

HOUSE BILL No. 2740

By Committee on Judiciary

2-10

1 AN ACT concerning domestic relations; relating to case management;
2 amending K.S.A. 2011 Supp. 23-3508 and repealing the existing
3 section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 23-3508 is hereby amended to read as
7 follows: 23-3508. (a) The court may order case management, when
8 appropriate, of any contested issue of child custody or parenting time at
9 any time, upon the motion of a party or on the court's own motion. A
10 hearing officer in a proceeding pursuant to K.S.A. 2011 Supp. 23-3401,
11 and amendments thereto, may order case management, if appropriate, of a
12 contested issue of child visitation or parenting time in such a proceeding.

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

15 (1) Private or public neutral dispute resolution services have been
16 tried and failed to resolve the disputes;

17 (2) other neutral services have been determined to be inappropriate
18 for the family;

19 (3) repetitive conflict occurs within the family, as evidenced by the
20 filing of at least two motions in a six-month period for enforcement,
21 modification or change of residency, visitation, parenting time or custody
22 which are denied by the court; or

23 (4) a parent exhibits diminished capacity to parent.

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

27 (1) An agreement by the parties to have a specific case manager
28 appointed by the court or hearing officer;

29 (2) the financial circumstances of the parties and the costs assessed
30 by the case manager;

31 (3) the case manager's knowledge of: (A) The Kansas judicial system
32 and the procedure used in domestic relations cases;; (B) other resources in
33 the community to which parties can be referred for assistance;; (C) child
34 development;; (D) clinical issues relating to children;; (E) the effects of
35 divorce on children; and (F) the psychology of families; and

36 (4) the case manager's training and experience in the process and

1 techniques of alternative dispute resolution and case management.

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

3 (1) (A) *Be currently licensed in Kansas as a licensed psychologist,*
4 *licensed masters level psychologist, licensed clinical psychotherapist,*
5 *licensed professional counselor, licensed clinical professional counselor,*
6 *licensed marriage and family therapist, licensed clinical marriage and*
7 *family therapist, licensed master social worker or licensed specialist*
8 *clinical social worker; or*

9 (B) *be currently licensed to practice law in Kansas and have at least*
10 *four years of experience in the field of domestic relations law or family*
11 *law;*

12 ~~(1) (2)~~ be qualified to conduct mediation;

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

15 ~~(3) (4) attend a workshop~~ *one or more workshops, approved and as*
16 *ordered by the district court in which the case is filed, on case*
17 *management; and*

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

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

24 Sec. 2. K.S.A. 2011 Supp. 23-3508 is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after its
26 publication in the statute book.