

SESSION OF 2020

SUPPLEMENTAL NOTE ON SENATE BILL NO. 157

As Amended by Senate Committee of the Whole

Brief*

SB 157, as amended, would amend the revised Kansas Family Code statute governing temporary parenting plans to add the following two presumptions:

- If there is presentation of documentation or other information by a parent that would support a finding of good cause that domestic abuse has occurred or is occurring, there would be a presumption it is not in the best interests of the child for the parents to have temporary joint legal custody and share equally in parenting time; and
- In making an order for a temporary parenting plan, there would be a presumption it is in the best interests of the child for fit, willing, and able parents to have temporary joint legal custody and share equally in parenting time.

The bill also would amend the parenting plan definitions statute to add definitions of “equal parenting time,” “joint legal custody,” and “parenting time.”

Background

The bill was introduced by Senators Hilderbrand, Alley, Berger, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Holland, Longbine, Olson, Petersen, Skubal, Suellentrop,

*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>

Taylor, Wagle, and Wilborn. As introduced, the bill contained the presumption regarding fit, willing, and able parents.

In the 2019 Senate Committee on Judiciary hearing, Senator Faust-Goudeau; representatives of the Dads Care 2 Project, Fathers' Rights Movement, Kansas Family Preservation Coalition, and National Parents Organization; and private citizens testified in support of the bill. An attorney and private citizens provided written-only proponent testimony.

A Johnson County district court judge, two attorneys, a psychologist and attorney, a law professor, and representatives of the Kansas Coalition Against Sexual and Domestic Violence and Kansas District Judges' Association testified in opposition to the bill. An attorney provided written-only opponent testimony.

The Kansas Judicial Council and a professor from Arizona State University provided written-only neutral testimony.

The Senate Committee amended the bill in 2019 to add the presumption related to domestic abuse and the new definitions.

The 2020 Senate Committee of the Whole amended the bill to make technical updates to statutory references.

According to the fiscal note prepared by the Division of the Budget in 2019 on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill could increase time spent by district court judicial personnel, but it is not possible to estimate the amount of time spent. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.