

SENATE BILL No. 329

By Committee on Judiciary

1-29

1 AN ACT concerning the revised Kansas juvenile justice code; orders
2 relating to parents; amending K.S.A. 2013 Supp. 38-2362 and repealing
3 the existing section.
4

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

6 Section 1. K.S.A. 2013 Supp. 38-2362 is hereby amended to read as
7 follows: 38-2362. (a) When sentencing a juvenile offender, the court may
8 order a juvenile offender's parent to participate in counseling, mediation
9 sessions or an alcohol and drug evaluation and treatment program ordered
10 as part of the juvenile offender's sentence under K.S.A. 2013 Supp. 38-
11 2361, and amendments thereto, or to participate in parenting classes *or*
12 *other court sponsored program designed to rehabilitate the juvenile.*

13 (1) Upon entering an order requiring a juvenile offender's parent to
14 attend counseling sessions or mediation, the court shall give the parent
15 notice of the order. The notice shall inform the parent of the parent's right
16 to request a hearing within 14 days after entry of the order and the parent's
17 right to employ an attorney to represent the parent at the hearing or, if the
18 parent is financially unable to employ an attorney, the parent's right to
19 request the court to appoint an attorney to represent the parent.

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

22 (3) If the parent requests a hearing, the court shall set the matter for
23 hearing and, if requested, shall appoint an attorney to represent the parent.
24 The expense and fees of the appointed attorney may be allowed and
25 assessed as provided by K.S.A. 2013 Supp. 38-2306, and amendments
26 thereto.

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

30 (1) The board of county commissioners of a county may provide by
31 resolution that the parent of any juvenile offender placed under a house
32 arrest program pursuant to subsection (a)(9) of K.S.A. 2013 Supp. 38-
33 2361, and amendments thereto, shall be required to pay to the county the
34 cost of such house arrest program. The board of county commissioners
35 shall prepare a sliding financial scale based on the ability of the parent to
36 pay for such a program.

1 (2) If child support has been requested and a parent has a duty to
2 support the juvenile offender, the court may order, and when custody is
3 placed with the commissioner shall order, one or both parents to pay child
4 support. The court shall determine, for each parent separately, whether the
5 parent already is subject to an order to pay support for the juvenile. If the
6 parent currently is not ordered to pay support for the juvenile and the court
7 has personal jurisdiction over the parent, the court shall order the parent to
8 pay child support in an amount determined under K.S.A. 2013 Supp. 38-
9 2319, and amendments thereto. Except for good cause shown, the court
10 shall issue an immediate income withholding order pursuant to K.S.A.
11 2013 Supp. 23-3101 et seq., and amendments thereto, for each parent
12 ordered to pay support under this subsection, regardless of whether a payor
13 has been identified for the parent. A parent ordered to pay child support
14 under this subsection shall be notified, at the hearing or otherwise, that the
15 child support order may be registered pursuant to K.S.A. 2013 Supp. 38-
16 2321, and amendments thereto. The parent also shall be informed that,
17 after registration, the income withholding order may be served on the
18 parent's employer without further notice to the parent and the child support
19 order may be enforced by any method allowed by law. Failure to provide
20 this notice shall not affect the validity of the child support order.

21 Sec. 2. K.S.A. 2013 Supp. 38-2362 is hereby repealed.

22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the statute book.