



State of Kansas

Office of Judicial Administration

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February 11, 2021

Senate Judiciary Committee

SB 123—Written Neutral Testimony

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Chairwoman Warren and committee members, thank you for the opportunity to provide written, neutral testimony on SB 123 and suggest an amendment for your consideration. I'm Krisena Silva, District Court Clerk Specialist in the Office of Judicial Administration.

New Section 7(c)(3) of SB 123 currently reads, in pertinent part:

"If child support is ordered or terminated, a separate journal entry or judgment form shall be made and provided to the entity enforcing the child support by the clerk of the court."

While clerks file journal entries and judgment forms created by attorneys, litigants, and others, it is not appropriate for a clerk of the court to create journal entries or judgment forms for any matter. Pursuant to K.S.A. 60-2601(d), the clerk of the court is to file and preserve the papers delivered to them. Clerks of the court and deputy clerks are also bound by K.S.A. 20-3133, which prohibits them from writing any petition or other pleadings in any proceeding, or performing any service as an attorney or counselor at law in any case pending in the court in which they are either clerk or deputy.

We respectfully request that the language requiring the clerk of the court to create a journal entry or judgment form be removed from the bill and replaced with the language shown in the attached amendment.

Thank you for your time and consideration.

1 of the child. There shall be a rebuttable presumption that terminating the
 2 parental rights of the parent who committed the act described in
 3 subparagraph (A) is in the best interests of the child. The court shall not
 4 presume that having only one remaining parent is contrary to the child's
 5 best interests.

6 (2) If parentage cannot be established and the court finds by clear and
 7 convincing evidence that the child was conceived as a result of the act
 8 described in subparagraph (A), the court shall enter an order granting sole
 9 legal custody to the petitioner and denying all contact between the child
 10 and the respondent.

11 (e) Termination of the parent-child legal relationship pursuant to this
 12 section is an independent basis for termination of parental rights, and the
 13 court need not make any of the considerations or findings described in
 14 K.S.A. 59-2136, and amendments thereto, or K.S.A. 2020 Supp. 38-2269,
 15 and amendments thereto.

16 New Sec. 7. (a) A termination of parental rights under this act shall
 17 not terminate the right of a child to inherit from or through a parent.

18 (b) A respondent whose parental rights are terminated pursuant to this
 19 act has no right to:

20 (1) The allocation of parental responsibilities, including legal custody,
 21 residency, parenting time or decision-making responsibilities for the child;

22 (2) make medical treatment decisions or any other decisions on behalf
 23 of the child;

24 (3) inherit either from or through the child; and

25 (4) notification of, or standing to object to, the adoption of the child.

26 (c) Termination of parental rights under this act shall not relieve the
 27 respondent of any obligation to pay child support, unless waived by the
 28 petitioner and approved by the court. In cases in which child support
 29 obligations are not waived, the court, as informed by the wishes of the
 30 petitioner, shall determine if entering an order to pay child support is in the
 31 best interests of the child. If an order of support is in the best interests of
 32 the child, the court shall determine the amount to be paid for child support
 33 by following the Kansas child support guidelines adopted by the supreme
 34 court pursuant to K.S.A. 20-165, and amendments thereto.

35 (1) All child support payments shall be made through the Kansas
 36 payment center.

37 (2) Modification of the child support order shall be pursuant to
 38 K.S.A. 23-3001 et seq., and amendments thereto.

39 (3) If child support is ordered or terminated, a separate journal entry
 40 or judgment form shall be ~~made and provided to the entity enforcing the~~
 41 ~~child support by the clerk of the court.~~ The journal entry or judgment form
 42 shall be entitled: "In the matter of _____ (obligee's name) and
 43 _____ (obligor's name)." The journal entry or judgment form shall

prepared by the party seeking establishment of or termination of support
 and submitted to the court for consideration. Upon approval and filing
 by the court, the clerk of the court shall transmit a copy of the judgment
 form or journal entry to any entity engaged in the enforcement of
 support designated by the party seeking establishment or termination of
 support.