



KANSAS BAR  
ASSOCIATION

**TO:** The Honorable Tim Owens  
And Members of the Senate Judiciary Committee

**FROM:** Joseph N. Molina  
On Behalf of the Kansas Bar Association

**RE:** SB 24 – Domestic Relations Recodification Act

**DATE:** January 24, 2011

Good morning Chairman Owens and Members of the Senate Judiciary Committee. I am Joseph Molina and I submit this written testimony on behalf of the Kansas Bar Association in support of SB 24, the Domestic Relations Recodification Act. This legislation will create a more user-friendly domestic relations code by incorporating the flexibility necessary to deal with complex family issues.

First, let me point out that SB 24 does not make any substantive changes to current Kansas law, it merely organizes the code into a more logical structure. This way when substantive changes to the code are necessary, its organization will foster a smooth transition. And with the advent of new technologies, changes to the code are inevitable. For instance, artificial reproductive issues and surrogacy claims are items that did not exist when the code was rewritten 30 years ago. These issues will need to be addressed and SB 24 will allow for a rational application of these new laws into the code.

Second, the past 25 years have seen domestic relations law grow increasingly complex. Federal involvement in this area has forced the code to evolve in a piecemeal fashion. By doing so we are left with a code that struggles to maintain uniformity. Organizing the code in this fashion is inefficient and confusing. SB 24 will streamline future amendments by coupling like provisions together.

Third, since many of the statutes under the domestic relations umbrella were enacted more than 25 years ago, they have accumulated numerous subparts that were not originally intended to be part of the statute. For instance, K.S.A. 60-1610 was designed to include provisions for what a court can order in a final divorce decree. Now, this law is littered with other divorce issues, both procedural and substantive, that have only a tangential relationship to the original law. SB 24 will provide a logical location for these multiple subparts and allow the original statute to stand alone as it was intended.

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Attachment 4

Finally, the Kansas Judicial Council's Family Law Advisory Committee, a group comprised of experts in this area of law, has worked for nearly two years developing this measure. This is a highly effective review process that considers various points of view. As such, SB 24 should be allowed to stand on its own merits, absent any alterations that seek to change substantive law.

On behalf of the Kansas Bar Association, I thank you for the opportunity to provide you with this written testimony.

*About the Kansas Bar Association:*

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals and has more than 7,000 members, including lawyers, judges, law students, and paralegals. [www.ksbar.org](http://www.ksbar.org)