

HOUSE BILL No. 2062

By Committee on Judiciary

Requested by Representative L. Williams

1-22

1 AN ACT concerning children and families; relating to orders of child
2 support; providing for child support for unborn children from the date
3 of conception; amending K.S.A. 20-165, 23-2205 and 23-3001 and
4 repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 20-165 is hereby amended to read as follows: 20-
8 165. (a) The supreme court shall adopt rules establishing guidelines for the
9 amount of child support to be ordered in any action in this state including,
10 but not limited to, K.S.A. 39-755 and K.S.A. 23-2215, and amendments
11 thereto, article 30 of chapter 23 of the Kansas Statutes Annotated, and
12 amendments thereto, and K.S.A. 23-2711, and amendments thereto.

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

- 15 (1) The needs of the child;
- 16 (2) the standards of living and circumstances of the parents;
- 17 (3) the relative financial means of the parents;
- 18 (4) the earning ability of the parents;
- 19 (5) the need and capacity of the child for education;
- 20 (6) the age of the child;
- 21 (7) the financial resources and earning ability of the child;
- 22 (8) the responsibility of the parents for the support of others; ~~and~~
- 23 (9) the value of services contributed by both parents; *and*
- 24 (10) *the direct medical and pregnancy-related expenses of the mother*
25 *if the child is an unborn child.*

26 (c) *The maximum amount of child support to be ordered for the*
27 *support of an unborn child shall not exceed the direct medical and*
28 *pregnancy-related expenses of the mother of the unborn child. Pregnancy-*
29 *related expenses shall not include any costs related to an elective*
30 *abortion.*

31 (d) *The amount of child support determined pursuant to subsection*
32 *(b)(10) shall be calculated from the date of conception of such unborn*
33 *child. Interest shall accrue for any such amount of child support at the*
34 *statutory rate provided under K.S.A. 16-204, and amendments thereto, and*
35 *shall continue to accrue until the payment of such child support is no*

1 *longer in arrearage.*

2 *(e) As used in this section:*

3 *(1) "Elective abortion" means an abortion for any reason other than*
 4 *to prevent the death of the mother upon whom the abortion is performed,*
 5 *except that an abortion may not be deemed one to prevent the death of the*
 6 *mother based on a claim or diagnosis that such mother will engage in*
 7 *conduct that would result in such mother's death; and*

8 *(2) "unborn child" means the same as defined in K.S.A. 23-3001, and*
 9 *amendments thereto.*

10 Sec. 2. K.S.A. 23-2205 is hereby amended to read as follows: 23-
 11 2205. *(a) As used in this act, "parent and child relationship" means the*
 12 *legal relationship existing between a child and the child's biological or*
 13 *adoptive parents incident to which the law confers or imposes rights,*
 14 *privileges, duties and obligations. ~~It~~ "Parent and child relationship"*
 15 *includes the mother and child relationship and the father and child*
 16 *relationship.*

17 *(b) For purposes of this section, the term "child" includes any unborn*
 18 *child as defined in K.S.A. 23-3001, and amendments thereto.*

19 Sec. 3. K.S.A. 23-3001 is hereby amended to read as follows: 23-
 20 3001. *(a) In any action under article 27 of chapter 23 of the Kansas*
 21 *Statutes Annotated, and amendments thereto, the court shall make*
 22 *provisions for the support and education of the minor children.*

23 *(b) Regardless of the type of custodial arrangement ordered by the*
 24 *court, the court may order the child support and education expenses to be*
 25 *paid by either or both parents for any child less than 18 years of age, at*
 26 *which age the support shall terminate unless:*

27 *(1) The parent or parents agree, by written agreement approved by the*
 28 *court, to pay support beyond the time the child reaches 18 years of age;*

29 *(2) the child reaches 18 years of age before completing the child's*
 30 *high school education in which case the support shall not terminate*
 31 *automatically, unless otherwise ordered by the court, until June 30 of the*
 32 *school year during which the child became 18 years of age if the child is*
 33 *still attending high school; or*

34 *(3) the child is still a bona fide high school student after June 30 of*
 35 *the school year during which the child became 18 years of age, in which*
 36 *case the court, on motion, may order support to continue through the*
 37 *school year during which the child becomes 19 years of age so long as the*
 38 *child is a bona fide high school student and the parents jointly participated*
 39 *or knowingly acquiesced in the decision ~~which~~ that delayed the child's*
 40 *completion of high school. The court, in extending support pursuant to*
 41 *~~subsection (b)(3)~~ this paragraph, may impose such conditions as are*
 42 *appropriate and shall set the child support utilizing the guideline table*
 43 *category for 12-year through 18-year-old children. For purposes of this*

1 section, "bona fide high school student" means a student who is enrolled in
2 full accordance with the policy of the accredited high school in which the
3 student is pursuing a high school diploma or a graduate equivalency
4 diploma (GED).

5 ~~(c) Provision for payment of support and educational expenses of a~~
6 ~~child after reaching 18 years of age if still attending high school shall~~
7 ~~apply to any child subject to the jurisdiction of the court, including those~~
8 ~~whose support was ordered prior to July 1, 1992. If an agreement approved~~
9 ~~by the court prior to July 1, 1992, provides for termination of support~~
10 ~~before the date provided by subsection (b)(3), the court may review and~~
11 ~~modify such agreement, and any order based on such agreement, to extend~~
12 ~~the date for termination of support to the date provided by subsection (b)~~
13 ~~(3)As used in article 30 of chapter 23 of the Kansas Statutes Annotated,~~
14 ~~and amendments thereto, the term "unborn child" means a living~~
15 ~~individual organism of the species homo sapiens, in utero, at any stage of~~
16 ~~gestation from fertilization to birth.~~

17 Sec. 4. K.S.A. 20-165, 23-2205 and 23-3001 are hereby repealed.

18 Sec. 5. This act shall take effect and be in force from and after its
19 publication in the statute book.