

**SENATE BILL No. 257**

By Senator Fitzgerald

12-14

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1 AN ACT concerning the Kansas family law code; relating to legal custody,  
2 residency and parenting time; presumption in court determinations;  
3 amending K.S.A. 2017 Supp. 23-3202 and repealing the existing  
4 section.

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

7 Section 1. K.S.A. 2017 Supp. 23-3202 is hereby amended to read as  
8 follows: 23-3202. (a) If the parties have entered into a parenting plan, it  
9 shall be presumed that the agreement is in the best interests of the child.  
10 This presumption may be overcome *only by clear and convincing evidence*  
11 and the court may make a different order if the court makes specific  
12 findings of fact stating why the agreed parenting plan is not in the best  
13 interests of the child *when considering all relevant factors pursuant to*  
14 *K.S.A. 2017 Supp. 23-3203, and amendments thereto.*

15 (b) *If the parties have not entered into a parenting plan, it shall be*  
16 *presumed that a court determination of legal custody, residency and*  
17 *parenting time providing for a child's equal or approximately equal time*  
18 *with each parent is in the best interests of the child. This presumption may*  
19 *be overcome only by clear and convincing evidence and the court may*  
20 *make a different determination if the court makes specific findings of fact*  
21 *stating why equal or approximately equal time with each parent is not in*  
22 *the best interests of the child when considering all relevant factors*  
23 *pursuant to K.S.A. 2017 Supp. 23-3203, and amendments thereto.*

24 Sec. 2. K.S.A. 2017 Supp. 23-3202 is hereby repealed.

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