

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 23, 2008 in Room 313-S of the Capitol.

All members were present except:

Annie Kuether- excused
Jason Watkins - excused
Kay Wolf - excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Stacey Adair, Citizen
Colonel Bruce Woolpert, Kansas Army National Guard
Retired Lt. Colonel Craig Beardsley, Kansas Army National Guard
Doug Mulqueen, Soldier
Matthew Shelton, Chief of Legal Assistance, Department of the Army, Ft. Riley
Trip Shawver, Attorney, Wichita

Representative O'Neal requested a bill on behalf of Representative Jene Vickrey that would amend the negligence homicide statute. He made the motion to have the request introduced as a committee bill. Representative Owens seconded the motion. The motion carried.

The hearing on **HB 2621- child custody & parenting time; service member provisions; military deployment, mobilization or temporary duty**, was opened.

Jerry Ann Donaldson, Legislative Research Department, provided the committee with a brief overview of the recommendations from the Special Committee on Judiciary for this topic. It was recommended that a bill be introduced which would include provisions of a North Carolina statute on custody visitations and military orders. It would include a mandatory parenting plan and would allow for Kansas courts to retain jurisdiction unless both parents agree otherwise.

Stacey Adair, citizen, relayed the details of his sister's problems she encountered once she was called to serve in Iraq. When the divorce was granted, she was given primary custody. Her ex-husband was awarded custody once she was deployed and has caused many problems. He believes that laws need to be changed to ensure soldier's can regain custody of their children once their deployments are over. (Attachment #1)

Colonel Bruce Woolpert, Kansas Army National Guard, suggested that there would probably not be any action taken at the Federal level to help those deployed and urged the committee to pass legislation. He commented that ex-spouses are simply taking advantage of the situation with regard to custody because they know it will be hard for the military parent to regain it once they are back.

He particularly liked the "Delegation of Visitation Rights" provision which keeps all family members involved in the child's life, regardless of who has custody. However, he requested an amendment that would change "to a family member" to "to member(s) of the service member's family". This change would eliminate any doubt that the service member's current family would be considered by the court. (Attachment #2)

Retired Lt. Colonel Craig Beardsley, Kansas Army National Guard, informed the committee that out of 83 recent deployments three had custody issues. (Attachment #3)

Doug Mulqueen, Soldier, shared the details of him losing shared custody of his daughters due to deployment and the struggle he has had in getting the court to re-instate or at least make parenting time more equal. (See

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Attachment #3)

Matthew Shelton, Chief of Legal Assistance, Department of the Army, Ft. Riley, commented that it's hard for soldier's to get custody arrangements done between the time they are given notice of deployment and the actual deployment. He likes the portion of the bill that requires a parenting plan if deployment happens. (Attachment #4)

Trip Shawver, Attorney, Wichita, suggested an amendment to add "parents preference doctrine" to allow the court to consider what is in the best interest of the child when determining these types of custody issues. This would allow judges to consider step-parents and other family members when placement is being determined. (Attachment #5)

The hearing on **HB 2621** was closed.

The committee meeting adjourned at 4:30p.m. The next meeting is scheduled for January 28, 2008.