

Approved: March 15, 2012

(Date)

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Lance Kinzer at 3:30 PM on Wednesday, January 18, 2012 in 346-S of the Capitol.

All members were present except:

Pat Colloton
Mitch Holmes
Gene Suellentrop

Committee staff present:

Katherine McBride, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Nancy Lister, Committee Assistant

Conferees appearing before the Committee:

Austin Kent Vincent, The Adoption Bar
Robert Vancrum, Vancrum Law Firm LLC
Ron W. Nelson, Kansas Judicial Council
Lisa Wilson, Office of Judicial Administration

Others in attendance:

See attached list.

Chairman Kinzer requested a bill regarding district courts retaining jurisdiction in some instances in planning and zoning matters. The motion was seconded by Representative Pauls and the bill was accepted without objection. ([Attachment 1](#))

Chairman Kinzer requested a bill to do some clean-up work on the code of civil procedure to update language regarding certified court reporters. The motion was seconded by Representative Alford and the bill was accepted without objection. ([Attachment 2](#))

Austin Kent Vincent requested a bill to clarify adoption law to specifically address issues raised in recent court cases and ambiguities in existing statutes. Chairman Kinzer moved the request be accepted, seconded by Representative Colloton and the bill was accepted without objection. ([Attachment 3](#))

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the HOUSE JUDICIARY Committee at 3:30 PM on Wednesday, January 18, 2012 in 346-S of the Capitol.

The hearing on **HB 2252–Restoration of spouse’s former name after divorce; if divorced in another state, court shall restore name if copy of authenticated divorce decree** was opened. Katherine McBride presented an overview of the bill.

Robert Vancrum, testified in support of **HB 2252**, stating he was a practicing attorney in Johnson County and had several incidents in his law practice where his clients wanted to take back their maiden names after becoming divorced out of state. In doing so, they had to go through a process which was lengthy and costly, requiring filing fees, publications, hearings and waiting for a period of time. After researching the process, Vancrum concluded the divorce statute should be updated so name restoration would be part of the Kansas courts continuing jurisdiction in divorce cases. The desired outcome would be a simple and inexpensive process where individuals could request the court restore their maiden names by supplying the court with an authenticated copy of the divorce decree from the other state to serve as acceptable documentation for a name restoration. (Attachment 4)

Chairman Kinzer inquired whether Mr. Vancrum had seen the report prepared by the Kansas Judicial Council which suggested the divorce statute was not a good vehicle for requesting a name change, but rather the procedure for a name change, when there was an out of state divorce, should be done through the name change statute. Vancrum stated he had not seen the report, but he would have no problem addressing the issue in another statute, if the procedure could be simplified with time and expenses reduced.

Ron Nelson testified on behalf of the Judicial Council and, although listed as an opponent, was not necessarily an opponent of the issue, but the Council did not see **HB 2252** as the appropriate vehicle to effect this change. At the request of Chairman Kinzer, the Family Law Committee studied the bill and the consensus of the Committee was that the appropriate procedure for a person divorced in another state to obtain a name change in Kansas would be to file a petition for name change pursuant to K.S.A. 60-1402. The Committee could not find any state in the nation allowing someone coming from another state to file anything other than a name change petition in order to change the name after the granting of a divorce in another state. The Committee's concern is where there is a divorce in another state that did not change the name, when someone comes in to the state and requests a name change, the court clerks and the judges have to have some file to attach it to in order to track the name change through the system. (Attachment 5)

Chairman Kinzer stated the Committee would have to decide whether to consider K.S.A. 60-1402 as an alternative path to pursue the name restoration issue and asked everyone to be thinking whether there is additional language which should be considered to improve the bill.

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Mr. Nelson stated the current trend is to not require an authenticated copy of a court filing and cited as examples the Uniform Child Custody Jurisdiction and Enforcement Act and the Uniform Interstate Family Support Act, which only require certified copies of documents. Mr. Nelson suggested it may also be appropriate to consider indicating in clear language alternatives for judges to choose other than publication and other options at the judge's discretion.

Chairman Kinzer stated there would be some time allotted to consider this matter further before the bill is acted upon and he asked for suggestions to be sent to him on enhancing the bill language to be more comprehensive.

Lisa Wilson testified as neutral on **HB 2252**, stating Mr. Nelson's testimony pretty much summarized the Judicial Office of Administration concerns. The main point of concern was there needs to be a case to file the name change and there is no file when the divorce took place out of state. (Attachment 6)

The hearing was closed on **HB 2252**.

The meeting was adjourned at 3:55 p.m. The next meeting is scheduled for January 23, 2012.