

SENATE BILL No. 329

By Committee on Judiciary

1-29

1 AN ACT concerning the revised Kansas juvenile justice code; orders
2 relating to parents; amending K.S.A. 2013 Supp. 38-2362 and repealing
3 the existing section.
4

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

6 Section 1. K.S.A. 2013 Supp. 38-2362 is hereby amended to read as
7 follows: 38-2362. (a) When sentencing a juvenile offender, the court may
8 order a juvenile offender's parent to participate in **any evidence-based**
9 **program {designed to rehabilitate the juvenile}, including, but not**
10 **limited to: (1)** Counseling, mediation sessions or an alcohol and drug
11 evaluation and treatment program ordered as part of the juvenile offender's
12 sentence under K.S.A. 2013 Supp. 38-2361, and amendments thereto, ~~or to~~
13 ~~participate in ; or (2) parenting classes or other court sponsored program~~
14 ~~designed to rehabilitate the juvenile.~~

15 (1) Upon entering an order requiring a juvenile offender's parent to
16 attend counseling sessions or mediation, the court shall give the parent
17 notice of the order. The notice shall inform the parent of the parent's right
18 to request a hearing within 14 days after entry of the order and the parent's
19 right to employ an attorney to represent the parent at the hearing or, if the
20 parent is financially unable to employ an attorney, the parent's right to
21 request the court to appoint an attorney to represent the parent.

22 (2) If the parent does not request a hearing within 14 days after entry
23 of the order, the order shall take effect at that time.

24 (3) If the parent requests a hearing, the court shall set the matter for
25 hearing and, if requested, shall appoint an attorney to represent the parent.
26 The expense and fees of the appointed attorney may be allowed and
27 assessed as provided by K.S.A. 2013 Supp. 38-2306, and amendments
28 thereto.

29 (b) In addition to any other orders provided for by this section, the
30 parent of a juvenile offender may be held responsible for the costs of
31 sanctions or the support of the juvenile offender as follows:

32 (1) The board of county commissioners of a county may provide by
33 resolution that the parent of any juvenile offender placed under a house
34 arrest program pursuant to subsection (a)(9) of K.S.A. 2013 Supp. 38-

1 2361, and amendments thereto, shall be required to pay to the county the
2 cost of such house arrest program. The board of county commissioners
3 shall prepare a sliding financial scale based on the ability of the parent to
4 pay for such a program.

5 (2) If child support has been requested and a parent has a duty to
6 support the juvenile offender, the court may order, and when custody is
7 placed with the commissioner shall order, one or both parents to pay child
8 support. The court shall determine, for each parent separately, whether the
9 parent already is subject to an order to pay support for the juvenile. If the
10 parent currently is not ordered to pay support for the juvenile and the court
11 has personal jurisdiction over the parent, the court shall order the parent to
12 pay child support in an amount determined under K.S.A. 2013 Supp. 38-
13 2319, and amendments thereto. Except for good cause shown, the court
14 shall issue an immediate income withholding order pursuant to K.S.A.
15 2013 Supp. 23-3101 et seq., and amendments thereto, for each parent
16 ordered to pay support under this subsection, regardless of whether a payor
17 has been identified for the parent. A parent ordered to pay child support
18 under this subsection shall be notified, at the hearing or otherwise, that the
19 child support order may be registered pursuant to K.S.A. 2013 Supp. 38-
20 2321, and amendments thereto. The parent also shall be informed that,
21 after registration, the income withholding order may be served on the
22 parent's employer without further notice to the parent and the child support
23 order may be enforced by any method allowed by law. Failure to provide
24 this notice shall not affect the validity of the child support order.

25 Sec. 2. K.S.A. 2013 Supp. 38-2362 is hereby repealed.

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