

**Approved by the Judicial Council December 4, 2009**

**REPORT OF THE JUDICIAL COUNCIL  
FAMILY LAW ADVISORY COMMITTEE ON  
RECODIFICATION OF THE DOMESTIC RELATIONS STATUTES**

In March, 2009, the Family Law Advisory Committee was asked to make a recommendation whether Kansas should enact the 2008 version of the Uniform Interstate Family Support Act. At the same time, the Council asked the Family Law Advisory Committee to review and make recommendations on 2009 Senate Bill 27. During discussion on the bill, it became clear that in the near future a comprehensive review and update of the Kansas Parentage Act (KPA) would be advisable. While discussing the potential updating of the KPA and other domestic relations statutes, a member of the committee suggested that it may be beneficial to take on the even larger task of recodifying the domestic relations statutes prior to such an update. Therefore, the committee asked for and received permission from the Judicial Council to draft legislation that would recodify the domestic relations statutes into one chapter of the Kansas statutes.

**COMMITTEE MEMBERS**

**Charles F. Harris**, Chair, Wichita. Practicing attorney.

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**Honorable Robert J. Frederick**, Garden City. District Court Judge.

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## **DISCUSSION**

In 1999, a report completed by the Kansas Citizens Justice Initiative included a recommendation that “the State should publish and distribute to the public a booklet in which all Kansas statutes and court rules relating to family law are reprinted.” *Kansas Citizens Justice Initiative: Final Report of the Kansas Justice Commission*, 1999, p. 45. The Commission’s rationale was that the statutes addressing common family issues were spread throughout various chapters in the Kansas Statutes Annotated and although attorneys dealing with these issues would likely be able to locate these statutes, it would be much more difficult for the public. *Id.* It was noted that although “the arrangement of these statutes suggests that these are separate and unrelated matters warranting isolated attention, . . . it is not uncommon for one to have to flip back and forth between chapters to cover the range of issues that often arise within one family.” *Id.* Therefore, reorganizing these statutes into a single publication, or chapter of the Kansas

statutes, would assist both the public and legal professionals alike in linking these topics more easily. *Id.* at 46. Having all of the domestic relations statutes in one chapter would help the increasing number of unrepresented litigants “feel more empowered through more ‘user-friendly’ access to the law.”

After discussing the potential benefits of having all of the domestic relations statutes located in one chapter of the Kansas Statutes Annotated, the committee asked for and received permission from the Judicial Council to take on the project. The committee’s overall goal is to have all updated domestic relations statutes located in a single chapter of the Kansas statutes, preferably Chapter 23 since it already contains several domestic relations related acts. The committee recognized that the update of several statutes and acts, such as the KPA, could be accomplished within the recodification process. However, it agreed that recodification should remain the first step in this process and should be limited to reorganizing and reworking the statutes without making any substantive changes. Once the statutes are successfully recodified, the committee will proceed to step two in the process and work to update the statutes, including the KPA, to bring them in line with current trends and practice within domestic relations laws.

The committee began its work by determining which statutes and acts should be recodified into the chapter and by drafting a table of articles to put the statutes into a logical and organized order. Once organization was agreed, the current statutes were placed into appropriate articles. In some cases, longer and more confusing statutes (such as K.S.A. 60-1610) were broken down into component parts creating new sections, which were then placed into appropriate articles based upon the topic of that component. During this process, the committee worked diligently to avoid substantive changes in any statutory provision. When this preliminary draft was complete, the committee sought advice and assistance of the Revisor’s Office so that the recodification could run smoothly.

## **CONCLUSION**

The committee has completed the initial phase of this project and anticipates introducing a bill in the 2010 Legislature that will recodify the domestic relations statutes into Chapter 23. The committee feels this recodification will result in a more “user-friendly” and better organized domestic relations code that will benefit the general public as well as legal professionals, while also eliminating the need to carry a stack of K.S.A.s in order to handle family law cases.