

## **Instructions for Paternity Case**

Only Pro-Se forms from our website or the Kansas Judicial Council will be accepted- [www.dc18.org](http://www.dc18.org) or [www.kansasjudicialcouncil.org](http://www.kansasjudicialcouncil.org)

**Read Directions Completely – Please Type or Print Neatly COURT STAFF CANNOT PROVIDE ASSISTANCE OR ADVICE IN COMPLETING FORMS**

**Only single-sided documents are accepted.**

<b>CONTENTS:</b>	Instructions (3 pages);
	Civil Cover Sheet (2 pages);
	Petition for Paternity (3 pages);
	Kansas Payment Center Sheet (1 page);
	Motion for Temporary Order (2 pages);
	Proposed Parenting Plan (7 pages);
	Domestic Relations Affidavit (3 Pages);
	Child Support Worksheet (3 pages);
	Summons (1 page);
	Journal Entry & Decree of Paternity (4 pages);
	Imputed Income Order (1 page);

**Caution:** Use of forms without the assistance of a lawyer could harm your legal rights. You may want to have a lawyer review your completed forms before you file them with the court. These are basic forms and may not cover every situation. Your forms must be complete before they can be approved.

### **FIRST PHASE—**

1. Petitioner: Complete the Civil Information Sheet (the person filing the petition will always be designated the Petitioner; Respondent is person who has been filed against). **All self-represented parties must include an email address.**
2. Complete the Petition, except for the case number. **Sign the Petition in front of a Notary or a Deputy Clerk.** After filing, the clerks will assign the case number.
3. Complete the Motion for Temporary Orders and the Proposed Parenting Plan. Both of these forms are not mandatory at the time of filing, however, a motion for Temporary Orders form will need to be filed before a hearing can be scheduled with the Judge assigned to the paternity case.
4. Complete the Domestic Relations Affidavit. The DRA can be filled out by the Petitioner or both parties. **Sign in front of a Notary or Deputy Clerk.**
5. Complete Child Support Worksheet. The Self Help Center has an app with software that can help you compute child support (Bradley software), or you can request help from the volunteer attorney (limited hours), or during walk in self help times at the Sedgwick County Law Library (limited hours).
6. File the originals with the Clerk of the District Court (6th floor of the Sedgwick County Courthouse). Copies can be made in the clerks' office for a fee.

The filing fee is \$197.00. It can be paid by money order, cashier's check, cash, credit card, or personal check. Please have exact change. A financial affidavit can be filled out and reviewed at the time of filing to reduce the filing fee. **NOTE: If you obtain DCF benefits, it will be your responsibility to provide a file stamped copy to your social worker.**

7. You will obtain a case number from the Clerk of the District Court when you file.

8. **You are required to serve the other party with copies of the pleadings and give them notice of this action.** You cannot serve the other party yourself. Service can be accomplished by: waiver, sheriff's service, special process server, certified mail-return receipt or by publication. You cannot hand or email the papers to the other party.

a) **By Waiver:** Respondent completes the Entry of Appearance and Waiver of Service and **signs it in front of a Notary or Deputy Clerk.** This document can be given to the Petitioner or the Respondent may file it. **or**

b) **By Sheriff's Service:** Complete a Summons provided with this packet. File it along with a \$15.00 money order, cashier's check or cash (Sedgwick County only, cash cannot be mailed to other counties) payable to (*Name of County where service will take place*)\_ County Sheriff's Office. The Clerk will issue the paperwork to the Sheriff's Office. **or**

c) **By Special Process Server:** Petitioner should conduct an internet search for ProcessServers in the geographic area where the party is intended to be served. After contacting the special process server, a Summons will need to be issued by the Clerk of the District Court and included in the documents served to the Respondent. The Petitioner is responsible for paying all fees. **or**

d) **By Mail:** Mail the copies of the court documents by certified mail–return receipt requested to the Respondent's last known address. The Affidavit of Service By Certified Mail and the Postal Form: Return of Service for Certified Mail, **must** be filed with the Clerk of the District Court after service by certified mail (green card) is returned to you to achieve good service. **Respondent must sign for documents.** **or**

e) **By Publication:** If you were not able to provide notice to the other party by one of the above methods, you may be able to provide notice of the divorce by publishing the notice in a local newspaper. In order to obtain "publication service," you **must** request permission to do so by filing the "Affidavit for Service by Publication," and obtaining an order from the assigned judge allowing you to publish notice. After you obtain the signed "Order Allowing Service by Publication", you must then publish notice following the process set out in K.S.A. 60-307. You must obtain "proof of publication" from the newspaper and file the proof with the court. Court personnel cannot help you with this process. The petitioner is responsible for paying for all publication service fees.

#### **SECOND PHASE—**

9. **NO SOONER** than twenty (20) days **after service is complete** (thirty (30) days if

the Respondent is out of state), the Decree of Paternity may be signed by the Petitioner and filed. NOTE: The parties do not have to sign the Decree in front of a Notary.

10. Proof of service, by one of the methods listed above, must be filed at the time the final paperwork is presented to the Clerk.

11. A Permanent Parenting Plan must be filled out. NOTE: The parties do not have to sign the Permanent Parenting Plan in front of a Notary, and the Petitioner may sign the Plan individually or together with the Respondent.

12. The documents can be brought to the 6th floor for approval Monday through Friday from 8:00 a.m. to 4:00 p.m. The Judge will be available during the hours of 9:00 am to 12:00 pm and from 1:30 pm to 4:00 pm.

13. File the proof of service (if not already filed), original Decree, Permanent Parenting Plan, Child Support Worksheet, Vital Statistics form, and the Kansas Payment Center sheet with the Clerk of the District Court.

After the Judge has signed your Decree, make two copies of the Decree and the Permanent Parenting Plan--one copy for yourself and you must mail one copy to the Respondent.

**NOTE: If you are obtaining DCF assistance, you must provide a copy to your DCF worker. If you choose to have the Court Trustee collect your support payments, you must provide a copy to the Court Trustee when you make your appointment with them.**

**Additional District Court Clerk Fees That May Apply:**

**.25 Copies per page**

**1.00 Certified Copy of Paperwork**

**12.50 Garnishments**

**62.00 Motion Filing Fee**

**ATTENTION: If Paternity Decree is not approved by the judge and filed with the clerk within 120 days of original filing, your case may be dismissed after proper notice from the Courts at the address provided by Petitioner at the time of filing.**