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February 17, 2014

Kansas House Committee on Children and Seniors
Representative Connie O'Brien, Chair

RE: 2014 HB 2558: Domestic Relations Case Management
Hearing Date: February 18, 2014

TESTIMONY OF RONALD W. NELSON
IN OPPOSITION TO HB 2558

Chairman O'Brien and Members of the Committee:

I am a family law attorney in Johnson County. I've practiced family law for over 25 years. My practice is focused on complex issues in family law and high conflict child custody litigation. My practice frequently involves representing parents – and grandparents – in family law disputes at the trial court level and in the appellate courts. Over my now many years in family law, I've often wrestled with the difficult issues that arise when parents fight over their children's care and custody – both in court and out-of-court.

I've also been involved with domestic relations case management ever since the Kansas statutes authorizing case management were first enacted by the Legislature in 1998. One case I handled, *In re Marriage of Gordon-Hanks and Hanks*, decided by the Kansas Court of Appeals in August 2000, was the first case decided by the Kansas appellate courts interpreting the scope, meaning, and limitations on the domestic case management statutes. Since that decision was made – a decision with which I strongly disagree – I've consistently tried to find ways to correct what I see as problems with these statutes, both with legislative action and by appropriate court rules. I've continued to try to revise the existing statutes so that they better protect parents' rights within the process, while also trying to find ways to help the courts with reasonable alternatives to held with intransigent conflict in these high conflict cases that negatively effect children and cost the state hundreds of thousands – if not millions – of dollars each year.

As many problems as I've seen with the existing domestic case management statutes, I speak today to strongly OPPOSE HB 2558.

HB 2558 is not an appropriate way to deal with the problems in the existing statutes. The repeal of these statutes and voiding of any existing case management orders would not resolve any problems. Instead, it would cause more problems; it would throw already conflicted families into even more conflict; it would result in hundreds of case having to go back to court to resolve again issues that may have already been appropriately resolved, and it would enable conflict and

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litigation that could be avoided by more measured and well thought out remedies to the problems with the statutes.

Instead of “throwing the baby out with the bathwater,” this committee should consider amendments to the existing statutes to assure that parents’ rights are adequately protected and the existing process that keeps families out of court are made better. A bill has already been introduced into the House that seeks to make some of those changes – HB 2664. Although there are certain problems with the case management statutes as they exist, the Kansas Supreme Court has tried to do the best it can to set out better procedures and requirements. But the only way to make sure that good changes are made to the existing procedure is to amend – not obliterate – the existing statutes and procedures. If amended to provide protections to everyone, domestic relations case management can be an asset to families in conflict, a way for those families to self-determine, and a way to save the courts huge amounts of time that could better be devoted to other issues.



Ronald W. Nelson