

Instructions for Divorce – Without Children

Read Directions Completely – Please Type or Print, in INK, Neatly

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. The District Court Trustee maintains a list of attorneys who have agreed to provide a one hour consultation with persons intending to represent themselves, for a fee of fifty dollars (This does NOT include preparation of documents or other services). Please call 913-573-2992 to access this service.

**PAPERWORK MUST BE
COMPLETED IN BLACK INK ONLY**

1. You will need to print out all the forms as follows:
 - Civil Information sheet
 - Petition
 - Parenting Plan
 - Domestic Relations Affidavit
 - Request and service instruction form
 - KPC form
 - Entry of Appearance and Waiver of Service
 - Return of Service by Certified Mail
 - Notice of Hearing
 - Decree of Divorce
 - These instructions
2. Complete the Civil Information Sheet. You will be marking the boxed category of case called Domestic, then choose Divorce/Marriage Dissolution. Complete all the information about addresses of yourself (plaintiff) and your spouse (defendant) and all the information about your children as requested. Where social security numbers are requested, please use only the last four digits. Where a date of birth must be included, please use only the year of birth.
3. Complete the petition, filling in all the blanks with appropriate information. The petition must be signed in front of a notary.
4. Complete the Domestic Relations Affidavit, and if you and your spouse are cooperating, you should request that your spouse complete this paperwork also. These Domestic Relations Affidavits must be signed in front of a notary. This gives the court all truthful and accurate information it needs in order to make a division of property and debts, and to make child support decisions.
5. Complete the KPC form, using all complete social security numbers for both parents and all children, and dates of birth of children. This is the form that will be used to set up the child support account at the Kansas Payment Center.
6. You will be responsible to serve notice of the pending divorce upon your spouse. If you and your spouse are cooperating, they may wish to sign an Entry of Appearance and Waiver of

Service, which shall be done in front of a notary. This eliminates the necessity of having the papers served to them by the process server or Sheriff. Don't forget to furnish them with a copy of all the paperwork that you are filing with the court at the time they sign this document.

7. If you don't have the cooperation of your spouse in the matter, then you will need to complete the Request and Service instructions form directing the Clerk of the Court as to how you wish the spouse notified. One of two ways may be used:
 - By Sheriff or process server. If the person lives in Wyandotte County, process servers may serve them, and there is no charge for that. If they do not live in Wyandotte County, but another county in Kansas, there will be at least a **\$15.00 fee**, so you will need a check payable to (sheriff of county where service will take place). The Clerk of the Court will then issue a summons and your papers to be served. NOTE: If your spouse needs to be served in a county out of the state of Kansas, you will need to call the Sheriff of that county to find out the amount of the fee for service, and attach a check, payable to that Sheriff, to your paperwork.
 - By Mail: You can mail the forms by certified Mail—return receipt requested. When you go to the post office to do this, a green post card will be attached to your envelope, and you will address it to yourself on one side, and to your spouse on the other side. Be sure to mark, "return receipt requested" as your instructions to the post office. When that green card comes back to you in the mail, you will attach it to the form you printed called Return of Service by Certified Mail. You will need to file this with the Clerk of the Court after you have prepared it.
8. Now you have completed all your paperwork that you will take with you to the Clerk of the Court, located on the 3rd floor of the Courthouse. You will need the **original and 2 copies** of the Petition, along with: A check or money order for **\$195.00**, for your filing fee, Domestic Relations Affidavit, Civil Information Sheet, your chosen method of service checked on the Request and service instruction form, and KPC sheet. It is probably a good idea to take an extra copy of all these papers, and the Clerk will file stamp the copies and return them to you for your records.
9. The Clerk of the Court will give you your case number, and also the division number of the court where your case will be assigned. The Clerk will also give you a paper telling you the name of the administrative assistant of the judge assigned to your case. After the expiration of 45 days (no earlier) you should call the administrative assistant of the judge, and he or she will give you a hearing date. Once you receive this date, you must mail the Notice of Hearing to your spouse, by certified mail—return receipt requested. Make a copy of this Notice of Hearing before you mail it to your spouse. When that green card comes back to you from the post office, attach it to your copy of the Notice of Hearing, take it and file that with the Clerk of the Court. This lets the judge know, that your spouse knows the date and time of the hearing, and allows him or her to come to court if they wish.

10. There is more to do to prepare for your divorce hearing:

- If you and your spouse are cooperating, sit down with them and prepare the Parenting Plan together. There are many provisions in the parenting plan that some parents might not think to agree about. If you cannot agree, then the judge will decide these issues
- The Clerk will issue an order to all parties in divorces where children are involved, to attend a one-time class called Sensible Approach to Divorce. This is presented by the Domestic Court Services Department, and you will receive a flyer with instructions as to how to enroll in the class. You will need to present to the judge, or have already filed, your certificate of completion of the class, at the time of your divorce hearing.
- A Child Support Worksheet must be submitted to the judge at the hearing, and it must be prepared according to the Kansas Child Support Guidelines. You should have an attorney help you with this. The attorney will need copies of both parties' Domestic Relations Affidavits, if available, pay stubs or w-2 forms as evidence of income for both parties, and will also need information about the cost of health insurance premiums for providing health insurance coverage for your children, as well as evidence of the cost of daycare for children. If you choose to attempt this yourself, The Kansas Child Support Guidelines may be found on the Kansas Supreme Court website at kscourts.org. Many times parents can go over these ahead of time and that gives people notice of what to expect.
- You will need to complete the Decree of Divorce, filling in all the blanks. Notice there are spaces for parties who are in agreement to fill in personal property, real estate, and debts to be divided. If you own real estate that is to be dealt with in any way by the court, the decree must have the notation, clearly printed on the front page, "Title to Real Estate Involved." Once again, the Trustee highly recommends that you obtain the assistance of an attorney, if real estate is involved in your divorce. The judge will review your Domestic Relations Affidavit(s) and Child Support Worksheet, and make a determination as to the amount of child support. In all cases where a new child support order is issued, an Income Withholding Order shall be issued. Our office handles that part of the case, but we will need to be notified that the divorce decree has been filed, so that we can obtain a copy, or view the child support provisions.

11. Now you are ready to attend your divorce hearing. Please dress in a manner that is respectful to the court, such as what you might wear to church or an important business meeting. Please turn off cell phones or pagers before entering any court. Remember to bring with you:

- Divorce Decree
- Sensible Approach to Divorce certificate of completion, if not already filed with the clerk
- Child Support Worksheet
- Notice of hearing with green card attached, showing that your spouse knows about the date and time of the hearing, unless you have already filed that with the court.

12. The judge will call your case by the names and the case number, and may ask you a few questions. Again, be polite and respectful. After the judge signs your decree of divorce, take it to the Clerk of the Court on the third floor. The Clerk will file stamp it, and will provide one copy to you, for your records. You will need to make another copy and send it to the

other parent, along with anything of which, he or she has not already gotten a copy. **Please place a copy for us in the mail box numbered 44 located in the office of the Clerk of the court.** At this time, also, ask the Clerk of the Court for a Certificate of Divorce or Annulment form. You will complete this and leave it with the Clerk of the Court, who will send it to the Department of Vital Statistics in Topeka.