

**PROPOSED AMENDMENT TO HB 2741
For Committee on Judiciary
Prepared By: Office of Revisor of Statutes
March 14, 2012**

**ADDITION OF K.S.A. 2011 Supp. 23-3508
PROPOSED AMENDMENTS ARE IN BOLD**

Sec. 39. K.S.A. 2011 Supp. 23-3508 is hereby amended to read as follows: 23-3508. (a) The court may order case management, when appropriate, of any contested issue of child custody or parenting time at any time, upon the motion of a party or on the court's own motion. A hearing officer in a proceeding pursuant to K.S.A. 2011 Supp. 23-3401, and amendments thereto, may order case management, if appropriate, of a contested issue of child visitation or parenting time in such a proceeding.

(b) Cases in which case management is appropriate shall include one or more of the following circumstances:

- (1) Private or public neutral dispute resolution services have been tried and failed to resolve the disputes;
- (2) other neutral services have been determined to be inappropriate for the family;
- (3) repetitive conflict occurs within the family, as evidenced by the filing of at least two motions in a six-month period for enforcement, modification or change of residency, visitation, parenting time or custody which are denied by the court; or
- (4) a parent exhibits diminished capacity to parent.

(c) If the court or hearing officer orders case management under subsection (a), the court or hearing officer shall appoint a case manager, taking into consideration the following:

- (1) An agreement by the parties to have a specific case manager appointed by the court or hearing officer;
- (2) the financial circumstances of the parties and the costs assessed by the case manager;
- (3) the case manager's knowledge of: (A) the Kansas judicial system and the procedure used in domestic relations cases; (B) other resources in the community to which parties can be referred for assistance; (C) child development; (D) clinical issues relating to children; (E) the effects of divorce on children; and (F) the psychology of families; and
- (4) the case manager's training and experience in the process and techniques of alternative dispute resolution and case management.

(d) To qualify as an appointed case manager, an individual shall:

- (1)(A) Be currently licensed in Kansas as a licensed psychologist, licensed masters level psychologist, licensed clinical psychotherapist, licensed professional counselor, licensed clinical professional counselor, licensed marriage and family therapist, licensed clinical marriage and family therapist, licensed master social worker or licensed specialist social worker; or**
- (B) be currently licensed to practice law in Kansas and have at least five years of experience in the field of domestic relations law or family law;**

~~(1)(2)~~ Be qualified to conduct mediation;

~~(2)(3)~~ have ~~experience as a mediator;~~ **mediated at least ten domestic relations cases;**

~~(3)(4)~~ attend ~~a workshop~~ **one or more workshops,** approved **and as ordered** by the district court ~~in which the case is filed,~~ on case management; and

~~(4) participate in continuing education~~ **(5) complete a minimum number of continuing education hours** regarding case management issues as established and approved by the supreme court.

(e) On and after September 1, 2012, any case manager appointed by the court prior to, on or after the effective date of this act shall meet the requirements of subsection (d).