



STINSON, LASSWELL & WILSON, L.C.
ATTORNEYS AT LAW

TO: The Honorable Richard Wilborn, Chair
and Members of the Senate Judiciary Committee

FROM: Jeffrey N. Lowe

RE: SB 157 – Creating the presumption of a child’s equal time with parents
during court determinations of legal custody, residency and parenting time.

DATE: March 6, 2019

Chairman Wilborn and Members of the Senate Judiciary Committee,

My name is Jeffrey N. Lowe and I appear in my individual capacity to provide this written testimony in **OPPOSITION** to SB 157, creating the presumption of a child’s equal time with parents during court determinations of legal custody, residency and parenting time.

I am a family law attorney in Sedgwick County with the law firm of Stinson, Lasswell & Wilson, L.C. I have practiced family law for over 13 years. My practice is focused on complex issues in family law and high conflict divorce litigation. This sometimes includes child custody matters.

I oppose SB 157 trying to create a legal presumption of “shared” residential custody in domestic cases, namely in temporary orders while a case is pending. Please allow this letter to provide you with my personal opposition to said bill. While I suspect many others feel the same as I do, these sentiments and opinions are my own. However, this is coming from an attorney who emphasizes his practice in domestic law, and serves in many professional capacities in the domestic law field. Please forgive the brevity, as I want you to actually read this letter and vote in opposition of SB 157.

SB 157 is a terrible idea to say the least. For shared residential custody to work, you have to have communication, cooperation, and compromise among parents who are either divorcing or no longer together. In most contested residency cases, those three elements simply do not exist, and absent these three things, our legislature would be trying to fit a square peg in a round hole, so to speak. You simply cannot “presume” healthy communication, consistent cooperation, and regular compromise in every domestic residential custody case ... especially and including those matters which are contested. To this end, not every domestic case or the people involved in them

WWW.SLWLC.COM
OLIVE W. GARVEY BUILDING | 200 WEST DOUGLAS, SUITE 100
WICHITA, KS 67202 | TEL: 316-264-9137 | FAX: 316-264-3791

T. MICHAEL WILSON | DOUGLAS C. CRANMER | JEFFREY N. LOWE | BRIAN R. CARMAN
MATTHEW J. OLSON | ASHLEY A. DAVIS | JESSICA M. FIEGEL | MARGARET J. DISILVESTRO
DALE B. STINSON (1926-2008) | GERALD D. LASSWELL (1930-2007)



The Honorable Richard Wilborn, Chair
and Members of the Senate Judiciary Committee
March 6, 2019
Page 2

are an appropriate fit for a 50/50 shared residency and parenting time schedule. Further, trying to set up in each and every case “shared” residential custody sufficient to meet the requirements of the Kansas Child Support Guidelines means carving up the child’s life so the child spends approximately one-half (1/2) the time with each parent. Parenting time should work around a child’s life, not the child working around a presumed 50/50 parenting time schedule. Further, parenting time should never be “forced” upon a child simply to comply with a statutory presumption that the legislature created. That is not in a child’s best interests.

Regardless of your opinion or mine on the proposed statutory presumption of shared residency and parenting time in Kansas, the fact remains that the discretion to make orders affecting residential custody and parenting time should be left to the sound discretion of our trusted judges. That is THEIR job. Not the job of the legislature. In other words, the trial courts currently have discretion and our legislature needs to broaden that discretion, not reduce it. Our judges must be trusted to make sound legal decisions based upon the individual facts of each and every case. If nothing else, they deserve the opportunity to try.

Thank you for your time. I look forward to your votes in opposition of SB 157.

Very truly yours,

STINSON, LASSWELL & WILSON, L.C.



Jeffrey N. Lowe

JNL/ams

cc: Charles Harris
Ronald Nelson