

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 7

As Amended by House Committee on
Judiciary

Brief*

SB 7 would require that a parent entitled to legal custody or residency or parenting time with a child under the Kansas divorce code to give notice within 10 days to the other parent of the occurrence of any of the following: (1) when the parent or an individual with whom the parent is residing is known by the parent to be subject to registration under the Kansas Offender Registration Act or similar state or federal law; or (2) when the parent or an individual with whom the parent is residing is known by the parent to have been convicted of abuse of a child.

Failure to give the required notice is considered an indirect civil contempt and the court may assess reasonable attorney fees and other expenses against that parent.

An event described above may be considered a material change in circumstances which would justify modification of a prior order of legal custody, residency, child support, or parenting time.

The divorce code would also be amended to establish a rebuttable presumption that it is not in the best interests of the child to have custody or residency granted to a parent involved with the above events when residing with an individual who is subject to registration under the Kansas Offender Registration Act or residing with an individual who has been convicted of child abuse.

The Senate Committee made clarifying amendments.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was supported by a principal of an Olathe school, whose former spouse began residency with a person required to be registered under the Kansas Offender Registration Act.

The House Committee inserted the following provisions:

- ! Added the knowledge requirement for a parent who is residing with an individual who is required to register under the Kansas Offender Registration Act or has been convicted of child abuse;
- ! Deleted provisions under the rebuttable presumption provision against custody or residency requirements that pertain to a parent who must register under the Kansas Offender Registration Act or a parent who has been convicted of child abuse.
- ! Added technical amendments.

The fiscal note estimates additional child custody hearings will be necessary, but was unable to determine the fiscal effect of the bill.