

Paternity

A paternity suit is brought when the identity of the father of a child needs to be determined. Finding out who the father is allows the court to order child support and arrange for a child custody agreement. Paternity issues may arise under some of the following circumstances:

- When the child is born to unmarried parents and the mother is seeking child support;
- When the child is born to unmarried parents and the state is seeking current or past due child support;
- When a man who is not married to the mother is seeking to prove that he is the father of that child. (The court will conduct a Best Interest (Ross) Hearing if the paternity of a man presumed to be the father of the child is challenged before allowing the paternity suit to proceed.)
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The child or any person on behalf of the child may bring a paternity suit. The Kansas Department for Children and Families brings paternity suits so that child support can be paid. The Department may not negotiate child custody or visitation with the father of the child. However, the mother of the child may negotiate with the father to do this.

Custody

In Kansas, a child's parents are his or her natural guardians. A natural guardian has the right to custody of their child and the right to exercise control over their child. However, natural guardianship can be modified or terminated if the parent is not fit to be a guardian, if the parental rights of the parent have been terminated by a court, or if a guardian has already been appointed for the child. In the event that the parents of a child are living separately, the parents should create a custody and visitation agreement that they will follow. The agreement should be as specific as possible with dates and times, and should consider how events like holidays, vacations, and school will be handled. The interests of the child should be considered. The agreement should be in writing so that the courts can enforce the arrangement made by the parents if necessary.

If the parents cannot determine how to handle custody of their child, the court can determine it. The Uniform Child Custody Jurisdiction Act allows the State of Kansas to determine the custody of a child who has lived in Kansas for six months prior to asking the court to determine custody. This act makes it so that, unless there are emergency circumstances, Kansas is the only state that may determine the custody of the child as long as the child has lived in Kansas for at least six months. Or, if the child is younger than six months old, then if the child was born in Kansas.

The court generally prefers a joint custody arrangement for children of unmarried parents. This does not mean that both parents will get equal time with the child. It does mean that both parents may actively participate in the lives of their children. This is because a strong and positive relationship with both parents is presumably in the best interests of the child. If joint custody is awarded, the court will next determine which parent will have residential custody. In Sedgwick County, the court will order a child custody investigation. During this investigation, court personnel will interview the parents and the child, as well as any other appropriate witnesses. The personnel will then make a recommendation about custody of the child. The court in Sedgwick County generally follows this recommendation.

Moving out of state

If a parent is moving out of state, the court may change custody to the parent who is not moving, as long as that parent has a good relationship with the child.

Threats to change custody

After custody has been determined, there must be evidence that circumstances in the child's life have changed that make it better for the child to now live with the non-custodial parent before the custody is changed. Custody will not be changed simply because the non-custodial parent makes more money or is not content with the current arrangement. Circumstances that may prompt a judge to modify custody are: parents who live a lifestyle which shows that they are not taking the needs of their child seriously, a parent's problems with drug use, or if a parent is in an abusive relationship.

Alienation of parental affection

If a parent is having emotional problems dealing with the breakdown of the relationship with the other parent and will not allow their child to continue their relationship with the other parent, it will be viewed as alienation of parental affection. Not making the child available for court ordered visitations can also be viewed as alienation of parental affection. This could prompt the judge alter the custody arrangement.

Both parents should be supportive of each other, and neither should say bad things about the other parent in front of the child.

Visitation

The relationship between a child and both of their parents is very important for a maturing child. Unmarried parents who are making their visitation schedule without utilizing the court need to take both of their work schedules and the child's school schedule into account. The schedule should allow both parents to continue a relationship with the child. The schedule should allow for flexibility in certain situations, like if the child is too ill to go outside. When a schedule for visitation is determined, it should be in writing with both parents' signatures. If the agreement is not in writing, it should be clearly communicated when visitation begins and ends. One parent should write down the schedule and make two copies. Each copy should be signed by both parents.

When the court is asked to determine visitation, it uses a set of general rules. It will order visitation even if the child is an infant. A visitation for an infant could be three two-hour-long visits per week. The length of these visits will become longer the older the child gets. For example, in Sedgwick County, the non-custodial parent would have the child from Friday through Sunday every other week and for dinner one night every week. Holidays and vacations would include longer visits with the noncustodial parent. In the summertime, the schedule of the mother and father switches. Major holidays should be alternated, with one parent getting one holiday and the other parent getting the next holiday. The mother should get Mother's Day and the Father should get Father's Day. One parent gets Thanksgiving and other gets Christmas and then they switch the following year.

Child Support

If there is not a court order to pay child support, then neither parent is legally required to pay child support. However, each parent is obligated to support the child. In Kansas, a statewide guideline is used in order to determine the amount of child support that should be paid. It utilizes each parent's income to determine how much each parent should pay for the cost of raising the child. Parents attempting to determine an appropriate amount of child support without using the guidelines should try to determine how much it costs to raise the child, using expenses such as food, clothing, childcare, and education costs. How much income both parents make can also help the parents figure out what ratio of this amount each parent should pay.

Parents should also understand that when a parent with the child goes on Public Assistance from the TAF (Transitional Assistance to Families) program, they assign all rights to collect and receive child support over to the State of Kansas. If there is no child support ordered at that point, action will begin to determine child support. A parent not paying child support will be ordered to reimburse the State of Kansas for the full amount of cash, food stamps and medical benefits paid to the child each month. In many cases that amount is much higher than the amount of child support that would be owed.