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TO: Senate Judiciary Committee
FROM: Kansas Judicial Council – Charles Harris
DATE: January 24, 2018
RE: Judicial Council Testimony on SB 280 – Proponent

The Judicial Council supports Senate Bill 280, which was drafted by the Judicial Council's Family Law Advisory Committee. A list of Committee members is attached to this testimony.

This bill amends K.S.A. 23-2215(d) to require all legal custody, residency, and parenting time orders made in parentage actions be governed by Article 32 of Chapter 23 - Custody, Residency and Parenting Plans. In divorce cases, orders regarding legal custody, residency, and parenting time are already governed by Article 32 of Chapter 23. *See* K.S.A. 23-2706. There is a potential equal protection issue with using different criteria to make child custody decisions based solely on whether the parents are married or unmarried.

Cross-referencing Article 32 in the parentage act will result in only one substantive change in the law. The preference for joint legal custody in K.S.A. 23-3206 will now apply in both divorce and parentage proceedings. The bill deletes a portion of subsection (d) and subsection (e) in its entirety because the deleted language in those sections is already included in Article 32, specifically in K.S.A. 23-3202 and K.S.A. 23-3207. The bill deletes K.S.A. 23-2225 because its provisions already appear in K.S.A. 23-3222, making K.S.A. 23-2225 duplicative and unnecessary.

COMMITTEE MEMBERS

Charles F. Harris, Chair, Wichita. Retired family law attorney.

Sara S. Beezley, Girard. Practicing family law attorney.

Prof. Gillian Chadwick, Topeka. Associate Professor of Law and Director of the Children and Family Law Clinic at the Washburn University School of Law.

Jamie Corkhill, Topeka. Retired attorney who previously served at the Kansas Department of Social and Rehabilitation Services.

Rep. Erin Davis, Olathe. State Representative.

Hon. Robert J. Frederick, Garden City. District court judge in the 25th Judicial District.

Joyce Grover, Topeka. Attorney and Executive Director of the Kansas Coalition Against Sexual and Domestic Violence.

Ronald W. Nelson, Overland Park. Practicing family law attorney.

Cynthia Patton, Topeka. Practicing family law attorney.

Hon. Bethany Roberts, Lawrence. Judge pro tem in the 7th Judicial District and former family law attorney.

Ardith R. Smith-Woertz, Topeka. Practicing family law attorney.

Prof. Suzanne Valdez, Lawrence. Clinical Professor at the University of Kansas School of Law.