

SENATE BILL No. 157

By Senators Hilderbrand, Alley, Berger, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Holland, Longbine, Olson, Petersen, Skubal, Suellentrop, Taylor, Wagle and Wilborn

2-13

1 AN ACT concerning family law; relating to temporary parenting plans;  
2 amending K.S.A. 2018 Supp. 23-3211 and 23-3212 and repealing the  
3 existing ~~section~~ sections.  
4

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

6 **Section 1.** *K.S.A. 2018 Supp. 23-3211 is hereby amended to read as*  
7 *follows: 23-3211. As used in article 32 of chapter 23 of the Kansas*  
8 *Statutes Annotated, and amendments thereto:*

9 (a) *"Temporary parenting plan" means an agreement or order*  
10 *issued defining the legal custody, residency and parenting time to be*  
11 *exercised by parents with regard to a child between the time of filing of a*  
12 *matter in which a parenting plan may be entered, and any other*  
13 *provisions regarding the child's care which may be in the best interest of*  
14 *the child, until a final order is issued.*

15 (b) *"Permanent parenting plan" means an agreement between*  
16 *parents which is incorporated into an order at a final hearing or an*  
17 *order or decree issued at a final hearing without agreement that*  
18 *establishes legal custody, residency, parenting time and other matters*  
19 *regarding a child custody arrangement in a matter in which a parenting*  
20 *plan may be entered.*

21 (c) *"Legal custody" means the allocation of parenting*  
22 *responsibilities between parents, or any person acting as a parent,*  
23 *including decision making rights and responsibilities pertaining to*  
24 *matters of child health, education and welfare.*

25 (d) *"Joint legal custody" means that both parents retain the decision-*  
26 *making authority for the most important issues affecting a child's life,*  
27 *including health, education and welfare, and neither parent has the right*  
28 *to decide such matters without receiving input from or consulting with the*  
29 *other parent.*

30 (e) *"Parenting time" means the schedule of time when each parent*  
31 *has actual physical access to a child, during which the scheduled parent is*  
32 *responsible for the physical care and supervision of the child.*

33 (f) *"Equal parenting time" means that a child's actual physical access*  
34 *to each parent is regular and equal or nearly equal.*

1        ~~Section 1.~~ **Sec. 2.** K.S.A. 2018 Supp. 23-3212 is hereby amended to  
2 read as follows: 23-3212. (a) The court may enter a temporary parenting  
3 plan in any case in which temporary orders relating to child custody is  
4 authorized.

5        (b) If the court deems it appropriate, a temporary parenting plan  
6 approved by the court may include one or more of the following  
7 provisions regarding children involved in the matter before the court:

8        (1) Designation of the temporary legal custody of the child;

9        (2) designation of a temporary residence for the child;

10        (3) allocation of parental rights and responsibilities regarding matters  
11 pertaining to the child's health, education and welfare; *and*

12        (4) a schedule for the child's time with each parent, when appropriate.

13        (c) ***(1) If there is presentation of documentation or other***  
14 ***information by a parent that would support a finding of good cause that***  
15 ***domestic abuse has occurred or is occurring, there shall be a***  
16 ***presumption that it is not in the best interests of the child for the parents***  
17 ***to have temporary joint legal custody and share equally in parenting***  
18 ***time.***

19        ***(2) In making an order for a temporary parenting plan, there shall be***  
20 ***a presumption that it is in the best interests of the child for fit, willing and***  
21 ***able parents to have temporary joint legal custody and share equally in***  
22 ***parenting time.***

23        (d) A parent seeking a temporary order in which matters of child  
24 custody, residency, or parenting time are included shall file a proposed  
25 temporary parenting plan contemporaneous with any request for issuance  
26 of such temporary orders, which plan shall be served with any such  
27 temporary orders.

28        ~~(d)~~(e) If the parent who has not filed a proposed temporary parenting  
29 plan disputes the allocation of parenting responsibilities, residency,  
30 parenting time or other matters included in the proposed temporary  
31 parenting plan, that parent shall file and serve a responsive proposed  
32 temporary parenting plan.

33        ~~(e)~~(f) Either parent may move to have a proposed temporary  
34 parenting plan entered as part of a temporary order. The parents may enter  
35 an agreed temporary parenting plan at any time as part of a temporary  
36 order.

37        ~~(f)~~(g) A parent may move for amendment of a temporary parenting  
38 plan, and the court may order amendment to the temporary parenting plan,  
39 if the amendment is in the best interest of the child.

40        ~~(g)~~(h) If a proceeding for divorce, separate maintenance, annulment  
41 or determination of parentage is dismissed, any temporary parenting plan  
42 is vacated.

43        ~~Sec. 2.~~ **3.** K.S.A. 2018 Supp. ***23-3211 and 23-3212***—*is are* hereby

1 repealed.

2       Sec.~~3~~ 4. This act shall take effect and be in force from and after its

3 publication in the statute book.