

February 13, 2023

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2356 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2356 is respectfully submitted to your committee.

HB 2356 would require that if the parties of a parenting plan are not in agreement on a permanent parenting plan, the parties must each submit a proposed plan to the court for consideration before the final hearing as directed by the court. The court would then be required to adopt a permanent parenting plan that maximizes each party's parenting time and is consistent with the best interests of the child. The court would also be required to make specific findings of fact stating the factors and reasons why the plan ordered by the court is in the best interests of the child. A court would be prohibited from adopting a local rule, form, or practice that requires a standardized or default parenting plan.

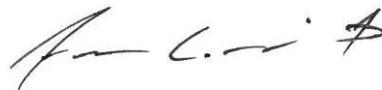
When the court determines legal custody, residency, or parenting time, the court would be required to consider whether a parent intentionally misled the court in order to cause unnecessary delay, increase litigation costs and expenses, or improperly influenced the court to determine legal custody, residency, or parenting time in a manner favorable to such parent. The court could issue an agreement or order for a temporary parenting plan in matters where temporary orders related to custody are authorized. When making an order for a temporary parenting plan, there would be a presumption that it is in the best interests of the child for parents to have temporary joint legal custody and maximized parenting time with each parent. The objective of permanent parenting plans would be to set a schedule to maximize parenting time with each parent.

The Office of Judicial Administration indicates that HB 2356 could have a fiscal effect on the Judicial Branch. The bill could increase the time spent by district court judicial personnel in reviewing parenting plans and would require the court to make specific findings in the case.

Nevertheless, until the courts have had an opportunity to operate under the provisions of HB 2356, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given.

The Department for Children and Families indicates that HB 2356 would have no fiscal effect on the agency. Any fiscal effect associated with HB 2356 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt". The signature is fluid and cursive, with a distinct flourish at the end.

Adam Proffitt
Director of the Budget

cc: Kim Holter, Department for Children & Families
Vicki Jacobsen, Judiciary