal parenting time, and the provision that equal parenting time shall be presumed to be in a child's best interests in the case of the District Court granting temporary orders.

There are many exceptional attorneys in Kansas that practice in the area of family law. For our part, we collectively have more than fifty (50) years' experience in practicing family law in Kansas. During that time we have tried hundreds of cases to dozens of judges throughout the State, argued more than a thousand motions, and appeared before the Kansas Court of Appeals and Kansas Supreme Court, on issues related to family law and children. We are both members of the Kansas Bar Association, and Fellows of the American Academy of Matrimonial Lawyers. We have also served as mediators, and dealt with issues regarding child custody, residency and parenting time our entire careers. We reviewed Senate Bill No. 157, and the proposed language regarding a presumption that equal parenting time is in a child's best interests is a mistake.

We appreciate you are likely receiving a great deal of information about this issue, and perhaps some information may seem compelling. When dealing with individual cases and families that information can be very compelling. However, our opinion is that it is not possible to make a determination, even temporarily, as proposed by the bill. Every family is different, every case is different, and every child is different. What may work with one family may not work with another, and in the end the presumptions created by this bill may actually be a detriment to the child and create acrimony between parents. It will also increase the cost of a family law case, and in many cases, that will be money a parent may not have to address parenting time presumption, particularly when that presumption does not follow the parents' practices prior to an action being filed.

We understand some parents and proponents of the bill believe they are doing a great service for children. We also understand some may feel let down by the judicial system. However, a general overview of a case, or how someone feels cheated, is in our opinion rarely a good indicator of all the relevant facts in the case. When we add to that overview the issues at hand, and further understand that these issues are incredibly difficult on the parents emotionally, that overview can become skewed. To then take that overview and use it as a basis to change the law for every case would actually be a disservice to children.

The idea behind this bill is admirable. We all want to believe parents are fit, willing and able, and if that were the case this bill would be an excellent idea. But if so then this bill would likely not be necessary, and the hard truth is that some parents do not meet this standard. The Court system should be the one place where an impartial judge should be able to review all the evidence in a particular case, and issue a ruling in that case. The law should not be such that that determination is already made before any evidence is presented.

We appreciate you are in a difficult position. If you would like us to provide any further information on this matter, or you have information that you believe supports this bill, we would be happy to review the same. Thank you for your time.

Sincerely,



T. Lynn Ward



Tony A. Potter