

SENATE BILL No. 157

By Senators Hilderbrand, Alley, Berger, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Holland, Longbine, Olson, Petersen, Skubal, Suellentrop, Taylor, Wagle and Wilborn

2-13

23-3211 and

1 AN ACT concerning family law; relating to temporary parenting plans;
2 amending K.S.A. 2018 Supp. 23-3212 and repealing the existing
3 section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

(Insert K.S.A. 23-3211 as attached,
and renumber sections accordingly)

6 Section 1. ~~23-3212~~ K.S.A. 2018 Supp. 23-3212 is hereby amended to read as
7 follows: 23-3212. (a) The court may enter a temporary parenting plan in
8 any case in which temporary orders relating to child custody is authorized.

9 (b) If the court deems it appropriate, a temporary parenting plan
10 approved by the court may include one or more of the following
11 provisions regarding children involved in the matter before the court:

12 (1) Designation of the temporary legal custody of the child;

13 (2) designation of a temporary residence for the child;

14 (3) allocation of parental rights and responsibilities regarding matters
15 pertaining to the child's health, education and welfare; and

16 (4) a schedule for the child's time with each parent, when appropriate.

(1) If there is presentation of documentation or other
information by a parent that would support a finding of good
cause that domestic abuse has occurred or is occurring, there
shall be a presumption that it is not in the best interests of the
child for the parents to have temporary joint legal custody and
share equally in parenting time.
(2)

17 (c) ~~In making an order for a temporary parenting plan, there shall be~~
18 ~~a presumption that it is in the best interests of the child for fit, willing and~~
19 ~~able parents to have temporary joint custody and share equally in~~
20 ~~parenting time.~~

21 (d) A parent seeking a temporary order in which matters of child
22 custody, residency, or parenting time are included shall file a proposed
23 temporary parenting plan contemporaneous with any request for issuance
24 of such temporary orders, which plan shall be served with any such
25 temporary orders.

26 ~~(d)(e)~~ (e) If the parent who has not filed a proposed temporary parenting
27 plan disputes the allocation of parenting responsibilities, residency,
28 parenting time or other matters included in the proposed temporary
29 parenting plan, that parent shall file and serve a responsive proposed
30 temporary parenting plan.

legal

31 ~~(e)(f)~~ (f) Either parent may move to have a proposed temporary
32 parenting plan entered as part of a temporary order. The parents may enter
33 an agreed temporary parenting plan at any time as part of a temporary
34 order.

1 ~~(f)~~(g) A parent may move for amendment of a temporary parenting
2 plan, and the court may order amendment to the temporary parenting plan,
3 if the amendment is in the best interest of the child.

4 ~~(g)~~(h) If a proceeding for divorce, separate maintenance, annulment
5 or determination of parentage is dismissed, any temporary parenting plan
6 is vacated.

23-3211 and

7 Sec. 2. K.S.A. 2018 Supp. 23-3212 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.

Section 1. K.S.A. 2018 Supp. 23-3211 is hereby amended to read as follows: 23-3211. As used in article 32 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto:

(a) "Temporary parenting plan" means an agreement or order issued defining the legal custody, residency and parenting time to be exercised by parents with regard to a child between the time of filing of a matter in which a parenting plan may be entered, and any other provisions regarding the child's care which may be in the best interest of the child, until a final order is issued.

(b) "Permanent parenting plan" means an agreement between parents which is incorporated into an order at a final hearing or an order or decree issued at a final hearing without agreement that establishes legal custody, residency, parenting time and other matters regarding a child custody arrangement in a matter in which a parenting plan may be entered.

(c) "Legal custody" means the allocation of parenting responsibilities between parents, or any person acting as a parent, including decision making rights and responsibilities pertaining to matters of child health, education and welfare.

(d) "Joint legal custody" means that both parents retain the decision-making authority for the most important issues affecting a child's life, including health, education and welfare, and neither parent has the right to decide such matters without receiving input from or consulting with the other parent.

(e) "Parenting time" means the schedule of time when each parent has actual physical access to a child, during which the scheduled parent is responsible for the physical care and supervision of the child.

(f) "Equal parenting time" means that a child's actual physical access to each parent is regular and equal or nearly equal.