

HOUSE BILL No. 2062

By Committee on Judiciary

Requested by Representative L. Williams

1-22

Proposed Amendments to HB 2062
House Committee on Judiciary
Rep. Osman

Prepared by: Office of Revisor of Statutes

1 AN ACT concerning children and families; relating to orders of child
2 support; providing for ~~child support for unborn children from the date~~
3 ~~of conception~~, amending K.S.A. 20-165, ~~23-2205~~ and ~~23-3001~~ and
4 repealing the existing ~~sections~~.

consideration of the direct medical and
pregnancy-related expenses of the mother

Strike in line 3

section

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 20-165 is hereby amended to read as follows: 20-
8 165. (a) The supreme court shall adopt rules establishing guidelines for the
9 amount of child support to be ordered in any action in this state including,
10 but not limited to, K.S.A. 39-755 and K.S.A. 23-2215, and amendments
11 thereto, article 30 of chapter 23 of the Kansas Statutes Annotated, and
12 amendments thereto, and K.S.A. 23-2711, and amendments thereto.

13 (b) In adopting such rules, the court shall consider all relevant factors,
14 including, but not limited to:

- 15 (1) The needs of the child;
- 16 (2) the standards of living and circumstances of the parents;
- 17 (3) the relative financial means of the parents;
- 18 (4) the earning ability of the parents;
- 19 (5) the need and capacity of the child for education;
- 20 (6) the age of the child;
- 21 (7) the financial resources and earning ability of the child;
- 22 (8) the responsibility of the parents for the support of others; ~~and~~
- 23 (9) the value of services contributed by both parents; *and*

24 (10) *the direct medical and pregnancy-related expenses of the mother*
25 *if the child is an unborn child.*

Strike in line 25

26 ~~(c) The maximum amount of child support to be ordered for the~~
27 ~~support of an unborn child shall not exceed the direct medical and~~
28 ~~pregnancy-related expenses of the mother of the unborn child. Pregnancy-~~
29 ~~related expenses shall not include any costs related to an elective~~
30 ~~abortion.~~

Strike in lines 26-35

31 ~~(d) The amount of child support determined pursuant to subsection~~
32 ~~(b)(10) shall be calculated from the date of conception of such unborn~~
33 ~~child. Interest shall accrue for any such amount of child support at the~~
34 ~~statutory rate provided under K.S.A. 16-204, and amendments thereto, and~~
35 ~~shall continue to accrue until the payment of such child support is no~~

1 ~~longer in arrearage.~~

2 ~~(e) As used in this section:~~

3 ~~(1) "Elective abortion" means an abortion for any reason other than~~
4 ~~to prevent the death of the mother upon whom the abortion is performed,~~
5 ~~except that an abortion may not be deemed one to prevent the death of the~~
6 ~~mother based on a claim or diagnosis that such mother will engage in~~
7 ~~conduct that would result in such mother's death; and~~

8 ~~(2) "unborn child" means the same as defined in K.S.A. 23-3001, and~~
9 ~~amendments thereto.~~

10 ~~Sec. 2. K.S.A. 23-2205 is hereby amended to read as follows: 23-~~
11 ~~2205. (a) As used in this act, "parent and child relationship" means the~~
12 ~~legal relationship existing between a child and the child's biological or~~
13 ~~adoptive parents incident to which the law confers or imposes rights,~~
14 ~~privileges, duties and obligations. It "Parent and child relationship"~~
15 ~~includes the mother and child relationship and the father and child~~
16 ~~relationship.~~

17 ~~(b) For purposes of this section, the term "child" includes any unborn~~
18 ~~child as defined in K.S.A. 23-3001, and amendments thereto.~~

19 ~~Sec. 3. K.S.A. 23-3001 is hereby amended to read as follows: 23-~~
20 ~~3001. (a) In any action under article 27 of chapter 23 of the Kansas~~
21 ~~Statutes Annotated, and amendments thereto, the court shall make~~
22 ~~provisions for the support and education of the minor children.~~

23 ~~(b) Regardless of the type of custodial arrangement ordered by the~~
24 ~~court, the court may order the child support and education expenses to be~~
25 ~~paid by either or both parents for any child less than 18 years of age, at~~
26 ~~which age the support shall terminate unless:~~

27 ~~(1) The parent or parents agree, by written agreement approved by the~~
28 ~~court, to pay support beyond the time the child reaches 18 years of age;~~

29 ~~(2) the child reaches 18 years of age before completing the child's~~
30 ~~high school education in which case the support shall not terminate~~
31 ~~automatically, unless otherwise ordered by the court, until June 30 of the~~
32 ~~school year during which the child became 18 years of age if the child is~~
33 ~~still attending high school; or~~

34 ~~(3) the child is still a bona fide high school student after June 30 of~~
35 ~~the school year during which the child became 18 years of age, in which~~
36 ~~case the court, on motion, may order support to continue through the~~
37 ~~school year during which the child becomes 19 years of age so long as the~~
38 ~~child is a bona fide high school student and the parents jointly participated~~
39 ~~or knowingly acquiesced in the decision which that delayed the child's~~
40 ~~completion of high school. The court, in extending support pursuant to~~
41 ~~subsection (b)(3) this paragraph, may impose such conditions as are~~
42 ~~appropriate and shall set the child support utilizing the guideline table~~
43 ~~category for 12-year through 18-year-old children. For purposes of this~~

Strike in lines 1-9

Strike all in lines 10-18
Maintains current law

Strike all in lines 19-43
Maintains current law

1 ~~section, "bona fide high school student" means a student who is enrolled in~~
2 ~~full accordance with the policy of the accredited high school in which the~~
3 ~~student is pursuing a high school diploma or a graduate equivalency~~
4 ~~diploma (GED).~~

Strike all in lines 1-16
Maintains current law

5 ~~(c) Provision for payment of support and educational expenses of a~~
6 ~~child after reaching 18 years of age if still attending high school shall~~
7 ~~apply to any child subject to the jurisdiction of the court, including those~~
8 ~~whose support was ordered prior to July 1, 1992. If an agreement approved~~
9 ~~by the court prior to July 1, 1992, provides for termination of support~~
10 ~~before the date provided by subsection (b)(3), the court may review and~~
11 ~~modify such agreement, and any order based on such agreement, to extend~~
12 ~~the date for termination of support to the date provided by subsection (b)~~
13 ~~(3)As used in article 30 of chapter 23 of the Kansas Statutes Annotated,~~
14 ~~and amendments thereto, the term "unborn child" means a living~~
15 ~~individual organism of the species homo sapiens, in utero, at any stage of~~
16 ~~gestation from fertilization to birth.~~

is

17 Sec. 4. ~~K.S.A. 20-165, 23-2205 and 23-3001~~ are hereby repealed.

18 Sec. 5. This act shall take effect and be in force from and after its
19 publication in the statute book.