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TESTIMONY OF RONALD W. NELSON
Nelson & Booth, Overland Park, Kansas
January 17, 2006

Re: HB 2540

Members of the Committee:

Members of the Committee: Good morning. My name is Ronald W. Nelson. I am a lawyer who exclusively practices domestic relations law in Overland Park. . I am also heavily involved in appellate advocacy in domestic cases, with decided cases in all areas of domestic practice. My clientele is fairly evenly split between representation of men and women. I am a member of the American Bar Association Family Law Section, serving as Vice Chair of the Child-Custody Committee, I served three terms as the President of the Kansas Bar Association Family Law Section, I am a Fellow of both the American Academy of Matrimonial Lawyers and the International Academy of Matrimonial Lawyers, and I've served the Johnson County Bar Association Family Law Section as chair of the subcommittee considering revisions of the Johnson County Bar Association Parenting Guidelines. I often present seminars on high conflict child custody issues in Kansas and around the country for the ABA. I am the author of two chapters of the Kansas Bar Association's Practitioners Guide to Kansas Family Law, including a chapter on Child Custody and Parenting Time. I worked closely with the KBA and the Judiciary Committee in 2000 fashioning compromises that allowed the passage of Substitute Senate Bill 150, which updated the Kansas custody statutes. I am also the divorced father of two great teenagers. I've seen the way the courts deal with child custody cases from every direction. As such, I hope to provide this Committee some insights gained from that somewhat unique position.

House Bill 2540 proposes to add language to K.S.A. 60-1610(a)(1) that requires "an obligor whose income is being withheld or who has been served with a notice of intent to apply" for withholding a change of address "of any new payor or change of address" within seven days of that change, as well as of any change of dependent health insurance coverage.

I think this bill is ill-conceived and poorly drawn and I urge the committee either reject this proposed amendment or redraft it placing its content in a more appropriate section of the Kansas statutes. My objections to this bill are as follows:

First. The bill requires the "obligor" to notify certain persons of "any new payor or change of address." The term "payor" is not defined. It is unclear whether the "payor" is the obligor (person who owes child support) or the employer subject to the withholding order.

Second. If the obligor and payor are different persons, it's not clear the obligor would know that the payor's information had changed in the time required by this proposed amendment.

Third. "A notice of intent for issuance of an income withholding order" doesn't mean that any income withholding order will ever be issued. It makes no sense to require someone to provide information he or she may not have about an event that may never take place.

Fourth. No penalty for any failure is provided and it is unclear that this provision would be anything more than another something to be included somewhere that no one knows or thinks anything about.

Fifth. The bill requires the obligor keep the obligee notified about employment-related dependent health coverage benefits. However, in many (if not most) cases, the Obligee provides the dependant health care benefits. Requiring the obligor notify the obligee of employment-related dependent health coverage benefits without requiring the same of obligees makes no logical sense.

Sixth. The placement of this proposed amendment in K.S.A. 60-1610 makes no sense. K.S.A. 60-1610 contains those provisions the court is to include in a *divorce decree*. Many of those cases to which this proposed amendment relates arise as a result of non-divorce filings. Accordingly, K.S.A. 60-1610 does not technically apply. K.S.A. 60-1610 is too complex and overburdened as it is without adding yet another provision that does not directly relate to those provisions that should be included in an original divorce decree. K.S.A. 60-1610 needs to be simplified, not further complicated. This proposed amendment does not help simplification.

While the proposed amendment contained in HB 2540 is well-intended and worthwhile "good practice," it isn't something that deserves placement in the Kansas statutes; most certainly not where it is proposed to be placed.

If you have any questions I am glad to address them.

Ronald W. Nelson