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**TO: House Judiciary Committee**

**FROM: Kansas Judicial Council – Ron Nelson**

**DATE: March 13, 2012**

**RE: Testimony on 2012 HB 2741 – Family Law Code Clean-Up Bill**

Last year, the Legislature passed SB 24, which reorganized all of the domestic code statutes into a single family law code. There were a number of problems with the way SB 24 was drafted, including omission of some 2010 amendments to various divorce statutes, omission of some prefatory sections, and some unintentional changes to substantive provisions. The Revisor's office and the Judicial Council's Family Law Committee agreed that a clean-up bill was necessary, and HB 2741 is the result of their combined efforts.

The following comments explain the purpose of the amendments in each section of the bill:

**New Sections 1 through 4** contain prefatory statutes inadvertently omitted from SB 24.

**New Section 5** provides for retroactive application of Sections 1 through 4.

**New Section 6** authorizes the court to enter various orders as part of a decree. This statute was inadvertently omitted from SB 24.

**New Section 7** provides for retroactive application of a number of the amendments in the bill.

**Sections 8 through 18** contain technical changes, mostly correcting internal cross-references.

**Section 19.** The stricken language did not appear in the original statute, K.S.A. 60-1608(b), but was added by the Revisor in SB 24. As it now reads, K.S.A. 23-2709 limits pretrial conferences to divorce actions only, while the original statute authorized pretrial conferences in actions for divorce, separate maintenance, or annulment.

**Section 20.** The stricken language did not appear in the original statute, K.S.A. 60-1608(c), but was added by the Revisor in SB 24. As it now reads, K.S.A. 23-2710 limits an order for marriage counseling to divorce actions only, while the original statute authorized such an order in actions for divorce, separate maintenance, or annulment.

**Section 21.** The stricken language did not appear in the original statute, K.S.A. 60-1610(b)(4), but was added by the Revisor in SB 24. As it now reads, K.S.A. 23-2715 limits an order for costs and attorney fees to divorce actions only, while the original statute authorized such an order in actions for divorce, separate maintenance, or annulment.

**Section 22** contains a technical amendment to correct a cross-reference.

**Section 23.** Reference to “the decree” was ambiguous for lack of a clear antecedent. The change will reference the new decree statute, which was inadvertently omitted from SB 24.

**Sections 24 through 27** contain technical amendments, mostly to reference the new decree statute, which was inadvertently omitted from SB 24.

**Section 28.** The amendment was included in 2010 SB 460 (L. 2010, Ch. 75, Sec. 21), but was inadvertently omitted from SB 24. K.S.A. 23-36,207 is a UIFSA provision regarding recognition of a controlling child support order.

**Section 29.** The amendments which appear in the last sentence were included in L. 2010, Ch. 75, Sec. 21 (2010 SB 460), but were inadvertently omitted from SB 24.

**Sections 30 through 32** contain technical amendments, mostly correcting internal cross references.

**Section 33.** The original statute, K.S.A. 60-1616(a), (d) and (f)(1), was divided into several new statutes. New K.S.A. 23-3221 is intended to apply only to parenting time so references to visitation were deleted. Provisions regarding modification of visitation orders are included in Section 23-3302 (Section 36) as amended.

**Section 34** contains technical amendments.

**Sections 35 and 36.** The amendments contained in these two sections merely reorder the provisions so that 23-3301 authorizes the court to grant visitation rights to grandparents and stepparents, while 23-3302 deals with modification of such orders. The changes are not substantive.

**Section 37** contains a technical amendment.

**Section 38.** The amendment to subsection (a) was included in L. 2011, Ch. 24, Sec. 8 (2011 SB 38), but was inadvertently omitted from SB 24. Changes to subsection (b) are technical.

**Sections 39 through 69** contain technical amendments correcting internal cross-references.