

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 38

As Recommended by Senate Committee on
Judiciary

Brief*

SB 38 would make technical amendments to several statutes to clarify language relating to the priority of orders issued under the revised Kansas Code for Care of Children and the revised Kansas Juvenile Justice Code. These amendments would remove the words “custody,” “residency,” “parenting time,” and other references to specific orders so that the statutes would instead refer to orders generally.

This bill also would amend KSA 2010 Supp. 38-2262 to remove limitations on the topics on which a child can address the court in a proceeding under the revised Kansas Code for Care of Children. It would remove a requirement in the same statute that the child be “of sound intellect.”

Background

The Kansas Judicial Council requested the Senate Judiciary Committee introduce SB 38.

In the Senate Judiciary Committee, a representative of the Kansas Judicial Council appeared in support of SB 38, explaining that SB 460, passed by the 2010 Legislature, established that child in need of care orders or juvenile offender orders would have priority over similar orders in other domestic cases. The conferee argued the bill is needed to provide clarification and consistency as to the priority language created by 2010 SB 460. In addition, the conferee

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

stated the section of SB 38 removing limitations on the topics on which a child can address the court and the “sound intellect” requirement would bring the statutory language within actual practice. No opponents provided testimony. The Committee made no changes to the bill and recommended it be passed.

The fiscal note on the bill states the bill would have no fiscal effect.