

SENATE BILL No. 298

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning children and families; relating to orders of child
2 support; providing for child support for unborn children with a
3 detectable heartbeat; amending K.S.A. 2022 Supp. 20-165, 23-2205
4 and 23-3001 and repealing the existing sections.

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

7 Section 1. K.S.A. 2022 Supp. 20-165 is hereby amended to read as
8 follows: 20-165. (a) The supreme court shall adopt rules establishing
9 guidelines for the amount of child support to be ordered in any action in
10 this state including, but not limited to, K.S.A. 39-755 and K.S.A. 2022
11 Supp. 23-2215, and amendments thereto, article 30 of chapter 23 of the
12 Kansas Statutes Annotated, and amendments thereto, and K.S.A. 2022
13 Supp. 23-2711, and amendments thereto.

14 (b) In adopting such rules, the court shall consider all relevant factors,
15 including, but not limited to:

- 16 (1) The needs of the child;
17 (2) the standards of living and circumstances of the parents;
18 (3) the relative financial means of the parents;
19 (4) the earning ability of the parents;
20 (5) the need and capacity of the child for education;
21 (6) the age of the child;
22 (7) the financial resources and earning ability of the child;
23 (8) the responsibility of the parents for the support of others; ~~and~~
24 (9) the value of services contributed by both parents; *and*
25 (10) *the direct medical and pregnancy-related expenses of the mother*
26 *of the child is an unborn child.*

27 (c) *The maximum amount of child support to be ordered for the*
28 *support of an unborn child shall not exceed the direct medical and*
29 *pregnancy-related expenses of the mother of the unborn child.*

30 (d) *For purposes of this section, the term "unborn child" means the*
31 *same as in K.S.A. 2022 Supp. 23-3001, and amendments thereto.*

32 Sec. 2. K.S.A. 2022 Supp. 23-2205 is hereby amended to read as
33 follows: 23-2205. (a) As used in this act, "parent and child relationship"
34 means the legal relationship existing between a child and the child's
35 biological or adoptive parents incident to which the law confers or imposes
36 rights, privileges, duties and obligations. It includes the mother and child

1 relationship and the father and child relationship.

2 (b) For purposes of this section, "child" includes any unborn child,
3 as defined in K.S.A. 2022 Supp. 23-3001, and amendments thereto.

4 Sec. 3. K.S.A. 2022 Supp. 23-3001 is hereby amended to read as
5 follows: 23-3001. (a) In any action under article 27 of chapter 23 of the
6 Kansas Statutes Annotated, and amendments thereto, the court shall make
7 provisions for the support and education of the minor children.

8 (b) Regardless of the type of custodial arrangement ordered by the
9 court, the court may order the child support and education expenses to be
10 paid by either or both parents for any child less than 18 years of age, at
11 which age the support shall terminate unless:

12 (1) The parent or parents agree, by written agreement approved by the
13 court, to pay support beyond the time the child reaches 18 years of age;

14 (2) the child reaches 18 years of age before completing the child's
15 high school education in which case the support shall not terminate
16 automatically, unless otherwise ordered by the court, until June 30 of the
17 school year during which the child became 18 years of age if the child is
18 still attending high school; or

19 (3) the child is still a bona fide high school student after June 30 of
20 the school year during which the child became 18 years of age, in which
21 case the court, on motion, may order support to continue through the
22 school year during which the child becomes 19 years of age so long as the
23 child is a bona fide high school student and the parents jointly participated
24 or knowingly acquiesced in the decision which delayed the child's
25 completion of high school. The court, in extending support pursuant to
26 ~~subsection (b)(3)~~ this paragraph, may impose such conditions as are
27 appropriate and shall set the child support utilizing the guideline table
28 category for 12-year through 18-year-old children. For purposes of this
29 section, "bona fide high school student" means a student who is enrolled in
30 full accordance with the policy of the accredited high school in which the
31 student is pursuing a high school diploma or a graduate equivalency
32 diploma (GED).

33 (c) Provision for payment of support and educational expenses of a
34 child after reaching 18 years of age if still attending high school shall
35 apply to any child subject to the jurisdiction of the court, including those
36 whose support was ordered prior to July 1, 1992. If an agreement approved
37 by the court prior to July 1, 1992, provides for termination of support
38 before the date provided by subsection (b)(3), the court may review and
39 modify such agreement, and any order based on such agreement, to extend
40 the date for termination of support to the date provided by subsection (b)
41 (3).

42 (d) As used in article 30 of chapter 23 of the Kansas Statutes
43 Annotated, and amendments thereto:

1 (1) *"Detectable heartbeat" means embryonic or fetal cardiac activity*
2 *or the steady and repetitive rhythmic contraction of the heart within the*
3 *gestational sac; and*

4 (2) *"unborn child" means a member of the species homo sapiens at*
5 *any stage of development who is carried in the womb and who has a*
6 *detectable heartbeat.*

7 Sec. 4. K.S.A. 2022 Supp. 20-165, 23-2205 and 23-3001 are hereby
8 repealed.

9 Sec. 5. This act shall take effect and be in force from and after its
10 publication in the statute book.