

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

In the Matter of the Marriage of

(First Name) (Middle Name) (Last Name) (Jr./Sr./III)
(Petitioner)

and

Case Number _____

(First Name) (Middle Name) (Last Name) (Jr./Sr./III)
(Respondent)

Is Title to Real Estate Involved? Yes No

DECREE OF DIVORCE
(WITH CHILDREN)

The above matter comes before the Court for final hearing.

Petitioner, _____, appears in person with attorney,
_____ does not appear.

Respondent, _____, appears in person with attorney,
_____ does not appear.

After hearing the testimony and reviewing the evidence, the court finds:

1. Petitioner was a resident in the State of Kansas for more than sixty days before this case was filed.
2. This court has personal jurisdiction over Respondent because:

3. Petitioner and Respondent are now married.
4. This court has the power to grant a divorce to Petitioner and Respondent.
5. More than sixty days have passed since the petition was filed.
6. Respondent is is not now on active duty with the United States Military.
 Unknown. If Respondent is on active duty, the requirements of the Servicemembers Civil Relief Act (SCRA) have have not been met.
7. Petitioner and Respondent are incompatible and are granted a divorce from each other.
8. Petitioner and Respondent may not marry another person until thirty (30) days after this Divorce Decree is filed, or, if an appeal is filed, until the appeal ends when a mandate is issued by the Kansas Appellate Courts as set out in K.S.A. 60-2106(c). Any marriage entered into before this time may be voided unless appeal is waived.
9. Court costs have already been paid will be paid by:
 Petitioner Respondent Other: _____.

NAME CHANGE

10. Petitioner's name is returned to: N/A.
_____.
11. Respondent's name is returned to: N/A.
_____.

PROPERTY AND DEBTS

12. Petitioner and Respondent entered into an agreement contained in or attached to this Decree. The Court approves this agreement as voluntary, fair and equitable. The agreement is incorporated into this Decree.

OR

- Petitioner and Respondent will divide their property and debts as stated on the record and contained in this Decree.
13. Petitioner will have as Petitioner's own property: all Petitioner's personal papers and clothing, any personal property in Petitioner's possession, and the following items in Respondent's possession:

14. Respondent will have as Respondent's own property: all Respondent's personal papers and clothing, any personal property in Respondent's possession, and the following items in Petitioner's possession:

15. Each party is responsible for the debts held only in that person's name incurred since the date of separation, _____, 20__.

16. Petitioner alone is responsible for payment of the following debts and obligations:

17. Respondent alone is responsible for payment of the following debts and obligations:

18. Petitioner and Respondent are each responsible for and will each hold the other harmless on any debts associated with any personal property assigned to that person above in sections 16 and 17. Each must defend the other from these claims and liabilities and must reimburse each other for any and all expenses incurred either directly or indirectly, including a reasonable attorney's fee, if the debt is not paid by the person responsible to pay it as set out in section 16 or 17.

19. Petitioner Respondent is granted all right title and interest to the real estate at:

Street Address _____

City _____ County _____ State _____ Zip Code _____

with a legal description of

The legal description of the real estate can be obtained by contacting the local Register of Deeds office.

Petitioner Respondent is responsible for payment of any mortgage loan, lien, or obligation for the above-named real estate and will hold the other harmless on that debt.

20. Petitioner and Respondent must sign any documents necessary to transfer property. This decree transfers title to all property addressed in this decree when filed.

Other steps may be necessary to complete the transfer of title of real estate, especially if the real estate is located outside this county.

CHILDREN

21. Since the Petition for Divorce was filed, a child has not been born to the Petitioner or Respondent.

OR

Since the Petition for Divorce was filed, a child has been born. The Court finds:

OR

Neither party is pregnant.

OR

_____ is pregnant at the time this Decree is filed.
(Name of Petitioner or Respondent)

OR

Other: _____

22. Petitioner and Respondent have the following children from their relationship together who are 19 years of age or under and they are:

- a. _____ (child's name), was born in _____ (year).
- b. _____ (child's name), was born in _____ (year).
- c. _____ (child's name), was born in _____ (year).
- d. _____ (child's name), was born in _____ (year).
- e. _____ (child's name), was born in _____ (year).

23. Kansas has child custody jurisdiction because it is the home state there is no home state and Kansas has significant connections with the child(ren) Other:

PARENTING PLAN

24. Petitioner and Respondent have have not entered into an agreed parenting plan.

25. The Court enters the following the attached parenting plan as in the child(ren)'s best interests providing for legal custody, parenting time and alternative dispute resolution:

Legal Custody (Decision-Making)

A. *Joint Legal Custody*

It is in the best interest of the child(ren) that the parties jointly share in the care of the child(ren). "Joint legal custody" means that both parents have equal rights to participate in, contribute to, and have responsibility for matters of health and education in their child(ren)'s best interests. Neither parent's rights are superior to the other parent's rights, and they should cooperate to determine what is in their children's best interests.

OR

B. *Sole Legal Custody*

Joint legal custody is not in the best interests of the child(ren). "Sole legal custody" means that the parent given sole legal custody has the primary right to decide matters of health and education in the child(ren)'s best interests. The parent not given sole legal custody may make emergency decisions affecting the child(ren)'s health or safety when the child(ren) is in that parent's physical care and control. Even if one parent has sole legal custody the other parent can still access information regarding the child(ren) unless the court specifically orders a restriction in B.2. below and states the reasons for that determination.

B.1. Sole legal custody is granted to Parent A Parent B for the following reasons:

a. Agreement of the parents.

b. The other parent is unable or should not be allowed to exercise decision-making because:

c. There is a danger to the child(ren) because:

d. Other:

B.2. Restriction of Information Regarding the Child(ren) to Non-Legal Custodian.

Parent A Parent B is restrained from accessing the child(ren)'s health, educational and other personal information because of the following specific reasons:

26. *Parenting Time (Physical Custody)*

A. _____ (*insert name of parent*) shall have parenting time as follows:

B. _____ (*insert name of parent*) shall have parenting time as follows:

27. *Alternative Dispute Procedures*

Disputes between the parents, other than about child support, shall be submitted to:

Mediation by:

(*name of mediator*)

OR

The following dispute resolution method:

28. *Military Servicemember*

Neither parent is a servicemember.

OR

If either parent is a servicemember, upon deployment, mobilization, or unaccompanied tour: the “deployment provisions” in the attached parenting plan shall apply; OR (a) the nondeploying parent shall reasonably accommodate the deployed parent’s leave schedule; (b) the nondeploying parent shall facilitate telephone and electronic contact between the deployed parent and children; (c) a parent subject to deployment shall give the other parent timely information about deployment and expected leave; and (d) the following “deployment parenting time provisions” apply:

CHILD SUPPORT & SPOUSAL SUPPORT

29. *Child Support*

*A child support worksheet **MUST** be filed. The Court Trustee’s enforcement fee shall be assessed on all spousal maintenance & child support amounts that are enforced by the WYANDOTTE COUNTY COURT TRUSTEE’S OFFICE. The fees is 5% of the base spousal maintenance or child support amount and is calculated and included in the amounts ordered herein.*

Petitioner Respondent shall pay child support to the other in the amount of \$_____ each month, beginning on _____, 20____, as shown on the attached child support worksheet, until modified or terminated as provided by K.S.A. 23-3005.

30. *Uninsured Health Care Costs*

Petitioner shall pay _____% of the child(ren)'s uninsured health care costs and Respondent shall pay _____% of the child(ren)'s uninsured health care costs. Each parent shall sign any documents required by the health insurance provider for the minor child(ren) that are necessary to allow both parents to obtain information from, and to communicate with, that provider about the coverage provided and the payment and reimbursement of health insurance benefits regardless which parent owns, subscribes to, or pays for the child(ren)'s health insurance coverage.

31. *Duty to Notify*

Each parent must notify the other of any change of financial circumstances including changes to income, work related childcare costs, and health insurance premiums and any other change that could be a material change of circumstances. If a parent receives a written request for financial information, that parent has thirty (30) days to provide the requested information in writing to the other parent. If a parent refuses to provide the requested information, that parent may be held responsible for the costs and expenses, including attorney fees, the requesting party incurs in obtaining the requested information.

32. *Spousal Maintenance*

Neither spouse Petitioner Respondent is granted spousal maintenance as follows:

33. *Kansas Payment Center*

All child support and spousal maintenance payments shall be made to the Kansas Payment Center at PO Box 758599, Topeka, Kansas 66675-8599 and shall include the two letter County designation and case number in the memo portion of each support payment. Petitioner and Respondent shall provide the payment center and court trustee any information requested.

34. *Income Withholding Order (choose one)*

A. *Withholding Ordered for Child Support (with or without spousal maintenance).*

The appropriate child support enforcement entity shall issue an immediate Income Withholding Order to Obligor's employer under K.S.A. 23-3103(b) to enforce this order for support.

OR

B. *Withholding Ordered for Spousal Maintenance Only (no child support ordered).*

All spousal maintenance payments shall be subject to income withholding but only if (a) there is an arrearage in the payment of spousal maintenance in an amount equal to or greater than the amount of spousal maintenance payable for two months, (b) the obligee spouse or ex-spouse is not living with a child of the obligor for whom an order of support is also being enforced, and (c) there has been compliance with K.S.A. 23-3103(h).

OR

C. *No Withholding Ordered.*

Pursuant to K.S.A. 23-3103(j)(1), the Court finds (i) notice of the request that no income withholding order be issued has been served on all interested parties; and (ii) the parties have entered into the written alternative payment agreement set out below, or good cause is shown that immediate income withholding is not required. In a case administered under Title IV-D, the Court additionally finds it is in the child(ren)'s best interests that no immediate wage withholding order be issued at this time. However, income withholding will take place if there is an arrearage in support payments equal to or greater than the amount of support payable for one month and the provisions of K.S.A. 23-3103(j)(2) have been satisfied.

The alternative payment arrangement is as follows:

OTHER PROVISIONS

35.

36.

37.

IT IS SO ORDERED.

District Court Judge

Submitted by:

X _____
Signature of Petitioner

Name(Print):

Address

City, State, Zip:

Phone Number:

Email:

X _____
Signature of Respondent

Name(Print):

Address

City, State, Zip:

Phone Number:

Email:
