

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Judiciary** recommends **SB 304**, as amended by Senate Committee, be amended on page 3, in line 41, by striking "master" and inserting "masters";

On page 4, in line 1, by striking "the effective date of this act" and inserting "January 1, 2013,"; in line 3, by striking "the effective date of this act" and inserting "January 1, 2013,"; in line 7, by striking "the"; in line 8, by striking "effective date of this act" and inserting "January 1, 2013";

On page 5, in line 43, by striking "master" and inserting "masters";

On page 6, in line 6, by striking "the effective date of this act" and inserting "January 1, 2013,"; in line 7, by striking "the effective date of this act" and inserting "January 1, 2013,"; in line 12, by striking "the effective date of this act" and inserting "January 1, 2013";

On page 10, by striking all in lines 25 through 43;

By striking all on page 11;

On page 12, by striking all in lines 1 through 27;

On page 13, in line 20, after "program" by inserting ", unless otherwise ordered by the court or department of corrections"; in line 33, after the second "program" by inserting ", unless otherwise ordered by the court or department of corrections";

On page 22, in line 40, by striking "and any other evaluation";

On page 23, in line 24, by striking "or in the municipal court";

On page 24, following line 3, by inserting:

"Sec. 17. On July 1, 2012, K.S.A. 2011 Supp. 23-3508 is hereby amended to read as

follows: 23-3508. (a) The court may order case management, when appropriate, of any contested issue of child custody or parenting time at any time, upon the motion of a party or on the court's own motion. A hearing officer in a proceeding pursuant to K.S.A. 2011 Supp. 23-3401, and amendments thereto, may order case management, if appropriate, of a contested issue of child visitation or parenting time in such a proceeding.

(b) Cases in which case management is appropriate shall include one or more of the following circumstances:

(1) Private or public neutral dispute resolution services have been tried and failed to resolve the disputes;

(2) other neutral services have been determined to be inappropriate for the family;

(3) repetitive conflict occurs within the family, as evidenced by the filing of at least two motions in a six-month period for enforcement, modification or change of residency, visitation, parenting time or custody which are denied by the court; or

(4) a parent exhibits diminished capacity to parent.

(c) If the court or hearing officer orders case management under subsection (a), the court or hearing officer shall appoint a case manager, taking into consideration the following:

(1) An agreement by the parties to have a specific case manager appointed by the court or hearing officer;

(2) the financial circumstances of the parties and the costs assessed by the case manager;

(3) the case manager's knowledge of (A) the Kansas judicial system and the procedure used in domestic relations cases, (B) other resources in the community to which parties can be referred for assistance, (C) child development, (D) clinical issues relating to children, (E) the effects of divorce on children and (F) the psychology of families; and

(4) the case manager's training and experience in the process and techniques of alternative

dispute resolution and case management.

(d) To qualify as an appointed case manager, an individual shall:

(1) (A) Be currently licensed in Kansas as a licensed psychologist, licensed masters level psychologist, licensed clinical psychotherapist, licensed professional counselor, licensed clinical professional counselor, licensed marriage and family therapist, licensed clinical marriage and family therapist, licensed master social worker or licensed specialist social worker; or

(B) be currently licensed to practice law in Kansas and have at least five years of experience in the field of domestic relations law or family law;

~~(1)(2)~~ be qualified to conduct mediation;

~~(2)(3)~~ have experience as a mediator mediated at least five domestic relations cases;

~~(3) (4) attend a workshop~~ attend one or more workshops, approved and as ordered by the district court in which the case is filed, on case management; and

~~(4)(5) participate in continuing education~~ complete a minimum number of continuing education hours regarding case management issues as established and approved by the supreme court.";

(e) On and after September 1, 2012, any case manager appointed by the court prior to, on or after the effective date of this section shall meet the requirements of subsection (d).

Sec. 18. On July 1, 2012, K.S.A. 2011 Supp. 23-3508 is hereby repealed.";

And by renumbering sections accordingly;

Also on page 24, in line 4, by striking "12-4509,";

On page 1, in the title, in line 1, by striking "violence" and inserting "relations"; in line 2, before "amending" by inserting "case management;"; also in line 2, by striking "12-4509,"; in line 3, by striking "and 22-4616" and inserting ", 22-4616 and 23-3508"; and the bill be passed as amended.

Chairperson