

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: House Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: February 7, 2023  
Subject: Bill Brief on HB 2185

HB 2185 permits short form notification service and alternative methods of service under the protection from abuse act and the protection from stalking, sexual assault and human trafficking act and clarifies precedence of child-related orders issued under the protection from abuse act.

Section 1 and 2 create new sections of law in the protection from abuse act and the protection from stalking, sexual assault and human trafficking act. The new sections provide that a law enforcement officer may personally serve a defendant with a short form notification. Upon verification of the identity of the defendant and knowledge of the unserved order, a law enforcement officer may detain the defendant for a reasonable time necessary to serve the short form notification. Subsection (c) provides what information must be contained in the notice, including requirements for what the law enforcement officer must say to the defendant. When the notice is complete, the law enforcement officer serving the notification shall file a copy with the clerk of the district court. The attorney general shall create a short form notification form for use under these sections.

Section 3 amends K.S.A. 60-3104, the section in the protection from abuse act providing for the commencement of proceedings. Current law requires service of process by personal service and not by certified mail. This section is amended to provide for service through short form notification pursuant to section 1. If personal service cannot be made, service is effected by leaving a copy of the summons and petition at the person's home and mailing a notice that the copy has been left there. If the court determines after diligent effort the plaintiff is unable to serve the defendant, the court may order notice be given in a manner reasonably calculated to

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give actual notice, including electronic means. Service of minors and disabled persons shall be in accordance with K.S.A. 60-304 or as ordered by the court.

Section 4 amends K.S.A. 60-3107, the procedure statute in the protection from abuse act. Current law provides that an order cannot be modified on ex parte application or on motion for temporary orders in other specified actions. Orders previously issued in other specified actions are subject to modification for good cause, and immediate and present danger of abuse to the plaintiff or minor children constitutes good cause. The bill retains the prohibition on modifying order by a subsequent ex parte or temporary order and clarifies that an order relating to legal custody or parenting time, an order relating to the best interests of a child, or an order issued pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code shall take precedence over a similar order issued under the protection from abuse act. It also provides that on a sworn statement showing good cause, protection from abuse act orders may modify order related to legal custody, residency and parenting time previously issued for (1) the determination of parentage or (2) divorce, separate maintenance or annulment. On a sworn statement showing good cause orders under the protection from abuse act may modify interlocutory orders issued under K.S.A. 23-2707. The bill retains the provisions that immediate and present danger of abuse to the plaintiff or minor child constitutes good cause.

Section 5 amends K.S.A. 60-31a04 the section in the protection from stalking, sexual assault and human trafficking act providing for the commencement of proceedings. Current law requires service of process by personal service and not by certified mail. This section is amended to provide for service through short form notification pursuant to section 2. If personal service cannot be made, service is effected by leaving a copy of the summons and petition at the person's home and mailing a notice that the copy has been left there. If the court determines after diligent effort the plaintiff is unable to serve the defendant, the court may order notice be given in a manner reasonably calculated to give actual notice, including electronic means. Service of minors and disabled persons shall be in accordance with K.S.A. 60-304 or as ordered by the court.