

HOUSE BILL No. 2725

By Committee on Federal and State Affairs

3-3

1 AN ACT concerning family law; relating to temporary parenting plans;
2 creating a presumption that joint legal custody in a temporary parenting
3 plan is in the best interests of a child; amending K.S.A. 2021 Supp. 23-
4 3212 and repealing the existing section.

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

7 Section 1. K.S.A. 2021 Supp. 23-3212 is hereby amended to read as
8 follows: 23-3212. (a) The court may ~~enter~~ *issue an agreement or order for*
9 a temporary parenting plan ~~in any case~~ *a matter* in which temporary orders
10 relating to child custody is authorized.

11 (b) If the court deems it appropriate, a temporary parenting plan
12 ~~approved~~ *issued* by the court may include one or more of the following
13 provisions regarding children involved in the matter before the court:

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

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

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

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

19 (c) *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 *legal custody, residency, or parenting time* are included shall file a
25 proposed temporary parenting plan contemporaneous with any request for
26 issuance of such temporary orders, ~~which~~ *and such* plan shall be served
27 with any such 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~~ *such* 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.

1 ~~(f)~~(g) A parent may move for amendment of a temporary parenting
2 plan, and the court may order amendment ~~to~~ of the temporary parenting
3 plan, if the amendment is in the best ~~interest~~ *interests* of the child.

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

7 Sec. 2. K.S.A. 2021 Supp. 23-3212 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.