

January 28, 2020

To: Kansas House Judiciary Committee

Honorable Committee Members,

My name is Jason Fletes, I am an attorney in Overland Park and have practiced law in Kansas since 1999. I am a lifelong Kansan and a graduate of the University of Kansas with a BA, majoring in Political Science and Crime and Delinquency Studies; and a graduate of The University of Missouri-Kansas City School of Law. I am giving my testimony herein in support of House Bill 2333.

My practice areas are diverse; however I have devoted the majority of my practice to family and domestic relations law (including adoption). While my practice area is commonly associated with divorce it also encompasses a variety of other areas involving the preservation of and sometimes the establishment of legal parent-child relationships. In my career, I have had moments of great professional satisfaction in knowing that I have helped reunite a child with a parent or in knowing that I have helped a child be adopted by a loving parent.

Unfortunately, sometimes parents make bad choices and sometimes children are the ultimate victim of those bad choices. In my career, I have been involved in cases where parents have unjustly taken or caused their child to be removed from the country to keep the child away from the other parent. I have also been involved in cases where a parent has inappropriately exploited the legal system to deny the other parent access to a minor child without any justification or basis. Finally, I have handled cases where children have no suitable parent to care for their needs and a third party has to step in to legally assume those duties.

Fortunately, Kansas law provides us with some tools to both fight for and to protect children. This system however is not perfect and there are instances where we discover gaps in the law or areas where improvement is warranted. Presently there exists such a gap in KSA 59-2134 and HB2333 will fix it.

Kansas family and domestic relations law, including the adoption code, focus on what is in the best interests of children. That is the primary consideration for making custody determinations and is a significant consideration under the adoption code. In that regard, Court's need to have the flexibility to make determinations and adjustments as deemed appropriate and in the best interests of a child. Court's should have the ability to preserve important family relationships and to prevent injustice which endangers those relationships. HB2333 gives Courts that flexibility and would permit a Court to make specific findings of fact concerning a child's best interest to determine appropriate effective dates for an adoption. While this may not be a situation that presents itself frequently, there are instances where for one reason or another a parent may not file an adoption case at the time that they should file such a case. Financial circumstances, lack of access to sound

legal advice, or being deployed outside of the country are all such instances. I regularly encounter clients who have not timely filed cases because either they did not have adequate financial resources to do so, they received poor or incorrect legal advice or they were simply unable to do so due to work or military obligations which kept them out of Kansas.

Like other areas of Kansas law, the adoption code should place a child's best interest at the forefront and give Court's flexibility in determining the effective date of an adoption when appropriate justifications exist.

I appreciate the opportunity to present my testimony today and urge your full support of and passage of HB2333.

Thank you,

Jason Fletes
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