

INSTRUCTIONS FOR PRO SE MOTION TO ENFORCE PARENTING TIME

*******Please read these instructions in their entirety before you begin!*******

The following information is provided to assist you in obtaining a hearing to enforce the court-ordered parenting time that has been set forth in your case. A hearing cannot be held until your motion has been filed and all of the steps have been completed.

When seeking enforcement of parenting time, the following documents must be completed, filed with the court, **and a copy provided to the other party**. Complete the documents with a typewriter or print legibly in black or blue ink. You may download the forms in a Microsoft Word format or re-create the forms on a computer or word processor as well.

Complete:

1. Motion to Enforce Parenting Time
2. Notice of Hearing
3. Request and Service Instruction Form (one for each party to be served)
4. Return of Service for Certified Mail (if completing service by Certified Mail)

Follow the steps below in the order given. Check each one off as you complete it to properly file your motion with the court.

1. Motion to Enforce Parenting Time

- a. Fill out the Motion to Enforce Parenting Time completely. Make sure you sign your name where indicated.

Case Caption:

The section above the title of every document is called the case caption. The case caption on this document should match the case caption on the Petition. The first document filed in the case is the Petition.

- b. Make 3 copies of the completed Motion to Enforce Parenting Time. (Make 4 copies if the other party has an attorney. Additional copies may be necessary if the court has appointed guardian ad litem for the child(ren).)

Some courts require extra copies. Check with the clerk of the court to find out if more copies are required.

2. Notice of Hearing

- a. Fill out the Notice of Hearing **except for the hearing place, date and time.**
- b. Make 3 copies of the completed Notice of Hearing. (Make 4 copies if the other party has an attorney. Additional copies may be necessary if the court has appointed guardian ad litem for the child(ren).)

Some courts require extra copies. Check with the clerk of the court to find out if more copies are required.

3. Filing your Motion and Obtaining a Hearing Date

- a. Go to the Clerk of the District Court office to file your motion. Bring originals and all copies with you.
- b. Give the clerk the original and all copies of the Motion to Enforce Parenting Time. The clerk will file-stamp the original and all copies of your Motion to Enforce Parenting Time. They will keep the original for the court file and give you back the other copies.
- c. Ask the clerk for a hearing date and time and enter that information on the original Notice of Hearing and all copies. Give the original and all copies of the Notice of Hearing to the clerk for filing. The clerk will keep the original Notice of Hearing for the court file and give you back all the file-stamped copies.

4. Serving the Other Party - Request and Service Instruction Form

You **must** provide the other party, the other party's attorney, and each guardian ad litem appointed for the child(ren), if any, with a copy of the filed Motion to Enforce Parenting Time and the Notice of Hearing. You may obtain this service by **one** of the following methods:

i. *Service by U.S. Mail* - You may mail the documents, postage prepaid, to the last known address of the other party, the other party's attorney, and each guardian ad litem appointed for the child(ren), if any. If you choose this method, fill out the Certificate of Service and Mailing at the bottom of the Notice of Hearing form.

ii. *Service by Certified Mail (Preferred method)* - You may send copies of the documents to the other party, the other party's attorney, and each guardian ad litem appointed for the child(ren), if any, by certified mail. If you choose this method, fill out the Certificate of Service and Mailing at the bottom of the Notice of Hearing form. You must also complete a Return of Service for Certified Mail Form and file it with the Clerk of the District Court after the "green card" is returned to you and before the hearing date.

iii. *Service by Sheriff via Certified Mail* - You may request that the documents be mailed, certified mail, by your local Sheriff's office. There will be a fee for this service.

iv. *Personal Service by Sheriff – Inside Kansas* – If the other party lives in Kansas, you may request that the documents be delivered by the Sheriff of the county in which the other party resides. There will be a fee for this service.

v. *Personal Service by Sheriff’s Office - Outside Kansas*. If the other party lives outside Kansas, you may request the Sheriff’s department where the other party lives deliver the documents to the other party. You will be responsible for finding out the costs involved and completing the appropriate paperwork as required by that Sheriff’s department.

** Once you have determined the method with which you want to serve the documents on the other party, the other party’s attorney, and each guardian ad litem appointed for the child(ren), if any, complete the Request and Service Instruction Form and provide it to the clerk along with the appropriate number of copies of the Motion to Enforce Parenting Time and the Notice of Hearing (one of each for the other party, one of each for the other party’s attorney, and one for each guardian ad litem, if any).

Service by Certified Mail:

If you choose service by certified mail, you must mail a copy of the Motion to Enforce Parenting Time and the Notice of Hearing by certified mail to both the other party and the other party’s attorney, if any. Do this on the same day that you file the Notice of Hearing with the Clerk of the District Court. Failure to mail the copies and provide proof of service will result in your motion being dismissed. **(Do not forget to complete instruction #5 if you choose service by certified mail.)**

- a. Keep one copy of the Motion to Enforce Parenting Time and one copy of the Notice of Hearing for yourself.
- b. Mail one copy of the Motion to Enforce Parenting Time and one copy of the Notice of Hearing to the other party/ex-spouse **by certified mail**.
- c. Mail one copy of the Motion to Enforce Parenting Time and one copy of the Notice of Hearing to the other party’s attorney of record, if any, **by certified mail**.

5. Filing the Return of Service for Certified Mail

After you mail your Motion to Enforce Parenting Time and Notice of Hearing **by certified mail** to the required parties, you will have to wait for the Return of Service (“green card”) to be returned to you by the post office. Once you receive the green card(s), follow the steps below to prove to the court you served your motion properly.

- a. Fill out the Return of Service for Certified Mail.
- b. Attach the green card(s) to the middle of the page where indicated.
- c. Make one copy for your file.

- d. Bring the original Return of Service for Certified Mail to the Clerk of the District Court office.
- e. Hand the document to the clerk for filing. The clerk will keep the document so that it can be placed in your court file as proof that you completed all the steps necessary to properly file your Motion to Enforce Parenting Time.

PLEASE REMEMBER!! It is up to you to get the correct papers filed and proper service completed in order for a hearing to be held at its assigned hearing date and time.

INSTRUCCIONES PARA LA PETICION PRO SE PARA HACER CUMPLIR EL TIEMPO DE CRIANZA

***** Lea estas instrucciones en su totalidad antes de comenzar! *****

La siguiente información se proporciona para ayudarlo a obtener una audiencia para hacer cumplir el tiempo de crianza en su caso. No se puede llevar a cabo una audiencia hasta que se haya presentado su petición y se hayan completado todos los pasos.

Al buscar establecer el tiempo de crianza, se deben completar las siguientes formas, presentarlos ante el tribunal y **proporcionar una copia a la otra parte**. Complete las formas con máquina de escribir o imprima de manera legible con tinta negra o azul. Puede descargar las formas en formato Microsoft Word o volver a crear las formas en una computadora o procesador de textos.

Complete:

1. Petición para Hacer Cumplir el Tiempo de Crianza
2. Notificación de Audiencia
3. Forma de Solicitud e Instrucción de Servicio (uno para cada parte a la que debe notificar)
4. Devolución del Servicio por Correo Certificado (Si completa el servicio por Correo Certificado)

Siga los pasos a continuación en el orden indicado. Marque cada uno de ellos medida que lo complete para presentar correctamente du petición ante el tribunal.

1. Petición para Hacer Cumplir El Tiempo de Crianza

- a. Complete la Petición para hacer cumplir el Tiempo de Crianza por completo. Asegúrese de firmar su nombre donde se indica.

Título del Caso:

La sección sobre el título de cada documento se llama título del caso. El título del caso en este documento debe coincidir con el título del caso en la Petición. El primer documento presentado en el caso es la Petición.

- b. Haga 3 copias de la Petición para Hacer Cumplir el Tiempo de Crianza. (Haga 4 copias si la otra parte tiene un abogado. Es posible que se necesiten copias adicionales si el tribunal ha designado un tutor ad litem para los niños)

Algunos tribunales requieren copias adicionales. Consulte con la secretaria de la corte para averiguar si se requieren más copias.

2. Notificación de Audiencia

- a. Complete la Notificación de Audiencia **excepto el lugar, la fecha y la hora de la audiencia.**

- b. Haga 3 copias de la Notificación de audiencia completo. (Haga 4 copias si la otra parte tiene un abogado. Es posible que se necesiten copias adicionales si el tribunal ha designado un tutor ad litem para los niños).

Algunos tribunales requieren copias adicionales. Consulte con la secretaria de la corte para averiguar si se requieren más copias.

3. Presentando su Petición y Obteniendo una Fecha para la Audiencia

- a. Vaya a la oficina del secretario del Tribunal de Distrito para presentar su petición. Traiga los originales y todas las copias.
- b. Entregue a la secretaria el original y todas las copias de la Petición para Hacer Cumplir El Tiempo de Crianza. La secretaria sellara el original y todas las copias. La secretaria se quedará con el original para el expediente judicial y le devolverá las otras copias.
- c. Pídale a la secretaria la fecha y hora de la audiencia e ingrese esa información en la Notificación de Audiencia original y en todas las copias. Entregue el original y todas las copias de la Notificación de Audiencia a la secretaria para que lo presente. La secretaria conservará la Notificación de Audiencia original para el archivo de la corte y le devolverá todas las copias selladas del archivo.

4. Notificación a la otra parte - Forma de Solicitud e Instrucción de Servicio

Debe proporcionar a la otra parte y al abogado de la otra parte, y cada tutor ad litem designado para el (los) niño (s), si corresponde, con una copia de la Petición presentada para Hacer Cumplir El tiempo de crianza y la Notificación de Audiencia. Puede obtener este servicio mediante **uno** de los siguientes métodos:

i. *Servicio por correo postal de los EE. UU.* - Puede enviar los documentos, con franqueo prepago, a la última dirección conocida de la otra persona y de su abogado, y cada tutor ad litem designado para el niño (s), si lo hay. Si elige este método, complete el Certificado de notificación y envíe por correo que se encuentra en la parte inferior de la forma de Notificación de Audiencia.

ii. *Servicio por Correo Certificado (método Preferido)*- Puede enviar copias de los documentos a la otra parte y al abogado de la otra parte, y cada tutor ad litem designado para el (los) niño (s), si corresponde, por correo certificado. Si elige este método, complete el Certificado de notificación y envíe por correo que se encuentra en la parte inferior de la forma de Petición y Notificación de audiencia. También debe completar una forma de devolución de notificación por correo certificado y presentarlo ante la secretaria del tribunal de distrito después de que se le devuelva la “tarjeta verde” y antes de la fecha de la audiencia.

iii. *Servicio por parte del alguacil por correo certificado* – Puede solicitar que la oficina del alguacil local le envíe los documentos por correo certificado. Habrá un costo por este servicio.

iv. **Servicio Personal por parte del Alguacil – Dentro de Kansas** – Si la otra parte vive en Kansas, puede solicitar que los documentos sean entregados por el alguacil del condado en el que reside la otra parte. Habrá una tarifa por este servicio.

v. **Servicio Personal por parte del Alguacil – Fuera de Kansas** – Si la otra parte vive fuera de Kansas, puede solicitar al departamento del alguacil donde vive la otra parte que le entregue los documentos. Usted será responsable de averiguar los costos involucrados y completar el papeleo correspondiente según lo requiera el departamento de ese alguacil

Una vez que haya determinado el método con el que desea entregar los documentos a la otra parte y al abogado de la otra parte, si lo hubiera, y a cada tutor ad litem designado para el (los) niño (s), si corresponde, complete la forma de solicitud e instrucción de servicio y entréguelo a la secretaria junto con el número apropiado de copias de la Petición para Hacer Cumplir El Tiempo de Crianza y la Notificación de audiencia (uno de cada uno para la otra parte, el abogado de la otra parte y una para cada tutor ad litem, si corresponde).

Servicio por Correo Certificado:

Si elige el servicio por correo certificado, debe enviar por correo una copia de la Petición para Hacer Cumplir El Tiempo de Crianza y la Notificación de audiencia por correo certificado a la otra parte y al abogado de la otra parte si corresponde. Haga esto el mismo día en que presente la Notificación de audiencia ante la secretaria del Tribunal de Distrito. Si no envía las copias por correo y no proporciona prueba de entrega, su petición será desestimada. **(No olvide completar la instrucción #5 si elige el servicio por correo certificado).**

- a. Conserve una copia de la Petición para hacer cumplir el tiempo de crianza y una copia de la Notificación de audiencia para usted.
- b. Envíe por correo una de la Petición para hacer cumplir el tiempo de crianza y una copia de la Notificación de audiencia a la otra parte/excónyuge **por correo certificado.**
- c. Envíe por correo una copia de la Petición para hacer cumplir el tiempo de crianza y una copia de la Notificación de audiencia al abogado de registro de la otra parte, si corresponde, **por correo certificado.**

5. Presentar la Devolución de Servicio por Correo Certificado

Después de enviar por correo su Petición para hacer cumplir el tiempo de crianza y la notificación de audiencia **por correo certificado** a las partes requeridas, tendrá que esperar la devolución de Servicio (“tarjeta verde”) que se le devolverá en la oficina de correos. Una vez que reciba la (s) tarjeta(s) de residencia, siga los pasos a continuación para demostrarle a la corte que entrego su petición correctamente.

- a. Complete la Devolución de servicio por correo certificado.
- b. Adjunte la(s) tarjeta (s) verde (s) en el medio de la página donde se indica.
- c. Haga una copia para sus archivos.

- d. Lleve la devolución de notificación original por correo certificado a la oficina de la secretaria del tribunal de distrito.
- e. Entregue el documento a la secretaria para que lo archive. La secretaria se quedará con el documento para que se pueda colocar en su expediente judicial como prueba de que completo todos los pasos necesarios para presentar correctamente su Petición para hacer cumplir el tiempo de crianza.

;;ATENCIÓN - RECUERDE!! Depende de usted presentar los documentos correctos y completar el servicio adecuado para que la audiencia se lleve a cabo en la fecha y hora asignadas.

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
CIVIL COURT DEPARTMENT

ORDERS CONCERNING ZOOM PROCEEDINGS

NOW ON THIS 15th day of June, 2023 the Court enters orders concerning the conduct of Zoom proceedings in Division 10 of the 29th Judicial District. The Court orders as follows:

1. It is the responsibility of each self-represented litigant to ensure that their Zoom link is correct. It is the responsibility of each self-represented litigant to ensure that their device is properly working for the purpose of the hearing. The Court strongly suggests that the parties familiarize themselves with the Zoom platform before the Court hearing.
2. Once a hearing date is set, the parties must file witness and exhibit lists seven days before the hearing. These exhibits must be in digital format and pdf documents are preferred. These documents should be sent to Tina.Rockey@kscourts.org. Paper documents are not to be taken to the clerk's office or left in division 10.
3. Once a hearing date has been set, discovery will close 14 days before the hearing.
4. All litigants must follow the Kansas Rules of Civil Procedure in presenting evidence. If a party cannot present evidence in accordance with the rules of civil procedure, the court will not admit the proffered evidence into the record.

5. Self-represented litigants are considered lawyers in accordance with Kansas case law and the rules of the Kansas Supreme Court. The Court cannot take into account that a self-represented litigant is not law trained.

6. After the hearing, it is the responsibility of the self-represented litigant to prepare a proper journal entry and take the same to the Clerk's office. The Clerk will then forward the document to the Court for review and signature.

IT IS SO ORDERED

**Kathlee
n Lynch**

Digitally signed by Kathleen Lynch
DN: cn=Kathleen Lynch,
o=Wyandotte County District Court,
ou=Division 10,
email=Kathleen.Lynch@kscourts.org
, c=US
Date: 2023.06.20 09:45:29 -05'00'

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Case No. _____

and

Respondent

MOTION TO ENFORCE PARENTING TIME

I, _____ (your name) move the Court to enforce the parenting plan because:

1. The current order, filed on _____, 20__ grants _____

(insert parent's name) parenting time as follows: _____

(attach a copy of the Order).

2. I last requested parenting time from the other party on _____, 20__

by telephone text message email in person

other _____.

3. The current order of parenting time has not been followed as set forth below: _____

4. A Guardian Ad Litem (GAL) is is not involved in this case.

5. There is is not now an Order for supervised parenting time.

6. There is is not currently an Order for monitored exchange.

7. There is is not a "No contact between the parties Order" in place.

8. There is is not a Protection Order in place.

9. To the best of my knowledge, the name, current address and telephone number of the other parent is:

(If you do not know the current address and telephone number, leave this blank.)

10. The other parent is is **not** on active duty with the United States Military.
 Unknown.

I ask the Court to enforce parenting time as requested.

VERIFICATION

I verify under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct. Executed on _____, 20__.

X _____
Signature

Name (Print): _____

Address: _____

City, ST, Zip: _____

Telephone: _____

Email: _____

CERTIFICATE OF SERVICE AND MAILING

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

(Name and address of other parent)
and

(Name and address of other parent's attorney, if any)
and

(Name and address of any other involved attorney or case participant, if any)

X _____
Signature
Name (Print): _____

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Case No. _____

and

Respondent

NOTICE OF HEARING

The court will hold a hearing on this matter on the _____ day of _____, 20____
at _____: _____ a.m. p.m. at the Wyandotte County Courthouse, in Division _____.

X _____
Your Signature Self-Represented

Name (Print): _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Email: _____

CERTIFICATE OF SERVICE AND MAILING

I certify that on this _____ day of _____, 20____, I sent a true copy of this
notice of hearing by (depositing it in the United States mail, postage prepaid) (depositing it in the
United States mail, postage prepaid, certified mail, return receipt requested) addressed to:

(Name and address of other party)

or

(Name and address of other party's attorney)

and

(Name and address of any other involved attorney or case participant, if any)

X _____
Your Signature
Name (Print): _____

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Case No. _____

Petitioner

and

Respondent

REQUEST AND SERVICE INSTRUCTION FORM

“Petitioner” means the person who filed the Petition (the first document in the case).

“Respondent” means the person who did not file the Petition.

To: Clerk of the District Court - the following forms are filed for service:
(check all applicable forms to be served)

- 1. Motion to Modify Child Support and Notice of Hearing
- 2. Child Support Worksheet
- 3. Short Form Domestic Relations Affidavit of Petitioner Respondent
- 4. Motion to Establish Parenting Time and Notice of Hearing
- 5. Motion to Enforce Parenting Time and Notice of Hearing
- 6. Motion to Modify Parenting Time and Notice of Hearing
- 7. UCCJEA Affidavit
- 8. Proposed Parenting Plan of Petitioner Respondent
- 9. Other _____ (name of form to be served)

Name of person to be served: _____

(You must complete one request for **EACH** person to be served.)

Address of person to be served: _____

Service is requested by **ONE** of the following methods:

a. *Service by U.S. Mail* – I mailed (postage pre-paid) the documents to the other person’s last known address.

b. *Service by Certified Mail* – I mailed the documents by certified mail, and I understand that I must file the receipt for certified mail service (green card or electronic confirmation) with the Clerk’s office.

c. *Service by Sheriff by Certified Mail* - Certified mail service by the office of the Sheriff of _____ County, State of Kansas. I understand that the responsibility for obtaining service and filing the return of service shall be on the Sheriff.

d. *Personal Service by Sheriff (inside Kansas)*- Personal service through the office of the Sheriff of _____ County, State of Kansas.

e. *Personal Service by Sheriff (outside Kansas)* – Personal service through the office of the Sheriff of _____ County, State of _____, which I MUST ARRANGE WITHOUT ASSISTANCE OF THE COURT.

f. Personal Service through the Office of the Civil Process Server.
(Party to be served must live in Wyandotte County, Kansas)

X _____
Signature

Name (Print): _____

Address: _____

City, State, Zip: _____

Telephone Number: (____) _____

Email: _____