

HOUSE BILL No. 2409

By Committee on Judiciary

2-10

1 AN ACT concerning family law; enacting the Kansas uniform parentage
2 act (2017); repealing the Kansas parentage act; amending K.S.A. 38-
3 1518, 38-2220, 38-2221, 38-2313, 38-2318, 39-7,145, 59-501 and 65-
4 2409a and K.S.A. 2022 Supp. 20-165, 20-302b, 23-2222, 23-2223, 23-
5 36,401 and 59-2136 and repealing the existing sections; also repealing
6 K.S.A. 2022 Supp. 23-2201, 23-2202, 23-2203, 23-2204, 23-2205, 23-
7 2206, 23-2207, 23-2208, 23-2209, 23-2210, 23-2211, 23-2212, 23-
8 2213, 23-2214, 23-2215, 23-2216, 23-2219, 23-2220, 23-2221, 23-
9 2224 and 23-2225.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. The provisions of sections 1 through 78, and
13 amendments thereto, shall be known and may be cited as the Kansas
14 uniform parentage act (2017).

15 New Sec. 2. (a) As used in the Kansas uniform parentage act (2017):

16 (1) "Acknowledged parent" means an individual who has established
17 a parent-child relationship under sections 12 through 26, and amendments
18 thereto.

19 (2) "Adjudicated parent" means an individual who has been
20 adjudicated to be a parent of a child by a court with jurisdiction.

21 (3) "Alleged genetic parent" means an individual who is alleged to
22 be, or alleges that the individual is, a genetic parent or possible genetic
23 parent of a child whose parentage has not been adjudicated. The term
24 includes an alleged genetic father and alleged genetic mother, but does not
25 include:

26 (A) A presumed parent;

27 (B) an individual whose parental rights have been terminated or
28 declared not to exist; or

29 (C) a donor.

30 (4) "Assisted reproduction" means a method of causing pregnancy
31 other than sexual intercourse. The term includes:

32 (A) Intrauterine or intracervical insemination;

33 (B) donation of gametes;

34 (C) donation of embryos;

35 (D) in vitro fertilization and transfer of embryos; and

36 (E) intracytoplasmic sperm injection.

1 (5) "Birth" includes stillbirth.

2 (6) "Child" means an individual of any age whose parentage may be
3 determined under the Kansas uniform parentage act (2017).

4 (7) "Child-support agency" means a governmental entity, public
5 official or private agency authorized to provide parentage-establishment
6 services under title IV-D of the social security act, 42 U.S.C. §§ 651-669.

7 (8) "Determination of parentage" means establishment of a parent-
8 child relationship by a judicial or administrative proceeding or signing of a
9 valid acknowledgment of parentage under sections 12 through 26, and
10 amendments thereto.

11 (9) "Donor" means an individual who provides gametes intended for
12 use in assisted reproduction, whether or not for consideration. "Donor"
13 does not include:

14 (A) A woman who gives birth to a child conceived by assisted
15 reproduction; or

16 (B) a parent under sections 61 through 68, and amendments thereto.

17 (10) "Gamete" means sperm, egg or any part of a sperm or egg.

18 (11) "Genetic testing" means an analysis of genetic markers to
19 identify or exclude a genetic relationship.

20 (12) "Individual" means a natural person of any age.

21 (13) "Intended parent" means an individual, married or unmarried,
22 who manifests an intent to be legally bound as a parent of a child
23 conceived by assisted reproduction.

24 (14) "Man" means a male individual of any age.

25 (15) "Parent" means an individual who has established a parent-child
26 relationship pursuant to section 8, and amendments thereto.

27 (16) "Parentage" or "parent-child relationship" means the legal
28 relationship between a child and a parent of the child.

29 (17) "Presumed parent" means an individual who under section 11,
30 and amendments thereto, is presumed to be a parent of a child, unless the
31 presumption is overcome in a judicial proceeding, a valid denial of
32 parentage is made under sections 12 through 26, and amendments thereto,
33 or a court adjudicates the individual to be a parent.

34 (18) "Record" means information that is inscribed on a tangible
35 medium or that is stored in an electronic or other medium and is
36 retrievable in perceivable form.

37 (19) "Sign" means, with present intent, to authenticate or adopt a
38 record by:

39 (A) Executing or adopting a tangible symbol; or

40 (B) attaching to or logically associating with the record an electronic
41 symbol, sound or process.

42 (20) "Signatory" means an individual who signs a record.

43 (21) "State" means a state of the United States, the District of

1 Columbia, Puerto Rico, the United States Virgin Islands or any territory or
2 insular possession under the jurisdiction of the United States. "State"
3 includes a federally recognized Indian tribe.

4 (22) "Transfer" means a procedure for assisted reproduction by which
5 an embryo or sperm is placed in the body of the woman who will give
6 birth to the child.

7 (23) "Witnessed" means that at least one individual who is authorized
8 to sign has signed a record to verify that the individual personally has
9 observed a signatory signing the record.

10 (24) "Woman" means a female individual of any age.

11 New Sec. 3. (a) The Kansas uniform parentage act (2017) applies to
12 an adjudication or determination of parentage.

13 (b) The Kansas uniform parentage act (2017) shall not create, affect,
14 enlarge or diminish parental rights or duties under the laws of this state
15 other than the Kansas uniform parentage act (2017).

16 New Sec. 4. A district court may adjudicate parentage under the
17 Kansas uniform parentage act (2017).

18 New Sec. 5. (a) The court shall apply the law of this state to
19 adjudicate parentage. The applicable law shall not depend on:

- 20 (1) The place of birth of the child;
21 (2) the past or present residence of the child; or
22 (3) the place of conception of the child.

23 New Sec. 6. A proceeding under the Kansas uniform parentage act
24 (2017) is subject to the laws of this state other than the Kansas uniform
25 parentage act (2017) that govern the health, safety, privacy and liberty of a
26 child or other individual who could be affected by disclosure of
27 information that could identify the child or other individual, including
28 address, telephone number, digital contact information, place of
29 employment, social security number and the child care facility or school
30 that the child attends.

31 New Sec. 7. To the extent practicable, a provision of the Kansas
32 uniform parentage act (2017) applicable to a father-child relationship
33 applies to a mother-child relationship and a provision of the Kansas
34 uniform parentage act (2017) applicable to a mother-child relationship
35 applies to a father-child relationship.

36 New Sec. 8. (a) A parent-child relationship is established between an
37 individual and a child if:

- 38 (1) The individual gives birth to the child;
39 (2) there is a presumption under section 11, and amendments thereto,
40 of the individual's parentage of the child, unless the presumption is
41 overcome in a judicial proceeding or a valid denial of parentage is made
42 under sections 12 through 26, and amendments thereto;
43 (3) the individual is adjudicated a parent of the child under sections

1 39 through 60, and amendments thereto;

2 (4) the individual adopts the child;

3 (5) the individual acknowledges parentage of the child under sections
4 12 through 26, and amendments thereto, unless the acknowledgment is
5 rescinded under section 19, and amendments thereto, or successfully
6 challenged under sections 12 through 26 or 39 through 60, and
7 amendments thereto; or

8 (6) the individual's parentage of the child is established under
9 sections 61 through 68, and amendments thereto.

10 New Sec. 9. A parent-child relationship extends equally to every
11 child and parent, regardless of the marital status of the parent.

12 New Sec. 10. Unless parental rights are terminated, a parent-child
13 relationship established under the Kansas uniform parentage act (2017)
14 applies for all purposes, except as otherwise provided by the laws of this
15 state other than the Kansas uniform parentage act (2017).

16 New Sec. 11. (a) An individual is presumed to be a parent of a child
17 if:

18 (1) Except as otherwise provided under the laws of this state other
19 than the Kansas uniform parentage act (2017):

20 (A) The individual and the woman who gave birth to the child are
21 married to each other and the child is born during the marriage, whether
22 the marriage is or could be declared invalid;

23 (B) the individual and the woman who gave birth to the child were
24 married to each other and the child is born not later than 300 days after the
25 marriage is terminated by death, divorce, annulment or after a decree of
26 separate maintenance, whether the marriage is or could be declared
27 invalid; or

28 (C) the individual and the woman who gave birth to the child married
29 each other after the birth of the child, whether the marriage is or could be
30 declared invalid, the individual at any time asserted parentage of the child,
31 and:

32 (i) The assertion is in a record filed with the state register of vital
33 statistics; or

34 (ii) the individual agreed to be and is named as a parent of the child
35 on the birth certificate of the child; or

36 (2) the individual resided in the same household with the child for the
37 first two years of the life of the child, including any period of temporary
38 absence, and openly held out the child as the individual's child.

39 (b) A presumption of parentage under this section may be overcome,
40 and competing claims to parentage may be resolved, only by an
41 adjudication under sections 39 through 60, and amendments thereto, or a
42 valid denial of parentage under sections 12 through 26, and amendments
43 thereto.

1 New Sec. 12. A woman who gave birth to a child and an alleged
2 genetic father of the child, an intended parent under sections 61 through
3 68, and amendments thereto, or a presumed parent may sign an
4 acknowledgment of parentage to establish the parentage of the child.

5 New Sec. 13. (a) An acknowledgment of parentage under section 12,
6 and amendments thereto, shall:

7 (1) Be in a record signed by the woman who gave birth to the child
8 and by the individual seeking to establish a parent-child relationship, and
9 the signatures shall be attested by a notarial officer or witnessed;

10 (2) state that the child whose parentage is being acknowledged does:

11 (A) Not have a presumed parent other than the individual seeking to
12 establish the parent-child relationship or has a presumed parent whose full
13 name is stated; and

14 (B) not have another acknowledged parent, adjudicated parent or
15 individual who is a parent of the child under sections 61 through 68, and
16 amendments thereto, other than the woman who gave birth to the child;
17 and

18 (3) state that the signatories understand that the acknowledgment is
19 the equivalent of an adjudication of parentage of the child and that a
20 challenge to the acknowledgment is permitted only under limited
21 circumstances and is barred two years after the effective date of the
22 acknowledgment.

23 (b) An acknowledgment of parentage is void if, at the time of signing:

24 (1) An individual other than the individual seeking to establish
25 parentage is a presumed parent, unless a denial of parentage by the
26 presumed parent in a signed record is filed with the state registrar of vital
27 statistics; or

28 (2) an individual, other than the woman who gave birth to the child or
29 the individual seeking to establish parentage, is an acknowledged or
30 adjudicated parent or a parent under sections 61 through 68, and
31 amendments thereto, and amendments thereto.

32 New Sec. 14. (a) A presumed parent or alleged genetic parent may
33 sign a denial of parentage in a record. The denial of parentage is valid only
34 if:

35 (1) An acknowledgment of parentage by another individual is filed
36 under section 16, and amendments thereto;

37 (2) the signature of the presumed parent or alleged genetic parent is
38 attested by a notarial officer or witnessed; and

39 (3) the presumed parent or alleged genetic parent has not previously:

40 (A) Completed a valid acknowledgment of parentage, unless the
41 previous acknowledgment was rescinded under section 19, and
42 amendments thereto, or challenged successfully under section 20, and
43 amendments thereto; or

1 (B) been adjudicated to be a parent of the child.

2 New Sec. 15. (a) An acknowledgment of parentage and a denial of
3 parentage may be contained in a single document or in counterparts and
4 may be filed with the state registrar of vital statistics separately or
5 simultaneously. If filing of the acknowledgment and denial both are
6 required under the Kansas uniform parentage act (2017), neither is
7 effective until both are filed.

8 (b) An acknowledgment of parentage or denial of parentage may be
9 signed before or after the birth of the child.

10 (c) Subject to subsection (a), an acknowledgment of parentage or
11 denial of parentage takes effect upon the birth of the child or filing of the
12 document with the state registrar of vital statistics, whichever occurs later.

13 (d) An acknowledgment of parentage or denial of parentage signed
14 by a minor is valid if the acknowledgment complies with the Kansas
15 uniform parentage act (2017).

16 New Sec. 16. (a) Except as otherwise provided in sections 19 and 20,
17 and amendments thereto, an acknowledgment of parentage that complies
18 with sections 12 through 26, and amendments thereto, and is filed with the
19 state registrar of vital statistics is equivalent to an adjudication of
20 parentage of the child and confers on the acknowledged parent all rights
21 and duties of a parent.

22 (b) Except as otherwise provided in sections 19 and 20, and
23 amendments thereto, a denial of parentage by a presumed parent or alleged
24 genetic parent that complies with sections 12 through 26, and amendments
25 thereto, and is filed with the state registrar of vital statistics with an
26 acknowledgment of parentage that complies with sections 12 through 26,
27 and amendments thereto, is equivalent to an adjudication of the
28 nonparentage of the presumed parent or alleged genetic parent and
29 discharges the presumed parent or alleged genetic parent from all rights
30 and duties of a parent.

31 New Sec. 17. The state registrar of vital statistics may charge a fee
32 for filing an acknowledgment of parentage or denial of parentage.

33 New Sec. 18. A court conducting a judicial proceeding shall not ratify
34 an unchallenged acknowledgment of parentage.

35 New Sec. 19. (a) A signatory may rescind an acknowledgment of
36 parentage or denial of parentage by filing with the state registrar of vital
37 statistics a rescission in a signed record that is attested by a notarial officer
38 or witnessed, before the earlier of:

39 (1) 60 days after the effective date under section 15, and amendments
40 thereto, of the acknowledgment or denial; or

41 (2) the date of the first hearing before a court in a proceeding, to
42 which the signatory is a party, to adjudicate an issue relating to the child,
43 including a proceeding that establishes support.

1 (b) If an acknowledgment of parentage is rescinded under subsection
2 (a), an associated denial of parentage is invalid and the state registrar of
3 vital statistics shall notify the individual who gave birth to the child and
4 any individual who signed a denial of parentage of the child that the
5 acknowledgment has been rescinded. Failure to give the notice required by
6 this subsection shall not affect the validity of the rescission.

7 New Sec. 20. (a) Except as provided in subsection (b), after the
8 period for rescission under section 19, and amendments thereto, expires,
9 but not later than two years after the effective date under section 15, and
10 amendments thereto, of an acknowledgment of parentage or denial of
11 parentage, a signatory of the acknowledgment or denial may file a petition
12 to challenge the acknowledgment or denial, including a challenge brought
13 under section 53, and amendments thereto, only on the basis of fraud,
14 duress or material mistake of fact.

15 (b) If the signatory of the acknowledgment of parentage or denial of
16 parentage was a minor on the effective date under section 15, and
17 amendments thereto, of the acknowledgment parentage or denial of
18 parentage, the proceeding to challenge the acknowledgment or denial,
19 including a challenge brought under section 53, and amendments thereto,
20 may be brought at any time until one year after such signatory attains 18
21 years of age, unless the court finds that the child is more than one year of
22 age and that rescission of the acknowledgment or denial is not in the best
23 interests of the child.

24 (c) A challenge to an acknowledgment of parentage or denial of
25 parentage by an individual who was not a signatory to the
26 acknowledgment or denial is governed by section 49, and amendments
27 thereto.

28 New Sec. 21. (a) (1) Every signatory to an acknowledgment of
29 parentage and any related denial of parentage shall be made a party to a
30 proceeding to challenge the acknowledgment or denial.

31 (2) If there has been an assignment of the child's support rights
32 pursuant to K.S.A. 39-709, and amendments thereto, the secretary for
33 children and families shall be a necessary party to any action under this
34 section.

35 (b) By signing an acknowledgment of parentage or denial of
36 parentage, a signatory submits to personal jurisdiction in this state in a
37 proceeding to challenge the acknowledgment or denial, effective upon the
38 filing of the acknowledgment or denial with the state registrar of vital
39 statistics.

40 (c) The court shall not stay the legal responsibilities arising from an
41 acknowledgment of parentage, including the duty to pay child support,
42 during the pendency of a proceeding to challenge the acknowledgment or a
43 related denial of parentage, unless the party challenging the

1 acknowledgment or denial shows good cause that the legal responsibilities
2 should be stayed.

3 (d) A party challenging an acknowledgment of parentage or denial of
4 parentage has the burden of proof.

5 (e) If the court determines that a party has satisfied the burden of
6 proof under subsection (d), the court shall order the state registrar of vital
7 statistics to amend the birth record of the child to reflect the legal
8 parentage of the child.

9 (f) A proceeding to challenge an acknowledgment of parentage or
10 denial of parentage shall be conducted under sections 39 through 60, and
11 amendments thereto.

12 New Sec. 22. The court shall give full faith and credit to an
13 acknowledgment of parentage or denial of parentage effective in another
14 state if the acknowledgment or denial was in a signed record and otherwise
15 complies with the laws of the other state.

16 New Sec. 23. (a) The state registrar of vital statistics, in conjunction
17 with the secretary for children and families, shall prescribe forms for an
18 acknowledgment of parentage and denial of parentage. The form for an
19 acknowledgment of parentage shall include or have attached a written
20 description of the rights and responsibilities of acknowledging parentage.

21 (b) A valid acknowledgment of parentage or denial of parentage shall
22 not be affected by a later modification of the form under subsection (a).

23 New Sec. 24. (a) The state registrar of vital statistics may release any
24 record relating to an acknowledgment of parentage or denial of parentage
25 to a signatory of the acknowledgment, denial or rescission, a court, federal
26 agency and child-support agency of this or another state.

27 (b) Upon request, the state registrar of vital statistics shall provide a
28 certified copy of the acknowledgment of parentage, denial of parentage or
29 rescission of acknowledgment of parentage to a child-support agency.

30 New Sec. 25. The state registrar of vital statistics may adopt rules and
31 regulations to implement the Kansas uniform parentage act (2017).

32 New Sec. 26. (a) There is hereby established in this state a hospital-
33 based program for voluntary acknowledgment of parentage pursuant to
34 K.S.A. 65-2409a, and amendments thereto, for newborn children. Birthing
35 hospitals shall participate in the program. Other hospitals and persons may
36 participate in the program by agreement with the secretary for children and
37 families.

38 (b) The secretary for children and families shall provide information
39 and instructions to birthing hospitals for the hospital-based program for
40 voluntary acknowledgment of parentage. The secretary for children and
41 families may adopt rules and regulations establishing procedures for
42 birthing hospitals under the program.

43 (c) Subject to appropriations, the secretary for children and families is

1 authorized to establish in this state a physicians' office-based program for
2 voluntary acknowledgment of parentage pursuant to K.S.A. 65-2409a, and
3 amendments thereto, for newborn children. The secretary shall provide
4 information and instructions to physicians' offices for the program and
5 may adopt rules and regulations establishing procedures for physicians'
6 offices under the program.

7 (d) The secretary of health and environment shall provide services for
8 the voluntary acknowledgment of parentage, in appropriate circumstances,
9 through the office of the state registrar. The secretary of health and
10 environment may adopt rules and regulations to carry out the requirements
11 of this section.

12 (e) "Birthing hospital" means a hospital or facility as defined by rules
13 and regulations of the secretary for children and families.

14 New Sec. 27. In sections 27 through 38, and amendments thereto:

15 (1) "Combined relationship index" means the product of all tested
16 relationship indices.

17 (2) "Ethnic or racial group" means, for the purpose of genetic testing,
18 a recognized group that an individual identifies as the individual's ancestry
19 or part of the ancestry or that is identified by other information.

20 (3) "Hypothesized genetic relationship" means an asserted genetic
21 relationship between an individual and a child.

22 (4) "Probability of parentage" means, for the ethnic or racial group to
23 which an individual alleged to be a parent belongs, the probability that a
24 hypothesized genetic relationship is supported, compared to the probability
25 that a genetic relationship is supported between the child and a random
26 individual of the ethnic or racial group used in the hypothesized genetic
27 relationship, expressed as a percentage incorporating the combined
28 relationship index and a prior probability.

29 (5) "Relationship index" means a likelihood ratio that compares the
30 probability of a genetic marker given a hypothesized genetic relationship
31 and the probability of the genetic marker given a genetic relationship
32 between the child and a random individual of the ethnic or racial group
33 used in the hypothesized genetic relationship.

34 New Sec. 28. (a) Sections 27 through 38, and amendments thereto,
35 govern genetic testing of an individual in a proceeding to adjudicate
36 parentage, whether the individual:

37 (1) Voluntarily submits to testing; or

38 (2) is tested under an order of the court or a child-support agency.

39 (b) Genetic testing shall not be used to:

40 (1) Challenge the parentage of an individual who is a parent under
41 sections 61 through 68, and amendments thereto; or

42 (2) establish the parentage of an individual who is a donor.

43 New Sec. 29. (a) Except as otherwise provided in sections 27 through

1 60, and amendments thereto, in a proceeding under the Kansas uniform
2 parentage act (2017) to determine parentage, the court shall order the child
3 and any other individual to submit to genetic testing if a request for testing
4 is supported by the sworn statement of a party:

5 (1) Alleging a reasonable possibility that the individual is the child's
6 genetic parent; or

7 (2) denying genetic parentage of the child and stating facts
8 establishing a reasonable possibility that the individual is not a genetic
9 parent.

10 (b) A child-support agency may order genetic testing only if there is
11 no presumed, acknowledged or adjudicated parent of a child other than the
12 woman who gave birth to the child.

13 (c) The court or child-support agency shall not order in utero genetic
14 testing.

15 (d) If two or more individuals are subject to court-ordered genetic
16 testing, the court may order that testing be completed concurrently or
17 sequentially.

18 (e) Genetic testing of a woman who gave birth to a child is not a
19 condition precedent to testing of the child and an individual whose genetic
20 parentage of the child is being determined. If the woman is unavailable or
21 declines to submit to genetic testing, the court may order genetic testing of
22 the child and each individual whose genetic parentage of the child is being
23 adjudicated.

24 (f) In a proceeding to adjudicate the parentage of a child having a
25 presumed parent or to challenge an acknowledgment of parentage, the
26 court may deny a motion for genetic testing of the child and any other
27 individual after considering the factors in section 52(a) and (b), and
28 amendments thereto.

29 (g) If an individual requesting genetic testing is barred under sections
30 39 through 60, and amendments thereto, from establishing the individual's
31 parentage, the court shall deny the request for genetic testing.

32 (h) An order under this section for genetic testing is enforceable by
33 contempt.

34 (i) If any party refuses to submit to ordered tests, the court may
35 resolve the question of parentage against the party or enforce its order if
36 the rights of others and the interests of justice so require.

37 New Sec. 30. (a) Genetic testing shall be of a type reasonably relied
38 on by experts in the field of genetic testing and performed in a testing
39 laboratory accredited by:

40 (1) The AABB, formerly known as the American association of blood
41 banks, or a successor to its functions; or

42 (2) an accrediting body designated by the secretary of the United
43 States department of health and human services.

1 (b) A specimen used in genetic testing may consist of a sample or a
2 combination of samples of blood, buccal cells, bone, hair or other body
3 tissue or fluid. The specimen used in the testing need not be of the same
4 kind for each individual undergoing genetic testing.

5 (c) Based on the ethnic or racial group of an individual undergoing
6 genetic testing, a testing laboratory shall determine the databases from
7 which to select frequencies for use in calculating a relationship index. If an
8 individual or a child-support agency objects to the laboratory's choice, the
9 following rules apply:

10 (1) Not later than 30 days after receipt of the report of the test, the
11 objecting individual or child-support agency may request the court to
12 require the laboratory to recalculate the relationship index using an ethnic
13 or racial group different from that used by the laboratory.

14 (2) The individual or the child-support agency objecting to the
15 laboratory's choice under this subsection shall:

16 (A) If the requested frequencies are not available to the laboratory for
17 the ethnic or racial group requested, provide the requested frequencies
18 compiled in a manner recognized by accrediting bodies; or

19 (B) engage another laboratory to perform the calculations.

20 (3) The laboratory may use its own statistical estimate if there is a
21 question which ethnic or racial group is appropriate. The laboratory shall
22 calculate the frequencies using statistics, if available, for any other ethnic
23 or racial group requested.

24 (d) If, after recalculation of the relationship index under subsection
25 (c) using a different ethnic or racial group, genetic testing under section
26 32, and amendments thereto, does not identify an individual as a genetic
27 parent of a child, the court may require an individual who has been tested
28 to submit to additional genetic testing to identify a genetic parent.

29 New Sec. 31. (a) A report of genetic testing shall be in a record and
30 signed under penalty of perjury by a designee of the testing laboratory. A
31 report complying with the requirements of sections 27 through 38, and
32 amendments thereto, is self-authenticating.

33 (b) Documentation from a testing laboratory of the following
34 information is sufficient to establish a reliable chain of custody and allow
35 the results of genetic testing to be admissible without testimony:

36 (1) The name and photograph of each individual whose specimen has
37 been taken;

38 (2) the name of the individual who collected each specimen;

39 (3) the place and date each specimen was collected;

40 (4) the name of the individual who received each specimen in the
41 testing laboratory; and

42 (5) the date each specimen was received.

43 New Sec. 32. (a) Subject to a challenge under subsection (b), an

1 individual is identified under the Kansas uniform parentage act (2017) as a
2 genetic parent of a child if genetic testing complies with sections 27
3 through 38, and amendments thereto, and the results of the testing
4 disclose:

5 (1) The individual has at least a 99% probability of parentage, using a
6 prior probability of 0.50, as calculated by using the combined relationship
7 index obtained in the testing; and

8 (2) a combined relationship index of at least 100 to one.

9 (b) An individual identified under subsection (a) as a genetic parent
10 of the child may challenge the genetic testing results only by other genetic
11 testing satisfying the requirements of sections 27 through 38, and
12 amendments thereto, that:

13 (1) Excludes the individual as a genetic parent of the child; or

14 (2) identifies another individual as a possible genetic parent of the
15 child other than:

16 (A) The woman who gave birth to the child; or

17 (B) the individual identified under subsection (a).

18 (c) Except as otherwise provided in section 37, and amendments
19 thereto, if more than one individual other than the woman who gave birth
20 is identified by genetic testing as a possible genetic parent of the child, the
21 court shall order each individual to submit to further genetic testing to
22 identify a genetic parent.

23 New Sec. 33. (a) Subject to assessment of fees under sections 39
24 through 60, and amendments thereto, payment of the cost of initial genetic
25 testing shall be made in advance:

26 (1) By a child-support agency in a proceeding in which the child-
27 support agency is providing services;

28 (2) by the individual who made the request for genetic testing;

29 (3) as agreed by the parties; or

30 (4) as ordered by the court.

31 (b) If the cost of genetic testing is paid by a child-support agency, the
32 agency may seek reimbursement from the genetic parent whose parent-
33 child relationship is established.

34 New Sec. 34. The court or child-support agency shall order additional
35 genetic testing on request of an individual who contests the result of the
36 initial testing under section 32, and amendments thereto. If initial genetic
37 testing under section 32, and amendments thereto, identified an individual
38 as a genetic parent of the child, the court or agency shall not order
39 additional testing until the requirements of testing and manner of payment
40 are determined.

41 New Sec. 35. (a) Subject to subsection (b), if a genetic-testing
42 specimen is not available from an alleged genetic parent of a child, an
43 individual seeking genetic testing demonstrates good cause and the court

1 finds that the circumstances are just, the court may order any of the
2 following individuals to submit specimens for genetic testing:

- 3 (1) A parent of the alleged genetic parent;
- 4 (2) a sibling of the alleged genetic parent;
- 5 (3) another child of the alleged genetic parent and the woman who
6 gave birth to the other child; and
- 7 (4) another relative of the alleged genetic parent necessary to
8 complete genetic testing.

9 (b) To issue an order under this section, the court shall find that a
10 need for genetic testing outweighs the legitimate interests of the individual
11 sought to be tested.

12 New Sec. 36. If an individual seeking genetic testing demonstrates
13 good cause, the court may order genetic testing of a deceased individual.

14 New Sec. 37. (a) If the court finds there is reason to believe that an
15 alleged genetic parent has an identical sibling and evidence that the sibling
16 may be a genetic parent of the child, the court may order genetic testing of
17 the sibling.

18 (b) If more than one sibling is identified under section 32, and
19 amendments thereto, as a genetic parent of the child, the court may rely on
20 nongenetic evidence to adjudicate which sibling is a genetic parent of the
21 child.

22 New Sec. 38. (a) Release of a report of genetic testing for parentage
23 is controlled by the laws of this state other than the Kansas uniform
24 parentage act (2017).

25 (b) An individual who intentionally releases an identifiable specimen
26 of another individual collected for genetic testing under sections 27
27 through 38, and amendments thereto, for a purpose not relevant to a
28 proceeding regarding parentage, without a court order or written
29 permission of the individual who furnished the specimen, commits a class
30 A nonperson misdemeanor.

31 New Sec. 39. A proceeding may be commenced to adjudicate the
32 parentage of a child. Except as otherwise provided in the Kansas uniform
33 parentage act (2017), the proceeding shall be governed by chapter 60 of
34 the Kansas Statutes Annotated, and amendments thereto.

35 New Sec. 40. Except as otherwise provided in sections 12 through 26
36 and sections 48 through 50, and amendments thereto, a proceeding to
37 adjudicate parentage may be brought by:

- 38 (a) The child;
- 39 (b) the woman who gave birth to the child, unless a court has
40 adjudicated that she is not a parent;
- 41 (c) an individual who is a parent under the Kansas uniform parentage
42 act (2017);
- 43 (d) an individual whose parentage of the child is to be adjudicated;

1 (e) a child-support agency, when authorized under K.S.A. 39-755 or
2 39-756, and amendments thereto, at any time during a child's minority;

3 (f) an adoption agency authorized by the laws of this state other than
4 the Kansas uniform parentage act (2017) or licensed child-placement
5 agency; or

6 (g) a representative authorized by the laws of this state other than the
7 Kansas uniform parentage act (2017) to act for an individual who
8 otherwise would be entitled to maintain a proceeding but is deceased,
9 incapacitated or a minor.

10 New Sec. 41. (a) The petitioner shall give notice of a proceeding to
11 adjudicate parentage to the following individuals:

12 (1) The woman who gave birth to the child, unless a court has
13 adjudicated that she is not a parent;

14 (2) an individual who is a parent of the child under the Kansas
15 uniform parentage act (2017);

16 (3) a presumed, acknowledged or adjudicated parent of the child; and

17 (4) an individual whose parentage of the child is to be adjudicated.

18 (b) An individual entitled to notice under subsection (a) has a right to
19 intervene in the proceeding.

20 (c) Lack of notice required by subsection (a) shall not render a
21 judgment void. Lack of notice shall not preclude an individual entitled to
22 notice under subsection (a) from bringing a proceeding under section
23 50(b), and amendments thereto.

24 New Sec. 42. (a) The court may adjudicate an individual's parentage
25 of a child only if the court has personal jurisdiction over the individual.

26 (b) A court of this state with jurisdiction to adjudicate parentage may
27 exercise personal jurisdiction over a nonresident individual or the guardian
28 or conservator of the individual if the conditions prescribed in K.S.A. 23-
29 36,201, and amendments thereto, are satisfied.

30 (c) Lack of jurisdiction over one individual shall not preclude the
31 court from making an adjudication of parentage binding on another
32 individual.

33 New Sec. 43. (a) Venue for a proceeding to adjudicate parentage is in
34 the county of this state where:

35 (1) The child resides or is located;

36 (2) if the child does not reside in this state, the respondent resides or
37 is located; or

38 (3) a proceeding has been commenced for administration of the estate
39 of an individual who is or may be a parent under the Kansas uniform
40 parentage act (2017).

41 New Sec. 44. (a) In all pleadings under the Kansas uniform parentage
42 act (2017) brought by any person listed in section 40, and amendments
43 thereto, other than a child-support agency:

1 (1) The truth of the allegations of any petition under sections 39
2 through 60, and amendments thereto, shall be verified by the filing party in
3 person or by the guardian of a minor or an incapacitated person.

4 (2) All pleadings shall be captioned, "In the matter of the parentage of
5 _____." If the request for determination of parentage is
6 filed in another action, the caption shall follow the caption of that matter.

7 (3) All parties shall be referenced by name and not as petitioner,
8 respondent, plaintiff or defendant.

9 (4) A petition for determination of parentage shall include:

10 (A) The filing party's name and county and state of residence;

11 (B) the name and county and state of residence of any person sought
12 to be determined the child's legal parent;

13 (C) the name and county and state of residence of each
14 acknowledged, adjudicated, alleged genetic, intended or presumed parent
15 of the child;

16 (D) the child's name and year of birth;

17 (E) the basis under which the filing party alleges jurisdiction to
18 determine parentage;

19 (F) the basis under which the filing party alleges jurisdiction to make
20 any other orders sought;

21 (G) if the filing party is requesting the court to make orders regarding
22 legal custody, residency and parenting time, the petition shall include the
23 information required by K.S.A. 23-37,209, and amendments thereto, and

24 (H) if the filing party is requesting the court to make orders regarding
25 child support, the petition shall include the request.

26 (b) In all pleadings under the Kansas uniform parentage act (2017)
27 brought by a child-support agency pursuant to section 40, and amendments
28 thereto:

29 (1) All pleadings shall be captioned, "In the matter of the parentage of
30 _____." If the request for determination of parentage is
31 filed in another action, the caption shall follow the caption of that matter.

32 (2) All parties shall be referenced by their name and not as petitioner,
33 respondent, plaintiff or defendant.

34 (3) A petition for determination of parentage shall include:

35 (A) That the case is being brought pursuant to the assignment of
36 rights under K.S.A. 39-755 or 39-756, and amendments thereto;

37 (B) that, pursuant to K.S.A. 39-756, and amendments thereto, the
38 attorney providing legal services on behalf of the child-support agency has
39 an attorney-client relationship only with the child-support agency and not
40 with any person other than the child-support agency;

41 (D) the name and county and state of residence of any person sought
42 to be determined the child's legal parent;

43 (E) the name and county and state of residence of each

1 acknowledged, adjudicated, alleged genetic, intended or presumed parent
2 of the child;

3 (F) the child's name and year of birth;

4 (G) the basis under which the filing party alleges jurisdiction to
5 determine parentage; and

6 (H) the basis under which the filing party alleges jurisdiction to make
7 any other orders sought.

8 (4) The child-support agency is not required to verify the truth of the
9 allegations in the petition under sections 39 through 60, and amendments
10 thereto.

11 (5) The child-support agency shall file with the petition a verified
12 allegation of parentage from the person making the allegation.

13 (c) Service of process shall be made in the manner provided in article
14 3 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

15 New Sec. 45. (a) A responding party may file an answer.

16 (b) A responding party may file a verified cross-claim for legal
17 custody, residency and parenting time. A claim for legal custody, residency
18 and parenting time shall be verified by a responding party in person or by
19 the guardian of a minor or an incapacitated person and shall contain, or be
20 accompanied by an affidavit that contains, the information required by
21 K.S.A. 23-37,209, and amendments thereto.

22 (c) In an action filed by the child-support agency:

23 (1) Notice of any cross-claim to a person residing outside this state
24 shall be given as provided in K.S.A. 23-37,108, and amendments thereto.

25 (2) Notice of any cross-claim to a person residing inside this state
26 shall be given as provided in chapter 60 of the Kansas Statutes Annotated,
27 and amendments thereto.

28 New Sec. 46. (a) Except as otherwise provided in section 28(b), and
29 amendments thereto, the court shall admit a report of genetic testing
30 ordered by the court under section 29, and amendments thereto, as
31 evidence of the truth of the facts asserted in the report.

32 (b) A party shall object to the admission of a report described in
33 subsection (a), not later than 14 days after the party receives the report.
34 The party shall cite specific grounds for exclusion.

35 (c) A party that objects to the results of genetic testing may call a
36 genetic-testing expert to testify in person or by another method approved
37 by the court. Unless the court orders otherwise, the party offering the
38 testimony bears the expense for the expert testifying.

39 (d) Admissibility of a report of genetic testing shall not be affected by
40 whether the testing was performed:

41 (1) Voluntarily or under an order of the court or a child-support
42 agency; or

43 (2) before, on or after commencement of the proceeding.

1 New Sec. 47. (a) A proceeding to determine whether an alleged
2 genetic parent, who is not a presumed parent, is a parent of a child may be
3 commenced:

4 (1) Before the child becomes an adult; or

5 (2) after the child becomes an adult, but only if the child initiates the
6 proceeding.

7 (b) Except as otherwise provided in section 53, and amendments
8 thereto, this subsection applies in a proceeding described in subsection (a)
9 if the woman who gave birth to the child is the only other individual with a
10 claim to parentage of the child. The court shall adjudicate an alleged
11 genetic parent to be a parent of the child if the alleged genetic parent:

12 (1) Is identified under section 32, and amendments thereto, as a
13 genetic parent of the child and the identification is not successfully
14 challenged under section 32, and amendments thereto;

15 (2) admits parentage in a pleading, when making an appearance or
16 during a hearing, the court accepts the admission and the court determines
17 the alleged genetic parent to be a parent of the child;

18 (3) declines to submit to genetic testing ordered by the court or a
19 child-support agency, in which case the court may adjudicate the alleged
20 genetic parent to be a parent of the child even if the alleged genetic parent
21 denies a genetic relationship with the child;

22 (4) is in default after service of process and the court determines the
23 alleged genetic parent to be a parent of the child; or

24 (5) is neither identified nor excluded as a genetic parent by genetic
25 testing and, based on other evidence, the court determines the alleged
26 genetic parent to be a parent of the child.

27 (c) Except as otherwise provided in section 53, and amendments
28 thereto, and subject to other limitations in sections 46 through 53, and
29 amendments thereto, if, in a proceeding involving an alleged genetic
30 parent, at least one other individual in addition to the woman who gave
31 birth to the child has a claim to parentage of the child, the court shall
32 adjudicate parentage under section 52, and amendments thereto.

33 New Sec. 48. (a) A proceeding to determine whether a presumed
34 parent is a parent of a child may be commenced:

35 (1) Before the child becomes an adult; or

36 (2) after the child becomes an adult, but only if the child initiates the
37 proceeding.

38 (b) A presumption of parentage under section 11, and amendments
39 thereto, shall not be overcome after the child attains two years of age
40 unless the court determines:

41 (1) The presumed parent is not a genetic parent, never resided with
42 the child and never held out the child as the presumed parent's child; or

43 (2) the child has more than one presumed parent.

1 (c) Except as otherwise provided in section 53, and amendments
2 thereto, the following rules apply in a proceeding to adjudicate a presumed
3 parent's parentage of a child if the woman who gave birth to the child is
4 the only other individual with a claim to parentage of the child:

5 (1) If no party to the proceeding challenges the presumed parent's
6 parentage of the child, the court shall adjudicate the presumed parent to be
7 a parent of the child.

8 (2) If the presumed parent is identified under section 32, and
9 amendments thereto, as a genetic parent of the child and that identification
10 is not successfully challenged under section 32, and amendments thereto,
11 the court shall adjudicate the presumed parent to be a parent of the child.

12 (3) If the presumed parent is not identified under section 32, and
13 amendments thereto, as a genetic parent of the child and the presumed
14 parent or the woman who gave birth to the child challenges the presumed
15 parent's parentage of the child, the court shall adjudicate the parentage of
16 the child in the best interests of the child based on the factors under section
17 52(a) and (b), and amendments thereto.

18 (d) Except as otherwise provided in section 53, and amendments
19 thereto, and subject to other limitations in sections 46 through 53, and
20 amendments thereto, if in a proceeding to adjudicate a presumed parent's
21 parentage of a child, another individual in addition to the woman who gave
22 birth to the child asserts a claim to parentage of the child, the court shall
23 adjudicate parentage under section 52, and amendments thereto.

24 New Sec. 49. (a) If a child has an acknowledged parent, a proceeding
25 to challenge the acknowledgment of parentage or a denial of parentage,
26 brought by a signatory to the acknowledgment or denial, is governed by
27 sections 20 through 21, and amendments thereto.

28 (b) If a child has an acknowledged parent, the following rules apply
29 in a proceeding to challenge the acknowledgment of parentage or a denial
30 of parentage brought by an individual, other than the child, who has
31 standing under section 40, and amendments thereto, and was not a
32 signatory to the acknowledgment or denial:

33 (1) The individual shall commence the proceeding not later than two
34 years after the effective date of the acknowledgment; and

35 (2) the court may permit the proceeding only if the court finds
36 permitting the proceeding is in the best interests of the child.

37 (A) If the court permits the proceeding, the court shall adjudicate
38 parentage under section 52, and amendments thereto.

39 New Sec. 50. (a) If a child has an adjudicated parent, a proceeding to
40 challenge the adjudication, brought by an individual who was a party to
41 the adjudication or received notice under section 41, and amendments
42 thereto, shall be governed by the rules governing a collateral attack on a
43 judgment.

1 (b) If a child has an adjudicated parent, the following rules apply to a
2 proceeding to challenge the adjudication of parentage brought by an
3 individual, other than the child, who has standing under section 40, and
4 amendments thereto, and was not a party to the adjudication and did not
5 receive notice under section 41, and amendments thereto:

6 (1) The individual shall commence the proceeding not later than two
7 years after the effective date of the adjudication.

8 (2) The court may permit the proceeding only if the court finds
9 permitting the proceeding is in the best interests of the child.

10 (3) If the court permits the proceeding, the court shall adjudicate
11 parentage under section 52, and amendments thereto.

12 New Sec. 51. (a) An individual who is a parent under sections 61
13 through 68, and amendments thereto, or the woman who gave birth to the
14 child may bring a proceeding to adjudicate parentage. If the court
15 determines the individual is a parent under sections 61 through 68, and
16 amendments thereto, the court shall adjudicate the individual to be a parent
17 of the child.

18 (b) In a proceeding to adjudicate an individual's parentage of a child,
19 if another individual other than the woman who gave birth to the child is a
20 parent under sections 61 through 68, and amendments thereto, the court
21 shall adjudicate the individual's parentage of the child under section 52,
22 and amendments thereto.

23 New Sec. 52. (a) Except as otherwise provided in section 53, and
24 amendments thereto, in a proceeding to adjudicate competing claims of or
25 challenges under section 48(c), 49 or 50, and amendments thereto, to
26 parentage of a child by two or more individuals, the court shall adjudicate
27 parentage in the best interests of the child, based on:

28 (1) The age of the child;

29 (2) the length of time when each individual assumed the role of
30 parent of the child;

31 (3) the nature of the relationship between the child and each
32 individual;

33 (4) the harm to the child if the relationship between the child and
34 each individual is not recognized;

35 (5) the basis for each individual's claim to parentage of the child; and

36 (6) other equitable factors arising from the disruption of the
37 relationship between the child and each individual or the likelihood of
38 other harm to the child.

39 (b) If an individual challenges parentage based on the results of
40 genetic testing, in addition to the factors listed in subsection (a), the court
41 shall consider:

42 (1) The facts surrounding the discovery that the individual might not
43 be a genetic parent of the child; and

1 (2) the length of time between the time that the individual was placed
2 on notice that the individual might not be a genetic parent and the
3 commencement of the proceeding.

4 New Sec. 53. (a) As used in this section:

5 (1) "Aggravated human trafficking" means an act meeting the
6 elements of K.S.A. 2022 21-5426(b)(5), and amendments thereto, or an act
7 committed in any other jurisdiction that is in substantial conformity with
8 the elements of K.S.A. 2022 Supp. 21-5426(b)(5), and amendments
9 thereto.

10 (2) "Aggravated indecent liberties" means an act meeting the
11 elements of K.S.A. 2022 Supp. 21-5506(b)(1), and amendments thereto, or
12 an act in any other jurisdiction that is in substantial conformity with the
13 elements of K.S.A. 2022 Supp. 21-5506(b)(1), and amendments thereto,
14 unless there is a finding that:

15 (A) The act involved non-forcible conduct;

16 (B) the act involved only two parties;

17 (C) both parties to the act were at least 14 years of age; and

18 (D) neither party was more than four years older than the other party.

19 (3) "Incest" means an act meeting the elements of K.S.A. 2022 Supp.
20 21-5604, and amendments thereto, or an act committed in any other
21 jurisdiction that is in substantial conformity with the elements of K.S.A.
22 2022 Supp. 21-5604, and amendments thereto.

23 (4) "Rape" means an act meeting the elements of K.S.A. 2022 Supp.
24 21-5503, and amendments thereto, or an act committed in any other
25 jurisdiction that is in substantial conformity with the elements of K.S.A.
26 2022 Supp. 21-5503, and amendments thereto.

27 (5) "Sexual assault" means an act of rape, aggravated indecent
28 liberties, incest or aggravated human trafficking as defined in this
29 subsection.

30 (b) (1) In a proceeding in which a woman alleges that a man
31 committed a sexual assault against the woman that resulted in the woman
32 giving birth to a child, such woman may seek to preclude the man from
33 establishing that he is a parent of such child.

34 (2) Except as provided in paragraph (3), a woman shall file a verified
35 pleading making an allegation under subsection (b) not later than two
36 years after the birth of the child.

37 (3) If sections 20 or 47, and amendments thereto, apply, a woman
38 may file a verified pleading making an allegation under subsection (b)
39 later than two years after the birth of the child.

40 (c) An allegation under subsection (b)(1) may be proved by:

41 (1) (A) Evidence that the man was convicted of sexual assault against
42 the woman or a comparable crime in another jurisdiction against the
43 woman; or

1 (B) clear and convincing evidence that the man committed sexual
2 assault against the woman; and

3 (2) the child was born not later than 300 days after the sexual assault.

4 (e) Subject to subsections (a) and (b), if the court determines that an
5 allegation has been proved under subsection (c), the court shall:

6 (1) Adjudicate that the man described in subsection (b) is not a parent
7 of the child;

8 (2) require the state registrar of vital statistics to amend the birth
9 certificate, if requested by the woman and the court determines that the
10 amendment is in the best interests of the child; and

11 (3) require the man to pay child support or birth-related costs, unless
12 the woman requests otherwise and the court determines that granting such
13 request is in the best interests of the child.

14 New Sec. 54. (a) In a proceeding under sections 39 through 60, and
15 amendments thereto, the court may issue a temporary order for child
16 support if the order is consistent with the laws of this state other than the
17 Kansas uniform parentage act (2017) and the individual ordered to pay
18 support is:

19 (1) A presumed parent of the child;

20 (2) petitioning to be adjudicated a parent;

21 (3) identified as a genetic parent through genetic testing under section
22 32 and amendments thereto;

23 (4) an alleged genetic parent who has declined to submit to genetic
24 testing;

25 (5) shown by clear and convincing evidence to be a parent of the
26 child; or

27 (6) a parent under the Kansas uniform parentage act (2017).

28 (b) (1) In a proceeding under sections 39 through 60, and
29 amendments thereto, the court may, without requiring bond, issue orders,
30 after a hearing or ex parte, that:

31 (A) Restrain the parties from molesting or interfering with the privacy
32 or rights of each other;

33 (B) confirm the existing residency of the child subject to further order
34 of the court, if the court has jurisdiction under K.S.A. 23-37,101 et seq.,
35 and amendments thereto;

36 (C) order genetic tests for determination of parentage as provided in
37 sections 27 through 38, and amendments thereto; or

38 (D) the court deems appropriate under the provisions of article 22 of
39 chapter 23 of the Kansas Statutes Annotated, and amendments thereto.

40 (2) If such ex parte orders are issued, the court shall hear a motion to
41 vacate or modify the order within 14 days after the date on which a party
42 requests a hearing whether to vacate or modify the order.

43 (c) (1) Temporary orders authorized by this section that relate to

1 genetic testing may only be issued ex parte, if the order does not require an
2 adverse party to make advance payment toward the cost of the test.

3 (2) If such ex parte orders are issued, the court shall hear a motion to
4 vacate or modify the order within 14 days of the date on which a party
5 requests a hearing whether to vacate or modify the order.

6 (d) In a proceeding under sections 39 through 60, and amendments
7 thereto, and brought by a child-support agency after parentage has been
8 established, the court may issue a temporary order for child support
9 pending final disposition.

10 New Sec. 55. (a) Except as otherwise provided in subsection (b), the
11 court may combine a proceeding to adjudicate parentage under the Kansas
12 uniform parentage act (2017) with a proceeding for adoption, termination
13 of parental rights, legal custody, residency or parenting time, child support,
14 divorce, annulment, separate maintenance, administration of an estate or
15 other appropriate proceeding.

16 (b) A proceeding described in subsection (a) shall not be combined
17 with a proceeding to adjudicate parentage brought under the uniform
18 family support act, K.S.A. 23-36,101 et seq., and amendments thereto.

19 New Sec. 56. (a) Any order issued pursuant to the revised Kansas
20 code for care of children or the revised Kansas juvenile justice code shall
21 take precedence over any order under article 22 of chapter 23 of the
22 Kansas Statutes Annotated, and amendments thereto, until jurisdiction
23 under the revised Kansas code for care of children or the revised Kansas
24 juvenile justice code is terminated.

25 (b) If a court of competent jurisdiction within this state has entered a
26 legal custody, residency or parenting time order pursuant to the revised
27 Kansas code for care of children regarding legal custody, residency or
28 parenting time of a child who is involved in a proceeding filed pursuant to
29 sections 39 through 60, and amendments thereto, and such court has
30 determined pursuant to K.S.A. 38-2264(k), and amendments thereto, that
31 the orders in such case shall become the legal custody, residency or
32 parenting time orders in the parentage case, such court shall file a certified
33 copy of the orders with the civil case number in the caption and then close
34 the case under the revised Kansas code for care of children. Such orders
35 shall be binding on the parties unless modified based on a material change
36 in circumstances, even if such courts have different venues.

37 New Sec. 57. (a) A minor child is a permissive party but not a
38 necessary party to a proceeding under sections 39 through 60, and
39 amendments thereto.

40 (b) If the court finds that the interests of the child are not adequately
41 represented, the court shall appoint a guardian ad litem to represent a child
42 in a proceeding under sections 39 through 60, and amendments thereto.

43 New Sec. 58. The court shall adjudicate parentage of a child without

1 a jury.

2 New Sec. 59. (a) An order adjudicating parentage shall identify the
3 child in a manner provided by the laws of this state other than the Kansas
4 uniform parentage act (2017).

5 (b) Upon adjudging that a party is the parent of a minor child, the
6 court may make orders regarding:

7 (1) Legal custody, residency and parenting time under article 32 of
8 chapter 23 of the Kansas Statutes Annotated, and amendments thereto,
9 unless the action is brought by a child-support agency;

10 (2) support and education of the child under article 30 of chapter 23
11 of the Kansas Statutes Annotated, and amendments thereto;

12 (3) the payment of all or a portion of the necessary medical expenses
13 incident to the child's birth, including prenatal or postnatal health care for
14 the child and the woman who gave birth to the child;

15 (4) (A) If entering an original order for support of a child under this
16 section, the court may award an additional judgment to the parent or any
17 other party who made expenditures for support and education of the child
18 from the date of birth to the date the order is entered. If the determination
19 of parentage is based upon a presumption arising under section 11, and
20 amendments thereto, the court shall award an additional judgment to
21 reimburse all or part of the expenses of support and education of the child
22 from not later than the date the presumption first arose to the date the order
23 is entered, except that no additional judgment need be awarded for
24 amounts accrued under a previous order for the child's support.

25 (B) The court may consider any affirmative defenses pled and proved
26 in making an award under this subsection.

27 (C) The amount of any award made under this subsection shall be
28 determined by application of the Kansas child support guidelines. For any
29 period occurring five years or less before or after commencement of the
30 action, there is a rebuttable presumption that such child support guidelines
31 amount reflects the actual expenditures made on the child's behalf during
32 that period. For any period occurring more than five years before
33 commencement of the action, the person seeking the award has the burden
34 of proving that the total amount requested for that period does not exceed
35 expenditures actually made on the child's behalf during that period.

36 (c) Except as otherwise provided in subsection (d), the court may
37 assess filing fees, reasonable attorney fees, fees for genetic testing, other
38 costs, necessary travel and other reasonable expenses incurred in a
39 proceeding under sections 39 through 60, and amendments thereto.
40 Attorney fees awarded under this subsection may be paid directly to the
41 attorney, and the attorney may enforce the order in the attorney's own
42 name.

43 (d) The court shall not assess fees, costs or expenses in a proceeding

1 under sections 39 through 60, and amendments thereto, against a child-
2 support agency of this state or another state, except as provided by the
3 laws of this state other than the Kansas uniform parentage act (2017).

4 (e) Evidence of expenses incurred for genetic tests and prenatal or
5 postnatal health care for the child and the woman who gave birth to the
6 child may be admitted as evidence without requiring third-party
7 foundation testimony and shall constitute prima facie evidence of amounts
8 incurred for such goods and services.

9 (f) (1) On request of a party and for good cause, the court in a
10 proceeding under sections 39 through 60, and amendments thereto, may
11 order the name of the child changed. If the court order changing the name
12 varies from the name on the birth certificate of the child, the court shall
13 order the state registrar of vital statistics to issue an amended birth
14 certificate.

15 (2) If the court finds that the birth certificate of the child fails to name
16 the parents of the child or that the name of either parent or the child is
17 incorrect, the court shall order the state registrar of vital statistics to issue
18 an amended birth certificate.

19 New Sec. 60. (a) Except as otherwise provided in subsection (b):

20 (1) A signatory to an acknowledgment of parentage or denial of
21 parentage is bound by the acknowledgment and denial as provided in
22 sections 12 through 26, and amendments thereto; and

23 (2) a party to an adjudication of parentage by a court acting under
24 circumstances that satisfy the jurisdiction requirements of K.S.A. 23-
25 36,201, and amendments thereto, and any individual who received notice
26 of the proceeding are bound by the adjudication.

27 (b) A child is not bound by a determination of parentage under the
28 Kansas uniform parentage act (2017) unless:

29 (1) The determination was based on an acknowledgment of parentage
30 that has not been rescinded and the acknowledgment is consistent with the
31 results of genetic testing;

32 (2) the determination was based on a finding consistent with the
33 results of genetic testing and the consistency is declared in the
34 determination or otherwise shown;

35 (3) the determination of parentage was made under sections 61
36 through 68, and amendments thereto; or

37 (4) the child was a party or was represented by an attorney or
38 guardian ad litem in the proceeding.

39 (c) In a proceeding for divorce, annulment or separate maintenance,
40 the court is deemed to have made an adjudication of parentage of a child if
41 the court acts under circumstances that satisfy the jurisdiction
42 requirements of K.S.A. 23-36,201, and amendments thereto, and the final
43 order:

1 (1) Expressly identifies the child as a "child of the marriage" or "issue
2 of the marriage" or includes similar words indicating that both spouses are
3 parents of the child; or

4 (2) provides for support of the child by a spouse unless that spouse's
5 parentage is disclaimed specifically in the order.

6 (d) Except as otherwise provided in subsection (b) or section 11, and
7 amendments thereto, a determination of parentage may be asserted as a
8 defense in a subsequent proceeding seeking to adjudicate parentage of an
9 individual who was not a party to the earlier proceeding.

10 (e) A party to an adjudication of parentage may challenge the
11 adjudication only under the laws of this state other than the Kansas
12 uniform parentage act (2017) relating to appeal, vacation of judgment or
13 other judicial review.

14 New Sec. 61. Sections 61 through 68, and amendments thereto, shall
15 not apply to the birth of a child conceived by sexual intercourse.

16 New Sec. 62. Unless a written agreement provides otherwise, a donor
17 is not a parent of a child conceived by assisted reproduction.

18 New Sec. 63. An individual who consents under section 64, and
19 amendments thereto, to assisted reproduction by a woman with the intent
20 to be a parent of a child conceived by the assisted reproduction is a parent
21 of the child.

22 New Sec. 64. (a) Except as otherwise provided in subsection (b), the
23 consent described in section 63, and amendments thereto, shall be in a
24 record signed by a woman giving birth to a child conceived by assisted
25 reproduction and an individual who intends to be a parent of the child.

26 (b) Failure to consent in a record as required by subsection (a) before,
27 on or after birth of the child does not preclude the court from finding
28 consent to parentage if:

29 (1) The woman or the individual proves by clear and convincing
30 evidence the existence of an express agreement entered into before
31 conception that the individual and the woman intended they both would be
32 parents of the child; or

33 (2) the woman and the individual for the first two years of the child's
34 life, including any period of temporary absence, resided together in the
35 same household with the child and both openly held out the child as the
36 individual's child, unless the individual dies or becomes incapacitated
37 before the child attains two years of age or the child dies before the child
38 attains two years of age, in which case the court may find consent under
39 this subsection to parentage if a party proves by clear and convincing
40 evidence that the woman and the individual intended to reside together in
41 the same household with the child and both intended the individual would
42 openly hold out the child as the individual's child but the individual was
43 prevented from carrying out that intent by death or incapacity.

1 New Sec. 65. (a) Except as otherwise provided in subsection (b), an
2 individual who, at the time of a child's birth, is the spouse of the woman
3 who gave birth to the child by assisted reproduction shall not challenge the
4 individual's parentage of the child unless:

5 (1) Not later than two years after the birth of the child, the individual
6 commences a proceeding to adjudicate the individual's parentage of the
7 child; and

8 (2) the court finds the individual did not consent to the assisted
9 reproduction before, on or after birth of the child or withdrew consent
10 under section 67, and amendments thereto.

11 (b) A proceeding to adjudicate a spouse's parentage of a child born by
12 assisted reproduction may be commenced at any time if the court
13 determines:

14 (1) The spouse neither provided a gamete for nor consented to the
15 assisted reproduction;

16 (2) the spouse and the woman who gave birth to the child have not
17 cohabited since the probable time of assisted reproduction; and

18 (3) the spouse never openly held out the child as the spouse's child.

19 (c) This section applies to a spouse's dispute of parentage even if the
20 spouse's marriage is declared invalid after assisted reproduction occurs.

21 New Sec. 66. If a marriage of a woman who gives birth to a child
22 conceived by assisted reproduction is terminated through divorce or
23 separate maintenance, declared invalid or annulled before transfer of
24 gametes or embryos to the woman, a former spouse of the woman is not a
25 parent of the child unless the former spouse consented in a record that the
26 former spouse would be a parent of the child if assisted reproduction were
27 to occur after a divorce, annulment or separate maintenance and the former
28 spouse did not withdraw consent under section 67, and amendments
29 thereto.

30 New Sec. 67. (a) An individual who consents under section 64, and
31 amendments thereto, to assisted reproduction may withdraw consent any
32 time before a transfer that results in a pregnancy by giving notice in a
33 record of the withdrawal of consent to the woman who agreed to give birth
34 to a child conceived by assisted reproduction and to any clinic or
35 healthcare provider facilitating in the assisted reproduction. Failure to give
36 notice to such clinic or healthcare provider shall not affect a determination
37 of parentage under the Kansas uniform parentage act (2017).

38 (b) An individual who withdraws consent pursuant to subsection (a)
39 is not a parent of the child under sections 61 through 68, and amendments
40 thereto.

41 New Sec. 68. (a) If an individual who intends to be a parent of a child
42 conceived by assisted reproduction dies during the period between the
43 transfer of a gamete or embryo and the birth of the child, the individual's

1 death does not preclude the establishment of the individual's parentage of
2 the child if the individual otherwise would be a parent of the child under
3 the Kansas uniform parentage act (2017).

4 (b) If an individual who consented in a record to assisted
5 reproduction by a woman who agreed to give birth to a child dies before a
6 transfer of gametes or embryos, the deceased individual is a parent of a
7 child conceived by the assisted reproduction only if:

8 (1) (A) The individual consented in a record that, if assisted
9 reproduction were to occur after the death of the individual, the individual
10 would be a parent of the child; or

11 (B) the individual's intent to be a parent of a child conceived by
12 assisted reproduction after the individual's death is established by clear and
13 convincing evidence; and

14 (2) (A) the embryo is in utero not later than 36 months after such
15 individual's death; or

16 (B) the child is born not later than 45 months after such individual's
17 death.

18 New Sec. 69. (a) As used in sections 69 through 74, and amendments
19 thereto:

20 (1) "Identifying information" means:

21 (A) The full name of a donor;

22 (B) the date of birth of the donor; and

23 (C) the permanent and, if different, current address of the donor at the
24 time of the donation.

25 (2) "Medical history" means information regarding any:

26 (A) Present illness of a donor;

27 (B) past illness of the donor; and

28 (C) social, genetic and family history pertaining to the health of the
29 donor.

30 New Sec. 70. Sections 69 through 74, and amendments thereto, apply
31 only to gametes collected on or after July 1, 2023.

32 New Sec. 71. (a) A gamete bank or fertility clinic licensed in this state
33 shall collect from a donor the donor's identifying information and medical
34 history at the time of the donation.

35 (b) A gamete bank or fertility clinic licensed in this state which
36 receives gametes of a donor collected by another gamete bank or fertility
37 clinic shall collect the name, address, telephone number and email address
38 of the gamete bank or fertility clinic from which it received the gametes.

39 (c) A gamete bank or fertility clinic licensed in this state shall
40 disclose the information collected under subsections (a) and (b) as
41 provided under section 73, and amendments thereto.

42 New Sec. 72. (a) A gamete bank or fertility clinic licensed in this state
43 that collects gametes from a donor shall:

1 (1) Provide the donor with information in a record about the donor's
2 choice regarding identity disclosure; and

3 (2) obtain a declaration from the donor regarding identity disclosure.

4 (b) A gamete bank or fertility clinic licensed in this state shall give a
5 donor the choice to sign a declaration, attested by a notarial officer or
6 witnessed, that the donor either:

7 (1) Agrees to disclose the donor's identity to a child conceived by
8 assisted reproduction with the donor's gametes on request once the child
9 attains 18 years of age; or

10 (2) does not agree presently to disclose the donor's identity to the
11 child.

12 (c) A gamete bank or fertility clinic licensed in this state shall permit
13 a donor who has signed a declaration under subsection (b)(2) to withdraw
14 the declaration at any time by signing a declaration under subsection (b)
15 (1).

16 New Sec. 73. (a) Upon request of a child conceived by assisted
17 reproduction who attains 18 years of age, a gamete bank or fertility clinic
18 licensed in this state that collected the gametes used in the assisted
19 reproduction shall make a good-faith effort to provide the child with
20 identifying information of the donor who provided the gametes, unless the
21 donor signed and did not withdraw a declaration under section 72(b)(2),
22 and amendments thereto. If the donor signed and did not withdraw the
23 declaration, the gamete bank or fertility clinic shall make a good-faith
24 effort to notify the donor, who may elect under section 72(c), and
25 amendments thereto, to withdraw the donor's declaration.

26 (b) Regardless whether a donor signed a declaration under section
27 72(b)(2), and amendments thereto, upon request by a child conceived by
28 assisted reproduction who attains 18 years of age or, if the child is a minor,
29 by a parent or guardian of the child, a gamete bank or fertility clinic
30 licensed in this state that collected the gametes used in the assisted
31 reproduction shall make a good-faith effort to provide the child or, if the
32 child is a minor, the parent or guardian of the child access to
33 nonidentifying medical history of the donor.

34 (c) On request of a child conceived by assisted reproduction who
35 attains 18 years of age, a gamete bank or fertility clinic licensed in this
36 state that received the gametes used in the assisted reproduction from
37 another gamete bank or fertility clinic shall disclose the name, address,
38 telephone number, and electronic mail address of the gamete bank or
39 fertility clinic where it received the gametes.

40 New Sec. 74. (a) A gamete bank or fertility clinic licensed in this state
41 that collects gametes for use in assisted reproduction shall maintain
42 identifying information and medical history about each gamete donor. The
43 gamete bank or fertility clinic shall maintain records of gamete screening

1 and testing and comply with reporting requirements, in accordance with
2 federal law and the applicable laws of this state other than the Kansas
3 uniform parentage act (2017).

4 (b) A gamete bank or fertility clinic licensed in this state that receives
5 gametes from another gamete bank or fertility clinic shall maintain the
6 name, address, telephone number, and electronic mail address of the
7 gamete bank or fertility clinic from which it received the gametes.

8 New Sec. 75. In applying and construing this uniform act,
9 consideration shall be given to the need to promote uniformity of the law
10 with respect to its subject matter among states that enact it.

11 New Sec. 76. The Kansas uniform parentage act (2017) modifies,
12 limits or supersedes the electronic signatures in global and national
13 commerce act, 15 U.S.C. § 7001 et seq., but does not modify limit or
14 supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize
15 electronic delivery of any of the notices described in section 103(b) of that
16 act, 15 U.S.C. § 7003(b).

17 New Sec. 77. The Kansas uniform parentage act (2017) applies to a
18 pending proceeding to adjudicate parentage commenced before July 1,
19 2023, for an issue on which a judgment has not been entered.

20 New Sec. 78. If any provision of the Kansas uniform parentage act
21 (2017) or its application to any person or circumstance is held invalid, the
22 invalidity does not affect other provisions or applications of the Kansas
23 uniform parentage act (2017) that can be given effect without the invalid
24 provision or application, and the provisions of the Kansas uniform
25 parentage act (2017) are severable.

26 Sec. 79. K.S.A. 2022 Supp. 20-165 is hereby amended to read as
27 follows: 20-165. (a) The supreme court shall adopt rules establishing
28 guidelines for the amount of child support to be ordered in any action in
29 this state including, but not limited to, K.S.A. 39-755 and ~~K.S.A. 2022~~
30 ~~Supp. 23-2215~~, and amendments thereto, *the Kansas uniform parentage*
31 *act (2017)*, article 30 of chapter 23 of the Kansas Statutes Annotated, and
32 amendments thereto, and K.S.A. 2022 Supp. 23-2711, and amendments
33 thereto.

34 (b) In adopting such rules, the court shall consider all relevant factors,
35 including, but not limited to:

- 36 (1) The needs of the child;
- 37 (2) the standards of living and circumstances of the parents;
- 38 (3) the relative financial means of the parents;
- 39 (4) the earning ability of the parents;
- 40 (5) the need and capacity of the child for education;
- 41 (6) the age of the child;
- 42 (7) the financial resources and earning ability of the child;
- 43 (8) the responsibility of the parents for the support of others; and

1 (9) the value of services contributed by both parents.

2 Sec. 80. K.S.A. 2022 Supp. 20-302b is hereby amended to read as
3 follows: 20-302b. (a) Subject to assignment pursuant to K.S.A. 20-329,
4 and amendments thereto, a district magistrate judge shall have the
5 jurisdiction and power, in any case in which a violation of the laws of the
6 state is charged, to conduct the trial of traffic infractions, violations of the
7 wildlife, parks and tourism laws of this state or rules and regulations
8 adopted thereunder, cigarette or tobacco infractions or misdemeanor
9 charges, to conduct felony first appearance hearings and the preliminary
10 examination of felony charges and to hear misdemeanor or felony
11 arraignments. A district magistrate judge shall have jurisdiction over
12 uncontested actions for divorce. Except as otherwise specifically provided
13 in this section, a district magistrate judge shall have jurisdiction over
14 actions filed under the code of civil procedure for limited actions, K.S.A.
15 61-2801 et seq., and amendments thereto, and all other civil cases, and
16 shall have concurrent jurisdiction, powers and duties with a district judge.
17 Except with consent of the parties, or as otherwise specifically provided in
18 this section, a district magistrate judge shall not have jurisdiction or
19 cognizance over the following actions:

20 (1) Any action, other than an action seeking judgment for an
21 unsecured debt not sounding in tort and arising out of a contract for the
22 provision of goods, services or money, in which the amount in controversy,
23 exclusive of interests and costs, exceeds \$10,000. The provisions of this
24 subsection shall not apply to actions filed under the code of civil procedure
25 for limited actions, K.S.A. 61-2801 et seq., and amendments thereto. In
26 actions of replevin, the affidavit in replevin or the verified petition fixing
27 the value of the property shall govern the jurisdiction. Nothing in this
28 paragraph shall be construed as limiting the power of a district magistrate
29 judge to hear any action pursuant to the Kansas probate code or to issue
30 support orders as provided by subsection (a)(6);

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

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

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

42 (5) actions to foreclose real estate mortgages or to establish and
43 foreclose liens on real estate as provided in the acts contained in article 11

- 1 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto;
- 2 (6) contested actions for divorce, separate maintenance or custody of
3 minor children. Nothing in this paragraph shall be construed as limiting
4 the power of a district magistrate judge to: (A) Except as provided in
5 subsection (e), hear any action pursuant to the Kansas code for care of
6 children or the revised Kansas juvenile justice code; (B) establish, modify
7 or enforce orders of support, including, but not limited to, orders of
8 support pursuant to the Kansas parentage act, K.S.A. 2022 Supp. 23-2201
9 et seq., ~~and amendments thereto~~, *prior to its repeal, the Kansas uniform*
10 *parentage act (2017)*, the uniform interstate family support act, K.S.A.
11 2022 Supp. 23-36,101 et seq., and amendments thereto, ~~articles article 29~~
12 or 30 of chapter 23 of the Kansas Statutes Annotated, and amendments
13 thereto, K.S.A. 39-709, 39-718b or 39-755 or K.S.A. 2022 Supp. 23-3101
14 through 23-3113, 38-2348, 38-2349 or 38-2350, and amendments thereto;
15 or (C) enforce orders granting visitation rights or parenting time;
- 16 (7) habeas corpus;
- 17 (8) receiverships;
- 18 (9) declaratory judgments;
- 19 (10) mandamus and quo warranto;
- 20 (11) injunctions;
- 21 (12) class actions; and
- 22 (13) actions pursuant to K.S.A. 59-29a01 et seq., and amendments
23 thereto.
- 24 (b) Notwithstanding the provisions of subsection (a), in the absence,
25 disability or disqualification of a district judge, a district magistrate judge
26 may:
- 27 (1) Grant a restraining order, as provided in K.S.A. 60-902, and
28 amendments thereto;
- 29 (2) appoint a receiver, as provided in K.S.A. 60-1301, and
30 amendments thereto; and
- 31 (3) make any order authorized by K.S.A. 23-2707, and amendments
32 thereto.
- 33 (c) (1) Every action or proceeding before a district magistrate judge
34 regularly admitted to practice law in Kansas shall be on the record if such
35 action or proceeding would be on the record before a district judge.
- 36 (2) In accordance with the limitations and procedures prescribed by
37 law, and subject to any rules of the supreme court relating thereto, any
38 appeal permitted to be taken from an order or final decision of a district
39 magistrate judge: (A) Who is not regularly admitted to practice law in
40 Kansas shall be tried and determined de novo by a district judge, except
41 that in civil cases where a record was made of the action or proceeding
42 before the district magistrate judge, the appeal shall be tried and
43 determined on the record by a district judge; and (B) who is regularly

1 admitted to practice law in Kansas shall be to the court of appeals.

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

5 (e) Upon motion of a party, the chief judge shall reassign a petition or
6 motion requesting termination of parental rights pursuant to K.S.A. 38-
7 2266 and 38-2267, and amendments thereto, from a district magistrate
8 judge to a district judge.

9 (f) This section shall apply to every action or proceeding on or after
10 July 1, 2014, regardless of the date such action or proceeding was filed or
11 commenced.

12 Sec. 81. K.S.A. 2022 Supp. 23-2222 is hereby amended to read as
13 follows: 23-2222. (a) Upon receipt of a certified order from a court of this
14 state or an authenticated order of a court of another state, the state registrar
15 of vital statistics shall prepare a new birth registration consistent with the
16 findings of the court.

17 (b) The fact that the father and child relationship was declared after
18 the child's birth shall not be ascertainable from the new birth registration,
19 but the actual place and date of birth shall be shown.

20 (c) The findings upon which the new birth registration was made and
21 the original birth certificate shall be kept in a sealed and confidential file
22 and be subject to inspection only in exceptional cases upon order of the
23 court for good cause shown or as otherwise provided in ~~K.S.A. 2022 Supp.~~
24 ~~23-2204~~ *section 24, and amendments thereto.*

25 *(d) This section shall be a part of and supplemental to the Kansas*
26 *uniform parentage act (2017).*

27 Sec. 82. K.S.A. 2022 Supp. 23-2223 is hereby amended to read as
28 follows: 23-2223. (a) Whenever the parents of a minor child desire that the
29 child's birth certificate be amended to add the name of a parent, correct the
30 name of either parent or of the child or change the child's last name to that
31 of either parent, both parents shall appear before a judge of the district
32 court or a hearing officer authorized by rule of the supreme court to accept
33 voluntary acknowledgments of parentage. The parents shall execute
34 affidavits in the presence of the judge or hearing officer, attesting to the
35 fact that each is a parent of the child and that they desire to amend the
36 birth registration of the child. If both parents are not residents of this state
37 and are outside this state, both parents shall forward to such judge or
38 hearing officer affidavits, sworn to before a judicial officer of the state in
39 which they reside and attesting to the fact that each is a parent of the child
40 and that they desire to amend the birth registration of the child.

41 (b) The judge or hearing officer shall require the parents to exhibit or
42 to forward to the judge or hearing officer evidence of the birth of the child.
43 If the judge or hearing officer finds that the birth certificate of the child

1 fails to name either the father or mother of the child, that the name of
2 either parent or the child is incorrect or that the child's name should be
3 changed to that of either parent, the judge or hearing officer shall forward
4 both parents' affidavits to the state registrar of vital statistics, together with
5 a certified order to prepare a new birth registration in the manner provided
6 by K.S.A. 2022 Supp. 23-2222, and amendments thereto, and to seal the
7 affidavits, court order and original birth certificate and allow inspection of
8 them only as provided therein.

9 (c) The judge or hearing officer shall return all evidence and other
10 exhibits to the parents of the child. No fee shall be charged for the
11 performance of this service. No case file will be opened in the district
12 court, nor will any record be made by the court of the performance of ~~this~~
13 ~~act~~ *the Kansas uniform parentage act (2017)*.

14 (d) *This section shall be a part of and supplemental to the Kansas*
15 *uniform parentage act (2017)*.

16 Sec. 83. K.S.A. 2022 Supp. 23-36,401 is hereby amended to read as
17 follows: 23-36,401. (a) If a support order entitled to recognition under this
18 act has not been issued, a responding tribunal of this state with personal
19 jurisdiction over the parties may issue a support order if:

20 (1) The individual seeking the order resides outside this state; or

21 (2) the support enforcement agency seeking the order is located
22 outside this state.

23 (b) The tribunal may issue a temporary child support order if the
24 tribunal determines that such an order is appropriate and the individual
25 ordered to pay is:

26 (1) A presumed father of the child;

27 (2) petitioning to have his paternity adjudicated;

28 (3) identified as the father of the child through genetic testing;

29 (4) an alleged father who has declined to submit to genetic testing;

30 (5) shown by clear and convincing evidence to be the father of the
31 child;

32 (6) an acknowledged father as provided by ~~K.S.A. 2022 Supp. 23-~~
33 ~~2201 et seq. sections 12 through 26~~, and amendments thereto;

34 (7) the mother of the child; or

35 (8) an individual who has been ordered to pay child support in a
36 previous proceeding and the order has not been reversed or vacated.

37 (c) Upon finding, after notice and opportunity to be heard, that an
38 obligor owes a duty of support, the tribunal shall issue a support order
39 directed to the obligor and may issue other orders pursuant to K.S.A. 2022
40 Supp. 23-36,305, and amendments thereto.

41 Sec. 84. K.S.A. 38-1518 is hereby amended to read as follows: 38-
42 1518. (a) Fingerprints or photographs shall not be taken of any person
43 under 18 years of age who is taken into custody for any purpose, except:

1 (1) As authorized by K.S.A. 38-2313, and amendments thereto; or
2 (2) if authorized by a judge of the district court having jurisdiction.
3 (b) Fingerprints and photographs taken under subsection (a)(2) shall
4 be kept readily distinguishable from those of persons of the age of
5 majority.

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

9 (d) Nothing in this section shall preclude the custodian of the child
10 from authorizing photographs or fingerprints of the child to be used in any
11 action under the Kansas parentage act, K.S.A. 2022 Supp. 23-2201 et seq.,
12 ~~and amendments thereto prior to its repeal, or the Kansas uniform~~
13 ~~parentage act (2017).~~

14 (e) This section shall be a part of and supplemental to the Kansas
15 code for care of children.

16 Sec. 85. K.S.A. 38-2220 is hereby amended to read as follows: 38-
17 2220. (a) If the court determines that the information contained in the
18 petition concerning parentage of the child may be incomplete or incorrect,
19 the court shall determine whether the question has been previously
20 adjudicated and whether service of process should be made on some
21 additional person.

22 (b) If it appears that the issue of parentage needs to be adjudicated,
23 the court shall stay child support proceedings, if any are pending in the
24 case, with respect to that alleged parent and child relationship, until the
25 dispute is resolved by agreement, by a separate action under the Kansas
26 *uniform parentage act (2017)*; ~~K.S.A. 2022 Supp. 23-2201 et seq., and~~
27 ~~amendments thereto~~, or otherwise. Nothing in this subsection shall be
28 construed to limit the power of the court to carry out the purposes of the
29 code.

30 Sec. 86. K.S.A. 38-2221 is hereby amended to read as follows: 38-
31 2221. (a) Fingerprints or photographs of a person alleged or adjudicated to
32 be a child in need of care may be taken:

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

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

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

38 (b) Fingerprints and photographs taken under subsection (a)(3):

39 (1) Shall be kept separate from those of persons of the age of
40 majority; and

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

43 (c) Nothing in this section shall preclude the custodian of the child

1 from authorizing photographs or fingerprints of the child to:

2 (1) Be used in any action under the Kansas *uniform* parentage act,
3 ~~K.S.A. 2022 Supp. 23-2201 et seq., and amendments thereto(2017);~~

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

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

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

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

10 Sec. 87. K.S.A. 38-2313 is hereby amended to read as follows: 38-
11 2313. (a) Fingerprints or photographs shall not be taken of any juvenile
12 who is taken into custody for any purpose, except that:

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

15 (2) a juvenile's fingerprints shall be taken, and photographs of a
16 juvenile may be taken, immediately upon taking the juvenile into custody
17 or upon first appearance or in any event before final sentencing, before the
18 court for an offense which, if committed by an adult, would constitute the
19 commission of a felony, a class A or B misdemeanor or assault, as defined
20 in K.S.A. 2022 Supp. 21-5412(a), and amendments thereto;

21 (3) fingerprints or photographs of a juvenile may be taken under
22 K.S.A. 21-2501, and amendments thereto, if the juvenile has been: (A)
23 Prosecuted as an adult pursuant to K.S.A. 38-2347, and amendments
24 thereto; or (B) taken into custody for an offense described in K.S.A. 38-
25 2302(s)(1) or (s)(2), and amendments thereto;

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

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

33 (b) Fingerprints and photographs taken under subsection (a)(1) or (a)
34 (2) shall be kept readily distinguishable from those of persons of the age of
35 majority. Fingerprints and photographs taken under subsections (a)(3) and
36 (a)(4) may be kept in the same manner as those of persons of the age of
37 majority.

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

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

42 (2) a juvenile's fingerprints shall, and photographs of a juvenile may,
43 be sent to the state and federal repository if taken under subsection (a)(2)

1 or (a)(4); and

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

5 (d) Fingerprints or photographs of a juvenile may be furnished to
6 another juvenile justice agency, as defined by K.S.A. 38-2325, and
7 amendments thereto, if the other agency has a legitimate need for the
8 fingerprints or photographs.

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

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

18 ~~(g)~~~~(f)~~ The director of the Kansas bureau of investigation shall adopt
19 any rules and regulations necessary to implement, administer and enforce
20 the provisions of this section, including time limits within which
21 fingerprints shall be sent to a state or federal repository when required by
22 this section.

23 ~~(h)~~~~(g)~~ Nothing in this section shall preclude the custodian of a
24 juvenile from authorizing photographs or fingerprints of the juvenile to be
25 used in any action under the Kansas *uniform* parentage act, ~~K.S.A. 2022~~
26 ~~Supp. 23-2201 et seq., and amendments thereto (2017).~~

27 Sec. 88. K.S.A. 38-2318 is hereby amended to read as follows: 38-
28 2318. When there is a dispute with respect to parentage, the court may stay
29 child support proceedings, if any are pending in the case, until the dispute
30 is resolved by a separate action under the Kansas *uniform* parentage act;
31 ~~K.S.A. 2022 Supp. 23-2201 et seq., and amendments thereto(2017).~~
32 Nothing in this section shall be construed to limit the power of the court to
33 carry out the purposes of the revised Kansas juvenile justice code.

34 Sec. 89. K.S.A. 39-7,145 is hereby amended to read as follows: 39-
35 7,145. (a) This section shall not apply if an action to establish the father's
36 duty of support on behalf of the child is pending before any tribunal. As
37 used in this section, "mother" means the natural mother of the child whose
38 parentage is in issue.

39 (b) Except as otherwise provided in subsection (d), genetic tests may
40 be ordered by the secretary if the alleged father consents and the necessary
41 persons are available for testing. Except as otherwise provided in
42 subsection (e), the secretary shall pay the costs of genetic tests, subject to
43 recoupment from the father if paternity is established. For purposes of this

1 section, a person receiving title IV-D services is not available for testing if
2 a claim for good cause not to cooperate under title IV-D is pending or has
3 been determined in the person's favor or if the person ceases to receive title
4 IV-D services for any reason.

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

10 (d) If a presumption of paternity arises pursuant to ~~subsection (a) of~~
11 ~~K.S.A. 2022 Supp. 23-2208~~ *section 11(a)(1)*, and amendments thereto,
12 because the mother married or attempted to marry any man, the secretary
13 shall not order genetic testing unless a court of this state or an appropriate
14 tribunal in another state has found that determining the child's biological
15 father is in the child's best interests. If a tribunal subsequently determines
16 that the prohibition of this subsection applied at the time genetic tests were
17 ordered by the secretary, any support order based in whole or in part upon
18 the genetic tests may be set aside only as provided in K.S.A. 60-260, and
19 amendments thereto.

20 (e) Upon receiving the results of genetic testing, the secretary shall
21 promptly send a copy of the results to the parties, together with notice of
22 the time limits for requesting any additional genetic tests or for
23 challenging the results pursuant to ~~K.S.A. 2022 Supp. 23-2212~~ *section 44*,
24 and amendments thereto, how to make such request or challenge, and any
25 associated costs. The notice shall state the consequences pursuant to
26 ~~K.S.A. 2022 Supp. 23-2212~~ *section 44*, and amendments thereto, of failing
27 to act within the time allowed by the statute. Any additional genetic tests
28 shall be at the expense of the person making the request for additional
29 genetic tests. Failure of the person requesting additional tests to make
30 advance payment as required by the secretary shall be deemed withdrawal
31 of the request.

32 (f) Any person required to comply with an order issued pursuant to
33 this section may request: (1) An administrative hearing pursuant to K.S.A.
34 75-3306, and amendments thereto, by complying with procedures
35 established by the secretary within ten days after entry of the order; or (2)
36 a de novo court review pursuant to K.S.A. 39-7,139, and amendments
37 thereto. If the order is served on the person by mail, the time for requesting
38 review shall be extended by three days. An order issued pursuant to this
39 section shall be subject to defenses that would apply if the order had been
40 issued by a court of this state. If the request for review is made within the
41 time allowed, the effect of the order shall be stayed with respect to the
42 person requesting review pending resolution of the review.

43 (g) An order issued pursuant to this section whose effect has not been

1 stayed may be enforced pursuant to the civil enforcement provisions of the
2 Kansas judicial review act, K.S.A. 77-601 et seq., and amendments
3 thereto, after the time for compliance with the order has expired.

4 Sec. 90. K.S.A. 59-501 is hereby amended to read as follows: 59-501.
5 As used in K.S.A. 59-502 through 59-514, ~~inclusive and amendments~~
6 *thereto*:

7 (a) "Children" means biological children, including a posthumous
8 child; children adopted as provided by law; and children whose parentage
9 is or has been determined under the Kansas *uniform* parentage act (2017)
10 or prior law.

11 (b) "Issue" includes adopted children of deceased children or issue.

12 Sec. 91. K.S.A. 2022 Supp. 59-2136 is hereby amended to read as
13 follows: 59-2136. (a) The provisions of this section shall apply where a
14 relinquishment or consent to an adoption has not been obtained from a
15 parent and K.S.A. 59-2124 and 59-2129, and amendments thereto, state
16 that the necessity of a parent's relinquishment or consent can be
17 determined under this section.

18 (b) Insofar as practicable, the provisions of this section applicable to
19 the father also shall apply to the mother and those applicable to the mother
20 also shall apply to the father.

21 (c) The court shall appoint an attorney to represent any father who is
22 unknown or whose whereabouts are unknown. If no person is identified as
23 the father or a possible father, or if the father's whereabouts are unknown,
24 the court shall order publication notice of the hearing in such manner as
25 the court deems appropriate.

26 (d) (1) A petition to terminate parental rights may be filed as part of a
27 petition for adoption or as an independent action. If the request to
28 terminate parental rights is not filed as part of an adoption proceeding,
29 venue shall be in the county ~~in which~~ *where* the child or a parent resides or
30 is found.

31 (2) The petition may be filed by a parent, the petitioner for adoption,
32 the person or agency having legal custody of the child, or the agency to
33 which the child has been relinquished.

34 (3) Absent a finding of good cause by a court with jurisdiction under
35 this act, a proceeding to terminate parental rights shall have precedence
36 over any proceeding involving custody of the child under the Kansas
37 family law code, K.S.A. 23-2101 et seq., and amendments thereto, or the
38 protection from abuse act, K.S.A. 60-3101 et seq., and amendments
39 thereto, until a final order is entered on the termination issues or until
40 further orders of the court.

41 (e) In an effort to identify the father, the court shall determine by
42 deposition, affidavit or hearing, the following:

43 (1) Whether there is a presumed father *or alleged genetic parent*

1 under ~~K.S.A. 2022 Supp. 23-2208, and amendments thereto~~ *the Kansas*
2 *uniform parentage act (2017)*;

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

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

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

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

12 (6) whether any person has formally or informally acknowledged or
13 declared such person's possible parentage of the child.

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

17 (f) Notice of the proceeding shall be given to every person identified
18 as the father or a possible father by personal service, certified mail return
19 receipt requested or in any other manner the court may direct. Notice shall
20 be given at least 10 calendar days before the hearing, unless waived by the
21 person entitled to notice. Proof of notice or waiver of notice shall be filed
22 with the court before the petition or request is heard.

23 (g) (1) If, after the inquiry, the court is unable to identify the father or
24 any possible father and no person has appeared claiming to be the father
25 and claiming custodial rights, the court shall enter an order terminating the
26 unknown father's parental rights with reference to the child without
27 consideration of subsection (h).

28 (2) If any person identified as the father or possible father of the child
29 fails to appear or, if appearing, fails to claim custodial rights, such person's
30 parental rights with reference to the child shall be terminated without
31 consideration of subsection (h).

32 (h) (1) When a father or alleged father appears and claims parental
33 rights, the court shall determine parentage, if necessary pursuant to the
34 Kansas *uniform* parentage act, ~~K.S.A. 2022 Supp. 23-2201 et seq., and~~
35 ~~amendments thereto~~ (2017). If a father desires but is financially unable to
36 employ an attorney, the court shall appoint an attorney for the father.
37 Thereafter, the court may order that parental rights be terminated and find
38 the consent or relinquishment unnecessary, upon a finding by clear and
39 convincing evidence, of any of the following:

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

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

43 (C) the father has made no reasonable efforts to support or

1 communicate with the child after having knowledge of the child's birth;

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

5 (E) the father abandoned the mother after having knowledge of the
6 pregnancy;

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

8 (G) the father has failed or refused to assume the duties of a parent
9 for two consecutive years immediately preceding the filing of the petition.

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

12 (A) Shall consider all of the relevant surrounding circumstances; and

13 (B) may disregard incidental visitations, contacts, communications or
14 contributions.

15 (3) In determining whether the father has failed or refused to assume
16 the duties of a parent for two consecutive years immediately preceding the
17 filing of the petition for adoption, there shall be a rebuttable presumption
18 that if the father, after having knowledge of the child's birth, has
19 knowingly failed to provide a substantial portion of the child support as
20 required by judicial decree, when financially able to do so, for a period of
21 two years immediately preceding the filing of the petition for adoption,
22 then such father has failed or refused to assume the duties of a parent.

23 (4) For the purposes of this subsection, "support" means monetary or
24 non-monetary assistance that is reflected in specific and significant acts
25 and sustained over the applicable period.

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

30 Sec. 92. K.S.A. 65-2409a is hereby amended to read as follows: 65-
31 2409a. (a) A certificate of birth for each live birth ~~which~~ that occurs in this
32 state shall be filed with the state registrar within five days after such birth
33 and shall be registered by such registrar if such certificate has been
34 completed and filed in accordance with this section. If a birth occurs on a
35 moving conveyance, a birth certificate shall indicate as the place of birth
36 the location where the child was first removed from the conveyance.

37 (b) When a birth occurs in an institution, the person in charge of the
38 institution or the person's designated representative shall obtain the
39 personal data, prepare the certificate, secure the signatures required by the
40 certificate and file such certificate with the state registrar. The physician in
41 attendance or, in the absence of the physician, the person in charge of the
42 institution or that person's designated representative shall certify to the
43 facts of birth and provide the medical information required by the

1 certificate within five days after the birth. When a birth occurs outside an
2 institution, the certificate shall be prepared and filed by one of the
3 following in the indicated order of priority: (1) The physician in
4 attendance at or immediately after the birth, or in the absence of such a
5 person; (2) any other person in attendance at or immediately after the birth,
6 or in the absence of such a person; or (3) the father, the mother or, in the
7 absence of the father and the inability of the mother, the person in charge
8 of the premises where the birth occurred.

9 (c) If the mother was married at the time of either conception or birth,
10 or at any time between conception and birth, the name of the husband shall
11 be entered on the certificate as the father of the child unless *there has been*
12 *a determination of parentage as defined in section 2, and amendments*
13 *thereto, or* paternity has been determined otherwise by a court of
14 competent jurisdiction, in which case the name of the father *pursuant to*
15 *the determination of parentage as defined in section 2, and amendments*
16 *thereto, or* as determined by the court shall be entered. If the mother was
17 not married either at the time of conception or of birth, or at any time
18 between conception and birth, the name of the father shall not be entered
19 on the certificate of birth without the written consent of the mother and of
20 the person to be named as the father on a form provided by the state
21 registrar pursuant to ~~K.S.A. 2022 Supp. 23-2204~~ *section 23*, and
22 amendments thereto, unless a determination of paternity has been made by
23 a court of competent jurisdiction, in which case the name of the father as
24 determined by the court shall be entered.

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

28 (e) Except as otherwise provided by this subsection, a fee of \$4 shall
29 be paid for each certificate of live birth filed with the state registrar. Such
30 fee shall be paid by the parent or parents of the child. If a birth occurs in
31 an institution, the person in charge of the institution or the person's
32 designated representative shall be responsible for collecting the fee and
33 shall remit such fee to the secretary of health and environment not later
34 than the 15th day following the end of the calendar quarter during which
35 the birth occurred. If a birth occurs other than in an institution, the person
36 completing the birth certificate shall be responsible for collecting the fee
37 and shall remit such fee to the secretary of health and environment not
38 later than the 15th day of the month following the birth.

39 The fee provided for by this subsection shall not be required to be paid
40 if the parent or parents of the child are at the time of the birth receiving
41 assistance, as defined by K.S.A. 39-702, and amendments thereto, from
42 the secretary for children and families.

43 (f) Except as provided in this subsection, when a certificate of birth is

1 filed pursuant to this act, each parent shall furnish the social security
2 number or numbers issued to the parent. Social security numbers furnished
3 pursuant to this subsection shall not be recorded on the birth certificate. A
4 parent shall not be required to furnish such person's social security number
5 pursuant to this subsection if no social security number has been issued to
6 the parent; the social security number is unknown; or the secretary
7 determines that good cause, as defined in federal regulations promulgated
8 pursuant to title IV-D of the federal social security act, exists for not
9 requiring the social security number. Nothing in this subsection shall delay
10 the filing or issuance of the birth certificate.

11 Sec. 93. K.S.A. 38-1518, 38-2220, 38-2221, 38-2313, 38-2318, 39-
12 7,145, 59-501 and 65-2409a and K.S.A. 2022 Supp. 20-165, 20-302b, 23-
13 2201, 23-2202, 23-2203, 23-2204, 23-2205, 23-2206, 23-2207, 23-2208,
14 23-2209, 23-2210, 23-2211, 23-2212, 23-2213, 23-2214, 23-2215, 23-
15 2216, 23-2219, 23-2220, 23-2221, 23-2222, 23-2223, 23-2224, 23-2225,
16 23-36.401 and 59-2136 are hereby repealed.

17 Sec. 94. This act shall take effect and be in force from and after its
18 publication in the statute book.