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TO: Senate Judiciary Committee

**FROM: Kansas Judicial Council – Ronald W. Nelson, Nelson & Yarnell Law Firm,
Member of the Judicial Council's Family Law Advisory Committee**

DATE: February 4, 2025

RE: Proponent Testimony on 2025 S.B. 135 – Regarding the precedence of child-related orders issued under the protection from abuse act

The Kansas Judicial Council (Council) and its Family Law Advisory Committee (Committee) recommend the passage of 2025 SB 135. This bill clarifies the statute that sets out which types of child-related orders control when a child-related order is issued in a protection from abuse (PFA) case and in a different type of case. The goal of SB 135 is to make the statute easier to read and understand. The Committee recommended these changes only to make the law clearer, not because of any problems with how the rules are currently applied in cases.

Judges can issue child-related orders—such as legal custody, residency, and parenting time—in different types of cases, including, protection from abuse, divorce, parentage, guardianship, child in need of care, or juvenile offender actions. When there are child related orders issued in a protection from abuse action as well as another type of action, K.S.A. 60-3107(c) determines which order takes precedence (controls). The chart on page 2 gives an overview of these rules.

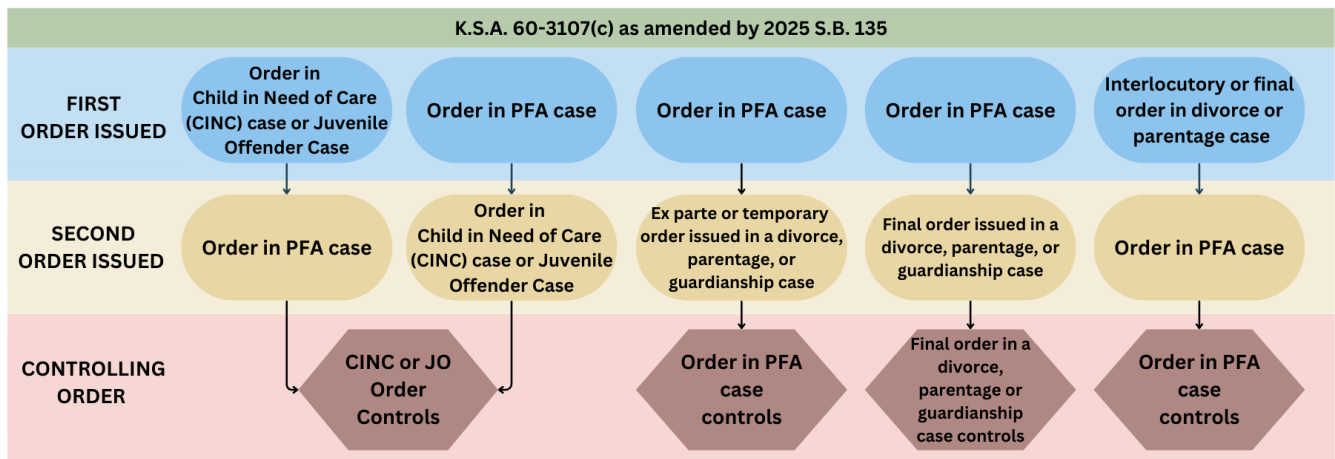
During the Committee's study, protection order stakeholders identified K.S.A. 60-3107(c) as one of the most difficult sections of the Protect from Abuse Act to read and understand. To fix this, SB 135 breaks the statute into smaller sections and removes confusing language and unnecessary statutory references. These changes do not alter the law's intent,

except for one improvement: the current law includes child-related orders from protection from abuse, divorce, parentage, child in need of care, and juvenile offender cases but does not specifically mention guardianship cases. By using the phrase “issued in any action” in K.S.A 60-3107(c)(1) and (c)(2)(A), SB 135 updates the law to include guardianship orders, ensuring that courts consider existing PFA orders when making guardianship decisions.

The bill adds the word “legal” in K.S.A. 60-3107(c)(4)(A) & (B) because the phrase “legal custody” is the official term used in Kansas statutes.

The proposed amendments in SB 135 are necessary to make K.S.A. 60-3107(c) clearer and easier to understand, ensuring that litigants, advocates, attorneys, and judges can more easily determine which child-related orders take priority in situations involving multiple legal actions. By reorganizing the statute and removing confusing cross-references, these changes improve readability and promote consistency and efficiency in family related cases.

The Judicial Council supports the passage of 2025 SB 135.



Note:

This statutory recommendation was part of a larger protection order study completed by the Judicial Council in 2022. The complete [report](#) containing all the Committee’s recommendations is available online from the Judicial Council’s website under the 2022 heading on the [Studies and Reports page](#).

Members of the Family Law Advisory Committee for the 2022 Protection Order Acts Study were:

Hon. Amy Harth, Chair, Chief District Court Judge; Paola
Sara S. Beezley, Practicing Attorney; Girard.
Prof. Gillian Chadwick, Professor, Washburn University School of Law; Topeka.
Prof. Melanie Daily, Clinic Associate Professor, University of Kansas School of Law; Lawrence.
Robert J. Frederick, Practicing Attorney and Retired District Court Judge, Garden City.
Joyce Grover, Executive Director for the Kansas Coalition Against Sexual and Domestic Violence; Topeka.

Rep. Susan Humphries, State Representative from the 99th District and practicing attorney; Wichita.
Marcilyn A. Martinez, Director of Child Support Services, Department for Children and Families; Topeka.
Ronald W. Nelson, Practicing Attorney; Shawnee Mission.
Bethany Roberts, Practicing Attorney; Lawrence.
Richard A. Samaniego, Practicing Attorney; Wichita.
Ardith R. Smith-Woertz, Practicing Attorney; Topeka.