

2021 Kansas Statutes

23-3203. Factors considered in determination of legal custody, residency and parenting time of a child.

(a) In determining the issue of legal custody, residency and parenting time of a child, the court shall consider all relevant factors, including, but not limited to:

- (1) Each parent's role and involvement with the minor child before and after separation;
- (2) the desires of the child's parents as to custody or residency;
- (3) the desires of a child of sufficient age and maturity as to the child's custody or residency;
- (4) the age of the child;
- (5) the emotional and physical needs of the child;
- (6) the interaction and interrelationship of the child with parents, siblings and any other person who may significantly affect the child's best interests;
- (7) the child's adjustment to the child's home, school and community;
- (8) the willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent;
- (9) evidence of domestic abuse, including, but not limited to:
 - (A) A pattern or history of physically or emotionally abusive behavior or threat thereof used by one person to gain or maintain domination and control over an intimate partner or household member; or
 - (B) an act of domestic violence, stalking or sexual assault;
- (10) the ability of the parties to communicate, cooperate and manage parental duties;
- (11) the school activity schedule of the child;
- (12) the work schedule of the parties;
- (13) the location of the parties' residences and places of employment;
- (14) the location of the child's school;
- (15) whether a parent is subject to the registration requirements of the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, or any similar act in any other state, or under military or federal law;
- (16) whether a parent has been convicted of abuse of a child, K.S.A. 21-3609, prior to its repeal, or K.S.A. 2021 Supp. 21-5602, and amendments thereto;
- (17) whether a parent is residing with an individual who is subject to registration requirements of the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, or any similar act in any other state, or under military or federal law; and
- (18) whether a parent is residing with an individual who has been convicted of abuse of a child, K.S.A. 21-3609, prior to its repeal, or K.S.A. 2021 Supp. 21-5602, and amendments thereto.

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

History: L. 2011, ch. 26, § 20; L. 2014, ch. 116, § 9; L. 2016, ch. 102, § 7; L. 2017, ch. 58, § 2; July 1.