

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2741

By Committee on Judiciary

2-10

1 AN ACT concerning the Kansas family law code; relating to
2 recodification; amending K.S.A. 13-1246a, 20-1204a, 20-2618, 39-
3 7,138, 39-7,147, 44-514, 60-2308, 60-3103, 65-2409a and 74-7334 and
4 K.S.A. 2011 Supp. 12-5005, 20-164, 20-165, 20-302b, 21-5808, 21-
5 5924, 23-2217, 23-2706, 23-2709, 23-2710, 23-2715, 23-2717, 23-
6 2802, 23-2902, 23-2905, 23-3001, 23-3004, 23-3005, 23-3207, 23-
7 3208, 23-3215, 23-3219, 23-3221, 23-3222, 23-3301, 23-3302, 23-
8 3304, 23-3403, 28-177, 38-1518, 38-2201, 38-2202, 38-2203, 38-2220,
9 38-2221, 38-2223, 38-2255, 38-2264, 38-2304, 38-2313, 38-2318, 38-
10 2362, 39-7,135, 39-7,145, 59-2136, 60-308, 60-703, 60-2403, 60-2803,
11 60-3107, 74-147 and 74-4923 and repealing the existing sections; also
12 repealing K.S.A. 23-4,125, 23-4,126, 23-4,127, 23-4,128, 23-4,129, 23-
13 4,130, 23-4,131, 23-4,132, 23-4,133, 23-4,134, 23-4,135, 23-4,136 and
14 23-4,137 and K.S.A. 2011 Supp. 28-177a, 38-2255b and 60-1613.

15

16 *Be it enacted by the Legislature of the State of Kansas:*

17 New Section 1. The provisions of chapter 23 of the Kansas Statutes
18 Annotated, and amendments thereto, shall be known as the Kansas family
19 law code.

20 New Sec. 2. The provisions of the Kansas family law code shall be
21 construed to secure the just, speedy, inexpensive and equitable
22 determination of issues in all domestic relations matters.

23 New Sec. 3. Procedure under the Kansas family law code shall be
24 governed by the Kansas code of civil procedure, and amendment thereto,
25 except as this code otherwise specifically provides.

26 New Sec. 4. Evidence under the Kansas family law code shall be
27 governed by the Kansas code of evidence, and amendments thereto, except
28 as this code otherwise specifically provides.

29 New Sec. 5. The provisions of sections 1 through 4, and amendments
30 thereto, shall be construed and applied retroactively.

31 New Sec. 6. (a) A decree in an action under article 27 of chapter 23 of
32 the Kansas Statutes Annotated, and amendments thereto, may include
33 orders on the following matters:

34 (1) An order changing or terminating the parties' marital status by
35 divorce, annulment or separate maintenance;

36 (2) an order making an equitable division of the parties' property as

1 authorized by article 28 of chapter 23 of the Kansas Statutes Annotated,
2 and amendments thereto;

3 (3) an order regarding spousal support as authorized by article 29 of
4 chapter 23 of the Kansas Statutes Annotated, and amendments thereto;

5 (4) an order for child support as authorized by article 30 of chapter 23
6 of the Kansas Statutes Annotated, and amendments thereto;

7 (5) an order allocating parental decision-making and entering a
8 parenting plan as authorized by article 32 of chapter 23 of the Kansas
9 Statutes Annotated, and amendments thereto;

10 (6) an order changing one or both parties' names as authorized by
11 K.S.A. 23-2715, and amendments thereto; and

12 (7) an order awarding costs and attorneys fees to either party under
13 K.S.A. 23-1416, and amendments thereto.

14 (b) The provisions of this section shall be construed and applied
15 retroactively.

16 New Sec. 7. The 2012 amendments to K.S.A. 2011 Supp. 23-2217,
17 23-2706, 23-2709, 23-2710, 23-2715, 23-2717, 23-2802, 23-2902, 23-
18 2905, 23-3001, 23-3004, 23-3005, 23-3207, 23-3208, 23-3215, 23-3219,
19 23-3221, 23-3222, 23-3301, 23-3302, 23-3304 and 23-3403 shall be
20 construed and applied retroactively.

21 Sec. 8. K.S.A. 2011 Supp. 12-5005 is hereby amended to read as
22 follows: 12-5005. (a) Every retired member of a local police or fire
23 pension plan and every active member of the plan who is entitled to make
24 an election to become a member of the Kansas police and firemen's
25 retirement system pursuant to K.S.A. 12-5003 or 74-4955, and
26 amendments thereto, and who does not so elect shall become a special
27 member of the Kansas police and firemen's retirement system on the entry
28 date of the city which is affiliating with the Kansas police and firemen's
29 retirement system with regard to all active members and retired members
30 of the local police or fire pension plan under K.S.A. 74-4954, and
31 amendments thereto.

32 (b) Beginning with the first payroll for services as a policeman or
33 fireman after an active member of a local police or fire pension plan
34 becomes a special member of the Kansas police and firemen's retirement
35 system under this section, the city shall deduct from the compensation of
36 each special member the greater of 7% or the percentage rate of
37 contribution which the active member was required to contribute to the
38 local police or fire pension plan preceding the entry date of the city, as
39 employee contributions. The deductions shall be remitted quarterly, or as
40 the board of trustees otherwise provides, to the executive secretary of the
41 Kansas public employees retirement system for credit to the Kansas public
42 employees retirement fund. All deductions shall be credited to the special
43 members' individual accounts beginning on July 1 of the year following

1 the entry date of the city for purposes of all active and retired members of
2 the local police and fire pension plan.

3 (c) Except as otherwise provided in this act, each active member of a
4 local police or fire pension plan who becomes a special member of the
5 Kansas police and firemen's retirement system under this section shall be
6 subject to the provisions of and entitled to pensions and other benefits,
7 rights and privileges to the extent provided under the local police and fire
8 pension plan on the day immediately preceding the entry date of the city
9 which is affiliating with the Kansas police and firemen's retirement system
10 with regard to all active members and retired members of the plan.

11 (d) Each retired member of a local police or fire pension plan who
12 becomes a special member of the Kansas police and firemen's retirement
13 system under this section shall be entitled to receive from the Kansas
14 police and firemen's retirement system a pension or any other benefit to
15 the same extent and subject to the same conditions as existed under the
16 local police or fire pension plan on the day immediately preceding the
17 entry date of the city which is affiliating with the system with regard to all
18 active members and retired members of the plan under K.S.A. 74-4954,
19 and amendments thereto, except no retired special member shall be
20 appointed in or to a position or office for which compensation is paid for
21 service to the same state agency, or the same police or fire department of a
22 city, township, special district or county or the same sheriff's office of a
23 county. This subsection shall not apply to service rendered by a retiree as a
24 juror, as a witness in any legal proceeding or action, as an election board
25 judge or clerk or in any other office or position of a similar nature.
26 However, all such benefits paid shall be paid in accordance with the
27 applicable requirements under section 401 (a)(9) of the federal internal
28 revenue code of 1986 as applicable to governmental plans, as in effect on
29 July 1, 2008, and the regulations thereto, as in effect on July 1, 2008, and
30 in accordance with the provisions of K.S.A. 74-49,123, and amendments
31 thereto. Any retiree employed by a participating employer in the Kansas
32 police and firemen's retirement system shall not make contributions or
33 receive additional credit under the system for that service. This subsection,
34 except as it relates to contributions and additional credit, shall not apply to
35 the employment of any retiree by the state of Kansas, or any county, city,
36 township, special district, political subdivision or instrumentality of any
37 one or several of the aforementioned for a period of not exceeding 30 days
38 in any one calendar year.

39 (e) (1) Every pension or other benefit received by any special
40 member pursuant to subsection (c) or (d) is hereby made and declared
41 exempt from any tax of the state of Kansas or any political subdivision or
42 taxing body of this state; shall not be subject to execution, garnishment,
43 attachment or any other process or claim whatsoever, except such pension

1 or benefit or any accumulated contributions due and owing from the
2 system to such special member are subject to decrees for child support or
3 maintenance, or both, as provided in ~~K.S.A. 2011 Supp. 23-2712, 23-2715,~~
4 ~~23-2716, 23-2802, 23-2902 through 23-2905, 23-3001 through 23-3006,~~
5 ~~23-3201 through 23-3207, 23-3216 and 23-3218~~ *articles 29, 30 and 31 of*
6 *chapter 23 of the Kansas Statutes Annotated*, and amendments thereto; and
7 shall be unassignable, except that within 30 days after the death of a
8 retirant the lump-sum death benefit payable to a retirant pursuant to the
9 provisions of K.S.A. 74-4989, and amendments thereto, may be assignable
10 to a funeral establishment providing funeral services to such retirant by the
11 beneficiary of such retirant. The Kansas public employees retirement
12 system shall not be a party to any action under ~~K.S.A. 2011 Supp. 23-2701~~
13 ~~through 23-2718, 23-2802, 23-2901 through 23-2905, 23-3001 through 23-~~
14 ~~3006, 23-3119, 23-3120, 23-3201 through 23-3222, 23-3301, 23-3402, 23-~~
15 ~~3403, 23-3510 and 28-179, and amendments thereto~~ *the Kansas family law*
16 *code, chapter 23 of the Kansas Statutes Annotated, and amendments*
17 *thereto*, and is subject to orders from such actions issued by the district
18 court of the county where such action was filed. Such orders from such
19 actions shall specify either a specific amount or specific percentage of the
20 amount of the pension or benefit or any accumulated contributions due and
21 owing from the system to be distributed by the system pursuant to this act.

22 (2) Every pension or other benefit received by any special member
23 pursuant to subsection (c) or (d) is hereby made and declared exempt from
24 any tax of the state of Kansas or any political subdivision or taxing body
25 of this state; shall not be subject to execution, garnishment, attachment or
26 any other process or claim whatsoever, except such pension or benefit or
27 any accumulated contributions due and owing from the system to such
28 special members are subject to claims of an alternate payee under a
29 qualified domestic relations order. As used in this subsection, the terms
30 "alternate payee" and "qualified domestic relations order" shall have the
31 meaning ascribed to them in section 414(p) of the federal internal revenue
32 code of 1986, as in effect on July 1, 2008. The provisions of this
33 subsection shall apply to any qualified domestic relations order which is in
34 effect on or after July 1, 1994.

35 (f) (1) Subject to the provisions of K.S.A. 74-49,123, and
36 amendments thereto, each participating employer, pursuant to the
37 provisions of section 414(h)(2) of the federal internal revenue code of
38 1986, as in effect on July 1, 2008, shall pick up and pay the contributions
39 which would otherwise be payable by members as prescribed in subsection
40 (b) commencing with the third quarter of 1984. The contributions so
41 picked up shall be treated as employer contributions for purposes of
42 determining the amounts of federal income taxes to withhold from the
43 member's compensation.

1 (2) Member contributions picked up by the employer shall be paid
2 from the same source of funds used for the payment of compensation to a
3 member. A deduction shall be made from each member's compensation
4 equal to the amount of the member's contributions picked up by the
5 employer, provided that such deduction shall not reduce the member's
6 compensation for purposes of computing benefits under K.S.A. 12-5001 to
7 12-5007, inclusive, and amendments thereto.

8 (3) Member contributions picked up by the employer shall be
9 remitted quarterly, or as the board may otherwise provide, to the executive
10 secretary for credit to the Kansas public employees retirement fund. Such
11 contributions shall be credited to a separate account within the member's
12 individual account so that amounts contributed by the member
13 commencing with the third quarter of 1984 may be distinguished from the
14 member contributions picked up by the employer. Interest shall be added
15 annually to members' individual accounts.

16 Sec. 9. K.S.A. 13-1246a is hereby amended to read as follows: 13-
17 1246a. (a) (1) Any board of public utilities in any municipality of the
18 state of Kansas having a population of more than 120,000 shall be
19 empowered to enter into an agreement with its employees for the purpose
20 of reorganizing and establishing a board to be known as a board of pension
21 trustees composed of six members, and for the purpose of continuing,
22 revising, maintaining and adopting an equitable and adequate pension
23 program for all of its employees, including retired employees, and their
24 dependents. Three members of the board of pension trustees shall be
25 appointed by the board of public utilities from its regular employees to
26 serve at its discretion. Three members of the board of pension trustees
27 shall be elected annually by all of the nonsupervisory employees of the
28 board of public utilities from its nonsupervisory employees and shall serve
29 for fixed periods of one year, commencing on July 1, of each year.

30 (2) Present employees of such board of public utilities, in order to pay
31 the cost of implementing, continuing and operating such retirement
32 pension plan for such present employees, shall contribute in the aggregate
33 from their earnings not more than 1/2 of the costs of future-service
34 pensions, and such board of public utilities shall pay or contribute the
35 remaining portion thereof to any revised, continued or adopted retirement
36 pension plan, as provided for herein.

37 (3) Any costs of paying increased pensions or benefits to retired
38 employees and their dependents of such board of public utilities, and the
39 costs of any back-service obligations under terms of such revised pension
40 plan as may be found and determined to be proper and equitable, under
41 rules and provisions to be adopted by such board of pension trustees, shall
42 be borne in their entirety by such board of public utilities; and such
43 contributions to such continued and revised retirement pension plan for the

1 use and benefit of retired employees and their dependents which shall be
2 made by such board of public utilities shall be computed and based on
3 sound actuarial standards.

4 (4) Such board of pension trustees shall be empowered to make and
5 enter into an agreement with such board of public utilities, authorizing
6 such board of pension trustees to take control and custody of all assets,
7 property and funds presently held, controlled and in the possession of the
8 now constituted retirement advisory council of such board of public
9 utilities, and its present trustee, as the same was theretofore created and is
10 now functioning as provided by K.S.A. 13-1247, and amendments thereto.
11 The board shall provide for such additional funds as may be necessary to
12 fulfill the purposes of this act.

13 (5) Such board of pension trustees shall be empowered to control and
14 take immediately into and under its custody and control, title to and
15 possession of all records, funds, property and assets of the such existing
16 retirement advisory council of such board of public utilities, and its present
17 trustees, as the same is now constituted by the provisions of K.S.A. 13-
18 1247, and amendments thereto, which such retirement council of such
19 board of public utilities, its powers, authority and duties shall be abolished,
20 cease and terminate upon the effective date of this act.

21 (b) (1) The board of pension trustees shall establish a formal,
22 adequate written pension plan with specific rules of eligibility for pension
23 coverage for all present employees, including retired employees, and their
24 dependents, of such board of public utilities. The plan and rules
25 appertaining thereto may be amended at any time by the vote of four
26 members of such board of pension trustees and may be the subject of
27 negotiations between such board of public utilities and its employees, but
28 subject to the revision, adoption and ratification of the same by such board
29 of pension trustees, as the same is created and governed by the provisions
30 of this act. The plan and rules shall be printed and distributed to all
31 employees.

32 (2) Pensions and retirement benefits, received and paid under the
33 such continued and revised retirement pension plan and rules promulgated
34 by such board of pension trustees, to retired employees, their dependents,
35 and present employees, shall at all times bear a reasonable relationship to
36 the wages or earnings paid to any employee of such board of public
37 utilities. Such benefits shall be compatible with any changes in cost of
38 living indexes except, such plan and benefits payable shall at all times be
39 in strict conformity with current, sound actuarial standards and principles.

40 (3) No employee shall be exempt from having contributions made on
41 such employee's behalf or be precluded from receiving benefits for any
42 reason other than lack of age, or an insufficient period or time of
43 employment.

1 (4) No plan shall be adopted or modified at any future time which is
2 not properly funded and in conformity with recognized, sound actuarial
3 principles and standards.

4 (5) All funds and the earnings therefrom held in trust for the use and
5 benefit of the employees and members, including retired employees and
6 their dependents, of such board of public utilities, of any retirement
7 pension plan continued, revised and adopted under the provisions of this
8 act, shall be exempt from civil process, taxation or assessment, and shall
9 not be subject to seizure or execution or liens of any kind. All benefits due
10 to the members or to their beneficiaries of any retirement pension plan
11 continued and revised under the provisions of this act, shall be exempt
12 from any tax of the state of Kansas or any political subdivision or taxing
13 body of the state and civil liability for debts of the members and
14 employees, or their beneficiaries, receiving the same, and, except as
15 otherwise provided, shall not be subject to seizure, execution or process of
16 any nature. Any annuity or benefit or accumulated contributions due and
17 owing to any person under the provisions of any retirement pension plan
18 continued and revised under the provisions of this act are subject to claims
19 of an alternate payee under a qualified domestic relations order. As used in
20 this subsection, the terms "alternate payee" and "qualified domestic
21 relations order" shall have the meaning ascribed to them in section 414(p)
22 of the United States internal revenue code of 1954, as amended. The
23 provisions of this act shall apply to any qualified domestic relations order
24 which is in effect on or after July 1, 1994. Such retirement pension plan
25 continued and revised under the provisions of this act, such board of
26 pension trustees, or such board of public utilities shall not be a party to any
27 action under ~~article 16 of chapter 60 of the Kansas Statutes Annotated~~ *the*
28 *Kansas family law code, chapter 23 of the Kansas Statutes Annotated, and*
29 *amendments thereto*, but is subject to orders from such actions issued by
30 the district court of the county where such action was filed and may accept
31 orders which it deems to be qualified under this subsection if such orders
32 are issued by courts having jurisdiction of such actions outside the state of
33 Kansas. Such orders from such actions shall specify either a specific
34 amount or specific percentage of the amount of the pension or benefit or
35 any accumulated contributions due and owing from such retirement
36 pension plan pursuant to this act.

37 (6) The members and employees of any retirement pension plan
38 continued, revised and adopted under the provisions of this act, may name
39 one or more beneficiaries to receive any benefits that may be due or
40 become due to such member and employee in the event of such member or
41 employee's death.

42 Sec. 10. K.S.A. 2011 Supp. 20-164 is hereby amended to read as
43 follows: 20-164. (a) The supreme court shall establish by rule an expedited

1 judicial process which shall be used in the establishment, modification and
2 enforcement of orders of support pursuant to the Kansas parentage act,
3 K.S.A. 23-451 *et seq.*, or 39-718a, prior to their repeal; K.S.A. 23-4,125
4 through 23-4,137, 39-718b or 39-755, and amendments thereto or K.S.A.
5 2011 Supp. 23-2712, 23-2715, 23-2716, 23-2802, 23-2902 through 23-
6 2905, 23-3001 through 23-3006, 23-3101 through 23-3113, 23-3201
7 through 23-3207, 23-3216, 23-3218 38-2243, 38-2244, 38-2255 or 39-
8 7,135 and amendments thereto.

9 (b) The supreme court shall establish by rule an expedited judicial
10 process for the enforcement of court orders granting visitation rights or
11 parenting time.

12 Sec. 11. K.S.A. 2011 Supp. 20-165 is hereby amended to read as
13 follows: 20-165. The supreme court shall adopt rules establishing
14 guidelines for the amount of child support to be ordered in any action in
15 this state including, but not limited to, K.S.A. 38-1121 and 39-755 and
16 K.S.A. 2011 Supp. 23-2712, 23-2715, 23-2716, 23-2802, 23-2902 through
17 23-2905, and 23-3001 through 23-3006, 23-3201 through 23-3207, 23-
18 3216 and 23-3218 and section 6, and amendments thereto. In adopting
19 such rules, the court shall consider the criteria in K.S.A. 38-1121, and
20 amendments thereto.

21 Sec. 12. K.S.A. 2011 Supp. 20-302b is hereby amended to read as
22 follows: 20-302b. (a) A district magistrate judge shall have the jurisdiction
23 and power, in any case in which a violation of the laws of the state is
24 charged, to conduct the trial of traffic infractions, cigarette or tobacco
25 infractions or misdemeanor charges, to conduct the preliminary
26 examination of felony charges and to hear felony arraignments subject to
27 assignment pursuant to K.S.A. 20-329, and amendments thereto. Except as
28 otherwise provided, in civil cases, a district magistrate judge shall have
29 jurisdiction over actions filed under the code of civil procedure for limited
30 actions, K.S.A. 61-2801 *et seq.*, and amendments thereto, and concurrent
31 jurisdiction, powers and duties with a district judge. Except as otherwise
32 specifically provided in subsection (b), a district magistrate judge shall not
33 have jurisdiction or cognizance over the following actions:

34 (1) Any action, other than an action seeking judgment for an
35 unsecured debt not sounding in tort and arising out of a contract for the
36 provision of goods, services or money, in which the amount in controversy,
37 exclusive of interests and costs, exceeds \$10,000. The provisions of this
38 subsection shall not apply to actions filed under the code of civil procedure
39 for limited actions, K.S.A. 61-2801 *et seq.*, and amendments thereto. In
40 actions of replevin, the affidavit in replevin or the verified petition fixing
41 the value of the property shall govern the jurisdiction. Nothing in this
42 paragraph shall be construed as limiting the power of a district magistrate
43 judge to hear any action pursuant to the Kansas probate code or to issue

1 support orders as provided by paragraph (6) of this subsection;

2 (2) actions against any officers of the state, or any subdivisions
3 thereof, for misconduct in office;

4 (3) actions for specific performance of contracts for real estate;

5 (4) actions in which title to real estate is sought to be recovered or in
6 which an interest in real estate, either legal or equitable, is sought to be
7 established. Nothing in this paragraph shall be construed as limiting the
8 right to bring an action for forcible detainer as provided in the acts
9 contained in K.S.A. 61-3801 through 61-3808, and amendments thereto.
10 Nothing in this paragraph shall be construed as limiting the power of a
11 district magistrate judge to hear any action pursuant to the Kansas probate
12 code;

13 (5) actions to foreclose real estate mortgages or to establish and
14 foreclose liens on real estate as provided in the acts contained in article 11
15 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto;

16 (6) actions for divorce, separate maintenance or custody of minor
17 children. Nothing in this paragraph shall be construed as limiting the
18 power of a district magistrate judge to: (A) Except as provided in
19 subsection (e), hear any action pursuant to the Kansas code for care of
20 children or the revised Kansas juvenile justice code; (B) establish, modify
21 or enforce orders of support, including, but not limited to, orders of
22 support pursuant to the Kansas parentage act, *K.S.A. 2011 Supp. 23-2201*
23 *et seq.*, and amendments thereto, the uniform interstate family support act,
24 *K.S.A. 2011 Supp. 23-36,101 et seq.*, and amendments thereto, *K.S.A. 23-*
25 ~~4,125 through 23-4,137, 23-9,101 et seq.~~, 39-718b or 39-755 or *K.S.A.*
26 *2011 Supp. 23-2712, 23-2715, 23-2716, 23-2802, 23-2902 through 23-*
27 *2905, 23-3001 through 23-3006, 23-3101 through 23-3113, 23-3201*
28 ~~through 23-3207, 23-3216, 23-3218,~~ 38-2338, 38-2339; or 38-2350 or ~~39-~~
29 ~~7,135,~~ and amendments thereto; or (C) enforce orders granting visitation
30 rights or parenting time;

31 (7) habeas corpus;

32 (8) receiverships;

33 (9) change of name;

34 (10) declaratory judgments;

35 (11) mandamus and quo warranto;

36 (12) injunctions;

37 (13) class actions;

38 (14) rights of majority; and

39 (15) actions pursuant to *K.S.A. 59-29a01 et seq.*, and amendments
40 thereto.

41 (b) Notwithstanding the provisions of subsection (a), in the absence,
42 disability or disqualification of a district judge, a district magistrate judge
43 may:

1 (1) Grant a restraining order, as provided in K.S.A. 60-902, and
2 amendments thereto;

3 (2) appoint a receiver, as provided in K.S.A. 60-1301, and
4 amendments thereto; and

5 (3) make any order authorized by K.S.A. 23-2707, and amendments
6 thereto.

7 (c) In accordance with the limitations and procedures prescribed by
8 law, and subject to any rules of the supreme court relating thereto, any
9 appeal permitted to be taken from an order or final decision of a district
10 magistrate judge shall be tried and determined *de novo* by a district judge,
11 except that in civil cases where a record was made of the action or
12 proceeding before the district magistrate judge, the appeal shall be tried
13 and determined on the record by a district judge.

14 (d) Except as provided in subsection (e), upon motion of a party, the
15 chief judge may reassign an action from a district magistrate judge to a
16 district judge.

17 (e) Upon motion of a party for a petition or motion filed under the
18 Kansas code for care of children requesting termination of parental rights
19 pursuant to K.S.A. 2011 Supp. 38-2361 through 38-2367, and amendments
20 thereto, the chief judge shall reassign such action from a district magistrate
21 judge to a district judge.

22 Sec. 13. K.S.A. 20-1204a is hereby amended to read as follows: 20-
23 1204a. (a) When an order in a civil action has been entered, the court that
24 rendered the same may order a person alleged to be guilty of indirect
25 contempt of such order to appear and show cause why such person should
26 not be held in contempt if there is filed a motion requesting an order to
27 appear and show cause which is accompanied by an affidavit specifically
28 setting forth the facts constituting the alleged violation.

29 (b) Except as provided in subsection (e), the order to appear and show
30 cause shall be served upon the party allegedly in contempt by the sheriff or
31 some other person appointed by the court for such purpose. Such order
32 shall state the time and place where the person is to appear and shall be
33 accompanied by a copy of the affidavit provided for in subsection (a). The
34 court shall hear the matter at the time specified in the order, and upon
35 proper showing, may extend the time so as to give the accused a
36 reasonable opportunity to purge oneself of the contempt. If the court
37 determines that a person is guilty of contempt such person shall be
38 punished as the court shall direct.

39 (c) If, after proper service of the order to appear and show cause, the
40 person served shall not appear in court as ordered, or if the court finds at a
41 hearing held on motion of a party to the civil action that the person
42 allegedly in contempt is secreting oneself to avoid the process of the court,
43 the court may issue a bench warrant commanding that the person be

1 brought before the court to answer for contempt. When such person is
2 brought before the court, the court shall proceed as provided in subsection
3 (b). The court may make such orders concerning the release of the person
4 pending the hearing as the court deems proper.

5 (d) The provisions of this section shall apply to both criminal and
6 civil contempts, but in the case of a criminal contempt the court on its own
7 motion may cause the motion and affidavit provided for in subsection (a)
8 to be filed.

9 (e) In cases involving an alleged violation of a restraining order
10 issued pursuant to ~~paragraph (2) of subsection (a) of K.S.A. 60-1607-~~
11 *subsection (a)(2) of K.S.A. 2011 Supp. 23-2707*, and amendments thereto,
12 if the affidavit filed pursuant to subsection (a) alleges physical abuse in
13 violation of the court's order, the court immediately may issue a bench
14 warrant and proceed as provided in subsection (c).

15 (f) If a person is found guilty of contempt in a child support
16 enforcement proceeding, including an assignment of child support rights to
17 the commissioner of juvenile justice and the evidence shows that the
18 person is or may be authorized to practice a profession by a licensing body
19 as defined in K.S.A. 74-146, and amendments thereto, the court, in
20 addition to any other remedies, may order that a notice pursuant to
21 subsection (a) of K.S.A. 74-147, and amendments thereto be served on the
22 licensing body. If the person found guilty of contempt as provided in this
23 subsection is a licensed attorney, the court may file a complaint with the
24 disciplinary administrator if the licensing agency is the Kansas supreme
25 court, or the appropriate bar counsel's office if the licensee practices in
26 another state.

27 (g) If a person is found guilty of contempt in a child support
28 enforcement proceeding, including an assignment of child support rights to
29 the commissioner of juvenile justice, in an amount equal to or greater than
30 the amount of support payable for six months or the obligor has been
31 ordered by the court to pay a sum certain each month toward the
32 liquidation of the arrearages and the obligor has substantially failed to
33 abide by that order, the court may restrict the obligor's driver's license.
34 Such restriction may include, but not be limited to, driving to, from and
35 during the course of such person's employment. The court may order the
36 public office, as defined in ~~K.S.A. 23-4,106~~ *K.S.A. 2011 Supp. 23-3102*,
37 and amendments thereto, to contact the division of vehicles of the
38 department of revenue to restrict the obligor's driver's license as indicated
39 in the court order until further order of the court.

40 (h) The court shall not recognize a motion to issue nor order in a civil
41 or criminal action a contempt citation against any person who reports or
42 publishes the information that a gag order has been issued by the court.

43 Sec. 14. K.S.A. 20-2618 is hereby amended to read as follows: 20-

1 2618. Every annuity or other benefit received by any judge or other person
2 pursuant to the retirement system for judges under the acts contained in
3 article 26 of chapter 20 of the Kansas Statutes Annotated, and amendments
4 thereto, is exempt from any tax of the state of Kansas or any political
5 subdivision or taxing body thereof; shall not be subject to execution,
6 garnishment, attachment or except as otherwise provided, any other
7 process or claim whatsoever; and shall be unassignable, except that within
8 30 days after the death of a retirant the lump-sum death benefit payable to
9 a retirant pursuant to the provisions of K.S.A. 74-4989, and amendments
10 thereto, may be assignable to a funeral establishment providing funeral
11 services to such retirant by the beneficiary of such retirant. Any annuity or
12 benefit or accumulated contributions due and owing to any judge or any
13 person under the provisions of the retirement system for judges are subject
14 to claims of an alternate payee under a qualified domestic relations order.
15 As used in this subsection, the terms "alternate payee" and "qualified
16 domestic relations order" shall have the meaning ascribed to them in
17 section 414(p) of the federal internal revenue code . The provisions of this
18 act shall apply to any qualified domestic relations order which was filed or
19 amended either before or after July 1, 1994. The Kansas public employees
20 retirement system shall not be a party to any action under ~~article 16 of~~
21 ~~chapter 60 of the Kansas Statutes Annotated, and amendments thereto~~ *the*
22 *Kansas family law code, chapter 23 of the Kansas Statutes Annotated, and*
23 *amendments thereto*, but is subject to orders from such actions issued by
24 the district court of the county where such action was filed and may also
25 accept orders which it deems to be qualified under this subsection from
26 courts having jurisdiction of such actions outside the state of Kansas. Such
27 orders from such actions shall specify either a specific amount or specific
28 percentage of the amount of the pension or benefit or any accumulated
29 contributions due and owing from the system to be distributed by the
30 system pursuant to this act.

31 Sec. 15. K.S.A. 2011 Supp. 21-5808 is hereby amended to read as
32 follows: 21-5808. (a) Criminal trespass is entering or remaining upon or
33 in any:

34 (1) Land, nonnavigable body of water, structure, vehicle, aircraft or
35 watercraft by a person who knows such person is not authorized or
36 privileged to do so, and:

37 (A) Such person enters or remains therein in defiance of an order not
38 to enter or to leave such premises or property personally communicated to
39 such person by the owner thereof or other authorized person;

40 (B) such premises or property are posted in a manner reasonably
41 likely to come to the attention of intruders, or are locked or fenced or
42 otherwise enclosed, or shut or secured against passage or entry; or

43 (C) such person enters or remains therein in defiance of a restraining

1 order issued pursuant to K.S.A. ~~60-1607~~, 60-3105, 60-3106, 60-3107, 60-
2 31a05 or 60-31a06 or K.S.A. 2011 Supp. 23-2707, 38-2243, 38-2244 or
3 38-2255, and amendments thereto, and the restraining order has been
4 personally served upon the person so restrained; or

5 (2) public or private land or structure in a manner that interferes with
6 access to or from any health care facility by a person who knows such
7 person is not authorized or privileged to do so and such person enters or
8 remains thereon or therein in defiance of an order not to enter or to leave
9 such land or structure personally communicated to such person by the
10 owner of the health care facility or other authorized person.

11 (b) Criminal trespass is a class B nonperson misdemeanor. Upon a
12 conviction of a violation of subsection (a)(1)(C), a person shall be
13 sentenced to not less than 48 consecutive hours of imprisonment which
14 shall be served either before or as a condition of any grant of probation or
15 suspension, reduction of sentence or parole.

16 (c) As used in this section:

17 (1) "Health care facility" means any licensed medical care facility,
18 certificated health maintenance organization, licensed mental health center
19 or mental health clinic, licensed psychiatric hospital or other facility or
20 office where services of a health care provider are provided directly to
21 patients; and

22 (2) "health care provider" means any person:

23 (A) Licensed to practice a branch of the healing arts;

24 (B) licensed to practice psychology;

25 (C) licensed to practice professional or practical nursing;

26 (D) licensed to practice dentistry;

27 (E) licensed to practice optometry;

28 (F) licensed to practice pharmacy;

29 (G) registered to practice podiatry;

30 (H) licensed as a social worker; or

31 (I) registered to practice physical therapy.

32 (d) This section shall not apply to:

33 (1) A land surveyor, licensed pursuant to article 70 of chapter 74 of
34 the Kansas Statutes Annotated, and amendments thereto, and such
35 surveyor's authorized agents and employees who enter upon lands, waters
36 and other premises in the making of a survey; or

37 (2) railroad property as defined in K.S.A. 2011 Supp. 21-5809, and
38 amendments thereto, or nuclear generating facility as defined in K.S.A.
39 2011 Supp. 66-2302, and amendments thereto.

40 Sec. 16. K.S.A. 2011 Supp. 21-5924 is hereby amended to read as
41 follows: 21-5924. (a) Violation of a protective order is knowingly
42 violating:

43 (1) A protection from abuse order issued pursuant to K.S.A. 60-3105,

1 60-3106 and 60-3107, and amendments thereto;

2 (2) a protective order issued by a court or tribunal of any state or
3 Indian tribe that is consistent with the provisions of 18 U.S.C. § 2265, and
4 amendments thereto;

5 (3) a restraining order issued pursuant to K.S.A. 2011 Supp. 23-2707,
6 38-2243, 38-2244 and 38-2255 ~~and K.S.A. 60-1607~~, and amendments
7 thereto;

8 (4) an order issued in this or any other state as a condition of pretrial
9 release, diversion, probation, suspended sentence, postrelease supervision
10 or at any other time during the criminal case that orders the person to
11 refrain from having any direct or indirect contact with another person;

12 (5) an order issued in this or any other state as a condition of release
13 after conviction or as a condition of a supersedeas bond pending
14 disposition of an appeal, that orders the person to refrain from having any
15 direct or indirect contact with another person; or

16 (6) a protection from stalking order issued pursuant to K.S.A. 60-
17 31a05 or 60-31a06, and amendments thereto.

18 (b) Violation of a protective order is a class A person misdemeanor.

19 (c) No protective order, as set forth in this section, shall be construed
20 to prohibit an attorney, or any person acting on such attorney's behalf, who
21 is representing the defendant in any civil or criminal proceeding, from
22 contacting the protected party for a legitimate purpose within the scope of
23 the civil or criminal proceeding. The attorney, or person acting on such
24 attorney's behalf, shall be identified in any such contact.

25 (d) As used in this section, "order" includes any order issued by a
26 municipal or district court.

27 Sec. 17. K.S.A. 2011 Supp. 23-2217 is hereby amended to read as
28 follows: 23-2217. (a) If existence of the father and child relationship has
29 been determined and payment of support is ordered under prior law, the
30 court may order support and any related expenses to be paid through the
31 central unit for collection and disbursement of support payments
32 designated pursuant to K.S.A. 2011 Supp. 39-7,135, and amendments
33 thereto. If payment of support is ordered under this act, the court shall
34 require such support and any related expense to be paid through the central
35 unit for collection and disbursement of support payments designated
36 pursuant to ~~K.S.A. 23-4,118~~ *K.S.A. 2011 Supp. 39-7,135*, and amendments
37 thereto.

38 (b) The provisions of the Kansas income withholding act, K.S.A.
39 2011 Supp. 23-3101 ~~through 23-3118, and 39-7,135 et seq.~~, and
40 amendments thereto, shall apply to orders of support issued under this act
41 or under the predecessor to this act.

42 (c) Willful failure to obey the judgment or order of the court is a civil
43 contempt of the court. All remedies for the enforcement of judgments

1 apply.

2 Sec. 18. K.S.A. 2011 Supp. 23-2706 is hereby amended to read as
3 follows: 23-2706. The court shall grant a requested decree of divorce,
4 separate maintenance or annulment unless the granting of the decree is
5 discretionary under this act or unless the court finds that there are no
6 grounds for the requested alteration of marital status. If a decree of
7 divorce, separate maintenance or annulment is denied for lack of grounds,
8 the court shall nevertheless, if application is made by one of the parties,
9 make the orders authorized by K.S.A. 2011 Supp. ~~23-2501 and 23-2502~~
10 ~~23-2802, 23-2902 through 23-2905, 23-3001 through 23-3006, 23-3201~~
11 ~~through 23-3207 and 23-3218~~, and amendments thereto.

12 Sec. 19. K.S.A. 2011 Supp. 23-2709 is hereby amended to read as
13 follows: 23-2709. ~~In an action for divorce~~; The court shall conduct a
14 pretrial conference or conferences in accordance with K.S.A. 60-216, and
15 amendments thereto, upon request of either party or on the court's own
16 motion. Any pretrial conference shall be set on a date other than the date of
17 trial and the parties shall be present or available within the courthouse.

18 Sec. 20. K.S.A. 2011 Supp. 23-2710 is hereby amended to read as
19 follows: 23-2710. (a) ~~In an action for divorce~~; After the filing of the
20 answer or other responsive pleading by the respondent, the court, on its
21 own motion or upon motion of either of the parties, may require both
22 parties to the action to seek marriage counseling if marriage counseling
23 services are available within the judicial district of venue of the action.
24 Neither party shall be required to submit to marriage counseling provided
25 by any religious organization of any particular denomination.

26 (b) The cost of any counseling authorized by this section may be
27 assessed as costs in the case.

28 Sec. 21. K.S.A. 2011 Supp. 23-2715 is hereby amended to read as
29 follows: 23-2715. ~~In an action for divorce~~; Costs and attorney fees may be
30 awarded to either party as justice and equity require. The court may order
31 that the amount be paid directly to the attorney, who may enforce the order
32 in the attorney's name in the same case.

33 Sec. 22. K.S.A. 2011 Supp. 23-2717 is hereby amended to read as
34 follows: 23-2717. If a party fails to comply with a provision of a decree,
35 temporary order or injunction issued under ~~K.S.A. 2011 Supp. 23-2701~~
36 ~~through 23-2718, 23-2802, 23-2901 through 23-2905, 23-3001 through 23-~~
37 ~~3006, 23-3119, 23-3120, 23-3201 through 23-3222, 23-3301, 23-3402, 23-~~
38 ~~3403, 23-3510 and 28-179 articles 27 through 38 of chapter 23 of the~~
39 *Kansas Statutes Annotated*, and amendments thereto, the obligation of the
40 other party to make payments for support or maintenance or to permit
41 visitation or parenting time is not suspended, but the other party may
42 request by motion that the court grant an appropriate order.

43 Sec. 23. K.S.A. 2011 Supp. 23-2802 is hereby amended to read as

1 follows: 23-2802. (a) ~~The decree~~ *A decree under section 6, and*
2 *amendments thereto*, shall divide the real and personal property of the
3 parties, including any retirement and pension plans, whether owned by
4 either spouse prior to marriage, acquired by either spouse in the spouse's
5 own right after marriage or acquired by the spouses' joint efforts, by: (1) A
6 division of the property in kind; (2) awarding the property or part of the
7 property to one of the spouses and requiring the other to pay a just and
8 proper sum; or (3) ordering a sale of the property, under conditions
9 prescribed by the court, and dividing the proceeds of the sale.

10 (b) Upon request, the trial court shall set a valuation date to be used
11 for all assets at trial, which may be the date of separation, filing or trial as
12 the facts and circumstances of the case may dictate. The trial court may
13 consider evidence regarding changes in value of various assets before and
14 after the valuation date in making the division of property. In dividing
15 defined-contribution types of retirement and pension plans, the court shall
16 allocate profits and losses on the nonparticipant's portion until date of
17 distribution to that nonparticipant.

18 (c) In making the division of property the court shall consider: (1)
19 The age of the parties; (2) the duration of the marriage; (3) the property
20 owned by the parties; (4) their present and future earning capacities; (5)
21 the time, source and manner of acquisition of property; (6) family ties and
22 obligations; (7) the allowance of maintenance or lack thereof; (8)
23 dissipation of assets; (9) the tax consequences of the property division
24 upon the respective economic circumstances of the parties; and (10) such
25 other factors as the court considers necessary to make a just and
26 reasonable division of property.

27 (d) The decree shall provide for any changes in beneficiary
28 designation on: (1) Any insurance or annuity policy that is owned by the
29 parties, or in the case of group life insurance policies, under which either
30 of the parties is a covered person; (2) any trust instrument under which one
31 party is the grantor or holds a power of appointment over part or all of the
32 trust assets, that may be exercised in favor of either party; or (3) any
33 transfer on death or payable on death account under which one or both of
34 the parties are owners or beneficiaries.

35 Nothing in this section shall relieve the parties of the obligation to
36 effectuate any change in beneficiary designation by the filing of such
37 change with the insurer or issuer in accordance with the terms of such
38 policy.

39 Sec. 24. K.S.A. 2011 Supp. 23-2902 is hereby amended to read as
40 follows: 23-2902. (a) ~~Any decree of divorce or separate maintenance~~ *A*
41 *decree under section 6, and amendments thereto*, may award to either
42 party an allowance for future support denominated as maintenance, in an
43 amount the court finds to be fair, just and equitable under all of the

1 circumstances.

2 (b) Maintenance may be in a lump sum, in periodic payments, on a
3 percentage of earnings or on any other basis.

4 (c) ~~The decree~~ *A decree under section 6, and amendments thereto,*
5 may make the future payments modifiable or terminable under
6 circumstances prescribed in the decree.

7 Sec. 25. K.S.A. 2011 Supp. 23-2905 is hereby amended to read as
8 follows: 23-2905. (a) Except for good cause shown, every order requiring
9 payment of maintenance under this ~~section~~ *article* shall require that the
10 maintenance be paid through the central unit for collection and
11 disbursement of support payments designated pursuant to K.S.A. 2011
12 Supp. 39-7,135, and amendments thereto. A written agreement between the
13 parties to make direct maintenance payments to the obligee and not pay
14 through the central unit shall constitute good cause.

15 (b) If child support and maintenance payments are both made to an
16 obligee by the same obligor, and if the court has made a determination
17 concerning the manner of payment of child support, then maintenance
18 payments shall be paid in the same manner.

19 Sec. 26. K.S.A. 2011 Supp. 23-3001 is hereby amended to read as
20 follows: 23-3001. (a) In any action ~~for divorce or separate maintenance~~
21 *under article 27 of chapter 23 of the Kansas Statutes Annotated, and*
22 *amendments thereto*, the court shall make provisions for the support and
23 education of the minor children.

24 (b) Regardless of the type of custodial arrangement ordered by the
25 court, the court may order the child support and education expenses to be
26 paid by either or both parents for any child less than 18 years of age, at
27 which age the support shall terminate unless:

28 (1) The parent or parents agree, by written agreement approved by the
29 court, to pay support beyond the time the child reaches 18 years of age;

30 (2) the child reaches 18 years of age before completing the child's
31 high school education in which case the support shall not terminate
32 automatically, unless otherwise ordered by the court, until June 30 of the
33 school year during which the child became 18 years of age if the child is
34 still attending high school; or

35 (3) the child is still a *bona fide* high school student after June 30 of
36 the school year during which the child became 18 years of age, in which
37 case the court, on motion, may order support to continue through the
38 school year during which the child becomes 19 years of age so long as the
39 child is a *bona fide* high school student and the parents jointly participated
40 or knowingly acquiesced in the decision which delayed the child's
41 completion of high school. The court, in extending support pursuant to
42 subsection (b)(3), may impose such conditions as are appropriate and shall
43 set the child support utilizing the guideline table category for 12-year

1 through 18-year old children. For purposes of this section, “*bona fide* high
2 school student” means a student who is enrolled in full accordance with
3 the policy of the accredited high school in which the student is pursuing a
4 high school diploma or a graduate equivalency diploma (GED).

5 (c) Provision for payment of support and educational expenses of a
6 child after reaching 18 years of age if still attending high school shall
7 apply to any child subject to the jurisdiction of the court, including those
8 whose support was ordered prior to July 1, 1992. If an agreement approved
9 by the court prior to July 1, 1992, provides for termination of support
10 before the date provided by subsection (b)(3), the court may review and
11 modify such agreement, and any order based on such agreement, to extend
12 the date for termination of support to the date provided by subsection (b)
13 (3).

14 Sec. 27. K.S.A. 2011 Supp. 23-3004 is hereby amended to read as
15 follows: 23-3004. Except for good cause shown, every order *under section*
16 ~~6, and amendments thereto~~, requiring payment of child support ~~under this~~
17 ~~section~~ **this article** shall require that the support be paid through the
18 central unit for collection and disbursement of support payments
19 designated pursuant to K.S.A. 2011 Supp. 39-7,135, and amendments
20 thereto. A written agreement between the parties to make direct child
21 support payments to the obligee and not pay through the central unit shall
22 constitute good cause, unless the court finds the agreement is not in the
23 best interest of the child or children. The obligor shall file such written
24 agreement with the court. The obligor shall maintain written evidence of
25 the payment of the support obligation and, at least annually, shall provide
26 such evidence to the court and the obligee.

27 Sec. 28. K.S.A. 2011 Supp. 23-3005 is hereby amended to read as
28 follows: 23-3005. (a) *Subject to the provisions of K.S.A. 23-36,207, and*
29 *amendments thereto*, the court may modify or change any prior **child**
30 **support** order, including any order issued in a title IV-D case, within three
31 years of the date of the original order or a modification order, when a
32 material change in circumstances is shown, irrespective of the present
33 domicile of the child or the parents. If more than three years has passed
34 since the date of the original order or modification order, a material change
35 in circumstance need not be shown.

36 (b) The court may make a modification of child support retroactive to
37 a date at least one month after the date that the motion to modify was filed
38 with the court. Any increase in support ordered effective prior to the date
39 the court’s judgment is filed shall not become a lien on real property
40 pursuant to K.S.A. 60-2202, and amendments thereto.

41 Sec. 29. K.S.A. 2011 Supp. 23-3207 is hereby amended to read as
42 follows: 23-3207. After making a determination of the legal custodial
43 arrangements, the court shall determine the residency of the child from the

1 following options, which arrangement the court must find to be in the best
2 interest of the child. The parties shall submit to the court either an agreed
3 parenting plan or, in the case of dispute, proposed parenting plans for the
4 court's consideration. Such options are:

5 (a) Residency. The court may order a residential arrangement in
6 which the child resides with one or both parents on a basis consistent with
7 the best interests of the child.

8 (b) Divided residency. In an exceptional case, the court may order a
9 residential arrangement in which one or more children reside with each
10 parent and have parenting time with the other.

11 (c) Nonparental residency. If during the proceedings the court
12 determines that there is probable cause to believe that the child is a child in
13 need of care as defined by subsections (d)(1), (d)(2), (d)(3) or (d)(11) of
14 K.S.A. 2011 Supp. 38-2202, and amendments thereto, or that neither
15 parent is fit to have residency, the court may award temporary residency of
16 the child to a grandparent, aunt, uncle or adult sibling, or, another person
17 or agency if the court finds by written order that:

18 (1) (A) The child is likely to sustain harm if not immediately removed
19 from the home;

20 (B) allowing the child to remain in the home is contrary to the
21 welfare of the child; or

22 (C) immediate placement of the child is in the best interest of the
23 child; and

24 (2) reasonable efforts have been made to maintain the family unit and
25 prevent the unnecessary removal of the child from the child's home or that
26 an emergency exists which threatens the safety of the child. In making
27 such a residency order, the court shall give preference, to the extent that
28 the court finds it is in the best interests of the child, first to awarding such
29 residency to a relative of the child by blood, marriage or adoption and
30 second to awarding such residency to another person with whom the child
31 has close emotional ties. The court may make temporary orders for care,
32 support, education and visitation that it considers appropriate. Temporary
33 residency orders are to be entered in lieu of temporary orders provided for
34 in K.S.A. 2011 Supp. 38-2243 and 38-2244, and amendments thereto, and
35 shall remain in effect until there is a final determination under the revised
36 Kansas code for care of children. An award of temporary residency under
37 this paragraph shall not terminate parental rights nor give the court the
38 authority to consent to the adoption of the child. When the court enters
39 orders awarding temporary residency of the child to an agency or a person
40 other than the parent, the court shall refer a transcript of the proceedings to
41 the county or district attorney. The county or district attorney shall file a
42 petition as provided in K.S.A. 2011 Supp. 38-2234, and amendments
43 thereto, and may request termination of parental rights pursuant to K.S.A.

1 2011 Supp. 38-2266, and amendments thereto. The costs of the
2 proceedings shall be paid from the general fund of the county. When a
3 final determination is made that the child is not a child in need of care, the
4 county or district attorney shall notify the court in writing and the court,
5 after a hearing, shall enter appropriate custody orders pursuant to this
6 ~~section~~ *article*. If the same judge presides over both proceedings, the
7 notice is not required. Any ~~disposition order~~ pursuant to the revised
8 Kansas code for care of children shall be ~~binding and shall supersede take~~
9 ~~precedence over~~ any order under this ~~section~~ *article*.

10 Sec. 30. K.S.A. 2011 Supp. 23-3208 is hereby amended to read as
11 follows: 23-3208. (a) **Parents.** A parent is entitled to reasonable parenting
12 time unless the court finds, after a hearing, that the exercise of parenting
13 time would seriously endanger the child's physical, mental, moral or
14 emotional health.

15 (b) **Enforcement of rights.** An order granting ~~visitation rights under~~
16 ~~K.S.A. 23-3301, and amendments thereto, or parenting time pursuant to~~
17 ~~this section under section 6, and amendments thereto, this article~~ may be
18 enforced in accordance with the uniform child custody jurisdiction and
19 enforcement act, or K.S.A. 2011 Supp. 23-3401, and amendments thereto.

20 (c) **Court-ordered exchange or parenting time at a child exchange**
21 **and visitation center.** The court may order exchange or ~~visitation~~
22 **parenting time** to take place at a child exchange and visitation center, as
23 established in K.S.A. 75-720, and amendments thereto.

24 Sec. 31. K.S.A. 2011 Supp. 23-3215 is hereby amended to read as
25 follows: 23-3215. (a) A parent entitled to legal custody of, or residency of,
26 or parenting time with a child pursuant to K.S.A. 2011 Supp. ~~23-2712, 23-~~
27 ~~2715, 23-2716, 23-2802, 23-2902 through 23-2605, 23-3001 through 23-~~
28 ~~3006, 23-3201 through 23-3207, 23-3216 and 23-3218, and amendments~~
29 ~~thereto, shall give written notice to the other parent of one or more of the~~
30 ~~following events when such parent: (1) Is subject to the registration~~
31 ~~requirements of the Kansas offender registration act, K.S.A. 22-4901~~ *et*
32 *seq.*, and amendments thereto, or any similar act in any other state, or
33 under military or federal law; (2) has been convicted of abuse of a child,
34 K.S.A. 21-3609, prior to its repeal, or K.S.A. 2011 Supp. 21-5602, and
35 amendments thereto; (3) is residing with an individual who is known by
36 the parent to be subject to the registration requirements of the Kansas
37 offender registration act, K.S.A. 22-4901 *et seq.*, and amendments thereto,
38 or any similar act in any other state, or under military or federal law; or (4)
39 is residing with an individual who is known by the parent to have been
40 convicted of abuse of a child, K.S.A. 21-3609, prior to its repeal, or K.S.A.
41 2011 Supp. 21-5602, and amendments thereto. Such notice shall be sent by
42 restricted mail, return receipt requested, to the last known address of the
43 other parent within 14 days following such event.

1 (b) Failure to give notice as required by subsection (a) is an indirect
2 civil contempt punishable as provided by law. In addition, the court may
3 assess, against the parent required to give notice, reasonable attorney fees
4 and any other expenses incurred by the other parent by reason of the
5 failure to give notice.

6 (c) An event described in subsection (a) may be considered a material
7 change of circumstances which justifies modification of a prior order of
8 legal custody, residency, child support or parenting time.

9 Sec. 32. K.S.A. 2011 Supp. 23-3219 is hereby amended to read as
10 follows: 23-3219. (a) A party filing a motion to modify a final order
11 pertaining to child custody or residential placement pursuant to ~~K.S.A.~~
12 ~~2011 Supp. 23-2201 and 23-2205 through 23-2225 or K.S.A. 2011 Supp.~~
13 ~~23-2701 through 23-2718, 23-2802, 23-2901 through 23-2905, 23-3001~~
14 ~~through 23-3006, 23-3119, 23-3120, 23-3201 through 23-3222, 23-3301,~~
15 ~~23-3402, 23-2403, 23-3510 and 28-179 article 22, 27 or 32 of chapter 23~~
16 ~~of the Kansas Statutes Annotated, and amendments thereto, shall include~~
17 ~~with specificity in the verified motion, or in an accompanying affidavit, all~~
18 ~~known factual allegations which constitute the basis for the change of~~
19 ~~custody or residential placement. If the court finds that the allegations set~~
20 ~~forth in the motion or the accompanying affidavit fail to establish a *prima*~~
21 ~~*facie* case, the court shall deny the motion. If the court finds that the~~
22 ~~motion establishes a *prima facie* case, the matter may be tried on factual~~
23 ~~issues.~~

24 (b) In the event the court is asked to issue an *ex parte* order
25 modifying a final child custody or residential placement order based on
26 alleged emergency circumstances, the court shall:

27 (1) Attempt to have the nonmoving party's counsel, if any, present
28 before taking up the matter.

29 (2) Set the matter for review hearing at the earliest possible court
30 setting after issuance of the *ex parte* order, but in no case later than 15
31 days after issuance.

32 (3) Require personal service of the order and notice of review hearing
33 on the nonmoving party.

34 No *ex parte* order modifying a final custody or residential placement
35 order shall be entered without sworn testimony to support a showing of the
36 alleged emergency.

37 Sec. 33. K.S.A. 2011 Supp. 23-3221 is hereby amended to read as
38 follows: 23-3221. (a) The court may modify an order granting or denying
39 parenting time ~~or visitation rights~~ whenever modification would serve the
40 best interests of the child.

41 (b) Repeated unreasonable denial of or interference with ~~visitation~~
42 ~~rights or parenting time granted pursuant to this section under section 6,~~
43 ~~and amendments thereto, this article~~ may be considered a material change

1 of circumstances which justifies modification of a prior order of legal
2 custody, residency, ~~visitation~~ or parenting time.

3 (c) Any party may petition the court to modify an order granting
4 ~~visitation rights~~ or parenting time to require that the exchange or transfer
5 of children for ~~visitation~~ or parenting time take place at a child exchange
6 and visitation center, as established in K.S.A. 75-720, and amendments
7 thereto. ~~The court may modify an order granting visitation whenever~~
8 ~~modification would serve the best interests of the child.~~

9 Sec. 34. K.S.A. 2011 Supp. 23-3222 is hereby amended to read as
10 follows: 23-3222. (a) Except as provided in subsection (d), a parent
11 entitled to legal custody or residency of or parenting time with a child
12 pursuant to K.S.A. 2011 Supp. 23-2712, 23-2715, 23-2716, 23-2802, 23-
13 2902 through 23-2605, 23-3001 through 23-3006, 23-3201 through 23-
14 3207, 23-3216 and 23-3218 ~~section 6, and amendments thereto~~, **under this**
15 **article** shall give written notice to the other parent not less than 30 days
16 prior to: (1) Changing the residence of the child; or (2) removing the child
17 from this state for a period of time exceeding 90 days. Such notice shall be
18 sent by restricted mail, return receipt requested, to the last known address
19 of the other parent.

20 (b) Failure to give notice as required by subsection (a) is an indirect
21 civil contempt punishable as provided by law. In addition, the court may
22 assess, against the parent required to give notice, reasonable attorney fees
23 and any other expenses incurred by the other parent by reason of the
24 failure to give notice.

25 (c) A change of the residence or the removal of a child as described in
26 subsection (a) may be considered a material change of circumstances
27 which justifies modification of a prior order of legal custody, residency,
28 child support or parenting time. In determining any motion seeking a
29 modification of a prior order based on change of residence or removal as
30 described in (a), the court shall consider all factors the court deems
31 appropriate including, but not limited to: (1) The effect of the move on the
32 best interests of the child; (2) the effect of the move on any party having
33 rights granted pursuant to K.S.A. 2011 Supp. 23-2712, 23-2715, 23-2716,
34 23-2802, 23-2902 through 23-2605, 23-3001 through 23-3006, 23-3201
35 through 23-3207, 23-3216 and 23-3218 ~~and section 6, and amendments~~
36 ~~thereto~~ **under this article**; and (3) the increased cost the move will impose
37 on any party seeking to exercise rights granted under K.S.A. 2011 Supp.
38 23-2712, 23-2715, 23-2716, 23-2802, 23-2902 through 23-2605, 23-3001
39 through 23-3006, 23-3201 through 23-3207, 23-3216 and 23-3218 ~~and~~
40 ~~section 6, and amendments thereto~~ **this article**.

41 (d) A parent entitled to the legal custody or residency of a child
42 pursuant to K.S.A. 2011 Supp. 23-2712, 23-2715, 23-2716, 23-2802, 23-
43 2902 through 23-2605, 23-3001 through 23-3006, 23-3201 through 23-

1 ~~3207, 23-3216 and 23-3218 and section 6, and amendments thereto, under~~
2 **this article** shall not be required to give the notice required by this section
3 to the other parent when the other parent has been convicted of any crime
4 specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes
5 Annotated, prior to their repeal, or K.S.A. 2011 Supp. 21-5401 through 21-
6 5609, 21-6104, 21-6325, 21-6326, 21-6419, 21-6420 or 21-6421, and
7 amendments thereto, in which the child is the victim of such crime.

8 Sec. 35. K.S.A. 2011 Supp. 23-3301 is hereby amended to read as
9 follows: 23-3301. (a) *In an action under article 27 of chapter 23 of the*
10 *Kansas Statutes Annotated, and amendments thereto, grandparents and*
11 *stepparents may be granted visitation rights.*

12 ~~(b) The court may modify an order granting or denying parenting~~
13 ~~time or visitation rights whenever modification would serve the best~~
14 ~~interests of the child.~~

15 ~~(c) Repeated unreasonable denial of or interference with visitation~~
16 ~~rights or parenting time granted pursuant to this section may be considered~~
17 ~~a material change of circumstances which justifies modification of a prior~~
18 ~~order of legal custody, residency, visitation or parenting time.~~

19 ~~(d) (1) The court may order exchange or visitation to take place at a~~
20 ~~child exchange and visitation center, as established in K.S.A. 75-720, and~~
21 ~~amendments thereto.~~

22 ~~(2) Any party may petition the court to modify an order granting~~
23 ~~visitation rights or parenting time to require that the exchange or transfer~~
24 ~~of children for visitation or parenting time take place at a child exchange~~
25 ~~and visitation center, as established in K.S.A. 75-720, and amendments~~
26 ~~thereto. The court may modify an order granting visitation whenever~~
27 ~~modification would serve the best interests of the child.~~

28 ~~(b) The district court may grant the grandparents of an unmarried~~
29 ~~minor child reasonable visitation rights to the child during the child's~~
30 ~~minority upon a finding that the visitation rights would be in the child's~~
31 ~~best interests and when a substantial relationship between the child and~~
32 ~~the grandparent has been established.~~

33 ~~(c) The district court may grant the parents of a deceased person~~
34 ~~visitation rights, or may enforce visitation rights previously granted,~~
35 ~~pursuant to this section, even if the surviving parent has remarried and the~~
36 ~~surviving parent's spouse has adopted the child. Visitation rights may be~~
37 ~~granted pursuant to this subsection without regard to whether the~~
38 ~~adoption of the child occurred before or after the effective date of this act.~~

39 Sec. 36. K.S.A. 2011 Supp. 23-3302 is hereby amended to read as
40 follows: 23-3302. ~~(a) The district court may grant the grandparents of an~~
41 ~~unmarried minor child reasonable visitation rights to the child during the~~
42 ~~child's minority upon a finding that the visitation rights would be in the~~
43 ~~child's best interests and when a substantial relationship between the child~~

1 and the grandparent has been established.

2 (b) ~~The district court may grant the parents of a deceased person~~
3 ~~visitation rights, or may enforce visitation rights previously granted,~~
4 ~~pursuant to this section, even if the surviving parent has remarried and the~~
5 ~~surviving parent's spouse has adopted the child. Visitation rights may be~~
6 ~~granted pursuant to this subsection without regard to whether the adoption~~
7 ~~of the child occurred before or after the effective date of this act.~~

8 (a) *The court may modify an order granting or denying parenting*
9 *time or visitation rights whenever modification would serve the best*
10 *interests of the child.*

11 (b) *Repeated unreasonable denial of or interference with visitation*
12 *rights or parenting time granted under section 6, and amendments thereto,*
13 *may be considered a material change of circumstances which justifies*
14 *modification of a prior order of legal custody, residency or visitation*
15 *rights.*

16 (c) (1) *The court may order exchange or visitation to take place at a*
17 *child exchange and visitation center, as established in K.S.A. 75-720, and*
18 *amendments thereto.*

19 (2) *Any party may petition the court to modify an order granting*
20 *visitation rights to require that the exchange or transfer of children for*
21 *visitation take place at a child exchange and visitation center, as*
22 *established in K.S.A. 75-720, and amendments thereto. The court may*
23 *modify an order granting visitation whenever modification would serve the*
24 *best interests of the child.*

25 Sec. 37. K.S.A. 2011 Supp. 23-3304 is hereby amended to read as
26 follows: 23-3304. Costs and reasonable attorney fees shall be awarded to
27 the respondent in an action filed pursuant to ~~K.S.A. 38-129 et seq.~~ K.S.A.
28 2011 Supp. 22-3302 et seq., and amendments thereto, unless the court
29 determines that justice and equity otherwise require.

30 Sec. 38. K.S.A. 2011 Supp. 23-3403 is hereby amended to read as
31 follows: 23-3403. (a) Any ~~order custody or parenting time order, or order~~
32 ~~relating to the best interests of a child,~~ issued pursuant to the revised
33 Kansas code for care of children or the revised Kansas juvenile justice
34 code, shall be binding and shall take precedence over any order under this
35 act or K.S.A. 2011 Supp. 23-2701 through 23-2718, 23-2802, 23-2901-
36 through 23-2905, 23-3001 through 23-3006, 23-3119, 23-3120, 23-3201-
37 through 23-3222, 23-3301, 23-3402, 23-3403, 23-3510 and 28-179 ~~section~~
38 **6 article 32 or article 33 of chapter 23 of the Kansas Statutes**
39 **Annotated**, and amendments thereto (~~divorce~~), or K.S.A. 60-1610, prior to
40 its repeal, until jurisdiction under the revised Kansas code for care of
41 children or the revised Kansas juvenile justice code is terminated.

42 (b) An order granting visitation rights **under article 33 of chapter 23**
43 **of the Kansas Statutes Annotated, and amendments thereto, or**

1 parenting time pursuant to this section ~~section 6~~ **under article 32 of**
2 **chapter 23 of the Kansas Statutes Annotated, and amendments thereto,**
3 may be enforced in accordance with the uniform child custody jurisdiction
4 and enforcement act, or ~~K.S.A. 2011 Supp. 23-3401 this article, and~~
5 ~~amendments thereto.~~

6 Sec. 39. K.S.A. 2011 Supp. 28-177 is hereby amended to read as
7 follows: 28-177. (a) Except as provided further, the fees established by
8 legislative enactment shall be the only fee collected or moneys in the
9 nature of a fee collected for court procedures. Such fee shall only be
10 established by an act of the legislature and no other authority is established
11 by law or otherwise to collect a fee. Court procedures shall include docket
12 fees, filing fees or other fees related to access to court procedures. On and
13 after the effective date of this act through June 30, 2012, the supreme court
14 may impose an additional charge, not to exceed \$26.50 per fee or the
15 amount established by the applicable statute, whichever amount is less, to
16 fund the costs of non-judicial personnel.

17 (b) Any additional charge imposed by the court pursuant to K.S.A. 8-
18 2107, 8-2110, ~~21-4619, prior to its repeal,~~ 22-2410, 23-108a, 28-170, 28-
19 172a, 59-104, ~~60-1621,~~ 60-2001, 60-2203a, 61-2704 and 61-4001 and
20 K.S.A. 2011 Supp. ~~21-6614,~~ 28-178, ~~28-179,~~ 38-2215, 38-2312 and 38-
21 2314 ~~and K.S.A. 2011 Supp. 21-6614,~~ and amendments thereto, shall be
22 remitted to the state treasurer in accordance with the provisions of K.S.A.
23 75-4215, and amendments thereto. Upon receipt of each such remittance,
24 the state treasurer shall deposit the entire amount in the state treasury to
25 the credit of the judicial branch surcharge fund, which is hereby created in
26 the state treasury.

27 (c) All moneys credited to the judicial branch surcharge fund shall be
28 used for compensation of non-judicial personnel and shall not be expended
29 for compensation of judges or justices of the judicial branch.

30 (d) All expenditures from the judicial branch surcharge fund shall be
31 made in accordance with appropriation acts and upon warrants of the
32 director of accounts and reports issued pursuant to payrolls approved by
33 the chief justice of the Kansas supreme court or by a person or persons
34 designated by the chief justice.

35 Sec. 40. K.S.A. 2011 Supp. 38-1518 is hereby amended to read as
36 follows: 38-1518. (a) Fingerprints or photographs shall not be taken of any
37 person under 18 years of age who is taken into custody for any purpose,
38 except:

39 (1) As authorized by K.S.A. 2011 Supp. 38-2313, and amendments
40 thereto; or

41 (2) if authorized by a judge of the district court having jurisdiction.

42 (b) Fingerprints and photographs taken under subsection (a)(2) shall
43 be kept readily distinguishable from those of persons of the age of

1 majority.

2 (c) Fingerprints and photographs taken under subsection (a)(2) may
3 be sent to a state or federal repository only if authorized by a judge of the
4 district court having jurisdiction.

5 (d) Nothing in this section shall preclude the custodian of the child
6 from authorizing photographs or fingerprints of the child to be used in any
7 action under the Kansas parentage act, *K.S.A. 2011 Supp. 23-2201 et seq.*,
8 *and amendments thereto*.

9 (e) This section shall be part of and supplemental to the Kansas code
10 for care of children.

11 Sec. 41. K.S.A. 2011 Supp. 38-2201 is hereby amended to read as
12 follows: 38-2201. K.S.A. 2011 Supp. 38-2201 through 38-2283, and
13 amendments thereto, shall be known as and may be cited as the revised
14 Kansas code for care of children.

15 (a) Proceedings pursuant to this code shall be civil in nature and all
16 proceedings, orders, judgments and decrees shall be deemed to be pursuant
17 to the parental power of the state. Any orders pursuant to this code shall
18 take precedence over any similar order under *chapter 23 of the Kansas*
19 *Statutes Annotated, and amendments thereto, the Kansas family law code,*
20 *article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments*
21 *thereto (, determination of parentage), article 21 of chapter 59 of the*
22 *Kansas Statutes Annotated, and amendments thereto (, adoption and*
23 *relinquishment act), article 30 of chapter 59 of the Kansas Statutes*
24 *Annotated, and amendments thereto (, guardians and conservators),*
25 ~~*article 16 of chapter 60 of the Kansas Statutes Annotated, and amendments*~~
26 ~~*thereto (divorce),*~~ *or article 31 of chapter 60 of the Kansas Statutes*
27 *Annotated, and amendments thereto (, protection from abuse act), until*
28 *jurisdiction under this code is terminated.*

29 (b) The code shall be liberally construed to carry out the policies of
30 the state which are to:

31 (1) Consider the safety and welfare of a child to be paramount in all
32 proceedings under the code;

33 (2) provide that each child who comes within the provisions of the
34 code shall receive the care, custody, guidance control and discipline that
35 will best serve the child's welfare and the interests of the state, preferably
36 in the child's home and recognizing that the child's relationship with such
37 child's family is important to the child's well being;

38 (3) make the ongoing physical, mental and emotional needs of the
39 child decisive considerations in proceedings under this code;

40 (4) acknowledge that the time perception of a child differs from that
41 of an adult and to dispose of all proceedings under this code without
42 unnecessary delay;

43 (5) encourage the reporting of suspected child abuse and neglect;

1 (6) investigate reports of suspected child abuse and neglect
2 thoroughly and promptly;

3 (7) provide for the protection of children who have been subject to
4 physical, mental or emotional abuse or neglect or sexual abuse;

5 (8) provide preventative and rehabilitative services, when
6 appropriate, to abused and neglected children and their families so, if
7 possible, the families can remain together without further threat to the
8 children;

9 (9) provide stability in the life of a child who must be removed from
10 the home of a parent; and

11 (10) place children in permanent family settings, in absence of
12 compelling reasons to the contrary.

13 (c) Nothing in this code shall be construed to permit discrimination
14 on the basis of disability.

15 (1) The disability of a parent shall not constitute a basis for a
16 determination that a child is a child in need of care, for the removal of
17 custody of a child from the parent, or for the termination of parental rights
18 without a specific showing that there is a causal relation between the
19 disability and harm to the child.

20 (2) In cases involving a parent with a disability, determinations made
21 under this code shall consider the availability and use of accommodations
22 for the disability, including adaptive equipment and support services.

23 Sec. 42. K.S.A. 2011 Supp. 38-2202 is hereby amended to read as
24 follows: 38-2202. As used in the revised Kansas code for care of children,
25 unless the context otherwise indicates:

26 (a) "Abandon" or "abandonment" means to forsake, desert or, without
27 making appropriate provision for substitute care, cease providing care for
28 the child.

29 (b) "Adult correction facility" means any public or private facility,
30 secure or nonsecure, which is used for the lawful custody of accused or
31 convicted adult criminal offenders.

32 (c) "Aggravated circumstances" means the abandonment, torture,
33 chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

34 (d) "Child in need of care" means a person less than 18 years of age
35 at the time of filing of the petition or issuance of an ex parte protective
36 custody order pursuant to K.S.A. 2011 Supp. 38-2242, and amendments
37 thereto, who:

38 (1) Is without adequate parental care, control or subsistence and the
39 condition is not due solely to the lack of financial means of the child's
40 parents or other custodian;

41 (2) is without the care or control necessary for the child's physical,
42 mental or emotional health;

43 (3) has been physically, mentally or emotionally abused or neglected

1 or sexually abused;

2 (4) has been placed for care or adoption in violation of law;

3 (5) has been abandoned or does not have a known living parent;

4 (6) is not attending school as required by K.S.A. 72-977 or 72-1111,
5 and amendments thereto;

6 (7) except in the case of a violation of K.S.A. 41-727, subsection (j)
7 of K.S.A. 74-8810, subsection (m) or (n) of K.S.A. 79-3321, or subsection
8 (a)(14) of K.S.A. 2011 Supp. 21-6301, and amendments thereto, or, except
9 as provided in paragraph (12), does an act which, when committed by a
10 person under 18 years of age, is prohibited by state law, city ordinance or
11 county resolution but which is not prohibited when done by an adult;

12 (8) while less than 10 years of age, commits any act which if done by
13 an adult would constitute the commission of a felony or misdemeanor as
14 defined by K.S.A. 2011 Supp. 21-5102, and amendments thereto;

15 (9) is willfully and voluntarily absent from the child's home without
16 the consent of the child's parent or other custodian;

17 (10) is willfully and voluntarily absent at least a second time from a
18 court ordered or designated placement, or a placement pursuant to court
19 order, if the absence is without the consent of the person with whom the
20 child is placed or, if the child is placed in a facility, without the consent of
21 the person in charge of such facility or such person's designee;

22 (11) has been residing in the same residence with a sibling or another
23 person under 18 years of age, who has been physically, mentally or
24 emotionally abused or neglected, or sexually abused;

25 (12) while less than 10 years of age commits the offense defined in ~~or~~
26 subsection (a)(14) of K.S.A. 2011 Supp. 21-6301, and amendments
27 thereto; or

28 (13) has had a permanent custodian appointed and the permanent
29 custodian is no longer able or willing to serve.

30 (e) "Citizen review board" is a group of community volunteers
31 appointed by the court and whose duties are prescribed by K.S.A. 2011
32 Supp. 38-2207 and 38-2208, and amendments thereto.

33 (f) "Civil custody case" includes any case filed under *chapter 23 of*
34 *the Kansas Statutes Annotated, and amendments thereto, the Kansas*
35 *family law code, article 11, of chapter 38 of the Kansas Statutes Annotated,*
36 *and amendments thereto (, determination of parentage), article 21 of*
37 *chapter 59 of the Kansas Statutes Annotated, and amendments thereto (,*
38 *adoption and relinquishment act); or article 30 of chapter 59 of the Kansas*
39 *Statutes Annotated, and amendments thereto (, guardians and*
40 *conservators), ~~or article 16 of chapter 60 of the Kansas Statutes Annotated,~~
41 ~~and amendments thereto (divorce).~~*

42 (g) "Court-appointed special advocate" means a responsible adult
43 other than an attorney guardian ad litem who is appointed by the court to

1 represent the best interests of a child, as provided in K.S.A. 2011 Supp.
2 38-2206, and amendments thereto, in a proceeding pursuant to this code.

3 (h) "Custody" whether temporary, protective or legal, means the
4 status created by court order or statute which vests in a custodian, whether
5 an individual or an agency, the right to physical possession of the child and
6 the right to determine placement of the child, subject to restrictions placed
7 by the court.

8 (i) "Extended out of home placement" means a child has been in the
9 custody of the secretary and placed with neither parent for 15 of the most
10 recent 22 months beginning 60 days after the date at which a child in the
11 custody of the secretary was removed from the home.

12 (j) "Educational institution" means all schools at the elementary and
13 secondary levels.

14 (k) "Educator" means any administrator, teacher or other professional
15 or paraprofessional employee of an educational institution who has
16 exposure to a pupil specified in subsection (a) of K.S.A. 72-89b03, and
17 amendments thereto.

18 (l) "Harm" means physical or psychological injury or damage.

19 (m) "Interested party" means the grandparent of the child, a person
20 with whom the child has been living for a significant period of time when
21 the child in need of care petition is filed, and any person made an
22 interested party by the court pursuant to K.S.A. 2011 Supp. 38-2241, and
23 amendments thereto, or Indian tribe seeking to intervene that is not a party.

24 (n) "Jail" means:

25 (1) An adult jail or lockup; or

26 (2) a facility in the same building or on the same grounds as an adult
27 jail or lockup, unless the facility meets all applicable standards and
28 licensure requirements under law and there is: (A) Total separation of the
29 juvenile and adult facility spatial areas such that there could be no
30 haphazard or accidental contact between juvenile and adult residents in the
31 respective facilities; (B) total separation in all juvenile and adult program
32 activities within the facilities, including recreation, education, counseling,
33 health care, dining, sleeping and general living activities; and (C) separate
34 juvenile and adult staff, including management, security staff and direct
35 care staff such as recreational, educational and counseling.

36 (o) "Juvenile detention facility" means any secure public or private
37 facility used for the lawful custody of accused or adjudicated juvenile
38 offenders which must not be a jail.

39 (p) "Juvenile intake and assessment worker" means a responsible
40 adult authorized to perform intake and assessment services as part of the
41 intake and assessment system established pursuant to K.S.A. 75-7023, and
42 amendments thereto.

43 (q) "Kinship care" means the placement of a child in the home of the

1 child's relative or in the home of another adult with whom the child or the
2 child's parent already has a close emotional attachment.

3 (r) "Law enforcement officer" means any person who by virtue of
4 office or public employment is vested by law with a duty to maintain
5 public order or to make arrests for crimes, whether that duty extends to all
6 crimes or is limited to specific crimes.

7 (s) "Multidisciplinary team" means a group of persons, appointed by
8 the court under K.S.A. 2011 Supp. 38-2228, and amendments thereto,
9 which has knowledge of the circumstances of a child in need of care.

10 (t) "Neglect" means acts or omissions by a parent, guardian or person
11 responsible for the care of a child resulting in harm to a child, or
12 presenting a likelihood of harm, and the acts or omissions are not due
13 solely to the lack of financial means of the child's parents or other
14 custodian. Neglect may include, but shall not be limited to:

15 (1) Failure to provide the child with food, clothing or shelter
16 necessary to sustain the life or health of the child;

17 (2) failure to provide adequate supervision of a child or to remove a
18 child from a situation which requires judgment or actions beyond the
19 child's level of maturity, physical condition or mental abilities and that
20 results in bodily injury or a likelihood of harm to the child; or

21 (3) failure to use resources available to treat a diagnosed medical
22 condition if such treatment will make a child substantially more
23 comfortable, reduce pain and suffering, or correct or substantially diminish
24 a crippling condition from worsening. A parent legitimately practicing
25 religious beliefs who does not provide specified medical treatment for a
26 child because of religious beliefs shall not for that reason be considered a
27 negligent parent; however, this exception shall not preclude a court from
28 entering an order pursuant to subsection (a)(2) of K.S.A. 2011 Supp. 38-
29 2217, and amendments thereto.

30 (u) "Parent" when used in relation to a child or children, includes a
31 guardian and every person who is by law liable to maintain, care for or
32 support the child.

33 (v) "Party" means the state, the petitioner, the child, any parent of the
34 child and an Indian child's tribe intervening pursuant to the Indian child
35 welfare act.

36 (w) "Permanency goal" means the outcome of the permanency
37 planning process which may be reintegration, adoption, appointment of a
38 permanent custodian or another planned permanent living arrangement.

39 (x) "Permanent custodian" means a judicially approved permanent
40 guardian of a child pursuant to K.S.A. 2011 Supp. 38-2272, and
41 amendments thereto.

42 (y) "Physical, mental or emotional abuse" means the infliction of
43 physical, mental or emotional harm or the causing of a deterioration of a

1 child and may include, but shall not be limited to, maltreatment or
2 exploiting a child to the extent that the child's health or emotional well-
3 being is endangered.

4 (z) "Placement" means the designation by the individual or agency
5 having custody of where and with whom the child will live.

6 (aa) "Relative" means a person related by blood, marriage or adoption
7 but, when referring to a relative of a child's parent, does not include the
8 child's other parent.

9 (bb) "Secretary" means the secretary of social and rehabilitation
10 services or the secretary's designee.

11 (cc) "Secure facility" means a facility which is operated or structured
12 so as to ensure that all entrances and exits from the facility are under the
13 exclusive control of the staff of the facility, whether or not the person
14 being detained has freedom of movement within the perimeters of the
15 facility, or which relies on locked rooms and buildings, fences or physical
16 restraint in order to control behavior of its residents. No secure facility
17 shall be in a city or county jail.

18 (dd) "Sexual abuse" means any contact or interaction with a child in
19 which the child is being used for the sexual stimulation of the perpetrator,
20 the child or another person. Sexual abuse shall include allowing,
21 permitting or encouraging a child to engage in prostitution or to be
22 photographed, filmed or depicted in pornographic material.

23 (ee) "Shelter facility" means any public or private facility or home
24 other than a juvenile detention facility that may be used in accordance with
25 this code for the purpose of providing either temporary placement for
26 children in need of care prior to the issuance of a dispositional order or
27 longer term care under a dispositional order.

28 (ff) "Transition plan" means, when used in relation to a youth in the
29 custody of the secretary, an individualized strategy for the provision of
30 medical, mental health, education, employment and housing supports as
31 needed for the adult and, if applicable, for any minor child of the adult, to
32 live independently and specifically provides for the supports and any
33 services for which an adult with a disability is eligible including, but not
34 limited to, funding for home and community based services waivers.

35 (gg) "Youth residential facility" means any home, foster home or
36 structure which provides 24-hour-a-day care for children and which is
37 licensed pursuant to article 5 of chapter 65 of the Kansas Statutes
38 Annotated, and amendments thereto.

39 Sec. 43. K.S.A. 2011 Supp. 38-2203 is hereby amended to read as
40 follows: 38-2203. (a) Proceedings concerning any child who may be a
41 child in need of care shall be governed by this code, except in those
42 instances when the court knows or has reason to know that an Indian child
43 is involved in the proceeding, in which case, the Indian child welfare act of

1 1978 (, 25 U.S.C. § 1901 *et seq.*), applies. The Indian child welfare act
2 may apply to: The filing to initiate a child in need of care proceeding (,
3 K.S.A. 2011 Supp. 38-2234, and amendments thereto); ex parte custody
4 orders (, K.S.A. 2011 Supp. 38-2242, and amendments thereto); temporary
5 custody hearing (, K.S.A. 2011 Supp. 38-2243, and amendments thereto);
6 adjudication (, K.S.A. 2011 Supp. 38-2247, and amendments thereto);,
7 burden of proof (, K.S.A. 2011 Supp. 38-2250, and amendments thereto);
8 disposition (, K.S.A. 2011 Supp. 38-2255, and amendments thereto);
9 permanency hearings (, K.S.A. 2011 Supp. 38-2264, and amendments
10 thereto); termination of parental rights (, K.S.A. 2011 Supp. 38-2267, 38-
11 2268 and 38-2269, and amendments thereto); establishment of permanent
12 custodianship (, K.S.A. 2011 Supp. 38-2268 and 38-2272, and
13 amendments thereto); the placement of a child in any foster, pre-adoptive
14 and adoptive home and the placement of a child in a guardianship
15 arrangement under chapter 59, article 30 of the Kansas Statutes Annotated,
16 and amendments thereto.

17 (b) Subject to the uniform child custody jurisdiction and enforcement
18 act, ~~K.S.A. 38-1336 through 38-1377~~ *K.S.A. 2011 Supp. 23-37,101*
19 *through 23-37,405*, and amendments thereto, the district court shall have
20 original jurisdiction of proceedings pursuant to this code.

21 (c) The court acquires jurisdiction over a child by the filing of a
22 petition pursuant to this code or upon issuance of an ex parte order
23 pursuant to K.S.A. 2011 Supp. 38-2242, and amendments thereto. When
24 the court acquires jurisdiction over a child in need of care, jurisdiction may
25 continue until the child has: (1) Become 18 years of age, or until June 1 of
26 the school year during which the child became 18 years of age if the child
27 is still attending high school unless there is no court approved transition
28 plan, in which event jurisdiction may continue until a transition plan is
29 approved by the court or until the child reaches the age of 21; (2) been
30 adopted; or (3) been discharged by the court. Any child 18 years of age or
31 over may request, in writing to the court, that the jurisdiction of the court
32 cease. The court shall give notice of the request to all parties and interested
33 parties and 30 days after receipt of the request, jurisdiction will cease.

34 (d) When it is no longer appropriate for the court to exercise
35 jurisdiction over a child, the court, upon its own motion or the motion of a
36 party or interested party at a hearing or upon agreement of all parties or
37 interested parties, shall enter an order discharging the child. Except upon
38 request of the child pursuant to subsection (c), the court shall not enter an
39 order discharging a child until June 1 of the school year during which the
40 child becomes 18 years of age if the child is in an out-of-home placement,
41 is still attending high school and has not completed the child's high school
42 education.

43 (e) When a petition is filed under this code, a person who is alleged to

1 be under 18 years of age shall be presumed to be under that age for the
2 purposes of this code, unless the contrary is proved.

3 (f) A court's order issued in a proceeding pursuant to this code, shall
4 take precedence over such orders in a civil custody case, a proceeding
5 under article 31 of chapter 60 of the Kansas Statutes Annotated, and
6 amendments thereto (, protection from abuse act), or a comparable case in
7 another jurisdiction, except as provided by ~~K.S.A. 38-1336 et seq.~~ *K.S.A.*
8 *2011 Supp. 23-37,101 through 23-37,405*, and amendments thereto (,
9 uniform child custody jurisdiction and enforcement act).

10 Sec. 44. *K.S.A. 2011 Supp. 38-2220* is hereby amended to read as
11 follows: *38-2220. (a)* If the court determines that the information
12 contained in the petition concerning parentage of the child may be
13 incomplete or incorrect, the court shall determine whether the question has
14 been previously adjudicated and whether service of process should be
15 made on some additional person.

16 (b) If it appears that the issue of parentage needs to be adjudicated,
17 the court shall stay child support proceedings, if any are pending in the
18 case, with respect to that alleged parent and child relationship, until the
19 dispute is resolved by agreement, by a separate action under the Kansas
20 parentage act, ~~K.S.A. 38-1110 et seq.~~ *K.S.A. 2011 Supp. 23-2201 et seq.*,
21 and amendments thereto, or otherwise. Nothing in this subsection shall be
22 construed to limit the power of the court to carry out the purposes of the
23 code.

24 Sec. 45. *K.S.A. 2011 Supp. 38-2221* is hereby amended to read as
25 follows: *38-2221. (a)* Fingerprints or photographs of a person alleged or
26 adjudicated to be a child in need of care may be taken:

27 (1) By a person authorized to investigate an allegation or suspicion of
28 child abuse or neglect to obtain and preserve evidence or to determine the
29 identity of a child;

30 (2) as authorized by *K.S.A. 38-1611*, and amendments thereto; or

31 (3) if authorized by a judge of the district court having jurisdiction.

32 (b) Fingerprints and photographs taken under subsection (a) (3): (1)
33 Shall be kept separate from those of persons of the age of majority; and

34 (2) may be sent to a state or federal repository only if authorized by a
35 judge of the district court having jurisdiction.

36 (c) Nothing in this section shall preclude the custodian of the child
37 from authorizing photographs or fingerprints of the child to:

38 (1) Be used in any action under the Kansas parentage act, *K.S.A. 2011*
39 *Supp. 23-2201 et seq.*, and amendments thereto;

40 (2) assist in the apprehension of a runaway child;

41 (3) assist in the adoption or other permanent placement of a child; or

42 (4) provide the child or the child's parents with a history of the child's
43 life and development.

1 (d) For purposes of this section, the term photograph means an image
2 or likeness of a child made or reproduced by any medium or means.

3 Sec. 46. K.S.A. 2011 Supp. 38-2223 is hereby amended to read as
4 follows: 38-2223. (a) Persons making reports. (1) When any of the
5 following persons has reason to suspect that a child has been harmed as a
6 result of physical, mental or emotional abuse or neglect or sexual abuse,
7 the person shall report the matter promptly as provided in subsections (b)
8 and (c);

9 (A) The following persons providing medical care or treatment:
10 Persons licensed to practice the healing arts, dentistry and optometry;
11 persons engaged in postgraduate training programs approved by the state
12 board of healing arts; licensed professional or practical nurses; and chief
13 administrative officers of medical care facilities;

14 (B) the following persons licensed by the state to provide mental
15 health services: Licensed psychologists, licensed masters level
16 psychologists, licensed clinical psychotherapists, licensed social workers,
17 licensed marriage and family therapists, licensed clinical marriage and
18 family therapists, licensed professional counselors, licensed clinical
19 professional counselors and registered alcohol and drug abuse counselors;

20 (C) teachers, school administrators or other employees of an
21 educational institution which the child is attending and persons licensed by
22 the secretary of health and environment to provide child care services or
23 the employees of persons so licensed at the place where the child care
24 services are being provided to the child; and

25 (D) firefighters, emergency medical services personnel, law
26 enforcement officers, juvenile intake and assessment workers, court
27 services officers and community corrections officers, case managers
28 appointed under ~~K.S.A. 23-1001 et seq.~~ *K.S.A. 2011 Supp. 23-3508*, and
29 amendments thereto, and mediators appointed under ~~K.S.A. 23-602~~ *K.S.A.*
30 *2011 Supp. 23-3502*, and amendments thereto; and

31 (E) any person employed by or who works as a volunteer for any
32 organization, whether for profit or not-for-profit, that provides social
33 services to pregnant teenagers, including, but not limited to, counseling,
34 adoption services and pregnancy education and maintenance.

35 (2) In addition to the reports required under subsection (a)(1), any
36 person who has reason to suspect that a child may be a child in need of
37 care may report the matter as provided in subsection (b) and (c).

38 (b) Form of report. (1) The report may be made orally and shall be
39 followed by a written report if requested. Every report shall contain, if
40 known: The names and addresses of the child and the child's parents or
41 other persons responsible for the child's care; the location of the child if
42 not at the child's residence; the child's gender, race and age; the reasons
43 why the reporter suspects the child may be a child in need of care; if abuse

1 or neglect or sexual abuse is suspected, the nature and extent of the harm
2 to the child, including any evidence of previous harm; and any other
3 information that the reporter believes might be helpful in establishing the
4 cause of the harm and the identity of the persons responsible for the harm.

5 (2) When reporting a suspicion that a child may be in need of care,
6 the reporter shall disclose protected health information freely and
7 cooperate fully with the secretary and law enforcement throughout the
8 investigation and any subsequent legal process.

9 (c) To whom made. Reports made pursuant to this section shall be
10 made to the secretary, except as follows:

11 (1) When the department of social and rehabilitation services is not
12 open for business, reports shall be made to the appropriate law
13 enforcement agency. On the next day that the department is open for
14 business, the law enforcement agency shall report to the department any
15 report received and any investigation initiated pursuant to K.S.A. 2011
16 Supp. 38-2226, and amendments thereto. The reports may be made orally
17 or, on request of the secretary, in writing.

18 (2) Reports of child abuse or neglect occurring in an institution
19 operated by the secretary of social and rehabilitation services or the
20 commissioner of juvenile justice shall be made to the attorney general. All
21 other reports of child abuse or neglect by persons employed by or of
22 children of persons employed by the department of social and
23 rehabilitation services shall be made to the appropriate law enforcement
24 agency.

25 (d) Death of child. Any person who is required by this section to
26 report a suspicion that a child is in need of care and who knows of
27 information relating to the death of a child shall immediately notify the
28 coroner as provided by K.S.A. 22a-242, and amendments thereto.

29 (e) Violations. (1) Willful and knowing failure to make a report
30 required by this section is a class B misdemeanor. It is not a defense that
31 another mandatory reporter made a report.

32 (2) Intentionally preventing or interfering with the making of a report
33 required by this section is a class B misdemeanor.

34 (3) Any person who willfully and knowingly makes a false report
35 pursuant to this section or makes a report that such person knows lacks
36 factual foundation is guilty of a class B misdemeanor.

37 (f) Immunity from liability. Anyone who, without malice, participates
38 in the making of a report to the secretary or a law enforcement agency
39 relating to a suspicion a child may be a child in need of care or who
40 participates in any activity or investigation relating to the report or who
41 participates in any judicial proceeding resulting from the report shall have
42 immunity from any civil liability that might otherwise be incurred or
43 imposed.

1 Sec. 47. K.S.A. 2011 Supp. 38-2255 is hereby amended to read as
2 follows: 38-2255. (a) Considerations. Prior to entering an order of
3 disposition, the court shall give consideration to:

- 4 (1) The child's physical, mental and emotional condition;
- 5 (2) the child's need for assistance;
- 6 (3) the manner in which the parent participated in the abuse, neglect
7 or abandonment of the child;
- 8 (4) any relevant information from the intake and assessment process;
9 and
- 10 (5) the evidence received at the dispositional hearing.

11 (b) Custody with a parent. The court may place the child in the
12 custody of either of the child's parents subject to terms and conditions
13 which the court prescribes to assure the proper care and protection of the
14 child, including, but not limited to:

- 15 (1) Supervision of the child and the parent by a court services officer;
- 16 (2) participation by the child and the parent in available programs
17 operated by an appropriate individual or agency; and
- 18 (3) any special treatment or care which the child needs for the child's
19 physical, mental or emotional health and safety.

20 (c) Removal of a child from custody of a parent. The court shall not
21 enter the initial order removing a child from the custody of a parent
22 pursuant to this section unless the court first finds probable cause that: (1)

- 23 (A) The child is likely to sustain harm if not immediately removed from
24 the home;
- 25 (B) allowing the child to remain in home is contrary to the welfare of
26 the child; or
- 27 (C) immediate placement of the child is in the best interest of the
28 child; and

29 (2) reasonable efforts have been made to maintain the family unit and
30 prevent the unnecessary removal of the child from the child's home or that
31 an emergency exists which threatens the safety to the child.

32 The court shall not enter an order removing a child from the custody of
33 a parent pursuant to this section based solely on the finding that the parent
34 is homeless.

35 (d) Custody of a child removed from the custody of a parent. If the
36 court has made the findings required by subsection (c), the court shall
37 enter an order awarding custody to a relative of the child or to a person
38 with whom the child has close emotional ties who shall not be required to
39 be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated,
40 and amendments thereto, to any other suitable person, to a shelter facility,
41 to a youth residential facility or, if the child is 15 years of age or younger,
42 or 16 or 17 years of age if the child has no identifiable parental or family
43 resources or shows signs of physical, mental, emotional or sexual abuse, to

1 the secretary. Custody awarded under this subsection shall continue until
2 further order of the court.

3 (1) When custody is awarded to the secretary, the secretary shall
4 consider any placement recommendation by the court and notify the court
5 of the placement or proposed placement of the child within 10 days of the
6 order awarding custody. After providing the parties or interested parties
7 notice and opportunity to be heard, the court may determine whether the
8 secretary's placement or proposed placement is contrary to the welfare or
9 in the best interests of the child. In making that determination the court
10 shall consider the health and safety needs of the child and the resources
11 available to meet the needs of children in the custody of the secretary. If
12 the court determines that the placement or proposed placement is contrary
13 to the welfare or not in the best interests of the child, the court shall notify
14 the secretary, who shall then make an alternative placement.

15 (2) The custodian designated under this subsection shall notify the
16 court in writing at least 10 days prior to any planned placement with a
17 parent. The written notice shall state the basis for the custodian's belief that
18 placement with a parent is no longer contrary to the welfare or best interest
19 of the child. Upon reviewing the notice, the court may allow the custodian
20 to proceed with the planned placement or may set the date for a hearing to
21 determine if the child shall be allowed to return home. If the court sets a
22 hearing on the matter, the custodian shall not return the child home without
23 written consent of the court.

24 (3) The court may grant any person reasonable rights to visit the child
25 upon motion of the person and a finding that the visitation rights would be
26 in the best interests of the child.

27 (4) The court may enter an order restraining any alleged perpetrator
28 of physical, mental or emotional abuse or sexual abuse of the child from
29 residing in the child's home; visiting, contacting, harassing or intimidating
30 the child, other family member or witness; or attempting to visit, contact,
31 harass or intimidate the child, other family member or witness. Such
32 restraining order shall be served by personal service pursuant to subsection
33 (a) of K.S.A. 2011 Supp. 38-2237, and amendments thereto, on any
34 alleged perpetrator to whom the order is directed.

35 (5) The court shall provide a copy of any orders entered within 10
36 days of entering the order to the custodian designated under this
37 subsection.

38 (e) Further determinations regarding a child removed from the home.
39 If custody has been awarded under subsection (d) to a person other than a
40 parent, a permanency plan shall be provided or prepared pursuant to
41 K.S.A. 2011 Supp. 38-2264, and amendments thereto. If a permanency
42 plan is provided at the dispositional hearing, the court may determine
43 whether reintegration is a viable alternative or, if reintegration is not a

1 viable alternative, whether the child should be placed for adoption or a
2 permanent custodian appointed. In determining whether reintegration is a
3 viable alternative, the court shall consider:

4 (1) Whether a parent has been found by a court to have committed
5 one of the following crimes or to have violated the law of another state
6 prohibiting such crimes or to have aided and abetted, attempted, conspired
7 or solicited the commission of one of these crimes: (A) Murder in the first
8 degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 2011 Supp. 21-5402,
9 and amendments thereto; (B) murder in the second degree, K.S.A. 21-
10 3402, prior to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments
11 thereto; (C) capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A.
12 2011 Supp. 21-5401, and amendments thereto; (D) voluntary
13 manslaughter, K.S.A. 21-3403, prior to its repeal, or K.S.A. 2011 Supp.
14 21-5404, and amendments thereto; or (E) a felony battery that resulted in
15 bodily injury;

16 (2) whether a parent has subjected the child or another child to
17 aggravated circumstances;

18 (3) whether a parent has previously been found to be an unfit parent
19 in proceedings under this code or in comparable proceedings under the
20 laws of another state or the federal government;

21 (4) whether the child has been in extended out of home placement;

22 (5) whether the parents have failed to work diligently toward
23 reintegration;

24 (6) whether the secretary has provided the family with services
25 necessary for the safe return of the child to the home; and

26 (7) whether it is reasonable to expect reintegration to occur within a
27 time frame consistent with the child's developmental needs.

28 (f) Proceedings if reintegration is not a viable alternative. If the court
29 determines that reintegration is not a viable alternative, proceedings to
30 terminate parental rights and permit placement of the child for adoption or
31 appointment of a permanent custodian shall be initiated unless the court
32 finds that compelling reasons have been documented in the case plan why
33 adoption or appointment of a permanent custodian would not be in the best
34 interests of the child. If compelling reasons have not been documented, the
35 county or district attorney shall file a motion within 30 days to terminate
36 parental rights or a motion to appoint a permanent custodian within 30
37 days and the court shall hold a hearing on the motion within 90 days of its
38 filing. No hearing is required when the parents voluntarily relinquish
39 parental rights or consent to the appointment of a permanent custodian.

40 (g) Additional Orders. In addition to or in lieu of any other order
41 authorized by this section:

42 (1) The court may order the child and the parents of any child who
43 has been adjudicated a child in need of care to attend counseling sessions

1 as the court directs. The expense of the counseling may be assessed as an
2 expense in the case. No mental health provider shall charge a greater fee
3 for court-ordered counseling than the provider would have charged to the
4 person receiving counseling if the person had requested counseling on the
5 person's own initiative.

6 (2) If the court has reason to believe that a child is before the court
7 due, in whole or in part, to the use or misuse of alcohol or a violation of
8 K.S.A. 2011 Supp. 21-5701 through 21-5717, and amendments thereto, by
9 the child, a parent of the child, or another person responsible for the care
10 of the child, the court may order the child, parent of the child or other
11 person responsible for the care of the child to submit to and complete an
12 alcohol and drug evaluation by a qualified person or agency and comply
13 with any recommendations. If the evaluation is performed by a
14 community-based alcohol and drug safety program certified pursuant to
15 K.S.A. 8-1008, and amendments thereto, the child, parent of the child or
16 other person responsible for the care of the child shall pay a fee not to
17 exceed the fee established by that statute. If the court finds that the child
18 and those legally liable for the child's support are indigent, the fee may be
19 waived. In no event shall the fee be assessed against the secretary.

20 (3) If child support has been requested and the parent or parents have
21 a duty to support the child, the court may order one or both parents to pay
22 child support and, when custody is awarded to the secretary, the court shall
23 order one or both parents to pay child support. The court shall determine,
24 for each parent separately, whether the parent is already subject to an order
25 to pay support for the child. If the parent is not presently ordered to pay
26 support for any child who is subject to the jurisdiction of the court and the
27 court has personal jurisdiction over the parent, the court shall order the
28 parent to pay child support in an amount determined under K.S.A. 2011
29 Supp. 38-2277, and amendments thereto. Except for good cause shown,
30 the court shall issue an immediate income withholding order pursuant to
31 ~~K.S.A. 23-4,105 et seq.~~ K.S.A. 2011 Supp. 23-3101 et seq., and
32 amendments thereto, for each parent ordered to pay support under this
33 subsection, regardless of whether a payor has been identified for the
34 parent. A parent ordered to pay child support under this subsection shall be
35 notified, at the hearing or otherwise, that the child support order may be
36 registered pursuant to K.S.A. 2011 Supp. 38-2279, and amendments
37 thereto. The parent shall also be informed that, after registration, the
38 income withholding order may be served on the parent's employer without
39 further notice to the parent and the child support order may be enforced by
40 any method allowed by law. Failure to provide this notice shall not affect
41 the validity of the child support order.

42 Sec. 48. K.S.A. 2011 Supp. 38-2264 is hereby amended to read as
43 follows: 38-2264. (a) A permanency hearing is a proceeding conducted by

1 the court or by a citizen review board for the purpose of determining
2 progress toward accomplishment of a permanency plan as established by
3 K.S.A. 2011 Supp. 38-2263, and amendments thereto.

4 (b) The court or a citizen review board shall hear and the court shall
5 determine whether and, if applicable, when the child will be:

- 6 (1) Reintegrated with the child's parents;
- 7 (2) placed for adoption;
- 8 (3) placed with a permanent custodian; or
- 9 (4) if the secretary has documented compelling reasons why it would
10 not be in the child's best interests for a placement in one of the placements
11 pursuant to paragraphs (1), (2) or (3) placed in another planned permanent
12 arrangement.

13 (c) The court shall enter a finding as to whether reasonable efforts
14 have been made by appropriate public or private agencies to rehabilitate
15 the family and achieve the permanency goal in place at the time of the
16 hearing.

17 (d) A permanency hearing shall be held within 12 months of the date
18 the court authorized the child's removal from the home and not less
19 frequently than every 12 months thereafter.

20 (e) If the court determines at any time other than during a
21 permanency hearing that reintegration may not be a viable alternative for
22 the child, a permanency hearing shall be held no later than 30 days
23 following that determination.

24 (f) When the court finds that reintegration continues to be a viable
25 alternative, the court shall determine whether and, if applicable, when the
26 child will be returned to the parent. The court may rescind any of its prior
27 dispositional orders and enter any dispositional order authorized by this
28 code or may order that a new plan for the reintegration be prepared and
29 submitted to the court. If reintegration cannot be accomplished as
30 approved by the court, the court shall be informed and shall schedule a
31 hearing pursuant to this section. No such hearing is required when the
32 parents voluntarily relinquish parental rights or consent to appointment of
33 a permanent custodian.

34 (g) If the court finds reintegration is no longer a viable alternative, the
35 court shall consider whether: (1) The child is in a stable placement with a
36 relative; (2) services set out in the case plan necessary for the safe return
37 of the child have been made available to the parent with whom
38 reintegration is planned; or (3) compelling reasons are documented in the
39 case plan to support a finding that neither adoption nor appointment of a
40 permanent custodian are in the child's best interest. If reintegration is not a
41 viable alternative and either adoption or appointment of a permanent
42 custodian might be in the best interests of the child, the county or district
43 attorney or the county or district attorney's designee shall file a motion to

1 terminate parental rights or a motion to appoint a permanent custodian
2 within 30 days and the court shall set a hearing on such motion within 90
3 days of the filing of such motion.

4 (h) If the court enters an order terminating parental rights to a child,
5 or an agency has accepted a relinquishment pursuant to K.S.A. 59-2124,
6 and amendments thereto, the requirements for permanency hearings shall
7 continue until an adoption or appointment of a permanent custodian has
8 been accomplished. If the court determines that reasonable efforts or
9 progress have not been made toward finding an adoptive placement or
10 appointment of a permanent custodian or placement with a fit and willing
11 relative, the court may rescind its prior orders and make others regarding
12 custody and adoption that are appropriate under the circumstances.
13 Reports of a proposed adoptive placement need not contain the identity of
14 the proposed adoptive parents.

15 (i) If permanency with one parent has been achieved without the
16 termination of the other parent's rights, the court may, prior to dismissing
17 the case, enter child custody orders, including residency and parenting
18 time that the court determines to be in the best interests of the child. The
19 court shall complete a parenting plan pursuant to ~~K.S.A. 60-1625~~ *K.S.A.*
20 *2011 Supp. 23-3213*, and amendments thereto.

21 (1) Before entering a custody order under this subsection, the court
22 shall inquire whether a custody order has been entered or is pending in a
23 civil custody case by a court of competent jurisdiction within the state of
24 Kansas.

25 (2) If a civil custody case has been filed or is pending, a certified
26 copy of the custody, residency and parenting time orders shall be filed in
27 the civil custody case. The court in the civil custody case may, after
28 consultation with the court in the child in need of care case, enter an order
29 declaring that the custody order in the child in need of care case shall
30 become the custody order in the civil custody case.

31 (3) A district court, on its own motion or upon the motion of any
32 party, may order the consolidation of the child in need of care case with
33 any open civil custody case involving the child and both of the child's
34 parents. Custody, residency and parenting time orders entered in
35 consolidated child in need of care and civil custody cases take precedence
36 over any previous orders affecting both parents and the child that were
37 entered in the civil custody case regarding the same or related issues.
38 Following entry of a custody order in a consolidated case, the court shall
39 dismiss the child in need of care case and, if necessary, return the civil
40 custody case to the original court having jurisdiction over it.

41 (4) If no civil custody case has been filed, the court may direct the
42 parties to file a civil custody case and to file the custody orders from the
43 child in need of care case in that case. Costs of the civil custody case may

1 be assessed to the parties.

2 (5) Nothing in this subsection shall operate to expand access to
3 information that is confidential under K.S.A. 38-2209, and amendments
4 thereto, and the confidentiality of such information shall be preserved in
5 all filings in a civil custody case.

6 (j) When permanency has been achieved to the satisfaction of the
7 court, the court shall enter an order closing the case.

8 Sec. 49. K.S.A. 2011 Supp. 38-2304 is hereby amended to read as
9 follows: 38-2304. (a) Except as provided in K.S.A. 2011 Supp. 38-2347,
10 and amendments thereto, proceedings concerning a juvenile shall be
11 governed by the provisions of this code.

12 (b) The district court shall have original jurisdiction to receive and
13 determine proceedings under this code.

14 (c) When a complaint is filed under this code, the juvenile shall be
15 presumed to be subject to this code, unless the contrary is proved.

16 (d) Once jurisdiction is acquired by the district court over an alleged
17 juvenile offender, except as otherwise provided in subsection (e),
18 jurisdiction shall continue until one of the following occurs:

19 (1) The complaint is dismissed;

20 (2) the juvenile is adjudicated not guilty at trial;

21 (3) the juvenile, after being adjudicated guilty and sentenced:

22 (i) Successfully completes the term of probation or order of
23 assignment to community corrections;

24 (ii) is discharged by the commissioner pursuant to K.S.A. 2011 Supp.
25 38-2376, and amendments thereto;

26 (iii) reaches the juvenile's 21st birthday and no exceptions apply that
27 extend jurisdiction beyond age 21;

28 (4) the court terminates jurisdiction; or

29 (5) the offender is convicted of a new felony while the offender is
30 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
31 prior to its repeal, or K.S.A. 2011 Supp. 38-2373, and amendments thereto,
32 for an offense, which if committed by an adult would constitute the
33 commission of a felony.

34 (e) Once jurisdiction is acquired by the district court over an alleged
35 juvenile offender, it shall continue beyond the juvenile offender's 21st
36 birthday but no later than the juvenile offender's 23rd birthday if either or
37 both of the following conditions apply:

38 (1) The juvenile offender is sentenced pursuant to K.S.A. 2011 Supp.
39 38-2369, and amendments thereto, and the term of the sentence including
40 successful completion of aftercare extends beyond the juvenile offender's
41 21st birthday; or

42 (2) the juvenile offender is sentenced pursuant to an extended
43 jurisdiction juvenile prosecution and continues to successfully serve the

1 sentence imposed pursuant to the revised Kansas juvenile justice code.

2 (f) Termination of jurisdiction pursuant to this section shall have no
3 effect on the juvenile offender's continuing responsibility to pay restitution
4 ordered.

5 (g) (1) If a juvenile offender, at the time of sentencing, is in an out of
6 home placement in the custody of the secretary of social and rehabilitation
7 services under the Kansas code for care of children, the sentencing court
8 may order the continued placement of the juvenile offender as a child in
9 need of care unless the offender was adjudicated for a felony or a second
10 or subsequent misdemeanor. If the adjudication was for a felony or a
11 second or subsequent misdemeanor, the continued placement cannot be
12 ordered unless the court finds there are compelling circumstances which,
13 in the best interest of the juvenile offender, require that the placement
14 should be continued. In considering whether compelling circumstances
15 exist, the court shall consider the reports and recommendations of the
16 foster placement, the contract provider, the secretary of social and
17 rehabilitation services, the presentence investigation and all other relevant
18 factors. If the foster placement refuses to continue the juvenile in the foster
19 placement the court shall not order continued placement as a child in need
20 of care.

21 (2) If a placement with the secretary of social and rehabilitation
22 services is continued after sentencing, the secretary shall not be
23 responsible for any costs of sanctions imposed under this code.

24 (3) If the juvenile offender is placed in the custody of the juvenile
25 justice authority, the secretary of social and rehabilitation services shall not
26 be responsible for furnishing services ordered in the child in need of care
27 proceeding during the time of the placement pursuant to the revised
28 Kansas juvenile justice code. Nothing in this subsection shall preclude the
29 juvenile offender from accessing other services provided by the
30 department of social and rehabilitation services or any other state agency if
31 the juvenile offender is otherwise eligible for the services.

32 (h) A court's order issued in a proceeding pursuant to this code, shall
33 take precedence over such orders in a proceeding under ~~article 11 of~~
34 ~~chapter 38 of the Kansas Statutes Annotated, and amendments thereto~~
35 ~~(parentage act), a proceeding under article 16 of chapter 60 of the Kansas~~
36 ~~Statutes Annotated, and amendments thereto (divorce), chapter 23 of the~~
37 ~~Kansas Statutes Annotated, and amendments thereto, the Kansas family~~
38 ~~law code, a proceeding under article 31 of chapter 60 of the Kansas~~
39 ~~Statutes Annotated, and amendments thereto (, protection from abuse act),~~
40 ~~a proceeding under article 21 of chapter 59 of the Kansas Statutes~~
41 ~~Annotated, and amendments thereto (, adoption and relinquishment act), a~~
42 ~~proceeding under article 30 of chapter 59 of the Kansas Statutes~~
43 ~~Annotated, and amendments thereto (, guardians and conservators), or a~~

1 comparable case in another jurisdiction, except as provided by ~~K.S.A. 38-~~
2 ~~1336~~ *K.S.A. 2011 Supp. 23-37,101 et seq.*, and amendments thereto (,
3 uniform child custody jurisdiction and enforcement act).

4 Sec. 50. K.S.A. 2011 Supp. 38-2313 is hereby amended to read as
5 follows: 38-2313. (a) Fingerprints or photographs shall not be taken of any
6 juvenile who is taken into custody for any purpose, except that:

7 (1) Fingerprints or photographs of a juvenile may be taken if
8 authorized by a judge of the district court having jurisdiction;

9 (2) a juvenile's fingerprints shall be taken, and photographs of a
10 juvenile may be taken, immediately upon taking the juvenile into custody
11 or upon first appearance or in any event before final sentencing, before the
12 court for an offense which, if committed by an adult, would constitute the
13 commission of a felony, a class A or B misdemeanor or assault, as defined
14 in subsection (a) of K.S.A. 2011 Supp. 21-5412, and amendments thereto;

15 (3) fingerprints or photographs of a juvenile may be taken under
16 K.S.A. 21-2501, and amendments thereto, if the juvenile has been: (A)
17 Prosecuted as an adult pursuant to K.S.A. 2011 Supp. 38-2347, and
18 amendments thereto; or (B) taken into custody for an offense described in
19 subsection (n)(1) or (n)(2) of K.S.A. 2011 Supp. 38-2302, and
20 amendments thereto;

21 (4) fingerprints or photographs shall be taken of any juvenile
22 admitted to a juvenile correctional facility; and

23 (5) photographs may be taken of any juvenile placed in a juvenile
24 detention facility. Photographs taken under this paragraph shall be used
25 solely by the juvenile detention facility for the purposes of identification,
26 security and protection and shall not be disseminated to any other person
27 or agency except after an escape and necessary to assist in apprehension.

28 (b) Fingerprints and photographs taken under subsection (a)(1) or (a)
29 (2) shall be kept readily distinguishable from those of persons of the age of
30 majority. Fingerprints and photographs taken under subsections (a)(3) and
31 (a)(4) may be kept in the same manner as those of persons of the age of
32 majority.

33 (c) Fingerprints and photographs of a juvenile shall not be sent to a
34 state or federal repository, except that:

35 (1) Fingerprints and photographs may be sent to the state and federal
36 repository if authorized by a judge of the district court having jurisdiction;

37 (2) a juvenile's fingerprints shall, and photographs of a juvenile may,
38 be sent to the state and federal repository if taken under subsection (a)(2)
39 or (a)(4); and

40 (3) fingerprints or photographs taken under subsection (a)(3) shall be
41 processed and disseminated in the same manner as those of persons of the
42 age of majority.

43 (d) Fingerprints or photographs of a juvenile may be furnished to

1 another juvenile justice agency, as defined by K.S.A. 2011 Supp. 38-2325,
2 and amendments thereto, if the other agency has a legitimate need for the
3 fingerprints or photographs.

4 (e) Any fingerprints or photographs of an alleged juvenile offender
5 taken under the provisions of subsection (a)(2) of K.S.A. 38-1611, prior to
6 its repeal, may be sent to a state or federal repository on or before
7 December 31, 2006.

8 (f) Any law enforcement agency that willfully fails to submit any
9 fingerprints or photographs required by this section shall be liable to the
10 state for the payment of a civil penalty, recoverable in an action brought by
11 the attorney general, in an amount not exceeding \$500 for each report not
12 made. Any civil penalty recovered under this subsection shall be paid into
13 the state general fund.

14 (g) The director of the Kansas bureau of investigation shall adopt any
15 rules and regulations necessary to implement, administer and enforce the
16 provisions of this section, including time limits within which fingerprints
17 shall be sent to a state or federal repository when required by this section.

18 (h) Nothing in this section shall preclude the custodian of a juvenile
19 from authorizing photographs or fingerprints of the juvenile to be used in
20 any action under the Kansas parentage act, *K.S.A. 2011 Supp. 23-2201 et*
21 *seq., and amendments thereto.*

22 Sec. 51. K.S.A. 2011 Supp. 38-2318 is hereby amended to read as
23 follows: 38-2318. When there is a dispute with respect to parentage, the
24 court may stay child support proceedings, if any are pending in the case,
25 until the dispute is resolved by a separate action under the Kansas
26 parentage act, *K.S.A. 2011 Supp. 23-2201 et seq., and amendments thereto.*
27 Nothing in this section shall be construed to limit the power of the court to
28 carry out the purposes of the revised Kansas juvenile justice code.

29 Sec. 52. K.S.A. 2011 Supp. 38-2362 is hereby amended to read as
30 follows: 38-2362. (a) When sentencing a juvenile offender, the court may
31 order a juvenile offender's parent to participate in counseling, mediation
32 sessions or an alcohol and drug evaluation and treatment program ordered
33 as part of the juvenile offender's sentence under K.S.A. 2011 Supp. 38-
34 2361, and amendments thereto, or to participate in parenting classes.

35 (1) Upon entering an order requiring a juvenile offender's parent to
36 attend counseling sessions or mediation, the court shall give the parent
37 notice of the order. The notice shall inform the parent of the parent's right
38 to request a hearing within 14 days after entry of the order and the parent's
39 right to employ an attorney to represent the parent at the hearing or, if the
40 parent is financially unable to employ an attorney, the parent's right to
41 request the court to appoint an attorney to represent the parent.

42 (2) If the parent does not request a hearing within 14 days after entry
43 of the order, the order shall take effect at that time.

1 (3) If the parent requests a hearing, the court shall set the matter for
2 hearing and, if requested, shall appoint an attorney to represent the parent.
3 The expense and fees of the appointed attorney may be allowed and
4 assessed as provided by K.S.A. 2011 Supp. 38-2306, and amendments
5 thereto.

6 (b) In addition to any other orders provided for by this section, the
7 parent of a juvenile offender may be held responsible for the costs of
8 sanctions or the support of the juvenile offender as follows:

9 (1) The board of county commissioners of a county may provide by
10 resolution that the parent of any juvenile offender placed under a house
11 arrest program pursuant to subsection (a)(9) of K.S.A. 2011 Supp. 38-
12 2361, and amendments thereto, shall be required to pay to the county the
13 cost of such house arrest program. The board of county commissioners
14 shall prepare a sliding financial scale based on the ability of the parent to
15 pay for such a program.

16 (2) If child support has been requested and a parent has a duty to
17 support the juvenile offender, the court may order, and when custody is
18 placed with the commissioner shall order, one or both parents to pay child
19 support. The court shall determine, for each parent separately, whether the
20 parent already is subject to an order to pay support for the juvenile. If the
21 parent currently is not ordered to pay support for the juvenile and the court
22 has personal jurisdiction over the parent, the court shall order the parent to
23 pay child support in an amount determined under K.S.A. 2011 Supp. 38-
24 2319, and amendments thereto. Except for good cause shown, the court
25 shall issue an immediate income withholding order pursuant to ~~K.S.A. 23-~~
26 ~~4-105~~ *K.S.A. 2011 Supp. 23-3101 et seq.*, and amendments thereto, for
27 each parent ordered to pay support under this subsection, regardless of
28 whether a payor has been identified for the parent. A parent ordered to pay
29 child support under this subsection shall be notified, at the hearing or
30 otherwise, that the child support order may be registered pursuant to
31 K.S.A. 2011 Supp. 38-2321, and amendments thereto. The parent also
32 shall be informed that, after registration, the income withholding order
33 may be served on the parent's employer without further notice to the parent
34 and the child support order may be enforced by any method allowed by
35 law. Failure to provide this notice shall not affect the validity of the child
36 support order.

37 Sec. 53. K.S.A. 2011 Supp. 39-7,135 is hereby amended to read as
38 follows: 39-7,135. (a) The department of social and rehabilitation services,
39 the title IV-D agency for the state, shall maintain a central unit for
40 collection and disbursement of support payments to meet the requirements
41 of title IV-D and this section. Such central unit shall be known as the
42 Kansas payment center. The name "Kansas payment center" shall be
43 reserved for use by the state of Kansas for the functions of the central unit

1 and shall not be used by any entity without the consent of the secretary of
2 social and rehabilitation services.

3 The department may contract with another entity for development,
4 enhancement or operation, in whole or in part, of such central unit. The
5 Kansas payment center shall be subject to the following conditions and
6 limitations:

7 (1) The Kansas payment center shall be subject to the Kansas
8 supreme court rule concerning official child support and maintenance
9 records established pursuant to subsection (c).

10 (2) No contract shall include provisions allowing the contractor to be
11 paid, in whole or in part, on the basis of an amount per phone call received
12 by the center nor allowing the contractor to be paid an amount per check
13 issued for checks that were issued in error by the center. Nothing in this
14 paragraph shall be construed to prevent the secretary of social and
15 rehabilitation services from compensating on the basis of an amount per
16 phone call any contractor that does not process receipts or disbursements
17 under this section.

18 (3) Any contract for processing receipts or disbursements under this
19 section shall include penalty provisions for noncompliance with federal
20 regulations relating to the timeliness of collections and disbursements and
21 shall include a monetary penalty of \$100 for each erroneous transaction,
22 whether related to collection or disbursement. Penalties shall be collected
23 as and when assessed. Of the penalty, \$25 shall be allocated to the obligee
24 and \$75 shall be allocated to the department of social and rehabilitation
25 services.

26 (4) Designees of the secretary of social and rehabilitation services and
27 designees of the office of judicial administration shall have full access to
28 all data, subject to the provisions of title IV-D of the federal social security
29 act, 42 U.S.C. § 651 *et seq.* Designees of the secretary of social and
30 rehabilitation services, all district court clerks and court trustees shall have
31 access to records of the Kansas payment center sufficient to allow them to
32 assist in the process of matching support payments to the correct accounts.

33 (5) The Kansas payment center shall provide sufficient customer
34 service staff during regular business hours. Obligors and obligees shall be
35 provided 24-hour access to information about the status of receipts and
36 disbursements, including, but not limited to, date of receipt by the center,
37 date of processing by the center and date of disbursement to the obligee.

38 (b) The Kansas payment center shall have, by operation of law, a
39 limited power of attorney to perform the specific act of endorsing and
40 negotiating all drafts, checks, money orders or other negotiable
41 instruments representing support payments received by the center. Nothing
42 in this subsection shall be construed as affecting the property rights or
43 interests of any person in such negotiable instruments. The provisions of

1 this subsection shall apply to any negotiable instrument received by the
2 center on or after October 1, 2000.

3 (c) The Kansas supreme court, by court rule, shall establish the
4 procedure for the creation, maintenance and correction of official child
5 support and maintenance records for use as official court records.

6 (d) The department shall collaborate with the Kansas supreme court
7 to maintain the Kansas payment center, which shall include all support
8 payments subject to the requirements of title IV-D of the federal social
9 security act, 42 U.S.C. § 651 *et seq.*, and, except as specifically directed
10 otherwise by the court pursuant to K.S.A. 2011 Supp. 23-2712, ~~23-2715,~~
11 ~~23-2716,~~ and 23-2802, ~~23-2902 through 23-2605, 23-3001 through 23-~~
12 ~~3006, 23-3201 through 23-3207, 23-3216 and 23-3218 and articles 29, 30~~
13 ~~and 31 of chapter 23 of the Kansas Statutes Annotated,~~ and amendments
14 thereto, all other support payments due under a court order entered in this
15 state.

16 (e) Any provision in any support order or income withholding order
17 entered in this state which requires remittance of support payments to the
18 clerk of the district court or district court trustee shall be deemed to require
19 remittance of support payments to the Kansas payment center, regardless
20 of the date the support or income withholding order was entered.

21 (f) (1) Except as otherwise provided in this subsection, payments
22 received by the Kansas payment center which cannot be matched to any
23 account nor returned to the payor shall be transferred to the state treasurer
24 in accordance with the unclaimed property act.

25 (2) Except as otherwise provided in this subsection, disbursements
26 which cannot be delivered to the payee after a good faith effort to locate
27 the payee shall be transferred to the state treasurer in accordance with the
28 unclaimed property act.

29 (3) To the extent that the secretary of social and rehabilitation
30 services would be required to treat as federal program income any amount
31 transferable to the state treasurer pursuant to this subsection or the
32 unclaimed property act, such amount shall not be presumed abandoned but
33 shall be held by the secretary until the amount may be delivered to the true
34 owner. The secretary and the state treasurer shall collaborate on procedures
35 for locating the true owner and confirming claims to amounts so held.

36 Sec. 54. K.S.A. 39-7,138 is hereby amended to read as follows: 39-
37 7,138. The following definitions shall apply in any IV-D administrative
38 proceeding related to K.S.A. 39-7,137 through 39-7,152, and amendments
39 thereto, except where the context requires otherwise.

40 (a) "Account" means a demand deposit account, checking or
41 negotiable withdrawal order account, savings account, time deposit
42 account or money-market mutual fund account.

43 (b) "Arrearages" means past due support under any support order of

1 any tribunal of this or any other state, including but not limited to the
2 unpaid balance of any costs awarded, public assistance debt or accrued
3 interest.

4 (c) "Business day" means a day on which state offices in Kansas are
5 open for regular business.

6 (d) "Cash asset" means any intangible property that consistently
7 maintains a fair market value of one dollar per unit. It shall be presumed
8 that any account held by a financial institution and from which the obligor
9 may make cash withdrawals, with or without penalty, consists entirely of
10 cash assets.

11 (e) "Current support" includes but is not limited to the duty to provide
12 for a child's ongoing medical needs through cash, insurance coverage or
13 other means. "Current support" does not include any periodic amount
14 specified to defray arrearages.

15 (f) "Custodial parent" means the parent or other person receiving IV-
16 D services on the child's behalf and may include an agency acting in loco
17 parentis, a guardian, or a blood or adoptive relative with whom the child
18 resides.

19 (g) "Duty of support" means any duty to support another person that
20 is imposed or imposable by law or by any order, decree or judgment of any
21 tribunal, whether interlocutory or final or whether incidental to a
22 proceeding for divorce, judicial separation, separate maintenance or
23 otherwise, including but not limited to the duty to provide current support,
24 the duty to provide medical support, the duty to pay birth expenses, the
25 duty to pay a public assistance debt and the duty to pay arrearages.

26 (h) "Financial institution" means any financial institution as defined
27 in 469A of the federal social security act (, 42 U.S.C. § 469A), and
28 amendments thereto.

29 (i) "Holder" means any person who is or may be in possession or
30 control of any cash asset of the responsible parent.

31 (j) "IV-D" or "title IV-D" means part D of title IV of the federal social
32 security act (, 42 U.S.C. § 651 *et seq.*), and amendments thereto, as in
33 effect on May 1, 1997. "IV-D services" means those services the secretary
34 provides pursuant to title IV-D.

35 (k) "Party" means the secretary, the responsible parent, the custodial
36 parent or the child or any assignee or other successor in interest to any of
37 them.

38 (l) "Public assistance debt" means the obligation to reimburse public
39 assistance as described in K.S.A. 39-718b or 39-719, and amendments
40 thereto or in any similar law of this or any other state.

41 (m) "Responsible parent" means, if a child is receiving or has
42 received IV-D services from the secretary, the mother, father or alleged
43 father of the child.

1 (n) "Secretary" means the secretary of social and rehabilitation
2 services or a designee of the secretary.

3 (o) "State" means a state of the United States, the District of
4 Columbia, Puerto Rico, the United States Virgin Islands or any territory or
5 insular possession subject to the jurisdiction of the United States. The term
6 "state" includes an Indian tribe and includes any jurisdiction declared a
7 foreign reciprocating country by the United States secretary of state and
8 any foreign jurisdiction that has established procedures for issuance and
9 enforcement of child support orders which are substantially similar to the
10 procedures of this state. It shall be presumed that a foreign jurisdiction
11 which is the subject of an unrevoked declaration by the attorney general
12 pursuant to ~~K.S.A. 23-4,101~~ *K.S.A. 2011 Supp. 23-3601*, and amendments
13 thereto, is a state as defined in this subsection.

14 (p) "Support order" means any order by which a person's duty of
15 support is established, including but not limited to any order modifying a
16 prior support order.

17 (q) "Tribunal" means any court, administrative agency or quasi-
18 judicial entity authorized to establish, modify or enforce support orders or
19 to determine parentage. With respect to support orders entered in this
20 state, the courts are the tribunals in Kansas.

21 Sec. 55. *K.S.A. 2011 Supp. 39-7,145* is hereby amended to read as
22 follows: 39-7,145. (a) This section shall not apply if an action to establish
23 the father's duty of support on behalf of the child is pending before any
24 tribunal. As used in this section, "mother" means the natural mother of the
25 child whose parentage is in issue.

26 (b) Except as otherwise provided in subsection (d), genetic tests may
27 be ordered by the secretary if the alleged father consents and the necessary
28 persons are available for testing. Except as otherwise provided in
29 subsection (e), the secretary shall pay the costs of genetic tests, subject to
30 recoupment from the father if paternity is established. For purposes of this
31 section, a person receiving title IV-D services is not available for testing if
32 a claim for good cause not to cooperate under title IV-D is pending or has
33 been determined in the person's favor or if the person ceases to receive title
34 IV-D services for any reason.

35 (c) A copy of the order for genetic tests shall be served upon persons
36 required to comply with the order only by personal service or registered
37 mail, return receipt requested. The order shall specify the time and place
38 the person is required to appear for testing, which shall be at least ten days
39 after the date the order is entered.

40 (d) If a presumption of paternity arises pursuant to subsection (a) of
41 ~~K.S.A. 38-1114~~ *K.S.A. 2011 Supp. 23-2208*, and amendments thereto,
42 because the mother married or attempted to marry any man, the secretary
43 shall not order genetic testing unless a court of this state or an appropriate

1 tribunal in another state has found that determining the child's biological
2 father is in the child's best interests. If a tribunal subsequently determines
3 that the prohibition of this subsection applied at the time genetic tests were
4 ordered by the secretary, any support order based in whole or in part upon
5 the genetic tests may be set aside only as provided in K.S.A. 60-260, and
6 amendments thereto.

7 (e) Upon receiving the results of genetic testing, the secretary shall
8 promptly send a copy of the results to the parties, together with notice of
9 the time limits for requesting any additional genetic tests or for
10 challenging the results pursuant to ~~K.S.A. 38-1118~~ *K.S.A. 2011 Supp. 23-*
11 *2212*, and amendments thereto, how to make such request or challenge,
12 and any associated costs. The notice shall state the consequences pursuant
13 to ~~K.S.A. 38-1118~~ *K.S.A. 2011 Supp. 23-2212*, and amendments thereto, of
14 failing to act within the time allowed by the statute. Any additional genetic
15 tests shall be at the expense of the person making the request for additional
16 genetic tests. Failure of the person requesting additional tests to make
17 advance payment as required by the secretary shall be deemed withdrawal
18 of the request.

19 (f) Any person required to comply with an order issued pursuant to
20 this section may request: (1) An administrative hearing pursuant to K.S.A.
21 75-3306, and amendments thereto, by complying with procedures
22 established by the secretary within ten days after entry of the order; or (2)
23 a de novo court review pursuant to K.S.A. 39-7,139, and amendments
24 thereto. If the order is served on the person by mail, the time for requesting
25 review shall be extended by three days. An order issued pursuant to this
26 section shall be subject to defenses that would apply if the order had been
27 issued by a court of this state. If the request for review is made within the
28 time allowed, the effect of the order shall be stayed with respect to the
29 person requesting review pending resolution of the review.

30 (g) An order issued pursuant to this section whose effect has not been
31 stayed may be enforced pursuant to the civil enforcement provisions of the
32 Kansas judicial review act, K.S.A. 77-601; *et seq.*, and amendments
33 thereto, after the time for compliance with the order has expired.

34 Sec. 56. K.S.A. 39-7,147 is hereby amended to read as follows: 39-
35 7,147. (a) Except as otherwise provided in ~~K.S.A. 23-4,107~~ or K.S.A. 39-
36 7,149 or *K.S.A. 2011 Supp. 23-3103*, and amendments thereto, if no
37 income withholding order is in effect to enforce a support order in a title
38 IV-D case, an income withholding order may be entered by the secretary. A
39 notice of intent to initiate income withholding, as described in ~~K.S.A. 23-~~
40 ~~4,107~~ *K.S.A. 2011 Supp. 23-3103*, and amendments thereto, shall be served
41 on the responsible parent at least seven days before the secretary issues the
42 income withholding order. If the amount of arrearages is less than the
43 amount of current support due for one month, the requirements of

1 subsection (d) must be met. The income withholding order shall conform
2 to the requirements of the income withholding act and amendments thereto
3 and shall have the same force and effect as an income withholding order
4 issued by a district court of this state.

5 (b) If an income withholding order is issued by the secretary to
6 enforce a support order entered by a court of this state, the original
7 document shall be delivered for filing to the clerk of the court that entered
8 the support order. Thereafter, if the secretary is no longer providing title
9 IV-D services in the case, the clerk of the district court shall use the
10 income withholding order issued by the secretary in the same manner as an
11 income withholding order issued by the court.

12 (c) If an income withholding order is issued by the secretary to
13 enforce a support order entered by a tribunal of another state, the secretary
14 shall transmit a copy of the income withholding order to the tribunal of the
15 other state.

16 (d) If there are no arrearages or the amount of arrearages under the
17 support order is less than the amount of current support due for one month,
18 the secretary may initiate income withholding only if:

19 (1) Any arrearages are owed;

20 (2) a medical child support order exists;

21 (3) the secretary determines that immediate issuance of the income
22 withholding order was required by ~~K.S.A. 23-4,107~~ *K.S.A. 2011 Supp. 23-*
23 *3103*, and amendments thereto, or by a similar law of another state, but no
24 income withholding order was entered;

25 (4) the responsible parent consents;

26 (5) required payments have been received after the due date at least
27 twice within the preceding 12 months, regardless of whether any
28 arrearages are owed; or

29 (6) the support order was entered by a tribunal of another state.

30 (e) If the support order was entered by or registered with a court of
31 this state, the notice of intent to initiate income withholding shall be served
32 on the responsible parent by only personal service or registered mail,
33 return receipt requested. In all other cases, the notice of intent to initiate
34 income withholding shall be served upon the responsible parent only by
35 personal service or registered mail, return receipt requested.

36 Sec. 57. K.S.A. 44-514 is hereby amended to read as follows: 44-514.

37 (a) Except as provided in subsection (b), ~~K.S.A. 23-4,146~~ *K.S.A. 2011*
38 *Supp. 23-3122* or the income withholding act, *K.S.A. 2011 Supp. 23-3101*
39 *et seq.*, and amendments thereto, no claim for compensation, or
40 compensation agreed upon, awarded, adjudged, or paid, shall be assignable
41 or subject to levy, execution, attachment, garnishment, or any other
42 remedy or procedure for the recovery or collection of a debt, and this
43 exemption cannot be waived.

1 (b) Claims for compensation, or compensation agreed upon, adjudged
2 or paid, which are paid to a worker on a weekly basis or by lump sum shall
3 be subject to enforcement of an order for support by means of voluntary or
4 involuntary assignment of a portion of the compensation.

5 (1) Any involuntary assignment shall be obtained by motion filed
6 within the case which is the basis of the existing order of support.

7 (A) Any motion seeking an involuntary assignment of compensation
8 shall be served on the claimant and the claimant's counsel to the workers
9 compensation claim, if known, the motion shall set forth:

10 (i) The amount of the current support order to be enforced;

11 (ii) the amount of any arrearage alleged to be owed under the support
12 order;

13 (iii) the identity of the payer of the compensation to the claimant, if
14 known; and

15 (iv) whether the assignment requested seeks to attach compensation
16 for current support or arrearages or both.

17 (B) Motions for involuntary assignments of compensation shall be
18 granted. The relief granted for:

19 (i) Current support shall be collectible from benefits paid on a weekly
20 basis but shall not exceed 25% of the workers gross weekly compensation
21 excluding any medical compensation and rehabilitation costs paid directly
22 to providers.

23 (ii) Past due support shall be collectible from lump-sum settlements,
24 judgments or awards but shall not exceed 40% of a lump sum, excluding
25 any medical compensation and rehabilitation costs paid directly to
26 providers.

27 (2) In any proceeding under this subsection, the court may also
28 consider the modification of the existing support order upon proper notice
29 to the other interested parties.

30 (3) Any order of involuntary assignment of compensation shall be
31 served upon the payer of compensation and shall set forth the:

32 (A) Amount of the current support order;

33 (B) amount of the arrearage owed, if any;

34 (C) applicable percentage limitations;

35 (D) name and address of the payee to whom assigned sums shall be
36 disbursed by the payer; and

37 (E) date the assignment is to take effect and the conditions for
38 termination of the assignment.

39 (4) For the purposes of this section, "order for support" means any
40 order of any Kansas court, authorized by law to issue such an order, which
41 provides for the payment of funds for the support of a child or for
42 maintenance of a spouse or ex-spouse, and includes such an order which
43 provides for payment of an arrearage accrued under a previously existing

1 order and reimbursement orders, including but not limited to, an order
2 established pursuant to K.S.A. 39-718a ~~and amendments thereto, prior to~~
3 ~~its repeal~~; K.S.A. 39-718b, and amendments thereto; or an order
4 established pursuant to the uniform interstate family support act, *K.S.A.*
5 *2011 Supp. 23-36,101 et seq.*, and amendments thereto.

6 (5) For all purposes under this section, each obligation to pay child
7 support or order for child support shall be satisfied prior to satisfaction of
8 any obligation to pay or order for maintenance of a spouse or ex-spouse.

9 Sec. 58. K.S.A. 2011 Supp. 59-2136 is hereby amended to read as
10 follows: 59-2136. (a) The provisions of this section shall apply where a
11 relinquishment or consent to an adoption has not been obtained from a
12 parent and K.S.A. 59-2124 and 59-2129, and amendments thereto, state
13 that the necessity of a parent's relinquishment or consent can be
14 determined under this section.

15 (b) Insofar as practicable, the provisions of this section applicable to
16 the father also shall apply to the mother and those applicable to the mother
17 also shall apply to the father.

18 (c) In stepparent adoptions under subsection (d), the court may
19 appoint an attorney to represent any father who is unknown or whose
20 whereabouts are unknown. In all other cases, the court shall appoint an
21 attorney to represent any father who is unknown or whose whereabouts are
22 unknown. If no person is identified as the father or a possible father, the
23 court shall order publication notice of the hearing in such manner as the
24 court deems appropriate.

25 (d) In a stepparent adoption, if a mother consents to the adoption of a
26 child who has a presumed father under subsection (a)(1), (2) or (3) of
27 ~~K.S.A. 38-1114~~ *K.S.A. 2011 Supp. 23-2208*, and amendments thereto, or
28 who has a father as to whom the child is a legitimate child under prior law
29 of this state or under the law of another jurisdiction, the consent of such
30 father must be given to the adoption unless such father has failed or
31 refused to assume the duties of a parent for two consecutive years next
32 preceding the filing of the petition for adoption or is incapable of giving
33 such consent. In determining whether a father's consent is required under
34 this subsection, the court may disregard incidental visitations, contacts,
35 communications or contributions. In determining whether the father has
36 failed or refused to assume the duties of a parent for two consecutive years
37 next preceding the filing of the petition for adoption, there shall be a
38 rebuttable presumption that if the father, after having knowledge of the
39 child's birth, has knowingly failed to provide a substantial portion of the
40 child support as required by judicial decree, when financially able to do so,
41 for a period of two years next preceding the filing of the petition for
42 adoption, then such father has failed or refused to assume the duties of a
43 parent. The court may consider the best interests of the child and the

1 fitness of the nonconsenting parent in determining whether a stepparent
2 adoption should be granted.

3 (e) Except as provided in subsection (d), if a mother desires to
4 relinquish or consents to the adoption of such mother's child, a petition
5 shall be filed in the district court to terminate the parental rights of the
6 father, unless the father's relationship to the child has been previously
7 terminated or determined not to exist by a court. The petition may be filed
8 by the mother, the petitioner for adoption, the person or agency having
9 custody of the child or the agency to which the child has been or is to be
10 relinquished. Where appropriate, the request to terminate parental rights
11 may be contained in a petition for adoption. If the request to terminate
12 parental rights is not filed in connection with an adoption proceeding,
13 venue shall be in the county in which the child, the mother or the
14 presumed or alleged father resides or is found. In an effort to identify the
15 father, the court shall determine by deposition, affidavit or hearing, the
16 following:

17 (1) Whether there is a presumed father under ~~K.S.A. 38-1114~~ *K.S.A.*
18 *2011 Supp. 23-2208*, and amendments thereto;

19 (2) whether there is a father whose relationship to the child has been
20 determined by a court;

21 (3) whether there is a father as to whom the child is a legitimate child
22 under prior law of this state or under the law of another jurisdiction;

23 (4) whether the mother was cohabitating with a man at the time of
24 conception or birth of the child;

25 (5) whether the mother has received support payments or promises of
26 support with respect to the child or in connection with such mother's
27 pregnancy; and

28 (6) whether any man has formally or informally acknowledged or
29 declared such man's possible paternity of the child.

30 If the father is identified to the satisfaction of the court, or if more than
31 one man is identified as a possible father, each shall be given notice of the
32 proceeding in accordance with subsection (f).

33 (f) Notice of the proceeding shall be given to every person identified
34 as the father or a possible father by personal service, certified mail return
35 receipt requested or in any other manner the court may direct. Proof of
36 notice shall be filed with the court before the petition or request is heard.

37 (g) If, after the inquiry, the court is unable to identify the father or any
38 possible father and no person has appeared claiming to be the father and
39 claiming custodial rights, the court shall enter an order terminating the
40 unknown father's parental rights with reference to the child without regard
41 to subsection (h). If any person identified as the father or possible father of
42 the child fails to appear or, if appearing, fails to claim custodial rights,
43 such person's parental rights with reference to the child shall be terminated

1 without regard to subsection (h).

2 (h) (1) When a father or alleged father appears and asserts parental
3 rights, the court shall determine parentage, if necessary pursuant to the
4 Kansas parentage act, *K.S.A. 2011 Supp. 23-2201 et seq., and amendments*
5 *thereto*. If a father desires but is financially unable to employ an attorney,
6 the court shall appoint an attorney for the father. Thereafter, the court may
7 order that parental rights be terminated, upon a finding by clear and
8 convincing evidence, of any of the following:

9 (A) The father abandoned or neglected the child after having
10 knowledge of the child's birth;

11 (B) the father is unfit as a parent or incapable of giving consent;

12 (C) the father has made no reasonable efforts to support or
13 communicate with the child after having knowledge of the child's birth;

14 (D) the father, after having knowledge of the pregnancy, failed
15 without reasonable cause to provide support for the mother during the six
16 months prior to the child's birth;

17 (E) the father abandoned the mother after having knowledge of the
18 pregnancy;

19 (F) the birth of the child was the result of rape of the mother; or

20 (G) the father has failed or refused to assume the duties of a parent
21 for two consecutive years next preceding the filing of the petition.

22 (2) In making a finding whether parental rights shall be terminated
23 under this subsection, the court may:

24 (A) Consider and weigh the best interest of the child; and

25 (B) disregard incidental visitations, contacts, communications or
26 contributions.

27 (3) In determining whether the father has failed or refused to assume
28 the duties of a parent for two consecutive years next preceding the filing of
29 the petition for adoption, there shall be a rebuttable presumption that if the
30 father, after having knowledge of the child's birth, has knowingly failed to
31 provide a substantial portion of the child support as required by judicial
32 decree, when financially able to do so, for a period of two years next
33 preceding the filing of the petition for adoption, then such father has failed
34 or refused to assume the duties of a parent.

35 (i) A termination of parental rights under this section shall not
36 terminate the right of the child to inherit from or through the parent. Upon
37 such termination, all the rights of birth parents to such child, including
38 their right to inherit from or through such child, shall cease.

39 Sec. 59. K.S.A. 2011 Supp. 60-308 is hereby amended to read as
40 follows: 60-308. (a) Proof and effect. (1) Service of process may be made
41 on any party outside this state. If on a party domiciled in this state or on a
42 party that has submitted to the jurisdiction of the courts of this state, such
43 service provides personal jurisdiction over that party; otherwise it provides

1 in rem jurisdiction over specifically identified property that party has in
2 this state.

3 (2) The service of process must be made: (A) In the same manner as
4 service within this state, by an officer authorized to serve process in this
5 state or in the state where the party is served; or (B) by a party or the
6 party's attorney pursuant to subsection (c) of K.S.A. 60-303, and
7 amendments thereto. No order of a court is required. The server must file
8 an affidavit or a declaration pursuant to K.S.A. 53-601, and amendments
9 thereto, or any other competent proof, stating the time, manner and place
10 of service. The court may consider the affidavit, declaration or any other
11 competent proof in determining whether service has been properly made.

12 (3) No default may be entered until the expiration of at least 30 days
13 after service. A default judgment rendered on service outside this state may
14 be set aside only on a showing that is timely and sufficient under
15 subsection (b) of K.S.A. 60-260, and amendments thereto, to set aside a
16 default judgment.

17 (b) Submitting to jurisdiction. (1) Any person, whether or not a
18 citizen or resident of this state, who in person or through an agent or
19 instrumentality does any of the following acts, thereby submits the person
20 and, if an individual, the individual's representative, to the jurisdiction of
21 the courts of this state for any claim for relief arising from the act:

22 (A) Transacting any business in this state;

23 (B) committing a tortious act in this state;

24 (C) owning, using or possessing real estate located in this state;

25 (D) contracting to insure any person, property or risk located in this
26 state at the time of contracting;

27 (E) entering into an express or implied contract, by mail or otherwise,
28 with a resident of this state to be performed in whole or in part by either
29 party in this state;

30 (F) acting in this state as director, manager, trustee or other officer of
31 any corporation organized under the laws of or having a place of business
32 in this state or as executor or administrator of any estate in this state;

33 (G) causing to persons or property in this state an injury arising out of
34 an act or omission outside this state by the defendant if, at the time of the
35 injury, either:

36 (i) The defendant was engaged in solicitation or service activities in
37 this state; or

38 (ii) products, materials or things processed, serviced or manufactured
39 by the defendant anywhere were used or consumed in this state in the
40 ordinary course of trade or use;

41 (H) living in a marital relationship in this state notwithstanding
42 subsequent departure from this state, for all obligations arising for
43 maintenance, child support or property settlement under ~~article 16 of this~~

1 ~~chapter~~ *chapter 23 of the Kansas Statutes Annotated, and amendments*
2 *thereto*, if the other party to the marital relationship continues to reside in
3 this state;

4 (I) serving as insurer of a person at the time of an act by the person
5 which is the subject of an action in a court of competent jurisdiction in this
6 state which results in judgment being taken against the person;

7 (J) having sexual intercourse in this state, in an action seeking to
8 adjudge the person to be a parent of a child and in an action to require the
9 person to provide support for a child as provided by law, if: (i) The
10 conception of the child results from the act; and (ii) the other party to the
11 act or the child continues to reside in this state;

12 (K) entering into an express or implied arrangement, whether by
13 contract, tariff or otherwise, with a corporation or partnership residing or
14 doing business in this state under which the corporation or partnership has
15 supplied transportation services or communication service or equipment,
16 including telephonic communication services, for a business or
17 commercial user when the services supplied to the user are managed,
18 operated or monitored in this state, provided that the person is given
19 reasonable notice that arranging or continuing the transportation services
20 or communication services may result in jurisdiction under this section; or

21 (L) having contact with this state which would support jurisdiction
22 consistent with the constitutions of the United States and of this state.

23 (2) A person submits to the jurisdiction of the courts of this state for a
24 claim for relief which did not arise in this state if substantial, continuous
25 and systematic contact with this state is established which would support
26 jurisdiction consistent with the constitutions of the United States and of
27 this state.

28 (c) Section not exclusive. Nothing in this section affects the right to
29 serve process in any other manner provided by law.

30 Sec. 60. K.S.A. 2011 Supp. 60-703 is hereby amended to read as
31 follows: 60-703. The order of attachment shall be issued by a judge of the
32 district court upon the filing of a petition stating the claim and the filing of
33 an affidavit, or an affidavit and bond as required in this article, except that
34 no order of attachment shall be issued before judgment on plaintiff's claim
35 where the property of the defendant to be attached is in the possession of a
36 third party and is in the form of earnings due and owing to the defendant.
37 The filing of an affidavit stating one or more grounds of attachment is
38 required in every case. A bond is required in every case except in actions
39 instituted on behalf of the state of Kansas or a county of the state. The
40 order of attachment may be issued and executed on Sunday, a legal
41 holiday, or a day on which the office of the clerk of the court is not
42 accessible if the affidavit states that the party seeking the attachment will
43 lose the benefit thereof unless the writ be issued or served on such day.

1 The provisions of this section shall not be applicable to garnishments
2 authorized pursuant to K.S.A. ~~60-1607~~ *2011 Supp. 23-2707*, and
3 amendments thereto.

4 Sec. 61. K.S.A. 60-2308 is hereby amended to read as follows: 60-
5 2308. (a) Money received by any debtor as pensioner of the United States
6 within three months next preceding the issuing of an execution, or
7 attachment, or garnishment process, cannot be applied to the payment of
8 the debts of such pensioner when it appears by the affidavit of the debtor
9 or otherwise that such pension money is necessary for the maintenance of
10 the debtor's support or a family support wholly or in part by the pension
11 money. The filing of the affidavit by the debtor, or making proof as
12 provided in this section, shall be prima facie evidence of the necessity of
13 such pension money for such support. It shall be the duty of the court in
14 which such proceeding is pending to release all moneys held by such
15 attachment or garnishment process, immediately upon the filing of such
16 affidavit, or the making of such proof.

17 (b) Except as provided in subsection (c), any money or other assets
18 payable to a participant or beneficiary from, or any interest of any
19 participant or beneficiary in, a retirement plan which is qualified under
20 sections 401(a), 403(a), 403(b), 408, 408A or 409 of the federal internal
21 revenue code of 1986 and amendments thereto shall be exempt from any
22 and all claims of creditors of the beneficiary or participant. Any such plan
23 shall be conclusively presumed to be a spendthrift trust under these
24 statutes and the common law of the state.

25 (c) Any plan or arrangement described in subsection (b) shall not be
26 exempt from the claims of an alternate payee under a qualified domestic
27 relations order. However, the interest of any and all alternate payees under
28 a qualified domestic relations order shall be exempt from any and all
29 claims of any creditor, other than the state department of social and
30 rehabilitation services, of the alternate payee. As used in this subsection,
31 the terms "alternate payee" and "qualified domestic relations order" have
32 the meaning ascribed to them in section 414(p) of the federal internal
33 revenue code of 1986, and amendments thereto.

34 (d) The provisions of subsections (b) and (c) shall apply to any
35 proceeding which: (1) Is filed on or after July 1, 1986; or (2) was filed on
36 or after January 1, 1986, and is pending or on appeal July 1, 1986.

37 (e) Money held by the central unit for collection and disbursement of
38 support payments designated pursuant to ~~K.S.A. 23-4,118~~ *K.S.A. 2011*
39 *Supp. 39-7,135*, and amendments thereto, the state department of social
40 and rehabilitation services, any clerk of a district court or any district court
41 trustee in connection with a court order for the support of any person,
42 whether the money is identified as child support, spousal support, alimony
43 or maintenance, shall be exempt from execution, attachment or

1 garnishment process.

2 (f) (1) The provisions of this subsection shall apply to any proceeding
3 which:

4 (A) Is filed on or after January 1, 2002; or

5 (B) was filed prior to January 1, 2002, and is pending on or on appeal
6 after January 1, 2002.

7 (2) Except as provided by paragraphs (3) and (4) of this subsection, if
8 the designated beneficiary of a family postsecondary education savings
9 account established pursuant to K.S.A. ~~2005~~ 2011 Supp. 75-640 *et seq.*,
10 and amendments thereto, is a lineal descendant of the account owner, all
11 moneys in the account shall be exempt from any claims of creditors of the
12 account owner or designated beneficiary.

13 (3) The provisions of paragraph (2) of this subsection shall not apply
14 to:

15 (A) Claims of any creditor of an account owner, as to amounts
16 contributed within a one-year period preceding the date of the filing of a
17 bankruptcy petition under 11 U.S.C. ~~section~~ § 101 *et seq.*; or

18 (B) claims of any creditor of an account owner, as to amounts
19 contributed within a one-year period preceding an execution on judgment
20 for such claims against the account owner.

21 (4) The provisions of paragraph (2) of this subsection shall not apply
22 to:

23 (A) Claims of any creditor of an account owner, as to amounts
24 exceeding \$5,000 contributed within a period of time which is more than
25 one year but less than two years preceding the date of the filing of a
26 bankruptcy petition under 11 U.S.C. ~~section~~ § 101 *et seq.*; or

27 (B) claims of any creditor of an account owner, as to amounts
28 exceeding \$5,000 contributed within a period of time which is more than
29 one year but less than two years preceding an execution on judgment for
30 such claims against the account owner.

31 Sec. 62. K.S.A. 2011 Supp. 60-2403 is hereby amended to read as
32 follows: 60-2403. (a) (1) Except as provided in subsection (b) or (d), if a
33 renewal affidavit is not filed or if execution, including any garnishment
34 proceeding, support enforcement proceeding or proceeding in aid of
35 execution, is not issued, within five years from the date of the entry of any
36 judgment in any court of record in this state, including judgments in favor
37 of the state or any municipality in the state, or within five years from the
38 date of any order reviving the judgment or, if five years have intervened
39 between the date of the last renewal affidavit filed or execution
40 proceedings undertaken on the judgment and the time of filing another
41 renewal affidavit or undertaking execution proceedings on it, the
42 judgment, including court costs and fees therein shall become dormant,
43 and shall cease to operate as a lien on the real estate of the judgment

1 debtor. When a judgment becomes and remains dormant for a period of
2 two years, it shall be the duty of the judge to release the judgment of
3 record when requested to do so.

4 (2) A "renewal affidavit" is a statement under oath, signed by the
5 judgment creditor or the judgment creditor's attorney, filed in the
6 proceedings in which the judgment was entered and stating the remaining
7 balance due and unpaid on the judgment.

8 (3) A "support enforcement proceeding" means any civil proceeding
9 to enforce any judgment for payment of child support or maintenance and
10 includes, but is not limited to, any income withholding proceeding under
11 the income withholding act, ~~K.S.A. 23-4,105 through 23-4,118~~ *K.S.A.*
12 *2011 Supp. 23-3101 et seq.*, and amendments thereto, ~~or the interstate~~
13 ~~income withholding act, K.S.A. 23-4,125 through 23-4,137 and~~
14 ~~amendments thereto~~; any contempt proceeding and any civil proceeding
15 under the uniform interstate family support act, ~~K.S.A. 23-9,101~~ *K.S.A.*
16 *2011 Supp. 23-36,101 et seq.*, and amendments thereto.

17 (b) Except for those judgments which have become void as of July 1,
18 2007, no judgment for the support of a child shall be or become dormant
19 for any purpose except as provided in this subsection. If a judgment would
20 have become dormant under the conditions set forth in subsection (a), the
21 judgment shall cease to operate as a lien on the real estate of the judgment
22 debtor as of the date the judgment would have become dormant, but the
23 judgment shall not be released of record pursuant to subsection (a).

24 (c) The time within which action must be taken to prevent a judgment
25 from becoming dormant does not run during any period in which the
26 enforcement of the judgment by legal process is stayed or prohibited.

27 (d) If a renewal affidavit is not filed or if execution is not issued,
28 within 10 years from the date of the entry of any judgment of restitution in
29 any court of record in this state, the judgment, including court costs and
30 fees therein shall become dormant, and shall cease to operate as a lien on
31 the real estate of the judgment debtor. Except as provided in subsection
32 (b), when a judgment becomes and remains dormant for a period of two
33 years, it shall be the duty of the judge to release the judgment of record
34 when requested to do so.

35 Sec. 63. *K.S.A. 2011 Supp. 60-2803* is hereby amended to read as
36 follows: 60-2803. (a) When a money judgment rendered in a civil action in
37 a court of this state is satisfied, the judgment creditor or the assignee of the
38 judgment creditor shall file satisfaction and release of the judgment within
39 21 days after receipt of written demand therefor, sent by restricted mail as
40 defined by *K.S.A. 60-103*, and amendments thereto. Such satisfaction and
41 release shall be filed with the clerk of the court in which the judgment was
42 entered and with the clerk of any other court in which the judgment was
43 filed.

1 (b) If a judgment creditor or the assignee of a judgment creditor
2 refuses or neglects to enter satisfaction and release of a judgment when
3 required by this section, such judgment creditor or assignee shall be liable
4 to the judgment debtor, or other interested person demanding the
5 satisfaction or release, in damages in the amount of \$100, together with a
6 reasonable attorney's fee for preparing and prosecuting the action to
7 recover such damages.

8 (c) The provisions of this section shall not apply if the judgment is
9 satisfied by payment through the office of the clerk of the district court, the
10 district court trustee or any central unit for collection and disbursement of
11 support payments designated pursuant to ~~K.S.A. 23-4,118~~ *K.S.A. 2011*
12 *Supp. 39-7,135*, and amendments thereto.

13 Sec. 64. K.S.A. 60-3103 is hereby amended to read as follows: 60-
14 3103. Any district court shall have jurisdiction over all proceedings under
15 the protection from abuse act. The right of a person to obtain relief under
16 the protection from abuse act shall not be affected by the person's leaving
17 the residence or household to avoid further abuse. Any petition under this
18 act seeking orders regarding a custody determination, as defined in ~~K.S.A.~~
19 ~~38-1337~~ *K.S.A. 2011 Supp. 23-37,102*, and amendments thereto, shall state
20 that information required by ~~K.S.A. 38-1356~~ *K.S.A. 2011 Supp. 23-37,209*,
21 and amendments thereto, and the basis under which child-custody
22 jurisdiction is sought to be invoked.

23 Sec. 65. K.S.A. 2011 Supp. 60-3107 is hereby amended to read as
24 follows: 60-3107. (a) The court may approve any consent agreement to
25 bring about a cessation of abuse of the plaintiff or minor children or grant
26 any of the following orders:

27 (1) Restraining the defendant from abusing, molesting or interfering
28 with the privacy or rights of the plaintiff or of any minor children of the
29 parties. Such order shall contain a statement that if such order is violated,
30 such violation may constitute assault as defined in subsection (a) of K.S.A.
31 2011 Supp. 21-5412, and amendments thereto, battery as defined in
32 subsection (a) of K.S.A. 2011 Supp. 21-5413, and amendments thereto,
33 domestic battery as defined in K.S.A. 2011 Supp. 21-5414, and
34 amendments thereto, and violation of a protective order as defined in
35 K.S.A. 2011 Supp. 21-5924, and amendments thereto.

36 (2) Granting possession of the residence or household to the plaintiff
37 to the exclusion of the defendant, and further restraining the defendant
38 from entering or remaining upon or in such residence or household,
39 subject to the limitation of subsection (d). Such order shall contain a
40 statement that if such order is violated, such violation shall constitute
41 criminal trespass as defined in subsection (a)(1)(C) of K.S.A. 2011 Supp.
42 21-5808, and amendments thereto, and violation of a protective order as
43 defined in K.S.A. 2011 Supp. 21-5924, and amendments thereto. The court

1 may grant an order, which shall expire 60 days following the date of
2 issuance, restraining the defendant from cancelling utility service to the
3 residence or household.

4 (3) Requiring defendant to provide suitable, alternate housing for the
5 plaintiff and any minor children of the parties.

6 (4) Awarding temporary custody and residency and establishing
7 temporary parenting time with regard to minor children.

8 (5) Ordering a law enforcement officer to evict the defendant from
9 the residence or household.

10 (6) Ordering support payments by a party for the support of a party's
11 minor child, if the party is the father or mother of the child, or the plaintiff,
12 if the plaintiff is married to the defendant. Such support orders shall
13 remain in effect until modified or dismissed by the court or until expiration
14 and shall be for a fixed period of time not to exceed one year. On the
15 motion of the plaintiff, the court may extend the effect of such order for 12
16 months.

17 (7) Awarding costs and attorney fees to either party.

18 (8) Making provision for the possession of personal property of the
19 parties and ordering a law enforcement officer to assist in securing
20 possession of that property, if necessary.

21 (9) Requiring any person against whom an order is issued to seek
22 counseling to aid in the cessation of abuse.

23 (10) Ordering or restraining any other acts deemed necessary to
24 promote the safety of the plaintiff or of any minor children of the parties.

25 (b) No protection from abuse order shall be entered against the
26 plaintiff unless:

27 (1) The defendant properly files a written cross or counter petition
28 seeking such a protection order;

29 (2) the plaintiff had reasonable notice of the written cross or counter
30 petition by personal service as provided in subsection (d) of K.S.A. 60-
31 3104, and amendments thereto; and

32 (3) the issuing court made specific findings of abuse against both the
33 plaintiff and the defendant and determined that both parties acted primarily
34 as aggressors and neither party acted primarily in self-defense.

35 (c) Any order entered under the protection from abuse act shall not be
36 subject to modification on ex parte application or on motion for temporary
37 orders in any action filed pursuant to K.S.A. 60-1601 *et seq.*, *prior to such*
38 *section's repeal or transfer*; or K.S.A. 38-1101 *et seq.*, and amendments
39 *thereto, or articles 22 or 27 of chapter 23 of the Kansas Statutes*
40 *Annotated, and amendments thereto*. Orders previously issued in an action
41 filed pursuant to K.S.A. 60-1601 *et seq.*, *prior to such section's repeal or*
42 *transfer*; or K.S.A. 38-1101 *et seq.*, and amendments thereto, *or articles 22*
43 *or 27 of chapter 23 of the Kansas Statutes Annotated, and amendments*

1 *thereto*, shall be subject to modification under the protection from abuse
2 act only as to those matters subject to modification by the terms of K.S.A.
3 2011 Supp. ~~23-2712, 23-2715, 23-2716, 23-2802, 23-2902 through 23-~~
4 ~~2605, 23-3001 through 23-3006, 23-3201 through 23-3207, 23-3216 and~~
5 ~~23-3218 and article 27 of chapter 23 of the Kansas Statutes Annotated,~~
6 and amendments thereto, and on sworn testimony to support a showing of
7 good cause. Immediate and present danger of abuse to the plaintiff or
8 minor children shall constitute good cause. If an action is filed pursuant to
9 K.S.A. 2011 Supp. ~~23-2712, 23-2715, 23-2716, 23-2802, 23-2902 through~~
10 ~~23-2605, 23-3001 through 23-3006, 23-3201 through 23-3207, 23-3216~~
11 ~~and or 23-3218 or articles 22 or 27 of chapter 23 of the Kansas Statutes~~
12 ~~Annotated,~~ and amendments thereto, during the pendency of a proceeding
13 filed under the protection from abuse act or while an order issued under
14 the protection from abuse act is in effect, the court, on final hearing or on
15 agreement of the parties, may issue final orders authorized by K.S.A. 2011
16 Supp. ~~23-2712, 23-2715, 23-2716, 23-2802, 23-2902 through 23-2605, 23-~~
17 ~~3001 through 23-3006, 23-3201 through 23-3207, 23-3216 and 23-3218~~
18 ~~and articles 22 and 27 of chapter 23 of the Kansas Statutes Annotated,~~ and
19 amendments thereto, that are inconsistent with orders entered under the
20 protection from abuse act. Any inconsistent order entered pursuant to this
21 subsection shall be specific in its terms, reference the protection from
22 abuse order and parts thereof being modified and a copy thereof shall be
23 filed in both actions. The court shall consider whether the actions should
24 be consolidated in accordance with K.S.A. 60-242, and amendments
25 thereto. Any custody or parenting time order, or order relating to the best
26 interests of a child, issued pursuant to the revised Kansas code for care of
27 children or the revised Kansas juvenile justice code, shall be binding and
28 shall take precedence over any such custody or parenting order involving
29 the same child issued under the protection from abuse act, until
30 jurisdiction under the revised Kansas code for care of children or the
31 revised Kansas juvenile justice code is terminated. Any inconsistent
32 custody or parenting order issued in the revised Kansas code for care of
33 children case or the revised Kansas juvenile justice code case shall be
34 specific in its terms, reference any preexisting protection from abuse order
35 and the custody being modified, and a copy of such order shall be filed in
36 the preexisting protection from abuse case.

37 (d) If the parties to an action under the protection from abuse act are
38 not married to each other and one party owns the residence or household,
39 the court shall not have the authority to grant possession of the residence
40 or household under subsection (a)(2) to the exclusion of the party who
41 owns it.

42 (e) Subject to the provisions of subsections (b), (c) and (d), a
43 protective order or approved consent agreement shall remain in effect until

1 modified or dismissed by the court and shall be for a fixed period of time
2 not to exceed one year, except that, on motion of the plaintiff, such period
3 may be extended for one additional year.

4 (f) The court may amend its order or agreement at any time upon
5 motion filed by either party.

6 (g) No order or agreement under the protection from abuse act shall
7 in any manner affect title to any real property.

8 (h) If a person enters or remains on premises or property violating an
9 order issued pursuant to subsection (a)(2), such violation shall constitute
10 criminal trespass as defined in subsection (a)(1)(C) of K.S.A. 2011 Supp.
11 21-5808, and amendments thereto, and violation of a protective order as
12 defined in K.S.A. 2011 Supp. 21-5924, and amendments thereto. If a
13 person abuses, molests or interferes with the privacy or rights of another
14 violating an order issued pursuant to subsection (a)(1), such violation may
15 constitute assault as defined in subsection (a) of K.S.A. 2011 Supp. 21-
16 5412, and amendments thereto, battery as defined in subsection (a) of
17 K.S.A. 2011 Supp. 21-5413, and amendments thereto, domestic battery as
18 defined in K.S.A. 2011 Supp. 21-5414, and amendments thereto, and
19 violation of a protective order as defined in K.S.A. 2011 Supp. 21-5924,
20 and amendments thereto.

21 Sec. 66. K.S.A. 65-2409a is hereby amended to read as follows: 65-
22 2409a. (a) A certificate of birth for each live birth which occurs in this
23 state shall be filed with the state registrar within five days after such birth
24 and shall be registered by such registrar if such certificate has been
25 completed and filed in accordance with this section. If a birth occurs on a
26 moving conveyance, a birth certificate shall indicate as the place of birth
27 the location where the child was first removed from the conveyance.

28 (b) When a birth occurs in an institution, the person in charge of the
29 institution or the person's designated representative shall obtain the
30 personal data, prepare the certificate, secure the signatures required by the
31 certificate and file such certificate with the state registrar. The physician in
32 attendance or, in the absence of the physician, the person in charge of the
33 institution or that person's designated representative shall certify to the
34 facts of birth and provide the medical information required by the
35 certificate within five days after the birth. When a birth occurs outside an
36 institution, the certificate shall be prepared and filed by one of the
37 following in the indicated order of priority: (1) The physician in
38 attendance at or immediately after the birth, or in the absence of such a
39 person; (2) any other person in attendance at or immediately after the birth,
40 or in the absence of such a person; or (3) the father, the mother or, in the
41 absence of the father and the inability of the mother, the person in charge
42 of the premises where the birth occurred.

43 (c) If the mother was married at the time of either conception or birth,

1 or at any time between conception and birth, the name of the husband shall
2 be entered on the certificate as the father of the child unless paternity has
3 been determined otherwise by a court of competent jurisdiction, in which
4 case the name of the father as determined by the court shall be entered. If
5 the mother was not married either at the time of conception or of birth, or
6 at any time between conception and birth, the name of the father shall not
7 be entered on the certificate of birth without the written consent of the
8 mother and of the person to be named as the father on a form provided by
9 the state registrar pursuant to ~~K.S.A. 38-1138~~ *K.S.A. 2011 Supp. 23-2204,*
10 *and amendments thereto*, unless a determination of paternity has been
11 made by a court of competent jurisdiction, in which case the name of the
12 father as determined by the court shall be entered.

13 (d) One of the parents of any child shall sign the certificate of live
14 birth to attest to the accuracy of the personal data entered thereon, in time
15 to permit its filing within the five days prescribed above.

16 (e) Except as otherwise provided by this subsection, a fee of \$4 shall
17 be paid for each certificate of live birth filed with the state registrar. Such
18 fee shall be paid by the parent or parents of the child. If a birth occurs in
19 an institution, the person in charge of the institution or the person's
20 designated representative shall be responsible for collecting the fee and
21 shall remit such fee to the secretary of health and environment not later
22 than the 15th day following the end of the calendar quarter during which
23 the birth occurred. If a birth occurs other than in an institution, the person
24 completing the birth certificate shall be responsible for collecting the fee
25 and shall remit such fee to the secretary of health and environment not
26 later than the 15th day of the month following the birth.

27 The fee provided for by this subsection shall not be required to be paid
28 if the parent or parents of the child are at the time of the birth receiving
29 assistance, as defined by K.S.A. 39-702, and amendments thereto, from
30 the secretary of social and rehabilitation services.

31 (f) Except as provided in this subsection, when a certificate of birth is
32 filed pursuant to this act, each parent shall furnish the social security
33 number or numbers issued to the parent. Social security numbers
34 furnished pursuant to this subsection shall not be recorded on the birth
35 certificate. A parent shall not be required to furnish such person's social
36 security number pursuant to this subsection if no social security number
37 has been issued to the parent; the social security number is unknown; or
38 the secretary determines that good cause, as defined in federal regulations
39 promulgated pursuant to title IV-D of the federal social security act, exists
40 for not requiring the social security number. Nothing in this subsection
41 shall delay the filing or issuance of the birth certificate.

42 Sec. 67. K.S.A. 2011 Supp. 74-147 is hereby amended to read as
43 follows: 74-147. (a) Any notice to a licensing body served pursuant to

1 K.S.A. 20-1204a, and amendments thereto, shall have attached a copy of
2 the court order finding the licensee in contempt of court in a child support
3 proceeding. Any notice to a licensing body served pursuant to ~~K.S.A. 60-~~
4 ~~1622~~ *K.S.A. 2011 Supp. 23-3119*, and amendments thereto, shall have
5 attached a copy of the warrant or subpoena outstanding against the
6 licensee. Any notice to a licensing body served pursuant to K.S.A. 2011
7 Supp. ~~60-1622a~~ *23-3120*, and amendments thereto, shall have attached a
8 copy of the court order stating the findings of fact required by K.S.A. 2011
9 Supp. ~~60-1622a~~ *23-3120*, and amendments thereto. The notice shall advise
10 the licensing body of the duty to comply with K.S.A. 74-146 and 74-147,
11 and amendments thereto; shall provide the name of the licensee and
12 information which will assist the licensing body to identify the correct
13 person; and shall provide the name, mailing address and telephone number
14 of the person serving the notice. If inadequate identifying information is
15 included in the notice, the licensing body shall promptly contact the person
16 serving the notice to request additional information.

17 (b) If a licensing body receives a notice pursuant to subsection (a),
18 the licensing body shall, within 30 days after receiving the notice, notify
19 the licensee of the licensing body's intent to suspend or to withhold
20 issuance or renewal of the licensee's authorization to practice a profession
21 in this state and of the licensee's rights and duties under this section. If the
22 licensing body does not receive sufficient information with the notice to
23 identify the correct licensee, the 30 days shall commence when sufficient
24 identifying information is received.

25 (c) If the licensing body receives a notice pursuant to subsection (a),
26 the licensing body shall provide the licensee a temporary license,
27 authorizing the individual to practice a profession in this state, if the
28 licensee is otherwise eligible. The temporary license shall be valid for a
29 period of six months from the date the notice to the licensee pursuant to
30 subsection (b) was issued. A temporary license issued under this section
31 shall not be extended, except that the licensing body may extend the
32 temporary license up to 30 days to prevent extreme hardship for a person
33 being served by the licensee. If the licensee does not furnish a release
34 pursuant to subsection (c) within the time required by the licensing body,
35 the licensing body shall proceed to suspend, terminate, deny or refuse to
36 renew the licensee's authority to practice a profession in this state.

37 (d) If an authorization to practice a profession in this state is
38 suspended, denied or not renewed pursuant to this section, any funds paid
39 by the licensee shall not be refunded by the licensing body.

40 (e) If a temporary license has been issued pursuant to subsection (c),
41 the licensee shall obtain a release from the court that authorized the notice
42 to the licensing body, as a condition for the issuance or renewal of the
43 licensee's authorization to practice a profession in this state. The licensing

1 body may require the licensee to furnish the release before the temporary
2 license expires.

3 (f) In any review of the licensing body's actions pursuant to K.S.A.
4 74-146 and 74-147, and amendments thereto, conducted by the licensing
5 body at the request of the licensee, the issues shall be limited to the
6 identity of the licensee and the validity of notices pursuant to this section.
7 The licensing body shall have no jurisdiction over issues related to the
8 support obligation of the licensee.

9 (g) The licensing body shall immediately terminate any proceedings,
10 concerning a court order for support of a child, against a licensee upon
11 presentation by the licensee of a notice of compliance from the court that
12 authorized the initial notice as provided in subsection (a). The court shall
13 issue a notice of compliance to the licensee if the licensee has contacted
14 the court and is attempting to comply with a payment plan. If the licensee's
15 license has been suspended or not renewed, and the licensee has provided
16 the notice of compliance from the court and otherwise qualifies for the
17 license, the licensing body shall reinstate the license or issue the renewal
18 license to the licensee.

19 Sec. 68. K.S.A. 2011 Supp. 74-4923 is hereby amended to read as
20 follows: 74-4923. (a) No alteration, amendment or repeal of this act shall
21 affect the then existing rights of members and beneficiaries but shall be
22 effective only as to rights which would otherwise accrue under this act as a
23 result of services rendered by an employee after the alteration, amendment
24 or repeal. This subsection shall not apply to any alteration or amendment
25 of this act which provides greater benefits to members or beneficiaries, but
26 any increase of benefits shall only be applicable to benefits payable on the
27 first day of the month coinciding with or following the effective date of the
28 alteration or amendment.

29 (b) Any annuity, benefits, funds, property or rights created by, or
30 accruing to any person under the provisions of K.S.A. 74-4901 *et seq.* or
31 74-4951 *et seq.*, and amendments thereto, including, but not limited to, for
32 all taxable years beginning after December 31, 2000, amounts received as
33 a lump-sum payment at retirement as provided by K.S.A. 74-4918, 74-
34 4964 or 74-4964a, and amendments thereto, and all earnings thereof, shall
35 be exempt from any tax of the state of Kansas or any political subdivision
36 or taxing body of the state, and such lump-sum payment at retirement, and
37 all earnings thereof, shall retain such tax exempt status even if a retirant
38 elects to roll over such lump-sum payment at retirement, and earnings, into
39 a qualified retirement account whether segregated from or commingled
40 with other retirement funds; shall not be subject to execution, garnishment
41 or attachment, or, except as otherwise provided, any other process or claim
42 whatsoever; and shall be unassignable, except that within 30 days after the
43 death of a retirant the lump-sum death benefit payable to a retirant's

1 beneficiary pursuant to the provisions of K.S.A. 74-4989, and amendments
2 thereto, may be assignable to a funeral establishment providing funeral
3 services to the retirant by the beneficiary of such retirant. Any annuity or
4 benefit or accumulated contributions due and owing to any person under
5 the provisions of K.S.A. 74-4901 *et seq.* or 74-4951 *et seq.*, and
6 amendments thereto, are subject to claims of an alternate payee under a
7 qualified domestic relations order. As used in this subsection, the terms
8 "alternate payee" and "qualified domestic relations order" shall have the
9 meaning ascribed to them in section 414(p) of the federal internal revenue
10 code. The provisions of this act shall apply to any qualified domestic
11 relations order which is in effect on or after July 1, 1994. The Kansas
12 public employees retirement system shall not be a party to any action
13 under ~~article 16 of chapter 60~~ *the Kansas family law code, chapter 23* of
14 the Kansas Statutes Annotated, and amendments thereto, but is subject to
15 orders from such actions issued by the district court of the county where
16 such action was filed and may also accept orders which it deems to be
17 qualified under this subsection from courts having jurisdiction of such
18 actions outside the state of Kansas. Such orders from such actions shall
19 specify either a specific amount or specific percentage of the amount of
20 the pension or benefit or any accumulated contributions due and owing
21 from the system to be distributed by the system pursuant to this act.

22 (c) In any case where a state agency is owed a debt or where a
23 participating employer under the Kansas public employees retirement
24 system or under the Kansas police and firemen's retirement system has
25 been required to pay and has paid an arrearage obligation of the amount of
26 contributions of a member which were not paid at the time required and
27 where the employment of the member by the state agency or participating
28 employer has been terminated and the member is eligible to withdraw
29 accumulated contributions in accordance with K.S.A. 74-4917 and 74-
30 4963, and amendments thereto, the state agency or participating employer
31 shall be paid from the member's account in the fund an amount equal to
32 the debt or the amount of contributions of the member paid by the
33 participating employer pursuant to an arrearage obligation, upon
34 application to the board therefor accompanied by certification of the
35 amount to be paid to the state agency or participating employer. If any
36 application and certification under this subsection are not received by the
37 board prior to the withdrawal of accumulated contributions by the member,
38 the board shall not be liable to pay and shall not pay any amount from the
39 fund pursuant to any such application and certification.

40 Sec. 69. K.S.A. 74-7334 is hereby amended to read as follows: 74-
41 7334. (a) There is hereby created in the state treasury the crime victims
42 assistance fund. All moneys credited to the fund pursuant to K.S.A. 12-
43 4117, 19-101e, 19-4707 and 20-367, and amendments thereto, shall be

1 used solely for the purpose of making grants for on-going operating
2 expenses of programs, including court-appointed special advocate
3 programs, providing: (1) Temporary emergency shelter for victims of child
4 abuse and neglect; (2) counseling and assistance to those victims; or (3)
5 educational services directed at reducing the incidence of child abuse and
6 neglect and diminishing its impact on the victim. The remainder of moneys
7 credited to the fund shall be used for the purpose of supporting the
8 operation of state agency programs which provide services to the victims
9 of crime and making grants to existing programs or to establish and
10 maintain new programs providing services to the victims of crime.

11 (b) All expenditures from the crime victims assistance fund shall be
12 made in accordance with appropriations acts upon warrants of the director
13 of accounts and reports issued pursuant to vouchers approved by the
14 attorney general or by a person or persons designated by the attorney
15 general.

16 (c) The attorney general may apply for, receive and accept moneys
17 from any source for the purposes for which moneys in the crime victims
18 assistance fund may be expended. Upon receipt of any such moneys, the
19 attorney general shall remit the entire amount to the state treasurer in
20 accordance with the provisions of K.S.A. 75-4215, and amendments
21 thereto. Upon receipt of each such remittance, the state treasurer shall
22 deposit the entire amount in the state treasury to the credit of the crime
23 victims assistance fund.

24 (d) Grants made to programs with funds derived from K.S.A. 12-
25 4117, 19-101e, 19-4707 and 20-367, and amendments thereto, shall be
26 based on the numbers of persons served by the program and shall be made
27 only to programs aimed at preventing child abuse and neglect or providing
28 residential services or facilities to victims of child abuse or neglect. In
29 order for programs to qualify for funding under this section, they must:

30 (1) Meet the requirements of section 501(c) of the internal revenue
31 code of 1986;

32 (2) be registered and in good standing as a nonprofit corporation;

33 (3) meet normally accepted standards for nonprofit organizations;

34 (4) have trustees who represent the racial, ethnic and socioeconomic
35 diversity of the county or counties served;

36 (5) have received 50% or more of their funds from sources other than
37 funds distributed through the fund, which other sources may be public or
38 private and may include contributions of goods or services, including
39 materials, commodities, transportation, office space or other types of
40 facilities or personal services;

41 (6) demonstrate ability to successfully administer programs;

42 (7) make available an independent certified audit of the previous
43 year's financial records;

- 1 (8) have obtained appropriate licensing or certification, or both;
2 (9) serve a significant number of residents of the county or counties
3 served;
4 (10) not unnecessarily duplicate services already adequately provided
5 to county residents; and
6 (11) agree to comply with reporting requirements of the attorney
7 general.

8 The attorney general may adopt rules and regulations establishing
9 additional standards for eligibility and accountability for grants made
10 pursuant to this section.

11 (e) All moneys credited to the fund pursuant to ~~K.S.A. 23-108a-~~
12 ~~K.S.A. 2011 Supp. 23-2510~~, and amendments thereto, shall be set aside to
13 use as matching funds for meeting any federal requirement for the purpose
14 of establishing child exchange and visitation centers as provided in K.S.A.
15 75-720, and amendments thereto. If no federal funds are made available to
16 the state for the purpose of establishing such child exchange and visitation
17 centers, then such moneys may be used as otherwise provided in this
18 section. Only those moneys credited to the fund pursuant to ~~K.S.A. 23-~~
19 ~~108a K.S.A. 2011 Supp. 23-2510~~, and amendments thereto, may be used
20 for such matching funds. No state general fund moneys shall be used for
21 such matching funds.

22 Sec. 70. K.S.A. 13-1246a, 20-1204a, 20-2618, 23-4,125, 23-4,126,
23 23-4,127, 23-4,128, 23-4,129, 23-4,130, 23-4,131, 23-4,132, 23-4,133, 23-
24 4,134, 23-4,135, 23-4,136, 23-4,137, 39-7,138, 39-7,147, 44-514, 60-2308,
25 60-3103, 65-2409a and 74-7334 and K.S.A. 2011 Supp. 12-5005, 20-164,
26 20-165, 20-302b, 21-5808, 21-5924, 23-2217, 23-2706, 23-2709, 23-2710,
27 23-2715, 23-2717, 23-2802, 23-2902, 23-2905, 23-3001, 23-3004, 23-
28 3005, 23-3207, 23-3208, 23-3215, 23-3219, 23-3221, 23-3222, 23-3301,
29 23-3302, 23-3304, 23-3403, 28-177, 28-177a, 38-1518, 38-2201, 38-2202,
30 38-2203, 38-2220, 38-2221, 38-2223, 38-2255, 38-2255b, 38-2264, 38-
31 2304, 38-2313, 38-2318, 38-2362, 39-7,135, 39-7,145, 59-2136, 60-308,
32 60-703, 60-1613, 60-2403, 60-2803, 60-3107, 74-147 and 74-4923 are
33 hereby repealed.

34 Sec. 71. This act shall take effect and be in force from and after its
35 publication in the ~~statute book~~ **Kansas Register**.