

## HOUSE BILL No. 2647

By Committee on Judiciary

2-8

1 AN ACT concerning family law; relating to legal custody, residency and  
2 parenting time; factors for the court to consider; requiring a court to  
3 consider evidence of sexual abuse or the commission of any sex offense  
4 against a child; creating a rebuttable presumption against awarding  
5 parenting time to a parent who is subject to certain sex offender  
6 registration requirements; amending K.S.A. 2021 Supp. 23-3203 and  
7 23-3205 and repealing the existing sections.  
8

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

10 Section 1. K.S.A. 2021 Supp. 23-3203 is hereby amended to read as  
11 follows: 23-3203. (a) In determining the issue of legal custody, residency  
12 and parenting time of a child, the court shall consider all relevant factors,  
13 including, but not limited to:

14 (1) Each parent's role and involvement with the minor child before  
15 and after separation;

16 (2) the desires of the child's parents as to custody or residency;

17 (3) the desires of a child of sufficient age and maturity as to the  
18 child's custody or residency;

19 (4) the age of the child;

20 (5) the emotional and physical needs of the child;

21 (6) the interaction and interrelationship of the child with parents,  
22 siblings and any other person who may significantly affect the child's best  
23 interests;

24 (7) the child's adjustment to the child's home, school and community;

25 (8) the willingness and ability of each parent to respect and appreciate  
26 the bond between the child and the other parent and to allow for a  
27 continuing relationship between the child and the other parent;

28 (9) evidence of domestic abuse, including, but not limited to:

29 (A) A pattern or history of physically or emotionally abusive  
30 behavior or threat thereof used by one person to gain or maintain  
31 domination and control over an intimate partner or household member; or

32 (B) an act of domestic violence, stalking or sexual assault;

33 (10) *evidence of sexual abuse against a child or the commission of*  
34 *any sex offense against a child;*

35 (11) the ability of the parties to communicate, cooperate and manage  
36 parental duties;

- 1       ~~(11)~~(12) the school activity schedule of the child;
- 2       ~~(12)~~(13) the work schedule of the parties;
- 3       ~~(13)~~(14) the location of the parties' residences and places of  
4 employment;
- 5       ~~(14)~~(15) the location of the child's school;
- 6       ~~(15)~~(16) whether a parent is subject to the registration requirements  
7 of the Kansas offender registration act, K.S.A. 22-4901 et seq., and  
8 amendments thereto, or any similar act in any other state; or under military  
9 or federal law;
- 10       ~~(16)~~(17) whether a parent has been convicted of abuse of a child,  
11 K.S.A. 21-3609, prior to its repeal, or K.S.A. 2021 Supp. 21-5602, and  
12 amendments thereto;
- 13       ~~(17)~~(18) whether a parent is residing with an individual who is  
14 subject to registration requirements of the Kansas offender registration act,  
15 K.S.A. 22-4901 et seq., and amendments thereto, or any similar act in any  
16 other state; or under military or federal law; and
- 17       ~~(18)~~(19) whether a parent is residing with an individual who has been  
18 convicted of abuse of a child, K.S.A. 21-3609, prior to its repeal, or K.S.A.  
19 2021 Supp. 21-5602, and amendments thereto.

20       (b) To aid in determining the issue of legal custody, residency and  
21 parenting time of a child, the court may order a parent to undergo a  
22 domestic violence offender assessment conducted by a certified batterer  
23 intervention program and may order such parent to follow all  
24 recommendations made by such program.

25       Sec. 2. K.S.A. 2021 Supp. 23-3205 is hereby amended to read as  
26 follows: 23-3205. (a) There shall be a rebuttable presumption that it is not  
27 in the best interest of the child to have custody or residency granted to a  
28 parent who:

29       ~~(a)~~(1) Is residing with an individual who is subject to registration  
30 requirements of the Kansas offender registration act, K.S.A. 22-4901 et  
31 seq., and amendments thereto, or any similar act in any other state; or  
32 under military or federal law; or

33       ~~(b)~~(2) is residing with an individual who has been convicted of abuse  
34 of a child, K.S.A. 21-3609, prior to its repeal, or K.S.A. 2021 Supp. 21-  
35 5602, and amendments thereto.

36       (b) *There shall be a rebuttable presumption that it is not in the best  
37 interest of the child to have parenting time granted to a parent who is  
38 subject to the registration requirements of the Kansas offender registration  
39 act, K.S.A. 22-4901 et seq., and amendments thereto, or any similar act in  
40 any other state or under military or federal law as a sex offender when the  
41 offense requiring registration involved a child victim.*

42       Sec. 3. K.S.A. 2021 Supp. 23-3203 and 23-3205 are hereby repealed.

43       Sec. 4. This act shall take effect and be in force from and after its

- 1 publication in the statute book.