

February 9, 2016

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 393 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 393 is respectfully submitted to your committee.

SB 393 would amend the Kansas Family Law Code to add parenting time to the district courts' current requirements for determining custody or residency. SB 393 would strike a number of factors currently considered by the court when making these determinations and replace them with a consideration of whether or not domestic abuse has occurred. The bill defines domestic abuse as (1) a pattern or history of abusive behavior that is used by one person to gain or maintain domination and control over an intimate partner or household member as defined in KSA 60-3102, which may include emotional abuse or economic abuse; or (2) an act of domestic violence as defined in KSA 2015 Supp. 21-5111, which could include an act of abuse as defined in KSA 60-3102, stalking as defined in KSA 60-31a02, or sexual assault as defined in KSA 74-7325. The bill outlines a number of ways the court could determine whether or not domestic abuse is occurring or has occurred in the past; and should the court make the finding of domestic abuse all other factors would be considered in light of this finding.

In making such determinations, the court could not penalize parents who take actions to protect the child from witnessing or being a victim of domestic abuse by the other parent. The court would be required to make findings on the record that led to the domestic abuse determination and the reasons why the order would be in the best interest of the child. The court could require a parent to follow all recommendations made by a Certified Batterer Intervention Program if the parent was ordered to undergo a Domestic Violence Offender Assessment.

The Office of Judicial Administration (OJA) indicates SB 393 would increase Judicial Branch expenditures because it would add more factors that litigants could address in court

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cases, and require judges to determine parenting time as well as consider additional factors when making determinations of domestic abuse. OJA indicates these requirements would increase the amount of time judges spend on court cases and extend the length of time for cases; however until the courts have had an opportunity to operate with the provisions of SB 393 in place, a precise estimate of expenditures by the Judicial Branch cannot be determined.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary
Willie Prescott, Attorney General's Office