

Instructions for Divorce – Without Children

Only Pro-Se forms from our website or 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 (3 pages);
Civil Information Sheet (1 page);
Petition (2 pages);
Rule 401 Affidavit (1 page);
Temporary Order (5 pages);
Notice of Intent to Appear (1 pages);
Domestic Relations Affidavit (5 Pages);
Entry of Appearance & Waiver of Service (1 page);
Summons (1 page);
Affidavit of Petitioner (1 page)
Decree of Divorce (5 pages); and
Certificate of Divorce or Annulment (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 ____Wife” you must check whatever is applicable.

2. Petitioner: Complete the Petition except for the case and court numbers..
Sign the Petition in front of a Notary.

3. Petitioner: Complete the Temporary Order and bring for Judge’s signature.

4. Petitioner: Complete Rule 401 Affidavit for Ex Parte Temporary Order.
Sign in front of a Notary.

5. 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.**

6. Petitioner: Prepare the Notice of Intent to Appear with your case caption at the top.

7. 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, 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.

Volunteer attorneys are available to assist you, free of charge, on Monday mornings, 9:00 a.m. to noon; and on Wednesday afternoons, 1:00 p.m. to 4:00 p.m.

Incomplete or incorrect paperwork will be rejected by the court.

8. File the original and 2 copies of Items 2 through 7 with the Clerk of the District Court (4th floor of the Sedgwick County Courthouse). Copies can be made on the 4th 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.

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

10. **You are required to serve the other party with copies of all documents 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.** You can mail the documents with "restricted delivery" to make sure Respondent is the one who signs; or

e) **By Publication:** If the Respondent cannot otherwise be located, service on the Respondent can be obtained by publication. To obtain service by publication, Petitioner can pick up the appropriate forms from the Clerk. **NOTE: Service by Publication may not be sufficient to transfer title to real estate without court approval.**

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

11. **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.

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

13. 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.

14. Petitioner: Complete the Affidavit of Petitioner and **sign it in front of a notary**. This Affidavit must be presented with the completed Decree of Divorce.

15. Decree of Divorce can be brought to the 4th 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.

16. After getting approval, you will proceed to the 4th Floor, Family Law Clerks Office to file your paperwork.

17. File the proof of service, original Decree, Affidavit, 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—one for yourself and you must mail one copy to the Respondent. If there is Title to Real Estate involved, you must file two extra copies with the Clerk of the District Court.

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.