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January 31, 2018

Kansas House Committee on Judiciary
Representative Blaine Finch, Chair

RE: 2018 HB 2524: Rights to Wireless Telephone Number; protection from abuse

Hearing Date: January 31, 2018

TESTIMONY ON HB 2524
OF RONALD W. NELSON

Chairman Finch and Members of the Committee:

I am a family law attorney in Johnson County. I've practiced family law for over 30 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. A significant portion of my practice is devoted to representing and advising persons dealing with domestic violence situations, trying to help them to handle those situations appropriately, to escape controlling, abusive, and threatening situations and relationships, and to giving them advice on how to protect themselves before, during, and after the end of those relationships.

I speak today in support of the concept for this bill, though I have concerns about provisions within it believing that there are better and more appropriate ways of handling the problems involved than to provide for orders purporting to bind a third party to a legal action.

First, the bill purports to allow a court to direct a third-party telecommunications company to transfer the billing responsibility for as well as the rights to a cellphone number or numbers to a petitioner. But a court cannot make a valid and binding order against a third party unless the Court gives due process (including notice and the right to appear to oppose the orders sought) to the entity sought to be bound by that order.

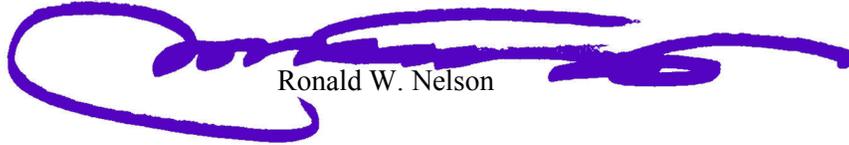
I believe this bill could be made better and have language that would better address the concerns raised by it by allowing the district court to direct that the defendant execute a “consent to transfer” a plaintiff’s cellphone number(s) and to allow those numbers to be transferred to an account held in the plaintiff’s name.

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Ronald W. Nelson Testimony

Second, the bill purports to limit its coverage to actions by a petitioner for protection from abuse. But the problems and concerns raised by the bill are of equal concern to petitioners in cases where “stalking” rather than “abuse” is alleged. There are often situations in which a petitioner has been in a marital or other intimate relationship with a person who holds ownership of the account and telephone numbers that the person alleging a stalking. And often a petitioner has a claim for stalking, but not for abuse. The rights

I believe this bill could be made better and have language that would better address the concerns raised by it by allowing the district court to direct that the defendant execute a “consent to transfer” a plaintiff’s cellphone number(s) and to allow those numbers to be transferred to an account held in the plaintiff’s name.

While HB2524 contains good and needed ideas it can be made better.



Ronald W. Nelson