

# Instructions for filing a Reply to a Divorce (with children)

*You can download the complete instructions below*

## **Instructions for RESPONDING to Divorce Proceeding- With Children**

(This packet contains: Instructions, Answer, Voluntary Entry of Appearance, Domestic Relations Affidavit, Child Support Worksheet, and Parenting Plan. It is for use in responding to divorce actions when the filing person and spouse have children of their relationship together.) Use the forms at

<https://www.kansaslegalservices.org/page/790/divorce-children-interactive-forms>

when you are ready to prepare a Final Decree and Notice of Hearing.)

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

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### **WARNINGS**

1. These 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. It is important to note that property decisions are binding and may not be subject to modification. In addition, agreements regarding debt are NOT binding on, and do not affect the rights of, third parties.

7. If one spouse is to receive part of the other spouse's retirement, 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 pro se forms.

## **Facts About Filing for Divorce in Kansas:**

You or your spouse must have lived in Kansas for at least sixty (60) days before a Petition for Divorce may be filed with the court.

The legal divorce process is started by filing certain documents with the Clerk of the District Court in the county where you or your spouse lives.

- Your divorce case has a case number which must be on all documents you file with the court in the future.
- If you are proceeding with 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 Answer, it is important that you inform the Clerk of the District Court if you or your spouse's address changes.

- Terminology:

Filing Spouse = Petitioner

Non-filing Spouse = Respondent

### **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 and the Domestic Relations Affidavit 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.)

5. Complete the Child Support Worksheet (CSW). Instructions for completion of the CSW may be found on the Kansas Judicial Branch website at

<http://www.kscourts.org/rules-procedures-forms/Child-Support-Guidelines...>, or by

visiting your local law library. The CSW must be completed prior to your hearing.

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

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