

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. 23-3212 and repealing the existing
3 section.
4

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

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

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

- 12 (1) Designation of the temporary legal custody of the child;
- 13 (2) designation of a temporary residence for the child;
- 14 (3) allocation of parental rights and responsibilities regarding matters
15 pertaining to the child's health, education and welfare; *and*

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

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

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

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

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

1 ~~(f)~~(g) A parent may move for amendment of a temporary parenting
2 plan, and the court may order amendment to the temporary parenting plan,
3 if the amendment is in the best interest 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. 2018 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.