

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 Cover Sheet (2 pages);
Petition (2 pages);
Rule 402 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.**

No line can be blank on the forms. If it states “ _____ Husband _____ Wife” you must check whatever is applicable.

2. Petitioner: Complete the Petition except for the case number. **Sign the Petition in front of a Notary or a Deputy Clerk.**
3. Petitioner: Complete the Temporary Order and bring for Judge’s signature.
4. Petitioner: Complete Rule 402 Affidavit for Ex Parte Temporary Order. **Sign in front of a Notary or a Deputy Clerk.**
5. Petitioner: Complete the Domestic Relations Affidavit—this can be filled out by both parties together or separately. **Sign in front of a Notary or a Deputy Clerk.**
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, 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. Incomplete or incorrect paperwork will be rejected by the court.

A volunteer attorney will be available to assist with the 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. You may also get assistance at the Sedgwick County Law Library on Wednesdays between 8:30 a.m. and 4:30 p.m.

8. File the original documents with the Clerk of the District Court (6th floor of the Sedgwick County Courthouse). Copies can be made 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.

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

10. **You are required to serve the other party with copies of the pleadings and give them notice of the divorce 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 Process Servers 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—NO SOONER THAN 60 DAYS AFTER THE FILING OF THE INITIAL PETITION

10. **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.
11. **Proof of service**, by one of the methods listed above, must be filed at the time the final paperwork is presented to the Clerk.
12. 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.
13. Petitioner: Complete the Affidavit of Petitioner and **sign it in front of a Notary or Deputy Clerk**. This Affidavit must be presented with the completed Decree of Divorce.
14. 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.
15. After getting approval, you will proceed to the 6th floor, Family Law Clerks Office to file your paperwork.
16. 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.

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.