

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Judiciary** recommends **HB 2613**, as amended by House Committee, be amended on page 2, following line 28, by inserting:

"Sec. 3. K.S.A. 2011 Supp. 60-3106 is hereby amended to read as follows: 60-3106. (a) Within 21 days of the filing of a petition under this act a hearing shall be held at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence and the defendant shall have an opportunity to cross-examine the petitioner's witnesses and present evidence on the defendant's behalf. Upon the filing of the petition, the court shall set the case for hearing. ~~At the hearing, the court shall~~ and advise the parties of the right to be represented by counsel.

(b) Prior to the hearing on the petition and upon a finding of good cause shown, the court on motion of a party may enter such temporary relief orders in accordance with subsection (a)(1), (2), (4) or (5) of K.S.A. 60-3107, and amendments thereto, or any combination thereof, as it deems necessary to protect the plaintiff or minor children from abuse. Temporary orders may be granted *ex parte*. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section. No temporary order shall have the effect of modifying an existing order granting legal custody, residency, visitation or parenting time unless there is sworn testimony at a hearing to support a showing of good cause.

(c) If a hearing under subsection (a) is continued, the court may make or extend such temporary orders under subsection (b) as it deems necessary.";

On page 5, in line 9, after "defendant" by inserting "has been personally served with a

copy of the motion and"; in line 10, after "evidence" by inserting "and cross-examine witnesses"; in line 13, before "has" by inserting "(A) has previously violated a valid protection order, or (B)"; in line 17, by striking "no" and inserting "not";

On page 7, in line 11, after "defendant" by inserting "has been personally served with a copy of the motion and"; in line 12, after "evidence" by inserting "and cross-examine witnesses"; in line 15, before "has" by inserting "(A) has previously violated a valid protection order, or (B)"; in line 19, by striking "no" and inserting "not"; in line 38, after "60-3104," by inserting "60-3106,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "60-3104," by inserting "60-3106,"; and the bill be passed as amended.

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Chairperson