

Instructions for RESPONDING to Divorce Proceeding–With Children

(You may need to copy or download the following forms: Instructions, Answer, Voluntary Entry of Appearance, Domestic Relations Affidavit, Child Support Worksheet, Parenting Plan, Notice of Final Hearing, and Decree of Divorce. These forms are for use in responding to divorce actions when the filing person and spouse have children from their relationship together.)

Read these directions carefully and completely. When completing forms, type or print neatly in ink.

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WARNINGS

- 1. The forms provided by the Judicial Council are basic forms for simple divorces. They do not deal with every divorce situation. A divorce can be complicated and 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. The Clerk cannot give legal advice about your rights or responsibilities and can only provide very limited information about the divorce process. If you have any questions, you should contact an attorney.**
- 3. It is illegal for anyone who is not licensed to practice law in Kansas to: (A) give another person advice about that other person's legal rights or duties; (B) help another person to select, draft, or complete any legal document that affects the other person's rights or duties; (C) represent another person in court; and (D) help another person negotiate legal rights or responsibilities. *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. You must follow the court rules or you will not be able to finish your case. 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.**
- 7. If one spouse is to receive part of the other spouse's retirement benefits, additional documents may be needed to complete the transfer. You will need to seek the advice of an attorney to complete this process because it is outside the scope of these forms.**

Facts About Filing for Divorce in Kansas:

- You or your spouse must have lived in Kansas for at least sixty (60) days before filing a Petition for Divorce with the court.
- You must start the legal process by filing certain documents, and paying a filing fee, with the Clerk of the District Court in the county where you or your spouse lives.
- Once your case is filed, you will be given a case number which must be on all documents you file with the court in the future.
- If you are filing for a divorce without the assistance of an attorney, you are responsible for completing all the necessary forms and the Clerk of the District Court cannot help you prepare any legal documents or provide any legal advice.
- Once you have filed your Petition for Divorce, it is important that you inform the Clerk of the District Court if you or your spouse's address changes.
- Terminology:
 - Petitioner = Person who files the Petition
 - Respondent = Person who did not file the Petition
 - Parties = Petitioner and Respondent

Case Caption:

The section above the title of every document is called the case caption. It identifies which county the case was filed in, the case number, and the names of the people involved in the case. The person who originally filed the petition is listed on the top line and is called the "Petitioner." The person who did not file the petition is listed on the lower line and is called the "Respondent." These name designations remain the same for the entire case including in all documents filed with the court after the divorce is final.

Instructions for responding to a divorce action:

1. You have the right to file an Answer to a Petition for Divorce but you are not required to do so. If you are on active military duty you should not file an Answer before seeking the advice of an attorney.
2. If you choose to respond to the Petition for Divorce, complete the Answer, Domestic Relations Affidavit and a Parenting Plan if you disagree with the filing spouse's parenting plan.
3. Sign the Answer in front of a notary public. Notary publics may commonly be found in law firms, title companies and financial institutions, i.e. banks and credit unions.

4. File with the Clerk of the District Court:
- the original Answer with required copies;
 - the original Domestic Relations Affidavit with required copies; and
 - the Voluntary Entry of Appearance, if not already filed.
- (Check with the Clerk or the local rules to determine the number of additional copies required.)

The Clerk of the District Court will place a stamp (“file stamp”) on the front of each document indicating when it was received.

5. On the same day you file documents with the Clerk of the District Court, you must mail a file-stamped copy of all documents filed with the court (the Answer, Domestic Relations Affidavit, Voluntary Entry of Appearance) via U.S. Mail, postage prepaid, to the Petitioner and the Petitioner’s attorney, if any. You may be able to find the most recent address for the Petitioner or Petitioner’s attorney on the Petition.
6. Complete the Child Support Worksheet (CSW). Instructions about calculating child support and completing the CSW may be found on the Kansas Judicial Branch website at <http://www.kscourts.org/rules-procedures-forms/Child-Support-Guidelines/default.asp>, or by visiting your local law library. The CSW must be completed prior to your hearing.

===== **Instructions prepared by the Kansas Judicial Council** =====

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

In the Matter of the Marriage of

Petitioner

Case No. _____

and

Respondent

ANSWER TO PETITION FOR DIVORCE (with children)

*"Petitioner" means the person who filed the Petition.
"Respondent" means the person who is filing this Answer.
"Parties" means the Petitioner and Respondent.*

1. I am now living at: _____ (Street address),
_____ (city), _____ (state) and I have lived in Kansas Other: _____
since _____ (date).
2. My spouse is now living at: _____ (Street
address), _____ (city), _____ (state) Unknown, and has lived in Kansas Other:
_____ since _____ (date).
3. We were married on the following date and year: _____ in the
following city and state: _____ and have been married since that
date.
4. We are incompatible and should receive a divorce.
5. The court should distribute the marital property and debts as agreed upon or as the court
may decide.
6. I do do not request spousal support.
7. I am am not now on active duty with the United States Military.
(If you are now on active duty, see instruction #1 before proceeding further.)

8. Neither party is pregnant.

or

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

Or

Unknown.

9. We have the following children from our relationship together who are 19 years of age or under and they are:

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

10. The child(ren) now live with Petitioner Respondent Other: _____

(name of adult) at _____ (Street address),

_____ (city), _____ (state) and have lived at this place since

_____ (date). (Add additional pages if more space is needed.)

11. The child(ren) lived at the following addresses with the custodian(s) listed during the past five years:

From Date	Until Date	City, State	Name and Relationship of Custodian(s) Living with Child, and Custodian(s) Present Address

12. The following court cases are on file that involve or include the child(ren):

Type of Case	Court, City and State	Case Number	Last Order Date

13. The Court should approve an appropriate parenting plan and child support order.

14. I deny any conflicting statements made in the Petition for Divorce.

Optional:

15. I request to be restored to the following former name: _____.

On final hearing, the court should grant a divorce, divide the property and debts between the parties, issue child-custody and support orders, and issue other appropriate orders.

X _____
Signature of Respondent

Name (Print): _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone Number: _____

VERIFICATION

STATE OF KANSAS
COUNTY OF WYANDOTTE

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

X _____
Signature of Respondent

SUBSCRIBED AND SWORN to before me, a Notary Public, this _____ day of

_____ 20 ____.

Notary Public

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

In the Matter of the Marriage of

Petitioner

Case No. _____

and

Respondent (person filing this voluntary entry of appearance)

VOLUNTARY ENTRY OF APPEARANCE

"Petitioner" means the person who filed the Petition.

"Respondent" means the person who did not file the Petition.

I am the person against whom this divorce is filed. I received a copy of the petition filed in this case. I am not requiring that the sheriff or other person hand me the summons and petition as Kansas law may require. I **am** **am not** a member of the armed forces on active duty service. If I am on active duty military service, I **do** **do not** give up my rights under the Servicemembers Civil Relief Act for this case.

X _____
Signature of Respondent

Name (Print): _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone Number: _____

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF _____) ss.

On this ____ day of _____, 20____, _____
personally appeared in front of me, signed this document, and acknowledged to me that s/he signed this document voluntarily for purpose stated in this document. **IN WITNESS**, I have set my hand and affixed my seal.

Notary Public

CERTIFICATE OF SERVICE AND MAILING

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

(Name and address of Petitioner)

and

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

X _____
Signature of Respondent

Name (Print): _____

Domestic Relations Affidavit

IN THE 29th JUDICIAL DISTRICT
WYANDOTTE COUNTY, KANSAS

IN THE MATTER OF

Party Name

and

Case No. _____

Party Name

DOMESTIC RELATIONS AFFIDAVIT OF _____
(name)

1. Party Name Residence _____

Party Name _____ XXX-XX-_____
Birth Month/Year Social Security Number Telephone _____

2. Party Name Residence _____

Party Name _____ XXX-XX-_____
Birth Month/Year Social Security Number Telephone _____

3. Date of Marriage: _____

4. Number of Marriages: _____
Party Name Party Name

5. Number of children of the relationship: _____

6. Names, Social Security Numbers, the month and year of each child's birth and ages of minor children of the relationship:

Name	Social Security Number xxx-xx-_____	Birth Month/Year	Age	Custodian
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

7. Names, Social Security Numbers, and ages of minor children of previous relationships and facts as to custody and support payments paid or received, if any.

Name	Social Security No. XXX-XX-____	Age	Custodian	Support Payment	Paid or Rec'd
_____	_____	_____	_____	\$ _____	_____
_____	_____	_____	_____	\$ _____	_____
_____	_____	_____	_____	\$ _____	_____
_____	_____	_____	_____	\$ _____	_____

8. Party Name is employed by (name) _____
 (address) _____

Party Name is employed by (name) _____
 (address) _____

with monthly income as follows:

A. Wage Earner	Party Name	Party Name
1. Gross Income	\$ _____	\$ _____
2. Other Income	\$ _____	\$ _____
3. Subtotal Gross Income	\$ _____	\$ _____
4. Federal Withholding (Claiming _____ exemptions)	\$ _____	\$ _____
5. Federal Income Tax	\$ _____	\$ _____
6. OASDHI	\$ _____	\$ _____
7. Kansas Withholding	\$ _____	\$ _____
8. Subtotal Deductions	\$ _____	\$ _____
9. Net Income	\$ _____	\$ _____

B. Self-Employed	Party Name	Party Name
1. Gross Income from self-employment	\$ _____	\$ _____
2. Other Income	\$ _____	\$ _____
3. Subtotal Gross Income	\$ _____	\$ _____
4. Reasonable Business Expenses (-) (Itemize on attached exhibit)	\$ _____	\$ _____
5. Self-Employment Tax (-)	\$ _____	\$ _____
6. Business Net Income	\$ _____	\$ _____
7. Estimated Tax Payments (Claim _____ exemptions)	\$ _____	\$ _____
8. Federal Income Tax	\$ _____	\$ _____
9. Kansas Withholding	\$ _____	\$ _____
10. Subtotal Deductions	\$ _____	\$ _____

11. Net Income \$ _____ \$ _____
 (Line B.3. minus Line B.9.)

Pay period: _____
Party Name Party Name

9. The liquid assets of the parties are:

	Item	Amount	Joint or Individual (Specify)
A. Checking Accounts (Do not list account numbers):			
	_____	\$ _____	_____
	_____	\$ _____	_____
B. Savings Accounts (Do not list account numbers):			
	_____	\$ _____	_____
	_____	\$ _____	_____
C. Cash			
	Party Name	\$ _____	_____
	Party Name	\$ _____	_____
D. Other			
	_____	\$ _____	_____
	_____	\$ _____	_____

10. The monthly expenses of each party are: (Please indicate with an asterisk all figures which are estimates rather than actual figures taken from records.)

		Party Name (Actual or Estimated)	Party Name (Actual or Estimated)
1.	Rent	\$ _____	\$ _____
2.	Food	\$ _____	\$ _____
3.	Utilities/services:		
	Trash Service	\$ _____	\$ _____
	Newspaper	\$ _____	\$ _____
	Telephone	\$ _____	\$ _____
	Cell Phone	\$ _____	\$ _____
	Cable	\$ _____	\$ _____
	Gas	\$ _____	\$ _____
	Water	\$ _____	\$ _____
	Lights	\$ _____	\$ _____
	Other	\$ _____	\$ _____
4.	Insurance:		
	Life	\$ _____	\$ _____
	Health	\$ _____	\$ _____
	Car	\$ _____	\$ _____
	House/Rental	\$ _____	\$ _____
	Other	\$ _____	\$ _____
5.	Medical and dental	\$ _____	\$ _____
6.	Prescriptions drugs	\$ _____	\$ _____
7.	Childcare (work-related)	\$ _____	\$ _____

8.	Childcare (non-work-related)	\$ _____	\$ _____
9.	Clothing	\$ _____	\$ _____
10.	School expenses	\$ _____	\$ _____
11.	Haircuts and beauty	\$ _____	\$ _____
12.	Car repair	\$ _____	\$ _____
13.	Gas and oil	\$ _____	\$ _____
14.	Personal property tax	\$ _____	\$ _____

	Item	Party Name (Actual or Estimated)	Party Name (Actual or Estimated)
15.	Miscellaneous (Specify)		
	_____	\$ _____	\$ _____
	_____	\$ _____	\$ _____
16.	Debt Payments (Specify)		
	_____	\$ _____	\$ _____
	_____	\$ _____	\$ _____
	Total	\$ _____	\$ _____

*Show house payments, mortgage payments, etc., in Section 10.B.

B. Monthly payments to banks, loan companies or on credit accounts: (Indicate actual or estimated monetary amount in each column; use asterisk for secured.) DO NOT LIST ANY PAYMENTS INCLUDED IN PART 10.A ABOVE.

Creditor	When Incurred	Amount of Payment	Date of Last Payment	Balance	Responsibility	
					Party Name	Party Name
_____	_____	_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____	\$ _____
				Subtotal of Payments	\$ _____	\$ _____
				Total	\$ _____	\$ _____

C. Total Living Expenses

	Party Name (Actual or Estimated)	Party Name (Actual or Estimated)
1. Total funds available to Both Parties (from No. 8)	\$ _____	\$ _____
2. Total needed (from No. 10.A and B)	\$ _____	\$ _____
3. Net Balance	\$ _____	\$ _____
4. Projected child support	\$ _____	\$ _____

D. Payments or contributions received, or paid, for support of others. Specify source and amount.

Source	Party Name	Party Name
_____ (+/-)	\$ _____	\$ _____
_____ (+/-)	\$ _____	\$ _____

11. How much does the party who provides health care pay for family coverage?
 \$ _____ per _____ .
 How much does it cost the provider to furnish health insurance only on the provider?
 \$ _____ per _____ .

FURNISH THE FOLLOWING INFORMATION IF APPLICABLE.

12. Income and financial resources of children.

Income/Resources	Amount
_____	\$ _____
_____	\$ _____

13. Child support adjustments requested

- parenting time adjustment agreement past majority
 income tax consideration long distance parenting time
 special needs overall financial conditions
 other: _____

14. All other personal property including retirement benefits (including but not limited to qualified plans such as profit-sharing, pension, IRA, 401(k), or other savings-type employee benefits, nonqualified plans, and deferred income plans), and ownership thereof (joint or individual), including policies of insurance, identified as to nature or description, ownership (joint or individual), and actual or estimated value.

Joint or Individual	Amount	(Specify)
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

THE FOLLOWING NEED NOT BE FURNISHED IN POST JUDGMENT PROCEDURES.

15. List real property identified as to description, ownership (joint or individual) and actual or estimated value.

Property Description	Ownership	Actual/Estimated Value
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

16. Identify the property, if any, acquired by each of the parties prior to marriage or acquired during marriage by a will or inheritance.

Property Description	Ownership	Source of Ownership	Actual/ Estimated Value

17. List debt obligations, including maintenance, not listed in Section 10.A or 10.B above, identified as to name or names of payor or payors and payees, balance due and rate at which payable; and, if secured, identify the encumbered property.

Debt Obligation	Payor	Payee	Balance Payment		Encumbered Property
			Due	Rate	

8. List health insurance coverage and the right, pursuant to ERISA §§ 601-608, 29 U.S.C. §§ 1161-1168 (1986), to continued coverage by the spouse who is not a member of the covered employee group.

Health Insurance

COBRA Continuation .

	Yes	No	Unknown
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true, correct and complete.

Executed on the _____ day of _____, 20____.

Name (Print): _____
Signature _____

Child Support Worksheet
 IN THE 29th JUDICIAL DISTRICT
 WYANDOTTE COUNTY, KANSAS

IN THE MATTER OF:

 Petitioner

and

CASE NO. _____

 Respondent

CHILD SUPPORT WORKSHEET OF (name) _____

	PARTY NAME	PARTY NAME
A. INCOME COMPUTATION – WAGE EARNER		
1. Domestic Gross (Insert on Line C.1. below) *	\$ _____	\$ _____
B. INCOME COMPUTATION – SELF-EMPLOYED		
1. Self-Employment Gross Income	_____	_____
2. Reasonable Business Expenses (-)	_____	_____
3. Domestic Gross Income (Insert on Line C.1. below) *	_____	_____
C. ADJUSTMENTS TO DOMESTIC GROSS INCOME		
1. Domestic Gross Income	_____	_____
2. Court-Ordered Child Support Paid (-)	_____	_____
3. Court-Ordered Maintenance Paid _____% (-)	_____	_____
4. Court-Ordered Maintenance Received _____% (+)	_____	_____
5. Child Support Income (Insert on Line D.1. below)	_____	_____
D. COMPUTATION OF CHILD SUPPORT		
1. Child Support Income	_____	+ _____
		= _____
2. Proportionate Shares of Combined Income (Each parent's income divided by combined income)	_____ %	_____ %
3. Gross Child Support Obligation** (Using the combined income from Line D.1., find the amount for each child and enter total for all children)		
Age of Children	0-5	6-11
Number Per Age Category	_____	_____
Total Amount	_____ + _____	+ _____ = _____
* Cost of Living Differential Adjustment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
**Multiple Family Application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Parenting Time Adjustment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Income Beyond the Child Support Schedule calculation used	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Case No. _____	PARTY NAME	PARTY NAME
4. Proportionate Share (Line D.3 x Line D.2)	_____	_____
5. Parenting Time Adjustment _____% x Line D.4 (-)	_____	_____
6. Proportionate Shares after Parenting Time Adjustment	_____	_____
7. Health and Dental Insurance Premium	\$ _____	+ \$ _____
8. Proportionate Shares Health Insurance Premium	_____	_____
9. Work-Related Child Care Costs	_____	_____
Formula: Amt. – (Amt. x %) for each childcare credit Example: 200 – (200 x 30%)		
10. Proportionate Shares Work-Related Child Care Costs	_____	_____
11. Proportionate Child Support Obligation for Each Parent (Line D.6 + D.8 + D.10)	_____	_____
12. Credit for Insurance or Work-Related Child Care Paid (-)	_____	_____
13. Basic Parental Child Support Obligation (Line 11-Line D.12); Insert on Line F.1. below)		

E. **CHILD SUPPORT ADJUSTMENTS**

APPLICABLE	N/A	CATEGORY	PARTY NAME	PARTY NAME
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Distance Parenting Time Costs	(+/-)_____	(+/-)_____
2. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Considerations	(+/-)_____	(+/-)_____
3. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	(+/-)_____	(+/-)_____
4. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Majority	(+/-)_____	(+/-)_____
5. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	(+/-)_____	(+/-)_____
6. TOTAL (Insert on Line F.2. below)			_____	_____

F. **DEVIATION(S) FROM REBUTTABLE PRESUMPTION AMOUNT**

		AMOUNT ALLOWED	
		PARTY NAME	PARTY NAME
1.	Basic Parental Child Support Obligation (Line D.13. from above)	_____	_____
2.	Total Child Support Adjustments (Line E.6. from above)	(+/-) _____	_____
3.	Adjusted Subtotal (Line F.1. +/- Line F.2.)	_____	_____
4.	Equal Parenting Time Obligation (<input type="checkbox"/> EPT Worksheet or <input type="checkbox"/> Shared Expense Formula)	_____	_____
5. a	Ability to Pay Calculation Child Support Income (D.1) _____ - Poverty Guidelines for Household of One _____ = _____		
5. b.	Subtotal (lesser amount of F.3 and F.5.a)	_____	_____
6.	Social Security Dependent Benefits	(-) _____	(-) _____
6. b.	Final Subtotal	_____	_____
7.	Enforcement Fee Allowance** (Applied only to Nonresidential Parent) ((Line F.3. x Collection Fee %) x .5) or (Monthly Flat Fee x .5)	Percentage _____ % Flat Fee \$ _____ (+) _____	_____ (+) _____
8.	Net Parental Child Support Obligation (Line 5.b. + Line F.4.)	_____	_____

**Parent paying support.

Prepared By (Signature)

Judge/Hearing Officer Signature

Prepared By (Print Name)

Date Submitted

Date Approved

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

In the Matter of:

Petitioner

Case No. _____

and

Respondent

PARENTING PLAN

*“Petitioner” means the person who filed the Petition.
“Respondent” means the person who did not file the Petition.
“Parties” means the Petitioner and Respondent.*

This Parenting Plan is temporary permanent.

Proposed by Petitioner Proposed by Respondent Agreed by Petitioner and Respondent
 Developed by the Court.

After due consideration, the Court enters the following Parenting Plan that serves the child(ren)’s best interests on this ____ day of _____, 20____:

Section I. GENERAL INFORMATION

This parenting plan applies to the following children:

<u>Full Name of Child</u>	<u>Gender Birth</u>	<u>Date (Month/Yr) and Age</u>
_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____
_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____
_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____
_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____
_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____

For the purposes of this parenting plan, the following definitions apply:

Parent A is _____ (insert name), and
Parent B is _____ (insert name).

Section II. Legal Custody (Decision-Making)

A. Joint Legal Custody. Parents shall have joint legal custody of their minor 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.

B. **Sole Legal Custody.** Joint legal custody is not in the child(ren)'s best interests. "Sole legal custody" means that the parent granted sole legal custody has the primary right to decide matters of health and education in the child(ren)'s best interests. The parent not granted sole legal custody may make emergency decisions affecting the child(ren)'s health or safety when the child(ren) are in that parent's physical care and control. The grant of sole legal custody to one parent does not deprive the other parent of access to information regarding the child(ren) unless the court specifically orders, stating the reasons for that determination.

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: _____

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

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

Section III. Parenting Time Schedule.

Parent A shall have parenting time beginning at _____ am pm ending at _____ am pm as follows:

Parent A's Weekday Schedule:

Parent A's Weekend Schedule:

Parent A's Other Times:

Parent B shall have parenting time beginning at _____ am pm ending at _____ am pm as follows:

Parent B's Weekday Schedule:

Parent B's Weekend Schedule:

Parent B's Other Times:

The holiday schedule as set out in the _____ (name county) Family Law Guidelines controls holiday parenting time

Or

The holiday schedule is as follows:

<u>HOLIDAY PARENTING SCHEDULE</u>	<u>Parent A Even/Odd/Every</u>	<u>Parent B Even/Odd/Every</u>
New Year's Day: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		
Spring Break: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		
Spring Break: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		
Memorial Day/weekend: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		
Mother's Day: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		
Father's Day/Weekend: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		
Independence Day: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		
Labor Day/weekend: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		
Halloween: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		
Thanksgiving Day/weekend: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		
Winter Break: From _____ (day) at _____ (time) until _____ (day) at _____ (time)		

<u>HOLIDAY PARENTING SCHEDULE</u>	<u>Parent A</u> <u>Even/Odd/Every</u>	<u>Parent B</u> <u>Even/Odd/Every</u>
Winter Break: From _____(day) at _____(time) until _____(day) at _____(time)		
Other: From _____(day) at _____(time) until _____(day) at _____(time)		
Other: From _____(day) at _____(time) until _____(day) at _____(time)		
Other: From _____(day) at _____(time) until _____(day) at _____(time)		
Other: From _____(day) at _____(time) until _____(day) at _____(time)		

Section IV. Dispute Resolution Process

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

Mediation by: _____(name of mediator)

The following dispute resolution method: _____.

Section V. Military Deployment, Mobilization, or Unaccompanied Tour

Parent A Parent B is a military servicemember and the following shall apply upon notice of deployment, mobilization, temporary duty, or unaccompanied tour:

1. A parent receiving deployment, mobilization, temporary duty or unaccompanied tour orders from the military shall be considered a “deployed parent.”
2. The absence, relocation or failure to comply with a parenting order by a “deployed parent,” shall not by itself constitute a material change in circumstances to make any permanent change to the parenting plan.
3. Any court order limiting previously ordered parenting rights due to the parent's deployment, mobilization, temporary duty, or unaccompanied tour shall state that event as its basis and shall constitute only a “temporary order.”
4. The non-deploying parent shall provide the court and deployed parent at least 30 days advance written notice of any change of address or telephone number.
5. The non-deploying parent shall reasonably accommodate the deployed parent’s leave schedule.
6. The non-deploying parent shall facilitate telephone and electronic communication between the children and the deployed parent.

7. The deployed parent shall provide the nondeployed parent with timely information about the deployed parent's anticipated deployment, leave during deployment, and release from deployment.

8. During deployment, mobilization, temporary duty, or unaccompanied tour, the parents shall make decisions about the child(ren) by the following methods: _____

9. During deployment, mobilization, temporary duty, or unaccompanied tour, the child(ren) shall live with: Parent A Parent B Other _____ and the deployed parent shall have the following parenting time with the child when available:

Section VI. Address-Change

A. Each parent shall notify the other parent of any address change in writing no less than 30 days before changing address by sending written notice to the other parent by certified mail – restricted delivery, return receipt requested, at that other parent's last known address.

B. Each parent shall notify the other parent of any plan to remove any child(ren) from the State of Kansas for more than 90 days by sending written notice to the other parent by certified mail – restricted delivery, return receipt requested, at that other parent's last known address.

C. A parent is not required to give written notice of removal to the other parent under either (A) or (B) if the other parent has been convicted of a crime specified in Article 34 (crimes against persons), Article 35 (sex offenses), or Article 36 (crimes affecting family relationships and children) of Chapter 21 (Crimes and Punishments) of the Kansas Statutes Annotated to which the child(ren) was the victim.

Section VII. Other Requirements

Other requirements for this parenting plan: _____

Section VIII. Signatures: Required if agreed upon by the parties.

Parent A

Name: X _____
(Signature)

Parent B

Name: X _____
(Signature)

Name: _____ Name: _____
(Printed) (Printed)

Address: _____ Address: _____

Telephone: _____ Telephone: _____

Date Signed: _____ Date Signed: _____

Attorney (if any): _____ Attorney (if any): _____
(Signature) (Signature)

Attorney (if any): _____ Attorney (if any): _____
(Printed) (Printed)

APPROVED THIS ____ DAY OF _____, 20 ____.

DISTRICT JUDGE

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

In the Matter of the Marriage of

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 1: _____

Address 2: _____

City, State, Zip: _____

Telephone Number: _____

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 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

In the Matter of the Marriage of

Petitioner

and

Respondent

Case No. _____
Division _____

Is Title to Real Estate Involved? Yes No

DECREE OF DIVORCE
(WITH CHILDREN)

“Petitioner” means the person who filed the Petition.
“Respondent” means the person who did not file the Petition.
“Parties” means the Petitioner and Respondent

Please review #9 of the Instructions for Divorce-With Children prior to completing this Decree

NOW THIS _____ day of _____, 20____, the above matter comes before the Court for final hearing.

Petitioner appears in person by counsel, _____ does not appear.

Respondent appears in person by counsel, _____ does not appear.

After considering the presentation of testimony and evidence, the court finds:

1. Petitioner was a resident in the State of Kansas for more than sixty days before the petition filing date.
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 filing date.
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 divorced on that ground.
8. Petitioner Respondent is restored to the former name of _____.
9. Petitioner and Respondent cannot marry another person until thirty (30) days after entry of this Divorce Decree, or until a mandate is issued by the Kansas Appellate Courts if an appeal is taken as set out in K.S.A. 60-2106(c). Any marriage entered before that time is voidable unless Petitioner and Respondent both waive appeal.
10. Court costs are assessed to: Petitioner Respondent Other: _____.
11. Neither party is pregnant.
Or
 _____ is pregnant at the time this Decree is filed.
(Name of Petitioner or Respondent)
- Or
 Unknown.
12. 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 _____ (month) _____ (year).
b. _____ (child's name), was born in _____ (month) _____ (year).
c. _____ (child's name), was born in _____ (month) _____ (year).
d. _____ (child's name), was born in _____ (month) _____ (year).
e. _____ (child's name), was born in _____ (month) _____ (year).
f. _____ (child's name), was born in _____ (month) _____ (year).
13. 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: _____

14. Petitioner and Respondent have have not entered into an agreed parenting plan. 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.* Both parents are fit and proper persons to have joint responsibility for the care of the minor child(ren). It is in the best interest of the child(ren) that the parties jointly share in the care of the child(ren). The term "joint legal custody" means that both parents have equal rights and responsibilities regarding their child(ren) and that neither parent's rights are superior to the other parent's.

B. *Sole Legal Custody.* Joint legal custody is not in the best interests of the child(ren). The parent granted sole legal custody has the primary right to decide matters regarding matters of health, education and welfare in the child(ren)'s best interests. The parent not Granted sole legal custody may make emergency decisions affecting the health or safety of the child(ren) when the child(ren) is/are not in that parent's physical care and control. The grant of sole custody to one parent does not deprive the other parent of access to information regarding the child(ren) unless the court shall so order, stating the reasons for that determination.

1. Sole legal custody is granted to _____ (insert name of parent) for the following reasons:

- a. Agreement of the parents.
b. The other parent is unable or should not be allowed to exercise any decision-making because: _____

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

2. Restriction of Information Regarding the Child(ren) to Non Legal Custodian. _____ (insert name of parent) is restrained from accessing the child(ren)'s health, educational and other personal information because of the following specific reasons:

_____.

Petitioner shall have parenting time as follows:

_____.

Respondent shall have parenting time as follows:

Alternative Dispute Procedures. Disputes between the parents other than about child support shall first be submitted to mediation or another appropriate form of alternative dispute resolution namely: _____.

Military Servicemember. 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 non-deploying parent shall reasonably accommodate the deployed parent’s leave schedule;
(b) the non-deploying 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:

_____.

15. Neither spouse Petitioner Respondent is granted spousal maintenance as follows:

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

16. 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 set forth in K.S.A. 23-3005.

17. 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.

18. *Income Withholding Provisions.* (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.

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).

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: _____

19. 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 execute 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.

20. *Duty to Notify*. Each parent must notify the other of any change of financial circumstances including changes to income, work related child care 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 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.

21. Petitioner and Respondent entered into an agreement contained in or attached to this Decree, which the court approves as voluntary, fair and equitable and which is incorporated into this Decree shall divide their property and debts as stated on the record and contained in this Decree.

22. Petitioner shall have as Petitioner's own separate property: all Petitioner's personal papers and clothing, any personal property in Petitioner's possession not set aside to Respondent, those items set aside to Petitioner in the attached agreement, and the following items in Respondent's possession:

23. Respondent shall have as Respondent's own separate property all Respondent's personal papers and clothing, any personal property in Respondent's possession not set aside to Petitioner, those items set aside to Respondent in the attached agreement, and the following items in Petitioner's possession:

24. Each party is responsible for the debts in that party's name since the date of separation, _____, 20____.

A. Petitioner is solely responsible for payment of the following debts and obligations, will defend Respondent from these claims and liabilities, and will reimburse Respondent for any and all expenses incurred either directly or indirectly, including a reasonable attorney's fee, if Petitioner fails to pay these debts:

B. Respondent is solely responsible for payment of the following debts and obligations, will defend Petitioner from these claims and liabilities, and will reimburse Petitioner for any and all expenses incurred either directly or indirectly, including a reasonable attorney's fee, if Respondent fails to pay these debts:

25. 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.

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

Street Address _____
City _____ County _____ State _____ Zip _____
with a legal description of _____

Petitioner Respondent shall be responsible for payment of any mortgage loan, lien, or obligation for the above named real estate and shall hold the other harmless on that debt. This transfer does not change the rights of any creditor to collect the debt from either party.

27. Petitioner and Respondent shall execute any documents necessary to convey property. This decree transfers title to all property addressed in this decree when filed. (NOTE: Other steps may be necessary to complete the transfer of title of real estate, especially if the real estate is located outside this county.)

28. Any designation previously made by Petitioner or Respondent that names the other as a beneficiary of any individual or group life insurance or annuity policy, trust instrument, transfer-on-death account, or payable-on-death account, is terminated and may be renewed only by designation made after entry of this decree. Petitioner and Respondent shall make any necessary changes to beneficiary designations by filing the changes according to the terms of the policy, trust or account.

29. Other Provisions:

IT IS SO ORDERED.

District Court Judge

Submitted by:

X _____
Signature of Petitioner
Name(Print): _____
Address 1: _____
Address 2: _____
City, State, Zip: _____
Telephone: _____
Email: _____

X _____
Signature of Respondent
Name (Print): _____
Address 1: _____
Address 2: _____
City, State, Zip: _____
Telephone: _____
Email: _____