

This chapter provides a summary of Kansas legislative changes and family law cases decided in the Kansas appellate courts between March 1, 2024, until April 18, 2025, including both published and unpublished decisions.

**I. LEGISLATIVE UPDATES:**

**A. 2025 House Bill 2182. 2025**

House Bill 2182 was signed into law by Governor Kelly on March 26, 2025, at the end of the 2025 Legislative Session. The bill amends K.S.A. 28-110 to prohibit sheriffs from charging a service of process fee in cases filed under the Protection from Abuse Act and the Protection from Stalking, Sexual Assault, or Human Trafficking Act.

**B. 2025 Sen. Bill 135.**

Senate Bill 135 was signed into law by Governor Kelly on April 8, 2025, at the end of the 2025 Legislative Session. The bill sought to amend K.S.A. 60-3107 to provide clarification of the precedence of child-related orders issued under the protection from abuse act. The law prohibits any PFA order from being modified by a subsequent ex parte or temporary order issued in another case, such as a divorce or custody action, except under specific statutory exceptions. A PFA order may only be changed through a final order entered after a full hearing or by agreement of the parties. Additionally, the law allows a PFA court to modify custody, residency, and parenting time orders from prior divorce or parentage cases based on sworn testimony and a showing of good cause. For purposes of the statute, “good cause” is defined as an immediate and present danger of abuse to the plaintiff or minor children.

**C. 2025 House Bill 2062.**

Governor Laura Kelly vetoed House Bill 2062 on April 10, 2025, but it passed into law after the Kansas House and Senate voted to override the veto on April 10, 2025. House Bill 2062 amends K.S.A. 23-3001, removing language regarding pricing for payment of support and educational expenses of a child reaching the age of 18 under 3(c), and then adding language to state that an unborn child means “a living individual organism of the species homo sapiens in utero, at any stage of gestation from fertilization to birth.”

House Bill 2062 further amends K.S.A. 20-165 to require courts to consider the direct medical and pregnancy-related expenses of the mother.

The bill allows child support to be ordered for an unborn child beginning from the date of conception. The maximum support ordered for an unborn child is capped at the direct medical and

pregnancy-related expenses and does not include the cost of an elective abortion. The bill further provides that interest may accrue on any unpaid amounts until the arrearage is paid in full.

It defines elective abortion as “an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed, except that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that such mother will engage in conduct that would result in such mother’s death” and defines unborn child pursuant to amendments in K.S.A. 23-3001.

K.S.A. 23-2205 is also amended to expand the definition of “child” in to include unborn children, using the definition now provided in the revised K.S.A. 23-3001.

K.S.A. 23-3002 is amended to allow courts to consider the total value of certain qualified retirement accounts when a parent has lost income or employment due to the loss, suspension, or surrender of a professional license resulting from misconduct or voluntary underemployment. If a parent has a child support arrearage under these circumstances, the court must order a one-time lump-sum distribution from the retirement account upon a distributable event, until the arrearage is satisfied or the parent identifies another way to meet the obligation. These distributions must comply with the plan’s terms, are subject to penalties and taxes, and must be paid through the Kansas Payment Center.

House Bill 2062 also amends K.S.A. 2024 Supp. 60-2308, clarifying that the exemption from legal process for retirement accounts aligns with the enforcement provisions in Article 30, Chapter 21.

Finally, the bill House Bill 2062 amends K.S.A. 2024 Supp. 79-32,121 to allow a personal exemption of \$2,320 for an unborn child “as defined by K.S.A. 23-3001, and amendments thereto.” For live births, this unborn child exemption is treated as an additional exemption for any qualifying dependent of the taxpayer who was born during the taxable year. If the unborn child does not result in a live birth and is classified as a stillbirth under K.S.A. 65-2401, and a certificate of stillbirth is filed in accordance with Kansas law, a parent may still claim the exemption for the taxable year in which the certificate is issued.

## **II. PUBLISHED KANSAS SUPREME COURT DECISIONS**

### **A. Grandparent Visitation and Adoption**

*In re Parentage of E.A.*, \_\_\_\_\_ Kan. \_\_\_\_\_, 560 P.3d 1149 (2024): Paternal Grandfather (“Grandfather”) appealed the district court’s rulings in two separate matters involving a minor child he helped raise. First, he challenged the district court’s denial of his petition to intervene in a pending adoption proceeding, asserting that he qualified as an interested third party. Second, he appealed the court’s dismissal of his paternity petition, in which he claimed presumed parent status under K.S.A. 23-2208(a)(4).

Two unwed parents, Mother and Father, had a child in 2012. When the child was seven months old, they allowed Grandfather to take custody of the child and raise him as his own. In 2013, the court granted Father temporary sole custody and awarded Mother supervised visitation. In 2014, Father relinquished custody of the child to Grandfather. In 2018, Father signed a document titled “Consent to Adoption of Minor Child,” agreeing to allow Grandfather to adopt the child. However, this document was never filed with the court and expired six months after it was executed.

The minor child lived with Grandfather from 2013 until 2019. On May 31, 2019, Paternal Grandmother (“Grandmother”) and Grandmother’s Husband asked for visitation with the minor child. Grandmother and Grandmother’s Husband never returned the child to Grandfather. Unknown to Grandfather, Grandmother had filed a Petition to adopt the minor child the week prior.

On June 17, 2019, Grandfather attempted to intervene in the adoption proceeding, including by filing a motion asserting that he was an interested third party. The district court denied his petition, finding that he lacked statutory standing. Specifically, the court determined that Paternal Grandfather did not qualify as a “party in interest” under K.S.A. 59-2112(h), Grandparents are not included in the definition, and Father’s paternity had already been established, the court concluded that Grandfather lacked standing to participate in the adoption case.

On June 18, 2019, after denying Grandfather’s petition to intervene, the adoption court issued a decree granting the adoption of the minor child to Grandmother and her husband. As part of that order, the court terminated the parental rights of both biological parents.

On June 21, 2019, Grandfather filed a motion asking the court to reconsider its ruling, stay the adoption proceedings, or, in the alternative, treat the filing as a notice of appeal. These motions

remained pending on the court's docket for more than three years, until July 2022, when the court formally denied them and entered a final adoption order.

Grandfather filed a paternity action in district court, asserting that he was the child's presumed father under K.S.A. 23-2208(a)(4), based on the parental relationship he had maintained with the child. He also argued that Father had consented to Grandfather's legal custody. The district court dismissed the action, concluding that Grandfather lacked statutory standing to bring the paternity claim. The court further held that his claims were barred by collateral estoppel because the adoption court had already addressed these same issues when it denied his petition to intervene and allowed the adoption to proceed in June 2019. Since those earlier rulings were final and involved the same facts and legal questions, the court found that Grandfather could not relitigate them in a separate proceeding. The court also reasoned that Father's previously established legal paternity foreclosed any presumption of paternity in favor of Grandfather under K.S.A. 23-2208(a)(4).

On appeal, the Court of Appeals affirmed the district court's ruling and denied Grandfather relief under *In re Parentage of E.A.*, 62 Kan. App. 2d 507, 509, 518 P.3d 419 (2022). The Court of Appeals applied *In re M.F.*, 312 Kan. 322, 475 P.3d 642 (2020) and ruled that Grandfather did not timely petition the court to acknowledge his paternity of the minor child. The Court of Appeals also ruled that the proper venue for the action was in the adoption case. However, the Court of Appeals reversed the adoption court and remanded for another hearing. The Court of Appeals directed the district court, under K.S.A. 2023 59-2401a(e)(8) to grant Grandfather interested third party status and to allow Grandfather to present evidence supporting his paternity of the minor child.

Grandfather requested review of the paternity case, while Grandmother and Grandmother's Husband requested review of the adoption case. The Kansas Supreme Court granted the review and consolidated both cases.

The Kansas Supreme Court reversed the Court of Appeals' ruling in the parentage case and affirmed its decision in the adoption matter. The Court held that Grandfather was an "interested party" under multiple provisions of K.S.A. 2023 Supp. 59-2401a(e), thereby entitling him to participate in the proceedings. First, under subsection (e)(1), Grandfather qualified as an "alleged father" by initiating a paternity action. Second, under subsection (e)(7), he qualified as an "interested party" as the petitioner in the case on appeal. Finally,

the Court noted that under subsection (e)(8), the district court had discretion to grant interested party status to “any other person,” which further supported Grandfather’s involvement in the case.

In addition to these statutory designations, the Court emphasized that Grandfather had presented compelling evidence of his longstanding role as the child’s de facto parent and primary caregiver. His cross-petition in the adoption case reflected his intent to formally adopt the child, and the evidence supported his claim to standing based on the substantive nature of the relationship.

Accordingly, the Kansas Supreme Court vacated the adoption decree and remanded both the paternity and adoption proceedings for further action. The Court directed the district court to consolidate the two cases and allow Grandfather to fully present his claims and evidence. REVERSED AND REMANDED IN PART AND AFFIRMED IN PART.

### **III. PUBLISHED KANSAS COURT OF APPEALS DECISIONS**

#### **A. Personal Injury Settlement in Property Division**

*In re Marriage of Meek.*, 64 Kan. App 2d 270, 551 P.3d 127 (2014): Husband appealed the district court’s decision that classified Wife’s personal injury settlement and annuity payments as her separate property and excluded them from the marital estate in their divorce case. The parties were married in November 2009. In February 2013, Husband was seriously injured in an explosion in Kansas City, Missouri. Both parties filed personal injury claims. Husband brought claims for negligence and strict liability. Wife asserted a claim for loss of consortium.

In July 2015, they entered into a confidential settlement agreement. Each party received a lump sum payment, and the remainder of the settlement funds was used to purchase annuities that would provide monthly and periodic payments for the rest of their lives, with guaranteed payments through 2045.

In December 2017, Wife filed for divorce. The parties were unable to agree on how to divide the annuities. Mediation was unsuccessful, and due to the complexity of the financial issues, the district court appointed a special master in January 2021.

At the August 2021 pretrial conference, the parties agreed to submit the special master’s report to the court. Wife maintained that the annuities were individually awarded and not subject to division. Husband argued that Wife received a substantial amount for her loss of consortium claim and that it would be inequitable for her to retain the full benefit. The special master

recommended applying the analytical approach to determine whether the annuities were marital or separate property.

At trial, both parties submitted proposed marital property worksheets. Wife did not include her annuity in hers. In January 2022, the district court entered its Journal Entry of Divorce. It awarded Husband spousal maintenance and included the annuity payments as income, but it ultimately classified the annuities as separate property and excluded them from division. The court reasoned that the parties had agreed to the classification during the settlement and suggested that *res judicata* barred further review.

Husband appealed, arguing that the district court misapplied Kansas law by excluding the annuities from the marital estate.

The Court of Appeals concluded that the district court erred as a matter of law by applying the analytical approach instead of the clear statutory framework in K.S.A. 23-2801. That statute provides that all property owned by either spouse at the time of filing for divorce becomes marital property, including property described in K.S.A. 23-2601, such as separate property.

Because the district court failed to include the annuities in the marital estate, it could not proceed to a proper equitable division under K.S.A. 23-2802. The appellate court reversed and remanded with directions for the district court to reclassify the personal injury annuities as marital property and to reconsider whether the overall division remains equitable.

REVERSED AND REMANDED WITH DIRECTIONS.

## **B. Psychological Evaluation Under Daubert**

*In re Marriage of L.F. & M.F.*, \_\_\_\_ Kan. \_\_\_\_, 562 P.3d 1014 (2025): Mother appealed the district court's rulings concerning parenting time and child support. She also challenged the admissibility of psychological evaluations conducted by a court-appointed expert.

Mother and Father divorced in 2018 and agreed to a parenting plan for their three children. Both parties later filed motions to modify the parenting plan, each alleging abuse and poor parenting by the other.

In response to the allegations, the Guardian ad Litem requested, and the district court ordered, psychological evaluations and parenting assessments with Dr. Prado, pursuant to K.S.A. 23-3210 and Johnson County Local Rule 23.

At the evidentiary hearing, Mother moved to exclude Dr. Prado's psychological evaluations and parenting assessments, arguing they were inadmissible under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and K.S.A. 60-456 due to flawed methodology and unreliable conclusions.

The district court initially scheduled a *Daubert* hearing but later canceled it, finding that such a hearing was unnecessary. The court held that evaluations conducted under K.S.A. 23-3210 are governed by that statute's framework, which allows for challenges to the reports through cross-examination and rebuttal by expert testimony. Because Dr. Prado was a court-appointed investigator acting under K.S.A. 23-3210, the court concluded that *Daubert* did not apply.

After hearing testimony and reviewing the evidence, including challenges raised by Mother's own experts, the district court admitted Dr. Prado's reports and issued updated orders regarding parenting time and child support.

On appeal, Mother argued that the district court erred by admitting Dr. Prado's reports and related testimony, which she claimed unfairly influenced the court's parenting time decision. She contended the district court failed in its gatekeeping role by not holding a *Daubert* hearing and maintained that K.S.A. 60-456, which governs the admissibility of expert testimony, applied regardless of the court's authority under K.S.A. 23-3210 (formerly K.S.A. 60-1615). Father responded that K.S.A. 23-3210 controlled and superseded K.S.A. 60-456 in this context.

Mother further asserted that K.S.A. 23-3210 authorizes psychological evaluations only of the children, not of the parents. The Court of Appeals rejected this interpretation, holding that Mother's reading ignored the statute's broader legislative intent. K.S.A. 23-3210 authorizes investigations and reports concerning legal custody, residency, visitation, and parenting time. It expressly permits the investigator to "consult any person who may have information about the child and the potential legal custodial arrangements." See K.S.A. 23-3210(b).

Mother also argued that Dr. Prado's reports should have been excluded because K.S.A. 23-3210 authorizes only custody evaluations. The Court disagreed, holding that the statute does not limit the investigator's authority to custody matters alone. Instead, it allows for comprehensive

reporting on all parenting issues, including residency, visitation, and parenting time. The Court concluded that Dr. Prado's reports were well within the scope authorized by K.S.A. 23-3210.

Even if the reports were authorized under K.S.A. 23-3210, Mother argued, they were not automatically admissible and still had to satisfy the evidentiary standards in K.S.A. 60-456. The Court of Appeals rejected that argument, stating that under K.S.A. 60-402 and K.S.A. 23, the general rules of evidence apply in family law cases unless specifically superseded. Because K.S.A. 23-3210 creates a distinct process for court-appointed evaluations, the Court found that *Daubert* and K.S.A. 60-456 did not apply to such reports.

The Court also noted that under *Fed. R. Evid. 702*, exclusion of expert testimony is the exception rather than the rule. Dr. Prado's reports helped streamline the proceedings and provided insight into the parenting dynamics at issue. Moreover, Mother had ample opportunity to challenge Dr. Prado's conclusions, both through cross-examination, as permitted under K.S.A. 23-3210(c), and through the testimony of her own expert witnesses.

Mother also challenged the district court's allocation of parenting time. She argued that the court failed to find Father untruthful and did not appropriately weigh his history of domestic violence or her own issues with alcohol use. The Court of Appeals found no error, concluding that the district court properly considered the relevant statutory factors under K.S.A. 23-3203 and issued detailed findings to support its decision.

Mother further argued that the district court improperly allocated Guardian ad Litem fees between the parties. She alleged that the GAL colluded with Father and that discovery should have been reopened. The Court of Appeals found no evidence of collusion and affirmed the district court's decision to deny Mother's motion to reopen discovery.

Mother also appealed the district court's child support calculation, specifically its inclusion of capital gains in her gross income. She contended that the gains resulted from the liquidation of assets used to fund her divorce. The Court of Appeals upheld the calculation, finding that Mother routinely relied on income beyond her means to cover expenses and that the Kansas Child Support Guidelines include regular and periodic income, such as capital gains, in the gross income calculation. The fact that she used the funds for divorce expenses did not alter their classification as income.

The Court of Appeals affirmed the district court's decision in its entirety. It held that the district court did not err in admitting the expert reports, determining parenting time, allocating Guardian ad Litem fees, or calculating child support. The Court declined to consider any additional arguments not properly preserved for appeal.

AFFIRMED.

#### **IV. UNPUBLISHED KANSAS COURT OF APPEALS DECISION**

##### **A. Parenting Time**

*In re C.D.*, No. 126,302, 2024 Kan. App. Unpub. LEXIS 129, 2024 WL 1694900 (Kan. App. Apr. 19, 2024) (unpublished opinion): Wife appealed the district court's modification of residential custody. She had primary residency of the children and notified Husband of her intent to move. Husband objected and requested primary residency if she relocated. The district court ruled that if Wife moved, Husband would receive primary residency, and if she did not, the parties would share residency. Wife later stated she would not move and requested reconsideration, arguing there was insufficient evidence to support shared residency. The district court denied her motion, citing her interference with Husband's parenting time and her significant steps toward relocating.

On appeal, Wife challenged the finding of a material change in circumstances, the best interest analysis supporting the change in custody, and the shared residency order. The Court of Appeals found that Wife's planned and substantially executed move constituted a material change, and that the district court's ruling was supported by substantial competent evidence. Because Wife failed to adequately brief how the shared residency order was in error, that argument was deemed waived.

AFFIRMED.

*In re Marriage of S.K.*, No. 126,752, 2024 Kan. App. Unpub. LEXIS 526, 2024 WL 5103039 (Kan. App. Dec. 13, 2024) (unpublished opinion): Mother appealed the district court's denial of her motion to adopt the Guardian ad Litem's (GAL) proposed modifications to the parenting plan and her motion for reimbursement of unauthorized credit card charges. After the parties' 2021 divorce, Father was granted primary custody, and the court adopted a phased parenting plan based on the GAL's recommendations. Although Mother later satisfied the requirements of Step One, and the GAL recommended expanded visitation, her subsequent arrest and incarceration in late 2022 triggered a reversion to supervised visits. Upon release, Mother

sought to re-adopt the GAL's proposed modifications, citing her children's increased independence and alleged lack of supervision by Father. She also requested reimbursement for credit card charges incurred by one child during her incarceration. The district court denied both motions, finding no material change in circumstances warranting modification and concluding it lacked authority to rule on the reimbursement claim.

The Court of Appeals affirmed the custody ruling, holding that the events cited by Mother reflected normal developments rather than unforeseen changes. Although the Court disagreed with the lower court's conclusion that it lacked jurisdiction to address the reimbursement issue, it upheld the denial on the merits, finding that Grandmother, who had power of attorney, failed to act to prevent the charges.

AFFIRMED.

*In re S.L.W.*, No. 128,075, 2025 Kan. App. Unpub. LEXIS 94 (Kan. App. Feb. 21, 2025) (unpublished opinion): Father appealed the district court's decision awarding Mother primary residential custody of their 14-year-old child. The parties had followed a parenting plan since 2015, with Father having residential custody. In 2023, Mother moved to modify custody, citing the child's preferences and concerns about being left alone while with Father. During a private interview with the court, the child expressed a strong desire to live with Mother, noting arguments with Father, unequal treatment compared to half-siblings, and being expected to babysit. The district court found that awarding Mother residential custody was in the child's best interest and modified the parenting plan accordingly.

On appeal, Father argued the court abused its discretion by not finding him unfit and claimed the decision was based solely on the child's wishes. The Court of Appeals rejected this, citing *Moudy v. Moudy*, 211 Kan. 213, 505 P.2d 764 (1973), which holds that a parent's unfitness is not required to modify custody. The Court also noted that Father failed to object to the district court's factual findings and legal conclusions, waiving the issue on appeal. Even if preserved, the Court found the district court's ruling supported by substantial evidence and consistent with K.S.A. 23-3203. The child's age and preference were appropriately considered in determining her best interests.

AFFIRMED.

## **B. Step Parent Adoption**

*In re Adopt. Of S.L.*, No. 127,101, 127,102, 2024 Kan. App. Unpub. LEXIS 284, 2024 WL 3548732 (Kan. App. July 26, 2024) (unpublished opinion): Stepmother appealed the district court's denial of her stepparent adoption petitions, which were based on claims that Mother was unfit due to her failure to pay child support and assume parental duties over a two-year period. Although Mother admitted to not paying support, the district court found that Stepmother failed to provide sufficient evidence of Mother's financial capacity, including her income and expenses, to establish the statutory presumption of unfitness under K.S.A. 59-2136(h)(3). The court also noted that documentation regarding Mother's employment and maternity leave was lacking, making it impossible to determine whether she had the financial means to comply with the support order. Stepmother also argued that Mother was unfit under K.S.A. 59-2136(h)(1)(G) for failing to assume the duties of a parent. The district court rejected this, finding that despite missed visits and unpaid support, Mother made some effort to maintain contact and preserve a relationship with the children.

The Court of Appeals affirmed, holding that the district court properly found Stepmother failed to meet her burden of proving unfitness by clear and convincing evidence and declined to reweigh conflicting testimony on appeal.

AFFIRMED.

### **C. Grandparent Visitation**

*T.D. v. B.R.*, No. 126,565, 2024 Kan. App. Unpub. LEXIS 437, 2024 WL 4579138 (Kan. App. Oct. 25, 2024) (unpublished opinion): Following Mother's death in 2021, the district court awarded custody of the minor child to Father, despite the child having lived with the maternal grandparents and his half-siblings. Although Father initially maintained regular contact between the child and grandparents, tensions arose when he proposed a structured visitation schedule, which grandparents rejected. They later petitioned the court for formal visitation. While both parties agreed that maintaining the relationship was in the child's best interest, the district court adopted grandparents' proposed schedule over Father's objections.

On appeal, Father argued that the district court failed to apply the constitutional presumption that a fit parent's decisions regarding visitation are presumed to be in the child's best interests. The Court of Appeals agreed, citing *Troxel v. Granville*, 530 U.S. 57, 65-66, 120 S. Ct. 2054, 147 L.Ed. 2d 49 (2000), and found that because Father's proposed schedule was reasonable, the court should have given it greater deference. The district court's failure to apply the proper legal standard warranted reversal.

REVERSED AND REMANDED.

#### **D. Protection from Stalking**

*C.A. v. A.D.*, No. 126,269, 2024 Kan. App. Unpub. LEXIS 271 (Kan. App. July 31, 2024) (unpublished opinion): A.S. appealed the district court's denial of her requests for expense reimbursement, punitive damages, and return of personal property following cross-petitions under the Protection from Stalking Act. After procedural delays and C.A.'s eventual failure to appear, the court dismissed her petition and granted a one-year protection order in favor of A.S. and her children. A.S. also sought sanctions, alleging C.A. made false statements in her pleadings. However, she did not cite legal authority for sanctions at the trial level and later relied on K.S.A. 60-211 on appeal. The district court denied her claims for damages and return of property, advising she could pursue those through separate civil action, and later denied her request for reimbursement of expenses.

The Court of Appeals affirmed, holding that the district court did not abuse its discretion in refusing to impose sanctions under K.S.A. 60-211. The panel found no legal or factual error and emphasized that the decision was not arbitrary or unreasonable. A.S. remained free to seek alternative remedies through other civil proceedings.

AFFIRMED.

*H.R.M. v. J.L.C.*, No. 126,699, 2025 Kan. App. Unpub. LEXIS 140 (Kan. App. Mar. 21, 2025) (unpublished opinion): , J.L.C. appealed the district court's issuance of a final Protection from Stalking (PFS) order, arguing that the matter was moot due to an existing no-contact provision in a diversion agreement from a related criminal case. The PFS petition stemmed from J.L.C. placing a tracking device on H.R.M.'s vehicle. J.L.C. claimed that the criminal diversion agreement's no-contact condition rendered the civil protection order unnecessary. The district court rejected this argument, finding that the civil PFS proceeding was independent from the criminal case and involved distinct legal standards.

The Court of Appeals affirmed, holding that the civil and criminal matters addressed different issues—namely, whether H.R.M. was entitled to protection under civil stalking laws. The Court further found that J.L.C. failed to provide the diversion agreement in the record on appeal or request judicial notice of the criminal proceeding, preventing the Court from making a meaningful comparison. Even based on J.L.C.'s own description, the Court noted the protections offered by the two orders appeared materially different.

AFFIRMED.

### **E. Child Support**

*In Re LawS.*, No. 125,656, 2024 Kan. App. Unpub. LEXIS 198, 2024 WL 2795275 (Kan. App. May 31, 2024) (unpublished opinion): The Court of Appeals reversed the district court's order imposing nearly two years of retroactive child support. Although Wife filed a motion for temporary support in 2020, she did not preserve the issue in the pretrial order or request a timely ruling. After trial concluded, the district court amended its judgment and made the final child support amount retroactive to March 2020 without recalculating support based on the circumstances at the time. The Court held this violated K.S.A. 23-3005 and 23-2707, as well as Husband's due process rights. It emphasized that a K.S.A. 60-259(f) motion cannot be used to raise new issues post-judgment. The retroactive support award was reversed and vacated.

On cross-appeal, Wife challenged the district court's decision to set aside the original decree under K.S.A. 60-260(b), arguing the court should have modified the decree rather than vacate it. The Court rejected that argument, finding that the district court properly granted relief from judgment due to material misrepresentations and inequitable provisions regarding spousal and child support. Wife's request for attorney fees under Supreme Court Rule 7.07 was also denied. The remainder of the district court's rulings were affirmed. REVERSED IN PART AND AFFIRMED IN PART.

*In re K.C.*, No. 126,566, 2024 Kan. App. Unpub. LEXIS 237, 2024 WL 3219266 (Kan. App. June 28, 2024) (unpublished opinion): Father appealed the district court's decision affirming an administrative ruling that set the effective date of Mother's child support obligation. After gaining temporary custody of the children, Father filed a motion to modify support but failed to include a child support worksheet or request a specific retroactive start date for Mother's obligation. At the administrative hearing, the parties agreed to terminate Father's obligation as of December 31, 2021, and offset his \$12,406.92 arrears with Mother's future support. The hearing officer set her obligation at \$1,204/month beginning February 1, 2023, the date a worksheet was first properly filed, and declined to apply a retroactive date, citing equity concerns and Father's prior arrears. On review, the district court upheld the decision, finding no abuse of discretion.

The Court of Appeals affirmed, holding that under K.S.A. 23-3005(b), retroactive child support is discretionary and may, but need not, be applied from the first of the month following the motion's filing. Given Father's procedural omissions and prior support delinquency, the

decision to make Mother's obligation effective as of the hearing date was within the court's discretion. Both parties were ordered to pay their own fees, and appellate attorney fees were denied.

AFFIRMED.

*In re S.W.*, No. 126,234, 2024 Kan. App. Unpub. LEXIS 313, 2024 WL 3874107 (Kan. App. Aug. 16, 2024) (unpublished opinion): Husband appealed the district court's order requiring him to reimburse Wife for his share of daycare and therapy expenses, arguing the costs stemmed from a protection from abuse (PFA) case and that the court lacked authority to modify child support within that proceeding. The parties had divorced in 2021, with Wife receiving primary residential custody and Husband ordered to pay child support. Six months later, Wife filed a PFA petition, which was ultimately dismissed for lack of evidence, though the court found her actions reasonable based on DCF information. During the PFA trial, the court also issued temporary orders in the underlying divorce case addressing daycare costs, reintegration, therapy, and supervised parenting expenses, calculated using the most recent child support worksheet.

On appeal, Husband argued the daycare order improperly modified child support and violated the Kansas Child Support Guidelines. The Court of Appeals dismissed the appeal for lack of jurisdiction, finding the order was not final. Although the district court stated its ruling was final, it allowed further arguments on the reasonableness of the expenses and had not entered a subsequent ruling resolving that issue. As a result, the Court held that no final judgment existed and declined to hear the appeal.

DISMISSED.

*State ex rel. Sec'y of Dep't for Child. v. C.L.H.*, No. 126,573, 2024 Kan. App. Unpub. LEXIS 429, 2024 WL 4579200 (Kan. App. Oct. 25, 2024) (unpublished opinion): Father appealed the district court's dismissal of his pro se petitions challenging a 2005 child support order and associated arrears, alleging that Mother fraudulently obtained the order without his knowledge. After being served in July 2005, Father failed to appear at the hearing, resulting in a default judgment. Though no support was initially ordered due to Father living with the children, the court later imposed support after learning of his incarceration. In 2022, Father sought relief from the arrears, but the district court found it

lacked authority to grant such relief and noted Father failed to provide any legal basis for his request.

The Court of Appeals affirmed, holding that Father failed to follow required procedural rules and did not properly brief his claims under Kansas Supreme Court Rule 6.02. His arguments lacked legal support, failed to address the district court's ruling, and did not respond to the State's assertion that his request was time-barred under K.S.A. 60-260(c). Because improperly briefed issues are deemed waived or abandoned, the Court affirmed the district court's dismissal.

AFFIRMED.

#### **F. Division of Property**

*In re B.L.*, No. 126,061, 2024 Kan. App. Unpub. LEXIS 139, 2024 WL 1827252 (Kan. App. Apr. 26, 2024) (unpublished opinion): Husband appealed the district court's divorce decree and its denial of his post-judgment motion. Following trial, the district court entered a decree addressing custody, parenting time, child support, and the division of property and debts. Husband later filed a motion for relief from judgment, alleging Wife lied under oath, the division of assets and debts was inequitable, and he was entitled to more summer parenting time. The district court denied the motion.

On appeal, Wife challenged jurisdiction, arguing Husband's notice of appeal was untimely. The Court of Appeals held that while Husband's K.S.A. 60-260(b) motion was timely, it did not toll the time to appeal the original divorce decree under K.S.A. 60-2103(a). As such, the appeal of the decree itself was dismissed. Addressing the denial of post-judgment relief, the Court found Husband failed to provide evidence or meaningful legal argument to support claims of fraud, mistake, or improper consideration of statutory factors.

DISMISSED IN PART, AFFIRMED IN PART.

*In re Elfgren*, No. 126,458, 2024 Kan. App. Unpub. LEXIS 199, 2024 WL 2789635 (Kan. App. May 31, 2024) (unpublished opinion): Husband appealed the district court's division of marital property following a long-term marriage dissolution, challenging findings related to dissipation, property valuation, and the resulting equalization payment.

The Court of Appeals rejected most of his claims, including challenges to the use of a cost-of-sale adjustment, valuation of personal property, credit for property taxes, and the district court's finding of dissipation totaling \$527,090. The Court found that Husband failed to preserve or support several arguments with evidence or legal authority, particularly regarding alleged separate

property and excluded debts. The district court's finding of dissipation and overall property division was upheld.

However, the Court agreed with Husband that the district court erred by using inconsistent valuation dates for the mortgage balance and the home's market value, which distorted the equity calculation and impacted the equalization payment. As a result, the Court of Appeals reversed that portion of the judgment and remanded the case for recalculation using consistent valuation dates. Wife's request for appellate attorney fees was denied.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED WITH DIRECTIONS.

*In re S.P.*, No. 126,858, 2024 Kan. App. Unpub. LEXIS 311, 2024 WL 3874177 (Kan. App. Aug. 16, 2024) (unpublished opinion): Wife appealed the district court's custody and property division orders following her divorce from Husband. The court granted shared custody of the minor child, finding it in the child's best interest. Wife was ordered to assume several debts and refinance them in her name due to allegations that she had fraudulently created debts in Husband's name. If unable to refinance, she would owe Husband an equity payment.

On appeal, Wife argued that the district court failed to properly apply the statutory factors under K.S.A. 23-2802(c) in dividing the marital property and debts. The Court of Appeals affirmed, finding the district court properly applied the relevant statutory factors and fairly allocated debt in lieu of an equity payment, since Husband did not request a monetary award. Wife also challenged the custody ruling, arguing the district court failed to consider the factors under K.S.A. 23-3203(a), but the Court held that the district court discussed and considered each required factor in determining that shared custody was appropriate.

AFFIRMED.

*In re Steele*, No. 127,674, 2024 Kan. App. Unpub. LEXIS 506, 2024 WL 5002053 (Kan. App. Dec. 6, 2024) (unpublished opinion): Husband appealed the district court's division of marital property following a two-year marriage. The court found that the real property was Wife's premarital asset, supported by her down payment and improvements made before the marriage. It also awarded each party their own retirement and pension accounts and included proceeds from Husband's accident insurance settlement in the

property division. Husband argued the court abused its discretion and claimed no reasonable person would agree with the division.

The Court of Appeals affirmed, holding the district court acted within its broad discretion under K.S.A. 23-2801. Citing *In re Marriage of Vandenberg*, 43 Kan. App. 2d 697, 229 P.3d 1187 (2010), the Court noted that property must be divided in a just and reasonable manner, not necessarily equally. The district court relied on substantial competent evidence in making its determinations, and while other courts might have divided the property differently, the division here was not unreasonable.

AFFIRMED.

*In Re Boorigie*, No. 127,951, 2025 Kan. App. Unpub. LEXIS 95 (Kan. App. Feb. 21, 2025) (unpublished opinion): Husband appealed the district court's decision to adopt the amended journal entry of divorce and division of property, which was filed by Wife through her motion to settle the journal entry as a motion to alter or amend the judgment. He argued that Wife's motion was untimely and that the court erred in ruling on the matter without holding an evidentiary hearing. Additionally, he contended that the court improperly considered Wife's memorandum in response to his objection, asserting that such a response was not permitted under Supreme Court Rule 170 (2024 Kan. S. Ct. R. at 234).

The parties were married in 1987, but Wife filed for divorce in March 2020. The case proceeded to trial in August 2022. In February 2023, the district court issued a memorandum journal entry and decree of divorce, finding that Husband had withdrawn \$350,942 after Wife filed for divorce, in violation of the temporary restraining orders. As a result, the court ordered Husband to return half of that amount, \$175,471, to Wife as her share of the withdrawn funds. Husband made a payment in March 2024.

Additionally, the district court awarded Wife 88% of the 6 Meridian account; however, distribution of those funds was stayed pending the assessment of Husband's interest in Worldwide Entertainment, LLC. The court determined that insufficient evidence was presented at trial to establish the value of Husband's interest in the company. The district court retained jurisdiction to modify the division of assets once the value of Worldwide Entertainment, LLC was established. The court also ordered the parties to exchange information and work toward reaching an agreement regarding the valuation of Husband's interest in Worldwide Entertainment, LLC.

Counsel for Husband sent a settlement offer to Counsel for Wife, which Wife accepted. Following this agreement, Wife filed a motion to settle the journal entry based on the parties' agreed-upon valuation.

At the hearing, Counsel for Husband advised the court to either appoint an independent evaluator to assess the business's value, accept Wife's proposed valuation, hold an evidentiary hearing, or adopt Husband's proposed valuation of zero. The court ultimately adopted Wife's valuation, relying on Husband's prior settlement offer and Wife's acceptance.

Additionally, the journal entry restricted Husband's access to funds in the 6 Meridian account until he made the required equalization payment to Wife. Husband filed an objection, arguing that an equalization payment was not ordered. In response, Wife filed a memorandum explaining that the court had adopted her journal entry, which explicitly included the equalization payment.

On January 22, 2024, an amended journal entry was untimely filed, ordering Husband to make an equalization payment within 30 days and prohibiting him from altering any marital assets awarded to him until the payment was made. When Husband failed to make the equalization payment, Wife obtained an order to garnish the funds. However, upon service, 6 Meridian informed both Wife and the court that no funds were available, as Husband had removed the funds on February 16, 2024.

On February 20, 2024, Husband filed a motion requesting the court to alter or amend its judgment, arguing that the district court erred in dividing the assets and modifying spousal maintenance. Wife agreed to amend the spousal maintenance portion but not for the same reasons as Husband. A hearing was held in May 2024, during which the district court denied Husband's motion to alter or amend the judgment, except for the spousal maintenance modification, which was granted based on the parties' agreement.

Husband appealed the district court's adoption of the amended journal entry of divorce and property division, arguing that Wife's motion was untimely and that the court erred by ruling without an evidentiary hearing. He also contended that the court improperly considered Wife's memorandum in response to his objection, claiming it was not permitted under Supreme Court Rule 170 (2024 Kan. S. Ct. R. at 234).

In response, Wife argued that Husband's appeal should be dismissed because he acquiesced to parts of the judgment by withdrawing funds from the 6 Meridian account and making a separate disgorgement payment to her as required by the district court's orders.

The Court of Appeals provided a detailed analysis of the acquiescence doctrine, emphasizing that acquiescence occurs when a party voluntarily accepts the benefits or assumes the burdens of a judgment being contested on appeal. However, not all compliance constitutes acquiescence. A party does not lose the right to appeal by complying with an order under threat of contempt or when compliance involves a matter severable from the issues on appeal.

Here, the Court found that Husband's separate disgorgement payment to Wife did not amount to acquiescence because it was made in compliance with earlier court orders addressing his violation of temporary restraining orders and was distinct from the division of property finalized in the amended journal entry. The Court noted that this disgorgement obligation was imposed before the contested valuation and equalization issues arose, and therefore did not waive his right to appeal the later rulings.

However, the Court found that Husband's withdrawal of the remaining funds from the 6 Meridian account did constitute acquiescence. Although those funds had been awarded to Husband in the amended division of property, the court had explicitly prohibited him from accessing them until he paid the equalization amount owed to Wife. By removing the funds in violation of this condition, Husband accepted the benefits of the judgment while attempting to avoid its burdens. The Court concluded that he could not invoke appellate review to challenge the very order under which he had already taken advantage of its favorable terms. This conduct directly undermined his appeal.

In support, the Court cited *Cybertron International, Inc. v. Capps*, No. 122,439, 2022 WL 128842 (Kan. Ct. App. Jan. 14, 2022) (unpublished opinion), which held that a party forfeits appellate review when its actions to enforce or benefit from a judgment are inconsistent with the claims being pursued on appeal. The Court applied that reasoning here, noting that Husband's actions in taking the funds awarded under the amended division of property were incompatible with his effort to overturn that same judgment.

Because Husband had acquiesced in the judgment through his conduct, the Court of Appeals dismissed the appeal. It also noted that even if the appeal had not been dismissed, the remaining issues were either improperly briefed, not preserved, or lacked merit.

DISMISSED.

### **G. Enforcement of Settlement Agreement**

*In re Rrapaj*, No. 126,386, 2024 Kan. App. Unpub. LEXIS 306, 2024 WL 3738411 (Kan. App. Aug. 9, 2024) (unpublished opinion): Husband appealed the district court's order granting Wife's motion to enforce a separation and property settlement agreement following their 30-year marriage. Wife initially sent a settlement offer in November 2021, which Husband accepted with minor changes in August 2022. Wife formally accepted those changes, but Husband later attempted to renegotiate. The district court found a valid agreement existed and granted Wife's motion to enforce it.

Husband appealed, arguing there was no meeting of the minds and insufficient evidence to support the agreement. The Court of Appeals affirmed, holding that the district court had ample evidence—including expert testimony—of the parties' financial circumstances and properly found that a binding agreement had been reached. The Court rejected Husband's claim that the agreement was incomplete, noting that Wife had clearly accepted his proposed changes. The Court also awarded Wife attorney fees, citing her good faith efforts to resolve the matter and Husband's continued obstruction.

AFFIRMED.

### **H. Representation by Family Member**

*In re M.D.*, No. 126,599, 2024 Kan. App. Unpub. LEXIS 420 (Kan. App. Oct. 18, 2024) (unpublished opinion): Father appealed the district court's decision to disqualify his father ("Grandfather") as his attorney, modify the parenting plan, and alleged due process violations. After a lengthy post-divorce litigation history, the district court sanctioned Father for refusing to undergo a court-ordered psychological evaluation and for improperly obtaining and sharing portions of Mother's evaluation. His parenting time was suspended and later modified to supervised visits. Following several judge recusals, Grandfather entered an appearance as Father's attorney. The district court ultimately disqualified Grandfather under KRPC 3.7 (Lawyer as a Witness), citing his active involvement, financial role in the case, prior testimony, and a PFA order involving a child.

Father also challenged the district court's custody modification, arguing it was granted without a formal hearing and failed to consider the K.S.A. 23-3203 factors. The Court of Appeals rejected these arguments, finding the motion was properly filed without

oral argument under Supreme Court Rule 133(c), and Father failed to object or respond. The Court found substantial evidence supported both the disqualification of Grandfather and the modification of custody, emphasizing that Father's failure to exercise parenting time constituted a material change in circumstances.

AFFIRMED.

### **I. SCRA**

*In re C.M.*, No. 127,280, 2024 Kan. App. Unpub. LEXIS 541, 2024 WL 5231448 (Kan. App. Dec. 27, 2024) (unpublished opinion): Husband appealed district court orders related to the dissolution of his marriage. Although Wife did not initially respond to the divorce petition, the parties continued to litigate while Husband was deployed in Kuwait. A hearing was held on September 14, 2023, which Husband attended in person, and the court resolved the issues in the divorce. However, before Husband could appeal, his attorney passed away, and he proceeded pro se.

The Court of Appeals raised concerns under the Servicemembers Civil Relief Act (SCRA), which requires that service members be appointed counsel before default judgments are entered against them. The Court also questioned whether the district court's September 14 orders were final and appealable. Because the record lacked clarity on both Husband's military status and the finality of the orders, the Court remanded the case for further findings. The district court was directed to determine whether Husband should have been afforded SCRA protections and to clarify whether its orders constituted final judgments.

REMANDED WITH DIRECTIONS.