

SESSION OF 2008

**SUPPLEMENTAL NOTE ON
HOUSE SUBSTITUTE FOR SENATE BILL NO. 32**

As Recommended by House Committee on
Judiciary

Brief*

House Sub. for SB 32 would change current law regarding divorce, child custody, and parenting time when a parent receives military deployment, mobilization, temporary duty orders, or unaccompanied tour. The bill would require permanent parenting plans which would include provisions for custody and parenting time upon deployment, mobilization, temporary duty, or unaccompanied tour. It would be presumed that such an agreement is in the best interest of the child(ren), to be determined by the court.

Provisions in the bill would allow for expedited hearings for good cause shown, when military duties have a material effect on the parent's ability to appear in person at a regularly scheduled hearing.

Any temporary custody would end no later than 10 days after the absent parent returns.

The bill would become effective upon publication in the *Kansas Register*.

Background

Stacy Adair, citizen, spoke in favor of the bill on behalf of his sister who is deployed in Iraq. Colonel Bruce Woolpert, Kansas National Guard, addressed the need for the protection

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

of service members. Others who appeared in support of the measure included Lt. Col. (Retired) Craig Beardsley, Kansas National Guard; Sgt. Doug Mulgreen, Kansas National Guard; and Matthew Shelton, Chief of Legal Assistance, Fort Riley, Kansas. Barry Boswell, returned soldier, cited his personal experience in this area. N. Trip Shawver, attorney, Wichita, also past Chairman of the Family Law Section of the Kansas Bar Association, addressed his concerns with the bill and made recommendations to address these concerns.

The Committee amended the bill to do the following:

- Add a provision to include family members (e.g., grandparents) who have parenting rights;
- Make clarifying changes;
- Make the effective date publication in the *Kansas Register*.

The provisions of the House Substitute bill were originally contained in 2008 HB 2621.

The original provisions of SB 32 dealing with medical assistance for trust beneficiaries in KSA 39-709 are now in SB 81.

The fiscal note on the House Substitute bill, originally HB 2621, indicates that additional cases would be brought before the district courts. The Office of Judicial Administration is unable to estimate the cost involved until after the courts have had an opportunity to operate under the bill's provisions. Any fiscal effect resulting from passage of this bill would be in addition to amounts included in *The FY 2009 Governor's Budget Report*.