

March 30, 2022

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 575 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 575 is respectfully submitted to your committee.

SB 575 would require that if the parties do not agree on a permanent parenting plan, each party must submit a proposed plan to the court for its consideration before the final hearing. The court would be required to adopt a permanent parenting plan that maximizes each party's parenting time and is consistent with the best interests of the child. The court would be required to make specific findings of fact stating the relevant factors and reasons why the permanent parenting plan ordered by the court is in the best interests of the child. A court would be prohibited from adopting a local rule, form, or practice that requires a standardized or default parenting plan for any orders.

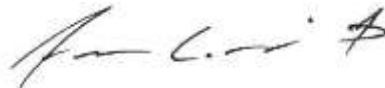
The bill would add a provision that would require the court to consider whether a parent intentionally misled the court to cause unnecessary delay, increase litigation costs, or improperly influence the court to determine the issue of legal custody, residency, and parenting time in a manner favorable to a parent. The bill would add definitions for "joint legal custody" and "parenting time." The bill would also amend the definitions for "legal custody" and "permanent parenting plan."

SB 575 would clarify that a court may issue an agreement or order for a temporary parenting plan and that there would be a presumption that it is in the best interests of the child for fit, willing, and able parents to have temporary joint legal custody and maximized parenting time with each parent. The bill would add a provision that an objective of a permanent parenting plan is to set forth an appropriate schedule of parenting time that maximizes parenting time with each parent. The bill specifies that failure to exercise more than half of a party's parenting time, except

in certain situations, would be considered a material change of circumstances that would justify modifying a prior order of legal custody, residency, or parenting time.

The Office of Judicial Administration states enactment of SB 575 could have a fiscal effect on Judicial Branch operations because the bill could affect the time spent by district court judicial personnel in reviewing parenting plans. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions. Any fiscal effect associated with SB 575 is not reflected in *The FY 2023 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary