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TO: Senator Thomas C. Owens,  
Chair, Senate Judiciary Committee

From: Ronald W. Nelson, Kansas Judicial Council Family Law Advisory Committee

Re: Testimony in support of 2011 Senate Bill 24

Date: January 24, 2011

### TESTIMONY OF THE JUDICIAL COUNCIL FAMILY LAW ADVISORY COMMITTEE ON 2011 SENATE BILL 24

In March, 2009, the Family Law Advisory Committee (committee) was asked to review and make recommendations on 2009 Senate Bill 27. During discussion on the bill, it became clear that in the near future a comprehensive review and update of the Kansas Parentage Act (KPA) would be advisable. The committee also agreed that many other domestic relations statutes were in need of updating as well. A member of the committee indicated that a report completed by the Kansas Citizens Justice Initiative in 1999 included a recommendation that "the State should publish and distribute to the public a booklet in which all Kansas statutes and court rules relating to family law are reprinted." It was subsequently suggested that rather than try to update all of the domestic relations statutes in a piece-meal fashion, since they are currently

scattered throughout several chapters of the Kansas statutes, it would be helpful if all the domestic relations statutes could be reorganized into one chapter of the Kansas statutes. Therefore, the committee asked for and received permission from the Judicial Council to draft legislation that would reorganize the domestic relations statutes into one chapter of the Kansas statutes.

The committee began its work by determining which domestic relations statutes and acts should be included in the new domestic relations code and by preparing a list of articles for the statutes that would place the statutes in a logical and organized order. Once the organization was agreed to, the committee worked to break down some of the longer and more confusing statutes (such as K.S.A. 60-1610) into their component parts. This allowed the committee to put the component parts into new sections that could be placed appropriately throughout the new chapter to coincide with the logical flow. The committee believes that this reorganization will result in a more "user-friendly" and better organized domestic relations code that will benefit the general public as well as legal professionals.

While the committee recognized that several statutes and acts, such as the Kansas Parentage Act, could be updated within this reorganization process, it felt that reorganizing the statutes first would better facilitate a comprehensive review and update of the domestic relations statutes in the future. If the committee had tried to update all of the domestic relations statutes as they are now, or while trying to reorganize the statutes, the committee would have been forced to work through several different chapters of the Kansas statutes. Such a piece-meal process has already resulted in overlooked updates and inconsistency between statutes. Reorganizing all of the statutes into one chapter first, prior to a comprehensive review and update of the statutes, will reduce this risk of error and inconsistency.

## Conclusion

The committee's overall goal is to update all domestic relations statutes in order to bring them more in line with current trends and practice within domestic relations laws. Senate Bill 24 is just the first step in this process. The bill is intended to only reorganize the domestic relations statutes into a single domestic relations code. The bill includes what would be new statutes resulting from the moving and breaking down of extensive statutes, such as K.S.A. 60-1610, and other statutes containing statutory reference to K.S.A. 60-1610. The committee intentionally avoided including any substantive changes. The result is the bill you have before you now. The Family Law Advisory Committee and the Judicial Council support the bill as drafted.

