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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: January 29, 2025
Subject: Bill Brief for HB 2062

House Bill 2062 provides for child support orders for unborn children from the date of conception.

Section 1 amends K.S.A. 20-165, the statute that requires the supreme court to adopt rules establishing guidelines for the amount of child support to be ordered in any action in this state. Current law in subsection (b) requires the court to consider certain factors in adopting such rules. The bill adds an additional factor: the direct medical and pregnancy-related expenses of the mother if the child is an unborn child. New subsection (c) provides that the maximum amount of child support to be ordered for the support of an unborn child shall not exceed the direct medical and pregnancy-related expenses of the mother of the unborn child and that pregnancy-related expenses shall not include any costs related to an elective abortion. New subsection (d) provides that the amount of child support determined for the support of an unborn child shall be calculated from the date of conception of such unborn child, interest shall accrue at the statutory rate provided under K.S.A. 16-204, and interest shall continue to accrue until the payment of such child support is no longer in arrearage.

Section 2 amends K.S.A. 23-2205, part of the Kansas parentage act in the Kansas family law code. Current law provides that “parent and child relationship” means the legal relationship existing between a child and the child’s biological or adoptive parents incident to which the law confers or imposes rights, privileges, duties and obligations. It includes the mother and child relationship and the father and child relationship. New subsection (b) provides that for purposes of this section, “child” includes any unborn child as defined in K.S.A. 23-3001.

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Section 3 amends K.S.A. 23-3001, part of the Kansas family law code requiring the court to make provisions for the support and education of minor children in actions under the code. New language in subsection (c) provides the definition of “unborn child” to be used in article 30 of chapter 23 is “a living individual organism of the species homo sapiens, in utero, at any stage of gestation from fertilization to birth.”

The bill would take effect from and after publication in the statute book, July 1, 2025.