

Instructions for Divorce – With Children

Only Pro-Se forms from our website or the Kansas Judicial Council will be accepted-
www.dc18.org or <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. DO NOT print double sided

CONTENTS: Instructions (4 pages);
Civil Cover Sheet (2 pages);
Petition (3 pages);
Kansas Payment Center Sheet (1 page);
Rule 401 Affidavit (2 pages);
Temporary Order (7 pages); Notice
of Intent to Appear (2 pages);
Temporary Parenting Plan (7 pages);
Domestic Relations Affidavit (6 Pages);
Child Support Worksheet (3 pages);
Order to Attend Kids First Parenting Workshop (1
page); Entry of Appearance & Waiver of Service (1
page); Summons (1 page);
Affidavit of Petitioner (1 page) Decree
of Divorce (7 pages); Permanent
Parenting Plan (7 pages);
Certificate of Divorce or Annulment (1 page)
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.

1. Petitioner: Complete the Civil Information Sheet (Person Filing Petition will always be designated the Petitioner; Respondent is person who has been filed against and will always be designated the Respondent). **All self-represented parties must include an email address.**

Items 2 through 5: No line can be blank. If it states —____Husband____Wifell you must check whatever is applicable.

2. Petitioner: Complete the Petition except for the case and court numbers. (Paragraph 7 may be omitted). **Sign the Petition in front of a Notary or a Deputy Clerk.**

3. Petitioner: Complete the Temporary Order and the Kansas Payment Center Sheet.

4. Petitioner: Complete the Temporary Parenting Plan.

5. Petitioner: Complete Rule 401 Affidavit for Ex Parte Temporary Order. **Sign in front of a Notary or a Deputy Clerk.**
6. Petitioner: Complete the Domestic Relations Affidavit—this can be filled out by both parties together for filing or separately. **Sign in front of a Notary or a Deputy Clerk.**
7. Petitioner: Complete Child Support Worksheet.
8. Petitioner: Prepare the Order for Kids First Parenting Workshop. **Enrollment fee of \$60.00 must be paid at time of filing case (Cash or Money Order only).** This workshop must be attended by the Petitioner prior to the final decree being approved. No post-judgment motion filed by the Respondent shall be heard until the Respondent has completed the workshop.
9. Petitioner: Prepare the Notice of Intent to Appear with your case caption at the top.
10. Petitioner: Prepare the Entry of Appearance and Waiver of Summons with your case caption at the top.

There will be a judge available to review and approve your paperwork, including Temporary Orders, Parenting Plans, Child Support Worksheets and Kids First Workshop Orders, Monday through Friday from 9:00 a.m. to noon and from 1:30 p.m. to 4:00 p.m.

Your paperwork must be completely and correctly filled out.

A volunteer attorney will be available to assist with the Child Support Worksheet and Domestic Relations Affidavit on Monday and Wednesday afternoons beginning at 1:00 p.m. They will only be able to assist a limited number of people during each session.

Incomplete or incorrect paperwork will be rejected by the court.

11. File the original of Items 2 through 9 with the Clerk of the District Court (6th floor of the Sedgwick County Courthouse). Copies can be made on the 6th floor 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. **NOTE: If you obtain DCF benefits, it will be your responsibility to provide a file stamped copy to your social worker.**

12. Obtain case and court numbers from the Clerk of the District Court when you file.

13. **You are required to serve the other party with copies of the pleadings and give them notice of the divorce action.** Service can be accomplished by: waiver, sheriff's service, special process server, certified mail-return receipt or by publication.

a) By Waiver: Respondent completes the Entry of Appearance and Waiver of Service and signs it in front of a Notary or Deputy Clerk. If the Respondent is

given a copy of the Petition before it is filed he/she may complete and sign **(notarized)** the Entry of Appearance and Waiver of Service and it may be filed at the same time as the Petition; 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 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 look in the yellow pages of the phone book under "Process Servers;" or

d) By Mail: Complete a Summons provided with this packet and mail it along with a copy of Items 2 through 9 to Respondent. Mail the paperwork by certified mail—return receipt requested. The form: 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. **Respondent must sign for documents;** or

e) By Publication: If you are not able to provide notice to the other party by:
1. having the sheriff deliver a copy of the papers, 2. getting the other person to sign a Voluntary Entry of Appearance, 3. hiring a special process server, or 4. sending notice by certified mail, 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.

SECOND PHASE—NO SOONER THAN 60 DAYS AFTER THE FILING OF THE INITIAL PETITION

14. **NO SOONER** than sixty (60) days **after** the filing of the Petition, the Decree of Divorce **must be filled out completely** and signed by the parties. NOTE: The parties do not have to sign the Decree in front of a Notary, and they may sign the Decree individually or together, and they may sign it either before or after Petitioner has brought the Decree to the courthouse.

15. **Proof of service**, by one of the methods listed in paragraph 13, must be filed at the time the final paperwork is presented to the Clerk.

16. A **Permanent Parenting Plan** must be filled out and signed by the parties. NOTE: The parties do not have to sign the Permanent Parenting Plan in front of a Notary, and they may sign the Plan individually or together, and they may sign it either before or after Petitioner has brought the Plan to the courthouse.

17. Kids First Parenting Workshop Certificate needs to already be on file, or you may bring it with you to court to provide proof of attendance.

18. Petitioner: Complete a Certificate of Divorce as it must be filed with the Clerk of the District Court at the time you file your Decree.

19. Petitioner: Complete the Affidavit of Petitioner and sign it in front of a notary or a Deputy Clerk. This Affidavit must be presented with the completed Decree of Divorce.

20. Decree of Divorce 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.

21. After getting approval, you will proceed to the 6th floor, Family Law Clerks Office to file your paperwork.

22. File the proof of service (if not already filed), original Decree, Affidavit, Permanent Parenting Plan, Kids First Parenting Workshop Certificate (if not already filed) and the Certificate of Divorce 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 SRS assistance, you must prepare one extra copy to file, have it file stamped and provide this copy to your SRS social 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 Divorce is not completed within 120 days, your case may be dismissed after proper notice from the Courts at the address provided by Petitioner at the time of filing.