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TESTIMONY OF THE JUDICIAL COUNCIL FAMILY LAW ADVISORY COMMITTEE ON 2010 HOUSE BILL 2667

In March, 2009, the Family Law Advisory Committee was asked to review and make recommendations on 2009 Senate Bill 27. During discussion on the bill, it became clear that in the near future a comprehensive review and update of the Kansas Parentage Act (KPA) would be advisable. The committee also agreed that many other domestic relations statutes were in need of updating as well. A member of the committee suggested that rather than try to update all of the domestic relations statutes in a piece-meal fashion, since they are currently scattered throughout several chapters of the Kansas statutes, it would be helpful if all the domestic relations statutes could be reorganized into one chapter of the Kansas statutes. Therefore, the committee asked for and received permission from the Judicial Council to draft legislation that would reorganize the domestic relations statutes into one chapter of the Kansas statutes.

Reorganizing the family law/domestic relations statutes into one chapter of the Kansas statutes would be helpful to the public and would benefit those individuals acting pro se.

In 1999, a report completed by the Kansas Citizens Justice Initiative included a recommendation that “the State should publish and distribute to the public a booklet in which all Kansas statutes and court rules relating to family law are reprinted.” *Kansas Citizens Justice Initiative: Final Report of the Kansas Justice Commission*, 1999, p. 45. The Commission’s rationale was that the statutes addressing common family issues were spread throughout various chapters in the Kansas Statutes Annotated and although attorneys dealing with these issues would likely be able to locate these statutes, it would be much more difficult for the public. *Id.* It was noted that although “the arrangement of these statutes suggests that these are separate and unrelated matters warranting isolated attention, . . . it is not uncommon for one to have to flip back and forth between chapters to cover the range of issues that often arise within one family.” *Id.* Therefore, reorganizing these statutes into a single publication, or chapter of the Kansas statutes, would assist both the public and legal professionals alike in linking these topics more easily. *Id.* at 46. If all of the domestic relations statutes were in one chapter, it would help the increasing number of unrepresented litigants “feel more empowered through more ‘user-friendly’ access to the law.”

Reorganization of the family law/domestic relations statutes into a more logical progression through the statutes will facilitate use by legal professionals as well as the public.

The committee began its work by determining which statutes and acts should be included in the new family law/domestic relations chapter and by preparing a list of articles for the

statutes that would place the statutes in a logical and organized order. From the parentage act to marriage to divorce to enforcement of support orders, the committee tried to place the statutes into an order that would logically progress through the various familial stages. Once the organization was agreed, the committee worked to break down some of the longer and more confusing statutes (such as K.S.A. 60-1610) into their component parts. This allowed the committee to put the component parts into new sections that could be placed appropriately throughout the new chapter to coincide with the logical flow. The committee believes that, in addition to having all of the domestic relations statutes in one chapter, having a more logical progression through the statutes and shorter, less confusing statutes will also facilitate use by both legal professionals and lay persons.

Having all of the family law/domestic relations statutes in one chapter of the Kansas Statutes will facilitate review and update of the statutes in the future.

The committee's overall goal is to update all domestic relations statutes in order to bring them more in line with current trends and practice within domestic relations laws. If the committee were to try to update all of the domestic relations statutes as they are now, the committee would be forced to work through several different chapters of the Kansas statutes. Such a piece-meal process has already resulted in overlooked updates and inconsistency between statutes. Reorganizing all of the statutes into one chapter prior to a comprehensive review and update of the statutes would reduce the risk of inconsistency.

CONCLUSION

While the committee recognizes that several statutes and acts, such as the Kansas Parentage Act, could be updated within this reorganization process, it feels that reorganizing the statutes first would better facilitate a comprehensive review and update of the domestic relations statutes in the future. Therefore, 2010 House Bill 2667 includes what will be new statutes resulting from the moving and breaking down of extensive statutes, such as K.S.A. 60-1610, and other statutes containing statutory reference to K.S.A. 60-1610. The bill does not contain any substantive changes. The committee believes that this reorganization will result in a more “user-friendly” and better organized domestic relations code that will benefit the general public as well as legal professionals.