

Approved Feb 11, 2000
Date

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:13 a.m. on February 10, 2000 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Lyn Goering, Assistant Secretary for Health Care Policy, SRS
Candace Shively, Deputy Secretary for Integrated Service Delivery, SRS

Others attending: see attached list

The minutes of the February 9th regular meeting were approved on a motion by Senator Goodwin , seconded by Senator Vratil . Carried.

Reappointment Confirmation - Larry D. Woodward was reappointed as a member of the Kansas Parole Board on a motion by Senator Goodwin and second by Senator Vratil. Carried. (attachment 1)

SB 438—concerning crime and punishment; unlawful sexual relations

Conferee Goering testified in support of **SB 438**, a bill which she stated would amend current law to make it a criminal act of unlawful sexual relations for an employee of SRS or contracted employees within state institutions to have consensual sexual relations with a patient in the institution where the employee works. She pointed out that this bill makes it a crime specifically in state hospitals where currently there is no provision for the individual to be criminally prosecuted. She further requested Committee consider an amendment to the bill which would make the crime of unlawful sexual relations only applicable if the victim is a person 16 years of age or older to avoid any unintended consequence of lessening the penalty for an employee who engages in sexual relations with a patient under 16 years of age. (attachment 2) Discussion followed. Committee recommended SRS provide them with figures which show the number times these incidents have occurred.

SB 453—Concerning the Uniform Interstate Family Support Act (UIFSA)

Conferee Shively testified in support of **SB 453**, a bill which amends language in the current Kansas version of UIFSA to bring it into conformity with the Uniform Act. She presented a brief history of UIFSA and reviewed it's benefits calling it the "backbone of all interstate child support case processing." She discussed the potential loss of federal funds as well as other sanctions should Kansas continue to be out of compliance with the Uniform Law. She further discussed three additional sections needing amendment since **SB 453** was first introduced. (attachment 3) Lengthy discussion followed with Committee inquiries requiring research and follow up by SRS.

The meeting adjourned at 10:53 a.m. The next scheduled meeting is February 11.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Feb 10, 2000

NAME	REPRESENTING
John Balger	SRS
Candy Phivly	SRS
Judy Krueger	Gov. Off.
Marilyn Jacobson	SRS
Lyn Biering	SRS
Carla J. Ankus	KSNA
Christine Haymes	KSNA
Sarah Winkler	KSNA
Melissa Prosser	KSNA
Kelli Olson	KSNA
Andrew J. Bertapelle	KSNA
April Seghorn	KSNA
Julie Burmann	KSNA
Karen Smith	KSNA
Jaime Zulle	KSNA
Mark Goodwin	Hait Univ
Kathy Porter	OJA
Swan Richard	KEDAA
Jeff Bottenberg	KSJA / KPAA

Steve Parsons
 Stephanie Ryel
 Kasey Roth

KBC
 E.T.F.
~~ETF~~

Senate Confirmation
Information
Not Scanned
Due to Confidential
Content

ATTACHMENT 1



State of Kansas
Department of Social
and Rehabilitation
Services

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att 2

Janet Schalansky, Secretary

for additional information, contact:

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**Senate Judiciary Committee
February 10, 2000**

Senate Bill No. 438

**Health Care Policy
Lyn Goering, Assistant Secretary
(785) 296-3773**

In Jud
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att 2

Kansas Department of Social and Rehabilitation Services
Janet Schalansky, Secretary

Senate Judiciary Committee

Mr. Chairman and members of the committee, my name is Lyn Goering, Assistant Secretary for Health Care Policy. Thank you for the opportunity to appear before you today to present testimony in support of SB 438. This bill was introduced by the Senate Committee on Ways and Means at the request of SRS.

SB 438 amends K.S.A. 1999 Supp. 21-3520 to add a new item (7) in subsection (a) to make it a criminal act of unlawful sexual relations for an employee of SRS or contracted employees within state institutions to have consensual sexual relations with a patient in the institution where the employee works. The current statute contains similar language making this behavior a crime if it occurs in correctional institutions and juvenile correctional facilities. However, there is nothing in current law which makes it a specific crime in our state hospitals. For this reason, if this type of activity takes place at an SRS institution the employee is subject to disciplinary action (most likely termination) but there is no specific law that allows the individual to be criminally prosecuted. This type of offense is considered very serious because patients at our state hospitals are often extremely vulnerable and staff have a great deal of control and influence over them. Making the crime of unlawful sexual relations specifically apply to these situations should help deter this kind of activity.

Attached to my testimony is one suggested amendment which I would ask the committee to make to S.B. 438. This amended language, which would make the crime of unlawful sexual relations only applicable if the victim is a person 16 years of age or older, is being offered after discussions with staff from the Attorney General's office. The reason for this amendment is that a sexual act committed against a person under 16 years of age is already a more serious crime than unlawful sexual relations which is a severity level 10 person felony. We want to make sure this bill does not have the unintended consequence of lessening the penalty for an employee who engages in sexual relations with a minor patient.

For the above reasons, it is requested that this committee amend S.B. 438 by inserting the language suggested, and that it act favorably on the bill as amended.

SENATE BILL No. 438

By Committee on Ways and Means

1-19

9 AN ACT concerning crimes and punishment; relating to unlawful sexual
10 relations; amending K.S.A. 1999 Supp. 21-3520 and repealing the ex-
11 isting section.

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

14 Section 1. K.S.A. 1999 Supp. 21-3520 is hereby amended to read as
15 follows: 21-3520. (a) Unlawful sexual relations is engaging in consensual
16 sexual intercourse, lewd fondling or touching, or sodomy with a person
17 who is not married to the offender if:

18 (1) The offender is an employee of the department of corrections or
19 the employee of a contractor who is under contract to provide services in
20 a correctional institution and the person with whom the offender is en-
21 gaging in consensual sexual intercourse, lewd fondling or touching, or
22 sodomy is an inmate; or

23 (2) the offender is a parole officer and the person with whom the
24 offender is engaging in consensual sexual intercourse, lewd fondling or
25 touching, or sodomy is an inmate who has been released on parole or
26 conditional release or postrelease supervision under the direct supervision
27 and control of the offender; or

28 (3) the offender is a law enforcement officer, an employee of a jail,
29 or the employee of a contractor who is under contract to provide services
30 in a jail and the person with whom the offender is engaging in consensual
31 sexual intercourse, lewd fondling or touching, or sodomy is a person 16
32 years of age or older who is confined by lawful custody to such jail; or

33 (4) the offender is a law enforcement officer, an employee of a ju-
34 venile detention facility or sanctions house, or the employee of a con-
35 tractor who is under contract to provide services in such facility or sanc-
36 tions house and the person with whom the offender is engaging in
37 consensual sexual intercourse, lewd fondling or touching, or sodomy is a
38 person 16 years of age or older who is confined by lawful custody to such
39 facility or sanctions house; or

40 (5) the offender is an employee of the juvenile justice authority or
41 the employee of a contractor who is under contract to provide services in
42 a juvenile correctional facility and the person with whom the offender is
43 engaging in consensual sexual intercourse, lewd fondling or touching, or

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1 sodomy is a person 16 years of age or older who is confined by lawful
2 custody to such facility; or

3 (6) the offender is an employee of the juvenile justice authority or
4 the employee of a contractor who is under contract to provide direct
5 supervision and offender control services to the juvenile justice authority
6 and the person with whom the offender is engaging in consensual sexual
7 intercourse, lewd fondling or touching, or sodomy is 16 years of age or
8 older and (A) released on conditional release from a juvenile correctional
9 facility under the direct supervision and control of the offender or (B)
10 placed in the custody of the juvenile justice authority under the direct
11 supervision and control of the offender; or

12 (7) *the offender is an employee of the department of social and re-*
13 *habilitation services or the employee of a contractor who is under contract*
14 *to provide services in a social and rehabilitation services institution and*
15 *the person with whom the offender is engaging in consensual sexual in-*
16 *tercourse, lewd fondling or touching, or sodomy* is a person 16 years of age or older who
17 *is a patient in such*
institution.

18 (b) For purposes of this act:

19 (1) "Correctional institution" means the same as prescribed by K.S.A.
20 75-5202, and amendments thereto;

21 (2) "inmate" means the same as prescribed by K.S.A. 75-5202, and
22 amendments thereto;

23 (3) "parole officer" means the same as prescribed by K.S.A. 75-5202,
24 and amendments thereto;

25 (4) "postrelease supervision" means the same as prescribed in the
26 Kansas sentencing guidelines act in K.S.A. 21-4703;

27 (5) "juvenile detention facility" means the same as prescribed by
28 K.S.A. 38-1602, and amendments thereto;

29 (6) "juvenile correctional facility" means the same as prescribed by
30 K.S.A. 38-1602, and amendments thereto;

31 (7) "sanctions house" means the same as prescribed by K.S.A. 38-
32 1602, and amendments thereto;

33 (8) *"institution" means the same as prescribed by K.S.A. 76-12a01,*
34 *and amendment thereto.*

35 (c) Unlawful sexual relations is a severity level 10 person felony.

36 Sec. 2. K.S.A. 1999 Supp. 21-3520 is hereby repealed.

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



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Att 3

State of Kansas Department of Social and Rehabilitation Services

Janet Schalansky, Secretary

for additional information, contact:

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Senate Judiciary Committee

February 10, 2000

S.B. 453, Amendments to the Uniform Interstate Family Support Act (UIFSA)

Integrated Service Delivery
Candy Shively, Deputy Secretary
(785) 296-3271

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Att 3

**Kansas Department of Social and Rehabilitation Services
Janet Schalansky, Secretary**

Senate Judiciary Committee
February 10, 2000

Mr. Chairman and members of the committee, thank you for this opportunity to testify today concerning S.B. 453 and the Child Support Enforcement Program (CSE).

Senate Bill 453 amends several sections of the Uniform Interstate Family Support Act (UIFSA). UIFSA is the backbone of all interstate child support case processing. Its greatest value is the consistency it brings. The purpose of SB 453 is to restore Kansas' version of this law to the standard text of the Uniform Act.

Kansas enacted the Uniform Interstate Family Support Act in 1994. UIFSA replaced an older uniform act, the Uniform Reciprocal Enforcement of Support Act (URESA), which had lost much of its uniformity and usefulness over the years. In July 1996, the National Conference of Commissioners on Uniform Laws adopted official amendments to UIFSA, fine-tuning it to fit the experiences of states that had been using it. At the urging of states that had already adopted UIFSA, and in recognition of the critical need for uniformity in interstate case processing, Congress amended Title IV-D in 1996 to require every state to enact UIFSA, including its official amendments. This requirement was part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

Kansas passed legislation during 1997 to add the needed amendments to our law, however, the final text of several sections deviated from the standard text of the Uniform Act. At that time, federal regulators had not stated whether verbatim enactment was necessary. They have since clarified the requirement, informing states that only those variations clearly contemplated by the Uniform Law Commissioners are acceptable.

To date, the federal Office of Child Support Enforcement (OCSE) has not challenged Kansas on this point, but that risk exists. Complaints from other states' agencies that consider Kansas' version of UIFSA an obstacle to interstate case processing may prompt OCSE to take a closer look at our laws. If Kansas were found to be out of compliance with this requirement, the potential penalty is loss of all federal funds under Title IV-D; a full year's penalty in state FY2001 would total \$36,800,000 (\$9.2 million per quarter). The Secretary of Health and Human Services also would have authority to impose sanctions against the temporary assistance to families (TAF) block grant (\$100 million in state FY2001, at \$25 million per quarter), although the risk of this is extremely remote.

Support enforcement professionals from other states call or write to inquire about the unusual provisions in our version of UIFSA. The CSE resources required to respond to such inquiries – and to provide specialized training to CSE staff – could be put to more effective use.

Some of the non standard provisions offer no particular benefit for any individual or for either the initiating or responding state. For example, the Kansas provision for returning copies of routine documents to the initiating state (the state on whose behalf Kansas is acting) requires, at minimum, personal service or registered mail. Before this requirement was enacted, such documents were sent by first class mail. The difference in postage alone is \$6.00 per mailing.

Since S.B. 453 was introduced, three additional sections needing amendment have been noted. They are K.S.A. 1999 Supp. 23-9,305, 23-9,306, and 23-9,307. The recommended changes are attached.

S.B. 453 serves three purposes: eliminating the risk of federal sanctions, promoting more efficient use of state resources, and increasing uniformity in an area of the law where it can be highly beneficial. I ask your support for S.B. 453.

Thank you.

on _____. K.S.A. 1999 Supp. 23-9,305 is hereby amended to read as follows

23-9,305. Duties and powers of responding tribunal. (a) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection (c) of K.S.A. 23-9,301 and amendments thereto (proceedings under this act), it shall cause the petition or pleading to be filed and notify the petitioner ~~only by personal service or registered mail, return receipt requested~~ where and when it was filed.] delete

(b) A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

- (1) Issue or enforce a support order, modify a child support order or render a judgment to determine parentage;
- (2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;
- (3) order income withholding;
- (4) determine the amount of any arrearages, and specify a method of payment;
- (5) enforce orders by civil or criminal contempt, or both;
- (6) set aside property for satisfaction of the support order;
- (7) place liens and order execution on the obligor's property;
- (8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment and telephone number at the place of employment;
- (9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;
- (10) order the obligor to seek appropriate employment by specified methods;
- (11) award reasonable attorney fees and other fees and costs; and
- (12) grant any other available remedy.

(c) A responding tribunal of this state shall include in a support order issued under this act, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of this state may not condition the payment of a support order issued under this act upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of this state issues an order under this act, the tribunal shall send a copy of the order to the petitioner ~~only by personal service or registered mail, return receipt requested~~ and the respondent and to the initiating tribunal, if any.] delete

History: L. 1994, ch. 301, § 48; L. 1997, ch. 182, § 39; July 3.

Section _____. K.S.A. 1999 Supp. 23-9,306 is hereby amended to read as follows:

23-9,306. Inappropriate tribunal. If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner ~~only by personal service or registered mail, return receipt requested~~ *where and*

History: L. 1994, ch. 301, § 49; L. 1997, ch. 182, § 40; July 3.

Section _____. K.S.A. 1999 Supp. 23-9,307 is hereby amended to read as follows:

23-9,307. Duties of support enforcement agency. (a) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this act.

(b) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(1) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written notice from an initiating, responding or registering tribunal, send a copy of the notice ~~only by personal service or registered mail, return receipt requested~~ *only* to the petitioner;

(5) within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) This act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

History: L. 1994, ch. 301, § 50; L. 1997, ch. 182, § 41; July 3.

Existing Kansas Statute

Kansas Statute, as amended

23-9,305. (a) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection (c) of K.S.A. 23-9,301 and amendments thereto (proceedings under this act), it shall cause the petition or pleading to be filed and notify the petitioner *only by personal service or registered mail, return receipt requested* where and when it was filed.

(b) A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

- (1) Issue or enforce a support order, modify a child support order or render a judgment to determine parentage;
- (2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;
- (3) order income withholding;
- (4) determine the amount of any arrearages, and specify a method of payment;
- (5) enforce orders by civil or criminal contempt, or both;
- (6) set aside property for satisfaction of the support order;
- (7) place liens and order execution on the obligor's property;
- (8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

23-9,305. (a) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection (c) of K.S.A. 23-9,301 and amendments thereto (proceedings under this act), it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

(b) A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

- (1) Issue or enforce a support order, modify a child support order or render a judgment to determine parentage;
- (2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;
- (3) order income withholding;
- (4) determine the amount of any arrearages, and specify a method of payment;
- (5) enforce orders by civil or criminal contempt, or both;
- (6) set aside property for satisfaction of the support order;
- (7) place liens and order execution on the obligor's property;
- (8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

Existing Kansas Statute

(9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of this state shall include in a support order issued under this act, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of this state may not condition the payment of a support order issued under this act upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of this state issues an order under this act, the tribunal shall send a copy of the order to the petitioner *only by personal service or registered mail, return receipt requested* and the respondent and to the initiating tribunal, if any.

23-9,306. If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner *only by personal service or registered mail, return receipt requested* when the pleading was sent.

Kansas Statute, as amended

(9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of this state shall include in a support order issued under this act, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of this state may not condition the payment of a support order issued under this act upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of this state issues an order under this act, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

23-9,306. If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner *where and* when the pleading was sent.

Existing Kansas Statute

23-9,307. (a) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this act.

(b) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(1) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written notice from an initiating, responding or registering tribunal, send a copy of the notice *only by personal service or registered mail, return receipt requested* to the petitioner;

(5) within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) This act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Kansas Statute, as amended

23-9,307. (a) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this act.

(b) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(1) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written notice from an initiating, responding or registering tribunal, send a copy of the notice to the petitioner;

(5) within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) This act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Existing Kansas Statute

23-9,313. (a) The petitioner may not be required to pay a filing fee or other costs.

(b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney fees, other costs and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(c) The tribunal *may* order the payment of costs and reasonable attorney fees if it determines that a hearing was requested primarily for delay.

23-9,502. (a) Upon receipt of an income withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.

Kansas Statute, as amended

23-9,313. (a) The petitioner may not be required to pay a filing fee or other costs.

(b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney fees, other costs and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(c) The tribunal ***shall*** order the payment of costs and reasonable attorney fees if it determines that a hearing was requested primarily for delay. ***In a proceeding under K.S.A. 23-9,601 through 23-9,613, and amendments thereto, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.***

23-9,502. (a) Upon receipt of an income withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.

Existing Kansas Statute

(c) Except as otherwise provided in subsection (d) and K.S.A. 1999 Supp. 23-9,503 and amendments thereto the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

- (1) The duration and amount of periodic payments of current child support, stated as a sum certain;
- (2) the person or agency designated to receive payments and the address to which the payments are to be forwarded;
- (3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;
- (4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and
- (5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) An employer shall comply with the law of the state of the obligor's principal place of employment *with that employer* for withholding from income with respect to:

- (1) The employer's fee for processing an income withholding order;
- (2) the maximum amount permitted to be withheld from the obligor's income; and
- (3) the times within which the employer must implement the withholding order and forward the child support payment.

Kansas Statute, as amended

(c) Except as otherwise provided in subsection (d) and K.S.A. 1999 Supp. 23-9,503 and amendments thereto the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

- (1) The duration and amount of periodic payments of current child support, stated as a sum certain;
- (2) the person or agency designated to receive payments and the address to which the payments are to be forwarded;
- (3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;
- (4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and
- (5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

- (1) The employer's fee for processing an income withholding order;
- (2) the maximum amount permitted to be withheld from the obligor's income; and
- (3) the times within which the employer must implement the withholding order and forward the child support payment.

Existing Kansas Statute

23-9,503. If an obligor's employer receives multiple income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment *with that employer* to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

23-9,602. (a) A support order or income withholding order of another state may be registered in this state by sending the following documents and information to the *responding* tribunal in this state:

- (1) A letter of transmittal to the tribunal requesting registration and enforcement;
- (2) two copies, including one certified copy, of all orders to be registered, including any modification of an order;
- (3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (4) the name of the obligor and, if known:
 - (A) The obligor's address and social security number;
 - (B) the name and address of the obligor's employer and any other source of income of the obligor; and
 - (C) a description and the location of property of the obligor in this state not exempt from execution; and
- (5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to

Kansas Statute, as amended

23-9,503. If an obligor's employer receives multiple income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

23-9,602. (a) A support order or income withholding order of another state may be registered in this state by sending the following documents and information to the **appropriate** tribunal in this state:

- (1) A letter of transmittal to the tribunal requesting registration and enforcement;
- (2) two copies, including one certified copy, of all orders to be registered, including any modification of an order;
- (3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (4) the name of the obligor and, if known:
 - (A) The obligor's address and social security number;
 - (B) the name and address of the obligor's employer and any other source of income of the obligor; and
 - (C) a description and the location of property of the obligor in this state not exempt from execution; and
- (5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to

Existing Kansas Statute

Kansas Statute, as amended

be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

23-9,605. (a) When a support order or income withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. *Notice shall be only by personal service or registered mail, return receipt requested.* The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party:

(1) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after *the date of mailing or personal service of the notice*;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order

be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

23-9,605. (a) When a support order or income withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party:

(1) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order

Existing Kansas Statute

and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) Upon registration of an income withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to the income withholding act, K.S.A. 23-4,105 et seq. and amendments thereto.

23-9,606. (a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within 20 days after *the date of mailing or personal service of* notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to K.S.A. 23-9,607 and amendments thereto (contest of registration or enforcement).

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time and place of the hearing.

Kansas Statute, as amended

and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) Upon registration of an income withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to the income withholding act, K.S.A. 23-4,105 et seq. and amendments thereto.

23-9,606. (a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within 20 days after notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to K.S.A. 23-9,607 and amendments thereto (contest of registration or enforcement).

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time and place of the hearing.

Existing Kansas Statute

23-9,612. A tribunal of this state shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to this act and, upon request, except as otherwise provided in this act, shall:

- (a) Enforce the order that was modified only as to amounts accruing before the modification;
- (b) enforce only nonmodifiable aspects of that order;
- (c) provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
- (d) recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Kansas Statute, as amended

23-9,612. A tribunal of this state shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to **this act or** a law substantially similar to this act and, upon request, except as otherwise provided in this act, shall:

- (a) Enforce the order that was modified only as to amounts accruing before the modification;
- (b) enforce only nonmodifiable aspects of that order;
- (c) provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
- (d) recognize the modifying order of the other state, upon registration, for the purpose of enforcement.