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Kansas bill could change child custody cases

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KANSAS CITY, Kan. — A Kansas State Senate bill making its way through the Kansas legislature could bring a big impact to child custody cases throughout the state.

Senate Bill 257, proposed by State Sen. Steve Fitzgerald (R-Leavenworth), would grant divorced couples equal custody of their children if an alternative mutual agreement is not reached.

The bill has been met with both support and opposition.

Ron Holm, a divorced father of four from KCK, sees his children on Wednesday nights and every other weekend after a custody dispute with the children's mother.

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“Since that time, I've spent countless dollars and time in the courtroom trying to get something else. All I've ever asked for is shared parenting,” he explained. “It's been crushing to me to have my role as a father reduced to a weekend visitor.”

On Thursday, Holm spoke to 41 Action News about his criticism of the current custody system in Kansas.

Holm said that if a divorced parent gets in front of a tough judge, they could be handed a bad judgment and less time with their children.

“One person can file unilaterally for a parenting plan that creates a situation where it's an uphill battle for the other parent,” he explained.

Holm believes having a system that grants equal custody to parents could bring a positive change to Kansas.

“Both parents are equally important in children's lives,” he said. “Both of them have an important role to play.”

Groups like the National Parents Organization have also come out in support of Senate Bill 257.

However, support for the bill is not shared by everyone.

Ronald W. Nelson, an Overland Park attorney who has practiced family law for 30 years, said the Senate bill presents a number of issues.

Nelson told 41 Action News that the proposal could discourage divorced couples from working together on an agreement and lead to more high-conflict and expensive court battles

around Kansas.

“You aren't considering the children, you're considering what one adult thinks is a good idea,” he explained. “Child custody is not about fairness. It's about what's best for the child.”

Nelson said having equal custody as the default judgment would lead to less-involved parents being granted more power in custody cases.

“One parent may think that they are more involved than they actually are or that because they are a parent, they should have equal time even though they're never there,” he explained.

Nelson believes custody cases should be handled on a case-by-case basis instead.

“(Senate Bill 257) basically puts a cookie cutter solution on situations that are not cookie cutter,” he explained. “We can't slap simple solutions on complex problems.”

If Senate Bill 257 passes, equal custody will be granted to divorced couples unless an alternative plan is agreed upon or if “clear and convincing” evidence is presented showing that equal custody is not in the best interests of the child or children.

The [full Senate bill can be read here](#).

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