

SENATE BILL No. 600

By Committee on Judiciary

2-12

9 AN ACT relating to domestic relations; concerning case managers;
10 amending K.S.A. 23-1003 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 23-1003 is hereby amended to read as follows: 23-
14 1003. (a) A case manager appointed under K.S.A. 23-1002, and amend-
15 ments thereto, shall:

16 (1) Meet with the parties, and other individuals deemed appropriate;

17 (2) gather information necessary to assist the parties in reaching an
18 agreement or making recommendations, including medical, psychologi-
19 cal, education and court records, including child custody investigations
20 and child custody psychological evaluations, of the parties and children;

21 (3) report to the court as directed by court order;

22 (4) keep a record by date and topic of all contacts with the parties in
23 the case. When requested, this record shall be made available to the court
24 in total or summary form without the express consent of the parties and
25 shall not be considered a medical or psychological record for purposes of
26 confidentiality;

27 (5) notify the court when a party fails to meet the financial obligations
28 of the case management process;

29 (6) file for collection of costs as necessary. The court shall assist in
30 such filing or collection efforts, or both; *and*

31 (7) be authorized by the court to report threats, imminent danger,
32 suspected child abuse, fear of abduction and suspected or actual harm to
33 any party or child involved in case management either directly to the court
34 and to other authorities, or both. Such action shall be followed by a writ-
35 ten summary within five business days of the initial filing of such report
36 which shall be sent to the judge or the judge's designee and included in
37 the court file; ~~and~~

38 ~~(8) directly contact the court with any other information the case~~
39 ~~manager determines that the court should know.~~

40 (b) A case manager appointed under K.S.A. 23-1002, and amend-
41 ments thereto, may withdraw at any time following the initial order. Suf-
42 ficient reasons for withdrawal may include, but not be limited to, the
43 following:

- 1 (1) Loss of neutrality which prevents objectivity;
2 (2) nonpayment by a party;
3 (3) lack of cooperation by a party;
4 (4) threat to a party;
5 (5) retirement or case load reduction by a case manager; or
6 (6) any other reason which shall be stated to the court in writing and
7 considered adequate and sufficient reason by the court.
- 8 (c) A disputant party may request reassignment of a case manager by
9 filing a motion with the court. The court shall consider such requests
10 upon review. Repeated requests may raise a presumption of lack of pa-
11 rental cooperation and the court may consider sanctions against the un-
12 cooperative parent or parents.
- 13 (d) (1) If parties have been ordered by the court to attempt to settle
14 the party's disputes with the assistance of a case manager, and are unable
15 to settle such disputes, the parties are to follow the recommendation or
16 recommendations of the case manager as ordered by the court.
- 17 (2) When a case manager is forced to make recommendations for the
18 parties, such recommendations shall be noted in writing as soon as pos-
19 sible and may be accompanied by supporting information. Such recom-
20 mendation shall be reported to the court with copies to the attorneys of
21 record for each party within 10 working days.
- 22 (3) Agreements of the parties and recommendations of the case man-
23 ager which may concern temporary arrangements need not be entered
24 into the court record by the attorneys of record.
- 25 (4) Case managers shall be furnished a form for orders to recommend
26 such agreements to the court for the court's final order.
- 27 (5) Permanent issues such as designation of custody, primary resi-
28 dence or child support which are recommended by the case manager
29 shall be entered into the court record within 10 working days of receipt
30 of the recommendation. Should there be differing opinions as to the lan-
31 guage of the journal entry, the case manager shall review the proposed
32 journal entry and may recommend appropriate language to the court.
- 33 (6) If a disputant party disagrees with a recommendation such party
34 may file a motion before the court for a review at which time an order
35 shall be made by the court. The case manager shall explain to the court
36 ~~either by report or~~ *by* testimony the reasons for such recommendation
37 or recommendations *and such case manager may be examined by such*
38 *party.*
- 39 (7) Costs of the procedure and professional time may be assessed to
40 the party who objected to the recommendations in the journal entry or
41 may be otherwise assessed by the court.
- 42 Sec. 2. K.S.A. 23-1003 is hereby repealed.

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.