

SENATE BILL No. 425

By Committee on Federal and State Affairs

1-30

1 AN ACT concerning children and families; relating to orders of child
2 support; providing for child support for unborn children from the date
3 of conception; amending K.S.A. 20-165, 23-2205 and 23-3001 and
4 repealing the existing sections.

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

7 Section 1. K.S.A. 20-165 is hereby amended to read as follows: 20-
8 165. (a) The supreme court shall adopt rules establishing guidelines for the
9 amount of child support to be ordered in any action in this state including,
10 but not limited to, K.S.A. 39-755 and K.S.A. 23-2215, and amendments
11 thereto, article 30 of chapter 23 of the Kansas Statutes Annotated, and
12 amendments thereto, and K.S.A. 23-2711, and amendments thereto.

13 (b) In adopting such rules, the court shall consider all relevant factors,
14 including, but not limited to:

- 15 (1) The needs of the child;
- 16 (2) the standards of living and circumstances of the parents;
- 17 (3) the relative financial means of the parents;
- 18 (4) the earning ability of the parents;
- 19 (5) the need and capacity of the child for education;
- 20 (6) the age of the child;
- 21 (7) the financial resources and earning ability of the child;
- 22 (8) the responsibility of the parents for the support of others; ~~and~~
- 23 (9) the value of services contributed by both parents; *and*
- 24 (10) *the direct medical and pregnancy-related expenses of the mother*

25 *if the child is an unborn child.*

26 (c) *The maximum amount of child support to be ordered for the*
27 *support of an unborn child shall not exceed the direct medical and*
28 *pregnancy-related expenses of the mother of the unborn child. Pregnancy-*
29 *related expenses shall not include any costs related to an elective*
30 *abortion.*

31 (d) *The amount of child support determined pursuant to subsection*
32 *(b)(10) shall be calculated from the date of conception of such unborn*
33 *child. Interest shall accrue for any such amount of child support at the*
34 *statutory rate provided under K.S.A. 16-204, and amendments thereto, and*
35 *shall continue to accrue until the payment of such child support is no*
36 *longer in arrearage.*

1 (e) *As used in this section:*

2 (1) *"Elective abortion" means an abortion for any reason other than*
3 *to prevent the death of the mother upon whom the abortion is performed,*
4 *except that an abortion may not be deemed one to prevent the death of the*
5 *mother based on a claim or diagnosis that such mother will engage in*
6 *conduct that would result in such mother's death; and*

7 (2) *"unborn child" means the same as defined in K.S.A. 23-3001, and*
8 *amendments thereto.*

9 Sec. 2. K.S.A. 23-2205 is hereby amended to read as follows: 23-
10 2205. (a) As used in this act, "parent and child relationship" means the
11 legal relationship existing between a child and the child's biological or
12 adoptive parents incident to which the law confers or imposes rights,
13 privileges, duties and obligations. It includes the mother and child
14 relationship and the father and child relationship.

15 (b) *For purposes of this section, the term "child" includes any unborn*
16 *child as defined in K.S.A. 23-3001, and amendments thereto.*

17 Sec. 3. K.S.A. 23-3001 is hereby amended to read as follows: 23-
18 3001. (a) In any action under article 27 of chapter 23 of the Kansas
19 Statutes Annotated, and amendments thereto, the court shall make
20 provisions for the support and education of the minor children.

21 (b) Regardless of the type of custodial arrangement ordered by the
22 court, the court may order the child support and education expenses to be
23 paid by either or both parents for any child less than 18 years of age, at
24 which age the support shall terminate unless:

25 (1) The parent or parents agree, by written agreement approved by the
26 court, to pay support beyond the time the child reaches 18 years of age;

27 (2) the child reaches 18 years of age before completing the child's
28 high school education in which case the support shall not terminate
29 automatically, unless otherwise ordered by the court, until June 30 of the
30 school year during which the child became 18 years of age if the child is
31 still attending high school; or

32 (3) the child is still a bona fide high school student after June 30 of
33 the school year during which the child became 18 years of age, in which
34 case the court, on motion, may order support to continue through the
35 school year during which the child becomes 19 years of age so long as the
36 child is a bona fide high school student and the parents jointly participated
37 or knowingly acquiesced in the decision which delayed the child's
38 completion of high school. The court, in extending support pursuant to
39 ~~subsection (b)(3)~~ *this paragraph*, may impose such conditions as are
40 appropriate and shall set the child support utilizing the guideline table
41 category for 12-year through 18-year-old children. For purposes of this
42 section, "bona fide high school student" means a student who is enrolled in
43 full accordance with the policy of the accredited high school in which the

1 student is pursuing a high school diploma or a graduate equivalency
2 diploma (GED).

3 ~~(c) Provision for payment of support and educational expenses of a~~
4 ~~child after reaching 18 years of age if still attending high school shall~~
5 ~~apply to any child subject to the jurisdiction of the court, including those~~
6 ~~whose support was ordered prior to July 1, 1992. If an agreement approved~~
7 ~~by the court prior to July 1, 1992, provides for termination of support~~
8 ~~before the date provided by subsection (b)(3), the court may review and~~
9 ~~modify such agreement, and any order based on such agreement, to extend~~
10 ~~the date for termination of support to the date provided by subsection (b)~~
11 ~~(3) As used in article 30 of chapter 23 of the Kansas Statutes Annotated,~~
12 ~~and amendments thereto, the term "unborn child" means a living~~
13 ~~individual organism of the species homo sapiens, in utero, at any stage of~~
14 ~~gestation from fertilization to birth.~~

15 Sec. 4. K.S.A. 20-165, 23-2205 and 23-3001 are hereby repealed.

16 Sec. 5. This act shall take effect and be in force from and after its
17 publication in the statute book.