

MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 3, 2025

Subject: Bill Brief on SB 135

Senate Bill 135 provides precedence of child-related orders issued under the protection from abuse act.

The bill amends K.S.A. 60-3107, the procedure statute in the protection from abuse act. Current law provides that an order cannot be modified on ex parte application or on motion for temporary orders in other specified actions. Orders previously issued in other specified actions are subject to modification for good cause, and immediate and present danger of abuse to the plaintiff or minor children constitutes good cause. The bill retains the prohibition on modifying order by a subsequent ex parte or temporary order and clarifies that an order relating to legal custody or parenting time, an order relating to the best interests of a child, or an order issued pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code shall take precedence over a similar order issued under the protection from abuse act. It also provides that on a sworn statement showing good cause, protection from abuse act orders may modify order related to legal custody, residency and parenting time previously issued for (1) the determination of parentage or (2) divorce, separate maintenance or annulment. On a sworn statement showing good cause orders under the protection from abuse act may modify interlocutory orders issued under K.S.A. 23-2707. The bill retains the provisions that immediate and present danger of abuse to the plaintiff or minor child constitutes good cause.