

CHECKLIST FOR DIVORCE WITH MINOR CHILDREN – KANSAS DISTRICT COURTS

Court staff can provide information but cannot give advice or assist with form completion.

The Kansas Judicial Council provides detailed instructions and online forms to help you. Follow the link or scan the QR code:

<https://www.kjc.ks.gov/legal-forms/divorce/divorce-with-minor-children>



Resources are available to help you find a lawyer and to connect you with legal service programs that offer information and advice. Follow the link or scan the QR code: <https://kscourts.gov/Public/Legal-Help>



Complete the Initial Forms

- ☐ Civil Cover Sheet
- ☐ Self-Represented Litigant Certification Form
- ☐ Petition for Divorce
- ☐ Parenting Plan (proposed)
- ☐ Domestic Relations Affidavit
- ☐ Child Support Worksheet
- ☐ Request and Service Instructions
- ☐ Summons
- ☐ Poverty Affidavit, if unable to pay the \$195 filing fee

File Your Case

- ☐ Check the court's website for local rules on filing for divorce or ask the clerk's office if the judge in your case has any special rules or requirements.
- ☐ Take the original and three copies of your completed initial forms to the clerk for filing.
- ☐ Pay the filing fee or submit the Poverty Affidavit.

Give Legal Notice to Your Spouse and File Proof of Service, CHOOSE ONE:

- ☐ Personal service by sheriff. Pay a Kansas county sheriff to personally serve your spouse. The sheriff will file a Return of Service. If your spouse lives in another state, you can use a sheriff in that state.
- ☐ Return receipt delivery by sheriff. Pay a Kansas county sheriff to serve your spouse by return receipt delivery. The sheriff will file a Return of Service by Return Receipt. If your spouse lives in another state, contact a sheriff in that state to determine if this service is available.
- ☐ Return receipt delivery by you. Send copies of the file-stamped forms to your spouse by certified mail, priority mail, commercial courier service (e.g. UPS or FedEx), overnight delivery service or other reliable delivery service. Make sure to ask for a written or electronic delivery receipt. When you receive the receipt, you must file a Return of Service by Return Receipt.
- ☐ Voluntary entry of appearance. Give copies of the file-stamped forms to your spouse. If your spouse is willing to accept service, they can fill out a Voluntary Entry of Appearance in front of a notary or the clerk and file it as proof of service.
- ☐ Publication. If you can't serve your spouse any other way, ask the court if you can publish notice. You must file a Request and Affidavit for Service by Publication and submit an Order Allowing Service by Publication.

Spouse files their Answer and Other Forms

- ☐ Voluntary Entry of Appearance.
- ☐ Answer. Your spouse can file an Answer to the Petition for Divorce within 21 days of service. Their answer depends on whether they agree or disagree with the information in the Petition. It is also ok if your spouse does not file an answer.
 - ☐ Answer to Petition for Divorce- Agree OR
 - ☐ Answer to Petition for Divorce- Disagree
 - ☐ Parenting Plan (proposed)
 - ☐ Child Support Worksheet
- ☐ Domestic Relations Affidavit
- ☐ Self-Represented Litigant Certification Form

Complete any Required Parenting, Co-Parenting, or Other Required Class

- ☐ If required by your local rules, attend any required parenting, co-parenting, divorce or other required classes and file proof of completion with the court clerk.

Determine if You and Your Spouse Agree on the Terms of your Divorce

Agreement: If you and your spouse agree on how your property, debts, and real estate will be divided and on a parenting plan for your children, work together to write out your agreement and take the following steps:

- ☐ Fill out the Decree of Divorce.
- ☐ Fill out the Parenting Plan (check the box to show you agree to the plan).
- ☐ Fill out an Order Changing Name for any person wanting a name change.
- ☐ Fill out the Child Support Worksheet.
- ☐ Fill out the Kansas Payment Center Form.
- ☐ Fill out the Vital Statistics Worksheet.
- ☐ Contact the court for a final divorce hearing.
- ☐ Go to the final hearing and take copies of all the forms plus a blank Decree of Divorce form.
- ☐ Be prepared to respond to the judge at the hearing. The judge may ask you and your spouse questions about the facts in the Petition for Divorce, why you and your spouse are incompatible and the details of your parenting plan and agreement to divide your property, debts and real estate.

No Agreement: If you and your spouse don't agree on how your property, debts and real estate should be divided, or on a parenting plan for your children, you'll need to take some extra steps to finish your divorce. You may want to talk with an attorney who can advise you and represent you in a trial, if one is required. A divorce without an agreement may take the following steps:

- ☐ Mediation. This is a meeting with a neutral person who can guide you and your spouse toward an agreement on the terms of your divorce. The parties can agree to go voluntarily, or one party can ask the court to order mediation.
- ☐ Discovery. This is the process of getting information from the other party to help you make informed decisions about the terms of your divorce – including property, debts, and how you'll share responsibilities for your children. Discovery can be informal (a party agrees to give the other party the requested information) or formal (a party gets the information using steps the law allows). Discovery should be completed before a pretrial conference.

- ☐ Pretrial conference. A court appearance before trial where both spouses and attorneys (if any), meet with the judge to go over the issues that need to be worked out. If you cannot reach an agreement, the judge may set a date for the trial and give instructions on how the case will go forward. The petitioner may need to inform the court that the parties do not have an agreement and request a pretrial conference.
- ☐ Trial preparation. The process of preparing witness testimony, gathering exhibits and issuing subpoenas for witnesses to testify at trial. The Kansas Judicial Council's website contains subpoena forms.
- ☐ Trial. The stage where the parties appear in court to share their evidence and explain their position to the judge. Each party can testify, question witnesses, and present other evidence to prove to the judge what they want. Each party should bring a proposed Decree of Divorce (plus a blank one), Parenting Plan, Child Support Worksheet, Order Changing Name (if needed) and a Kansas Payment Center form. The judge listens to the evidence and makes a decision based on the facts and the law.

Final Orders and Forms

- ☐ Decree of Divorce. The final order from the court that grants a divorce, establishes custody and parenting time, and determines how property, debts and real estate will be divided.
- ☐ Parenting Plan. The final order from the court on how you and your spouse will make decisions about your children and when your children will be with you or your spouse.
- ☐ Child Support Worksheet. The final order showing how child support is calculated.
- ☐ Kansas Payment Center Form. This form gives the Kansas Payment Center the information it needs to get child support or spousal support payments from one spouse to the other.
- ☐ Order Changing Name. The court's order granting a name change, if requested by a party.
- ☐ Vital Statistics Worksheet for Divorce. A form required by the Kansas Department of Health and Environment Office of Vital Statistics that collects information about a divorce.

After the Final Hearing or Trial

- ☐ Request file-stamped copies of the Decree of Divorce, Parenting Plan, Child Support Worksheet, and Order Changing Name from the clerk.
- ☐ Give copies of the forms to your ex-spouse and keep copies for yourself.
- ☐ If the judge ordered child support and/or spousal maintenance to be paid through an Income Withholding Order, contact the Clerk of District Court to ask if there is a local procedure for getting the Income Withholding Order.
- ☐ If the judge ordered child support, the order can be enforced through the local district court trustee's office or the Kansas Department for Children and Families Child Support Services.