

HOUSE BILL No. 2630

By Committee on Judiciary

2-6

1 AN ACT concerning the Kansas family law code; relating to child custody,
2 residency and parenting time; consideration of domestic abuse;
3 amending K.S.A. 2017 Supp. 23-3203 and repealing the existing
4 section.

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

7 Section 1. K.S.A. 2017 Supp. 23-3203 is hereby amended to read as
8 follows: 23-3203. (a) In determining the issue of legal custody, residency
9 and parenting time of a child, the court shall consider all relevant factors,
10 including, but not limited to:

11 (1) Each parent's role and involvement with the minor child before
12 and after separation;

13 (2) the desires of the child's parents as to custody or residency;

14 (3) the desires of a child of sufficient age and maturity as to the
15 child's custody or residency;

16 (4) the age of the child;

17 (5) the emotional and physical needs of the child;

18 (6) the interaction and interrelationship of the child with parents,
19 siblings and any other person who may significantly affect the child's best
20 interests;

21 (7) the child's adjustment to the child's home, school and community;

22 (8) the willingness and ability of each parent to respect and appreciate
23 the bond between the child and the other parent and to allow for a
24 continuing relationship between the child and the other parent, *except that*
25 *a parent's actions shall not be considered with respect to this factor if the*
26 *court finds that such parent is acting to protect the child from witnessing*
27 *or being a victim of domestic abuse by the other parent;*

28 (9) evidence of domestic abuse, including, but not limited to:

29 (A) A pattern or history of physically or emotionally abusive
30 behavior or threat thereof used by one person to gain or maintain
31 domination and control over an intimate partner or household member; or

32 (B) an act of domestic violence, stalking or sexual assault;

33 (10) the ability of the parties to communicate, cooperate and manage
34 parental duties;

35 (11) the school activity schedule of the child;

36 (12) the work schedule of the parties;

1 (13) the location of the parties' residences and places of employment;

2 (14) the location of the child's school;

3 (15) whether a parent is subject to the registration requirements of the
4 Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments
5 thereto, or any similar act in any other state, or under military or federal
6 law;

7 (16) whether a parent has been convicted of abuse of a child, K.S.A.
8 21-3609, prior to its repeal, or K.S.A. 2017 Supp. 21-5602, and
9 amendments thereto;

10 (17) whether a parent is residing with an individual who is subject to
11 registration requirements of the Kansas offender registration act, K.S.A.
12 22-4901 et seq., and amendments thereto, or any similar act in any other
13 state, or under military or federal law; and

14 (18) whether a parent is residing with an individual who has been
15 convicted of abuse of a child, K.S.A. 21-3609, prior to its repeal, or K.S.A.
16 2017 Supp. 21-5602, and amendments thereto.

17 (b) To aid in determining the issue of legal custody, residency and
18 parenting time of a child, the court may order a parent to undergo a
19 domestic violence offender assessment conducted by a certified batterer
20 intervention program and may order such parent to follow all
21 recommendations made by such program.

22 Sec. 2. K.S.A. 2017 Supp. 23-3203 is hereby repealed.

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