

**Instructions for RESPONDING to  
a Petition for Divorce – Without Children - DISAGREE**

Read these directions carefully and completely.

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**WARNINGS**

- 1. These forms are basic forms for simple divorces. They do not deal with every situation. If your divorce is complicated, using legal forms without an attorney's help can harm your legal rights.**
- 2. The Clerk of the District Court cannot help you prepare these forms or give you legal advice. The Clerk can only give very limited information about the process. If you have any questions, you should contact an attorney.**
- 3. These forms are not for sale. *If you paid a company for these forms, contact the Attorney General's consumer complaint hotline and the Kansas Judicial Council.***
- 4. Courts require anyone filing a divorce case to follow court rules. Self-represented persons are expected to know the rules as if you were an attorney.**
- 5. If your spouse is active-duty military, you should consult an attorney because you must meet specific additional requirements.**
- 6. Property decisions are binding on you and your spouse and may not be changed. Agreements are NOT binding on, and do not affect the rights of anyone other than you and your spouse. Property includes all assets, real estate, personal property, liquid accounts, retirement accounts, and any other things that were owned by either spouse during the marriage. Agreements that are not binding can include mortgages, promissory notes, debt obligations or other contracts involving third persons or entities.**
- 7. If one spouse is to receive part of the other spouse's retirement benefits, additional documents may be needed to complete the transfer. Consult an attorney. This type of situation is too complicated for use of these forms.**

## GENERAL INFORMATION

- ❖ To get a divorce in Kansas, you or your spouse must have lived in Kansas for at least sixty (60) days before the Petition for divorce is filed.
- ❖ Filing for divorce starts with filing certain documents, and paying a filing fee, with the Clerk of the District Court in the county where you or your spouse lives. The office of the Clerk of the District Court is in the county courthouse.
- ❖ Make sure to tell the Clerk of the District Court every time your mailing address changes.
- ❖ The Clerk of the District Court cannot help you prepare any legal documents or provide any legal advice.
- ❖ The district court where you file for divorce may have local court rules that apply to your case. Contact the Clerk of the District Court to ask how you can find a copy of the local court rules. Some courts have their local court rules available on their website.

## COMMON TERMS

- ❖ **Case Caption** = The section above the title of every document is called the case caption. It says which county the case was filed in, the case number, and the names of the people involved in the case. The case number is assigned by the court when the Petition for Divorce is filed.

Example:

IN THE DISTRICT COURT OF <u>SMITH</u> COUNTY, KANSAS	
<i>In the Matter of the Marriage of</i>	
<u>John Doe</u> _____,	
and	Case No. <u>20 DM 555</u>
<u>Mary Doe</u> _____.	

- ❖ **Clerk of the District Court** = A person at the courthouse who is responsible for taking the papers you give to the court.
  - You can find the Clerk's phone number on the [Kansas Judicial Branch website](#).
- ❖ **Decree** = A final order of the Court.

- ❖ **File Stamped** = When you give documents to the Clerk of the District Court, the Clerk of the District Court will stamp each document showing that it was officially filed on the date printed on the stamp. The documents are now "file stamped." This stamp shows the documents were received by the Clerk of the District Court and are now part of the court's file.
- ❖ **Filing Fee (or Docket Fee)** = The money the person who files the Petition for Divorce pays to start the case.
- ❖ **Parties** = A general word meaning both Petitioner and Respondent.
- ❖ **Petitioner** = The person who files the Petition for Divorce.
- ❖ **Respondent** = The person served with a Petition for Divorce and who may file an Answer.
- ❖ **Real Estate Legal Description** = A legal description of a property is the geographical description of the real estate that identifies its precise location, boundaries, and any easements. You can get the legal description from the local Register of Deeds office.
- ❖ **Service of Process** = The procedure by which Petitioner gives appropriate notice of the legal action to the Respondent.

## FORMS

To get a form online, go to [www.kansasjudicialcouncil.org](http://www.kansasjudicialcouncil.org) and click on the "Legal Forms" tab. Scroll down and click on the "[Divorce](#)" box. Forms are available in PDF. You may type on the forms or print the form and write on it. If you write on the forms, write neatly in ink.

You can find an explanation of each form in Appendix A.

## RESPONDING TO A PETITION FOR DIVORCE

You have the right to file an Answer to a Petition for Divorce, but you do not have to do so. If you decide to file an Answer, the Answer must be filed within 21 days after you received a copy of the Petition for Divorce. You may ask the Clerk of the Court for an extension to let you file your Answer up to 25 days after you received a copy of the Petition for Divorce. (This extension is called a Supreme Court Rule 113 extension.)

If you are on active military duty you should seek the advice of an attorney.

**Step 1:** If your spouse gave you file-stamped copies of the Petition for Divorce, Summons, and [Voluntary Entry of Appearance](#) form, fill out the [Voluntary Entry of Appearance](#) form

- ❖ Do not sign this form until you are in front of a notary public.
- ❖ If you received copies of the Petition for Divorce and Summons from the sheriff, the sheriff will fill out a form telling the court you got the paperwork.
- ❖ If your spouse did not give you a copy of the [Voluntary Entry of Appearance](#) form, you can download the form from the Judicial Council website.

**Step 2:** Read the Petition for Divorce and Summons

**Step 3:** Decide whether you will file a response to the Petition for Divorce

- ❖ You do NOT have to file a response (called an Answer to Petition for Divorce). The judge can order the divorce even if you do not file a response.
- ❖ If you want to file a response to the Petition for Divorce, you must complete Steps 4 to 9 below within 21 days after receiving the Petition for Divorce.

**Step 4:** If you **AGREE** with all the information in the Petition for Divorce, fill out the [Answer to Petition for Divorce – AGREE](#) form

Do not sign this form until you are in front of a notary public.

**OR**

If you **DO NOT** agree with all the information in the Petition for Divorce, fill out the [Answer to Petition for Divorce – DISAGREE \(without children\)](#) form

Do not sign this form until you are in front of a notary public.

- Step 5:** Fill out the [Domestic Relations Affidavit](#) form
- Step 6:** Find a notary public and sign your Answer to Petition for Divorce - [Disagree](#) or [Agree](#) and the [Voluntary Entry of Appearance](#) form (if needed) in front of the notary public
- ❖ You must sign your Answer to Petition for Divorce in front of a notary public. You may have to pay a fee.
  - ❖ Here are the most common types of businesses where you can find a Notary Public.  
  
Banks, Law Firms or Law Offices, Real Estate Firms or Real Estate Offices, Tax Preparer or Accountant Offices, Photocopy Shops, Parcel Shipping Stores, Auto tag and license service centers, Colleges and Universities, or Public Libraries.
- Step 7:** Call the Clerk of the District Court's office in the county listed at the top of the case caption on the first page of the Petition for Divorce
- ❖ The Clerk of the District Court's phone number is (913) 573-2901.
  - ❖ Call the Clerk of the District Court's office to ask how many copies of each document you need to give to the Clerk when you file the documents.
- Step 8:** File your completed documents with the Clerk of the District Court's office
- ❖ Go to the Clerk of the District Court's office in the county listed at the top of the case caption on the Petition for Divorce. The Wyandotte County Courthouse is located at 710 N 7th St, Kansas City, Ks 66101
  - ❖ Give the original and all copies of the following documents to the Clerk of the District Court:
    - Answer to Petition for Divorce – [Disagree](#) or [Agree](#) (if you chose to file an Answer)
    - [Voluntary Entry of Appearance](#) (if needed)
    - [Domestic Relations Affidavit](#) (you MUST file this)
  - ❖ The Clerk of the District Court will stamp each document showing that it was filed on the date printed on the stamp. The documents are now "file stamped." The Clerk will give you back a "file stamped" copy of your documents.

- Step 9:** Mail a file-stamped copy of your Answer to Petition for Divorce - [Disagree](#) or [Agree](#) (if applicable), [Voluntary Entry of Appearance](#) (if applicable), and [Domestic Relations Affidavit](#) to your spouse and your spouse's attorney, if your spouse has an attorney
- ❖ On the same day you file the documents with the Clerk of the District Court's office, you must mail file-stamped copies of the documents to your spouse and your spouse's attorney, if your spouse has an attorney.
  - ❖ You may be able to find the mailing address for your spouse or your spouse's attorney on the Petition for Divorce.
- Step 10:** Complete any required divorce or other required class
- ❖ If required by local rules, attend and complete any required divorce or other required classes before your final divorce hearing.
  - ❖ You may find a copy of your local court rules on the district court's website or by calling the Clerk of the District Court's office.
- Step 11:** Receive a Notice of Hearing telling you when the court hearing will be.
- ❖ Your spouse should give or mail you a document telling you when and where there will be a hearing to finalize the divorce.
- Step 12:** If you and your spouse **AGREE** on how property, debts, or real estate will be divided, work with your spouse to write out what you have agreed on.

*Personal Property & Debts*

- ❖ If you and your spouse **agree** about how you will split your personal property (items you own, such as furniture, appliances, electronics, clothes, etc) and debts, complete paragraphs 12-17 of the [Decree of Divorce](#), or write out your agreement on a separate piece of paper to give to the judge.
- ❖ If you and your spouse **DO NOT agree** about how you will split your personal property (items you own, such as furniture, appliances, electronics, clothes, etc) and debts, DO NOT complete paragraphs 12-17 of the [Decree of Divorce](#). The judge will decide how to split your personal property.

### *Real Estate*

- ❖ If you and your spouse **agree** on who will keep the real estate, in the [Decree of Divorce](#) check the box in paragraph 19 for Petitioner or Respondent.
- ❖ If you and your spouse **DO NOT agree** on who will keep the real estate, in the [Decree of Divorce](#), DO NOT check the box in paragraph 19 for Petitioner or Respondent. The judge will decide how to split your real estate.

#### **Step 13: Go to the final divorce hearing.**

- ❖ Plan to arrive at the courthouse early.
- ❖ Be prepared to go through security when entering the courthouse.
- ❖ Wear clean and appropriate clothing.
- ❖ Do not bring children with you to the courthouse.

#### **Step 14: Take the following things with you to the final divorce hearing:**

- Copies of any documents you previously filed.
- Any documents you received from your spouse.
- The blank [Decree of Divorce](#) form.
- The partially completed [Decree of Divorce](#) form.
- Any written property and debt division agreement signed by you and your spouse.
- If you have not already filed it, take 3 copies of your completed [Domestic Relations Affidavit](#) (you will need to give one copy to the judge, and one copy to your spouse).
- Any certificate showing you completed any required divorce or other classes required by local court rule.

**Step 15: Talking to the judge in the hearing**

- ❖ There may be multiple families in the courtroom waiting for the judge. The judge will say the name of your case you when it is your turn.
- ❖ Be polite to the judge and other party. Don't interrupt.
- ❖ Be calm and logical. Don't yell or object on the grounds that the other side is lying.
- ❖ Speak only when asked to. Don't talk unless the judge instructs you to do so.
- ❖ Always stand if you are asked to speak.
- ❖ The judge will ask you and your spouse questions about the divorce. Only answer the questions the judge asks directly to you.
- ❖ Be prepared to tell the judge:
  - about the facts stated in the Petition for Divorce,
  - that you and your spouse are incompatible, and
  - why you are asking the judge to approve your proposed agreements about your property, debts, and children.
- ❖ When the judge is done questioning each party, the judge will decide the issues in your divorce case and tell you what orders they are making.

**Step 16: After the final divorce hearing**

- ❖ Your ex-spouse should give you a file-stamped copy of the Divorce Decree.
- ❖ If the judge ordered that spousal maintenance to be paid through an Income Withholding Order in paragraphs 23-25, issuing the Income Withholding Order is outside the scope of these forms. You may want to ask the Clerk of the District Court if there is a local procedure for getting the Income Withholding Order.



## APPENDIX A

### EXPLANATIONS OF FORMS

- [Answer to Petition for Divorce - AGREE](#) → This form tells the judge you agree with everything in the Petition for Divorce.
- [Answer to Petition for Divorce – DISAGREE \(without children\)](#) → This form tells the judge you do not agree with everything in the Petition for Divorce.
- [Voluntary Entry of Appearance](#) → This form tells the court that your spouse got a copy of the Petition for Divorce and Summons from you and your spouse does not want the sheriff to serve the same paperwork to you.
- [Domestic Relations Affidavit](#) → This form gives the court information about the money you have, your income, expenses, debts, property, and health insurance.
- [Decree of Divorce](#) → This form is where the judge grants your divorce and makes orders about your property, support, and children.

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

In the Matter of the Marriage of

\_\_\_\_\_  
(First Name) (Middle Name) (Last Name) (Jr./Sr./III)  
(Enter your spouse's legal name above)

and

Case Number \_\_\_\_\_  
(Will be assigned when case is filed)

\_\_\_\_\_  
(First Name) (Middle Name) (Last Name) (Jr./Sr./III)  
(Enter your full legal name above)

**ANSWER TO PETITION FOR DIVORCE**  
**(disagree)**  
**(without children)**

1. What is your name? (Enter your full legal name on the lines below)

\_\_\_\_\_  
(First Name) (Middle Name) (Last Name) (Jr./Sr./III)

2. Are you a resident of Kansas?

K.S.A. 77-201(23) - "Residence" means the place which is adopted by a person as the person's place of habitation and to which, whenever the person is absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's residence.

Some ways you may show you are a resident of Kansas may include the following: if you have a Kansas driver's license, you have filed a Kansas tax return, you own or rent a residence in Kansas, or you stay in Kansas with the intent to remain.

- Yes.  
 No.

3. (Check one of these two boxes and fill out the blanks.)

- I have been a resident of Kansas for at least the 60 days before the day my spouse filed the petition in this case.
- I am not a resident of Kansas. I have been a resident in \_\_\_\_\_, since \_\_\_\_\_.
- (State)
- (Month and Year)

4. Are you on active duty with the United States military? (Check one of the three boxes.)

If you are on active duty in the armed forces of the United States, the Servicemembers Civil Relief Act (SCRA) may apply. You should contact a lawyer about this situation before filing this Answer.

- Yes. My duty station is \_\_\_\_\_.
- No.
- I do not know.

5. (Check one of these two boxes and fill out the blanks.)

"Residence" means the place which is adopted by a person as the person's place of habitation and to which, whenever the person is absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's residence. K.S.A. 77-201(23).

Some ways you may show you are a resident of Kansas may include the following: if you have a Kansas driver's license, you have filed a Kansas tax return, you own or rent a residence in Kansas, or you stay in Kansas with the intent to remain.

- My spouse has been a resident of Kansas for at least 60 days before the petition filing date.
- My spouse is not a resident of Kansas. My spouse has been a resident in \_\_\_\_\_, since \_\_\_\_\_.
- (State) (Month and Year)

6. Is your spouse on active duty with the United States military? (Check one of the three boxes.)

If your spouse is on active duty in the armed forces of the United States, the Servicemembers Civil Relief Act (SCRA) may prevent you from getting a divorce without your spouse's consent. You should contact a lawyer about this situation before filing this petition.

- Yes.
- No.
- I do not know.

7. In what year were you and your spouse married?

We were married in \_\_\_\_\_.  
(Year)

8. Do you want spousal support (also known as alimony or maintenance)? (Check one of the two boxes.)

The court may also call spousal support "maintenance." The court can decide whether to order your spouse to pay you spousal support for up to 121 months.

- Yes.  
 No.

9. Do you want to change your name back to your former name? (Check one of the two boxes and fill in the blanks, if any.)

The court can only change your name back to your maiden or former name. The court cannot change your name to something different than a name you have used before.

Yes. I want my name to be changed back to my former name of

\_\_\_\_\_  
(First Name) (Middle Name) (Last Name) (Jr./Sr./III)

No.

10. We do not have any children from our relationship under the age of 19.

If you do have children from your relationship who are under the age of 19, use the Answer For Divorce (with minor children - disagree).

11. Are you pregnant? (Check one of the four boxes.)

- I am pregnant.  
 I do not know if I am pregnant.  
 I am not pregnant.  
 I do not wish to answer this question.

12. Is your spouse pregnant? (Check one of the four boxes.)

- My spouse is pregnant.  
 I do not know if my spouse is pregnant.  
 My spouse is not pregnant.  
 I do not wish to answer this question.

13. (Check one of the two boxes below.)

- We should receive a divorce.  
 We should not receive a divorce.

14. The Court should divide our property and debts as my spouse and I agree or as the court may decide.

15. I deny any additional statements in my spouse's Petition that I have not specifically admitted in this Answer.

### Sign Below in the Presence of a Notary Public

Here are the most common types of businesses where you can find a Notary Public.

Banks, Law Firms or Law Offices, Real Estate Firms or Real Estate Offices, Tax Preparer or Accountant Offices, Photocopy Shops, Parcel Shipping Stores, Auto tag and license service centers, Colleges and Universities, or Public Libraries.

X \_\_\_\_\_  
(Sign above in the presence of a Notary Public.) (Print your name above.)

Your mailing address:

This is the address the court will use to send information about your case to you. This address is not necessarily the same as the address at which you live. Even if you do not want to give the address in which you live, you must give the court a mailing address. If you want to change your mailing address, you must tell the clerk of the district court your new mailing address.

\_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City) (State) (Zip Code)

\_\_\_\_\_  
(Telephone Number with Area Code) (Email Address)

**VERIFICATION**

STATE OF KANSAS

COUNTY OF \_\_\_\_\_

I swear or affirm that the statements made in this Petition are true and that I am the person filing this petition.

X \_\_\_\_\_  
(Sign above in the presence of a Notary Public.)

SUBSCRIBED AND SWORN to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE AND MAILING**

I certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I sent a true copy of this Answer by depositing it in the United States mail, postage prepaid, addressed to:

Your Spouse's Name and Address:

\_\_\_\_\_  
(Your Spouse's Name)

\_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City) (State) (Zip Code)

\_\_\_\_\_  
(Telephone Number with Area Code) (Email Address)

and

Your Spouse's Attorney's Name and Address, if any:

\_\_\_\_\_  
*(Your Spouse's Attorney's Name)*

\_\_\_\_\_  
*(Street)*

\_\_\_\_\_  
*(City)*

\_\_\_\_\_  
*(State)*

\_\_\_\_\_  
*(Zip Code)*

\_\_\_\_\_  
*(Telephone Number with Area Code)*

\_\_\_\_\_  
*(Email Address)*

X

\_\_\_\_\_  
*(Sign your name.)*

\_\_\_\_\_  
*(Print your name above.)*