

SESSION OF 2016

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 393**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 393 would amend provisions in the Kansas Family Law Code relating to the custody, residency, and parenting time of a child.

The bill would add parenting time to those determinations made by a court in accordance with the best interests of the child. Existing law speaks to custody and residency only.

The bill would amend certain factors considered in determining custody, residency, and parenting time decisions, as follows:

- The factor related to each parent's respect for the other's bond and the continuing relationship between the child and the other parent would be amended to exclude consideration of a parent's actions when that parent is acting to protect a child from witnessing or being a victim of domestic abuse by the other parent;
- The factor of evidence of emotional or physical spousal abuse would be replaced with a factor of whether domestic abuse is occurring or has occurred.

Domestic abuse, as defined in this section, would mean a pattern or history of behavior used to gain or maintain domination and control over an intimate partner or household

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\*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>

member, including emotional and economic abuse, acts of domestic violence, stalking, and sexual assault. The court would be able to consider the following to determine the existence of domestic abuse:

- The results of a domestic violence offender assessment;
- Any protective order filed; and
- Any criminal convictions.

If the court finds domestic abuse has occurred, the court would be required to make related findings on the record and it would be a primary factor upon which custody, residency, and parenting time determinations would be made. The court would be required to state in the order the reasons it is in the best interests of the child, and how the safety of the child and the other parent have been considered. The court also could order a parent to undergo a domestic violence offender assessment and to follow all recommendations made by the program if domestic abuse is found to have occurred.

## **Background**

The bill was introduced by the Senate Committee on Public Health and Welfare. At the hearing before the Senate Committee on Judiciary, proponents testifying in support of the bill included three private citizens and a representative of the Kansas Coalition Against Sexual and Domestic Violence. The Victim Services Division of the Kansas Attorney General's Office submitted written testimony in favor of the bill. No neutral or opposing testimony was presented.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration states the bill would increase the amount of time judges spend on these types of cases and thus would lead to increases in Judicial Branch expenditures, but a precise estimate of expenditures cannot be determined at this time.