

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2062** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 3, following line 21, by inserting:

"Sec. 4. K.S.A. 23-3002 is hereby amended to read as follows: 23-3002. (a) In determining the amount to be paid for child support, the court shall:

(1) Follow the Kansas child support guidelines adopted by the supreme court pursuant to K.S.A. 20-165, and amendments thereto; and

(2) take into consideration and shall order the use of the total value of any individual retirement plan account that is qualified under sections 401(a), 401(k), 403(a), 403(b), 408, 408A or 409 of the federal internal revenue code of 1986 if the person has experienced a loss of income or termination from employment due to loss, revocation, suspension or surrender of a professional license because of professional misconduct or voluntary underemployment.

(b) (1) If a parent accumulates a child support arrearage and experiences a loss of income or termination from employment due to loss, revocation, suspension or surrender of a professional license because of professional misconduct or voluntary underemployment, the court shall, upon the occurrence of a distributable event as defined by the terms of the qualified plan, order the use of individual retirement plan accounts described in subsection (a)(2) to pay the arrearage with a one-time lump-sum distribution until:

(A) All funds in such accounts are exhausted; or

(B) the parent establishes other means to satisfy the child support obligations.

(2) Claims for child support against an individual retirement plan account described in subsection (a)(2) shall:

(A) Not require a plan to make any distributions that are not otherwise authorized by the terms of the plan;

(B) be subject to early withdrawal penalties and taxable income as a distribution; and

(C) be executed through direct payment from the retirement account through the Kansas payment center.

(c) Any person who files a motion requesting a child support order or modification order shall include in such filing a completed domestic relations affidavit and proposed child support worksheet.

Sec. 5. K.S.A. 2024 Supp. 60-2308 is hereby amended to read as follows: 60-2308. (a) Money received by any debtor as pensioner of the United States within three months ~~next~~ immediately preceding the issuing of an execution, ~~or~~ attachment, or garnishment process, ~~cannot~~ shall not be applied to the payment of the debts of such pensioner ~~when~~ if it appears by the affidavit of the debtor or otherwise that such pension money is necessary for the maintenance of the debtor's support or a family support wholly or in part by the pension money. The filing of the affidavit by the debtor, or making proof as provided in this section, shall be prima facie evidence of the necessity of such pension money for such support. It shall be the duty of the court ~~in which~~ where such proceeding is pending to release all moneys held by such attachment or garnishment process, immediately upon the filing of such affidavit, or the making of such proof.

(b) Except as provided in subsection (c), any money or other assets payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan ~~which~~ that is qualified under sections 401(a), 403(a), 403(b), 408, 408A or 409 of the

federal internal revenue code of 1986, and amendments thereto, shall be exempt from any and all claims of creditors of the beneficiary or participant. Any such plan shall be conclusively presumed to be a spendthrift trust under these statutes and the common law of the state.

(c) ~~Any~~ A plan or arrangement described in subsection (b), a retirement plan that is qualified under section 401(k) of the federal internal revenue code of 1986, an individual retirement account and any similar retirement instruments, including contributions and amounts within such instruments shall not be exempt from the claims of an alternate payee under a qualified domestic relations order or a child support order issued pursuant to article 30 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto. ~~However,~~ The interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the Kansas department for children and families, of the alternate payee. As used in this subsection, ~~the terms~~ "alternate payee" and "qualified domestic relations order" have the meaning ascribed to them in section 414(p) of the federal internal revenue code of 1986, and amendments thereto.

(d) The provisions of subsections (b) and (c) shall apply to any proceeding ~~which~~ that:

- (1) Is filed on or after July 1, 1986; or
- (2) was filed on or after January 1, 1986, and is pending or on appeal July 1, 1986.

(e) Money held by the central unit for collection and disbursement of support payments designated pursuant to K.S.A. 39-7,135, and amendments thereto, the Kansas department for children and families, any clerk of a district court or any district court trustee in connection with a court order for the support of any person, whether the money is identified as child support, spousal support, alimony or maintenance, shall be exempt from execution, attachment or garnishment process.

(f) (1) The provisions of this subsection shall apply to any proceeding ~~which~~ that:

(A) Is filed on or after January 1, 2002; or

(B) was filed prior to January 1, 2002, and is pending on or on appeal after January 1, 2002.

(2) Except as provided by paragraphs (3) and (4) ~~of this subsection~~, if the designated beneficiary of a family postsecondary education savings account established pursuant to K.S.A. 75-640 et seq., and amendments thereto, is a lineal descendant of the account owner, all moneys in the account shall be exempt from any claims of creditors of the account owner or designated beneficiary.

(3) The provisions of paragraph (2) ~~of this subsection~~ shall not apply to claims of any creditor of an account owner, as to amounts contributed within a one-year period preceding:

(A) ~~Claims of any creditor of an account owner, as to amounts contributed within a one-year period preceding~~ The date of the filing of a bankruptcy petition under 11 U.S.C. § 101 et seq.; or

(B) ~~claims of any creditor of an account owner, as to amounts contributed within a one-year period preceding~~ an execution on judgment for such claims against the account owner.

(4) The provisions of paragraph (2) ~~of this subsection~~ shall not apply to claims of any creditor of an account owner, as to amounts exceeding \$5,000 contributed within a period of time that is more than one year but less than two years preceding:

(A) ~~Claims of any creditor of an account owner, as to amounts exceeding \$5,000 contributed within a period of time which is more than one year but less than two years preceding~~ The date of the filing of a bankruptcy petition under 11 U.S.C. § 101 et seq.; or

(B) ~~claims of any creditor of an account owner, as to amounts exceeding \$5,000 contributed within a period of time which is more than one year but less than two years preceding~~ an execution on judgment for such claims against the account owner.";

Also on page 3, in line 29, by striking "and"; in line 33, by striking all after "purposes"; by striking all in lines 34 and 35; in line 36, by striking all before the period and inserting "; and

(4) in addition to the amount allowed pursuant to paragraphs (1), (2) and (3), an unborn child as defined in K.S.A. 23-3001, and amendments thereto, shall be recognized as a dependent and shall be allowed a personal exemption of \$2,320 as follows:

(A) For live births, the unborn child personal exemption shall be an additional exemption for any qualifying dependent of the taxpayer pursuant to paragraph (3) who was born in the taxable year; and

(B) for an unborn child who does not result in a live birth known as a stillbirth as defined in K.S.A. 65-2401, and amendments thereto, and for whom a certificate of stillbirth is filed pursuant to law, a personal exemption may be allowed by the taxpayer who is a parent for the taxable year of the issuance of the certificate";

On page 4, in line 3, by striking the first "and" and inserting a comma; also in line 3, after the second "and" by inserting "23-3002 and"; in line 4, after "Supp." by inserting "60-2308 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "requiring the court to consider the value of retirement accounts when determining support orders; eliminating the exemption and retirement moneys from claims to fulfill child support obligations;"; in line 5, after "unborn" by inserting "and stillborn"; in line 6, by striking the first "and" and inserting a comma; also in line 6, after the second "and" by inserting "23-3002 and"; also in line 6, after "Supp." by inserting "60-2308 and";

Also on page 1, following line 8, by inserting:

"WHEREAS, The amendments made to the provisions of K.S.A. 23-3002 and K.S.A. 2024 Supp. 60-2308 by this act shall be known as the support compliance and accountability for

responsible support act (SCARS).

Now, therefore:"

And your committee on conference recommends the adoption of this report.

---

---

---

Conferees on part of Senate

---

---

---

Conferees on part of House