

INSTRUCTIONS FOR PRO SE MOTION TO ESTABLISH PARENTING TIME

*****Please read ALL these instructions before you begin! *****

The following information is provided to help you get a hearing to set-up parenting time in your case. A hearing cannot be held until your motion has been filed and all of the steps have been completed.

A filing fee must be paid when filing your motion. Check with the clerk to find out the amount of the filing fee.

The following documents in this packet must be completed and filed with the court when seeking to establish parenting time.

Complete the documents with a typewriter or print legibly in black or blue ink. You may re-create the forms on a computer or word processor as well.

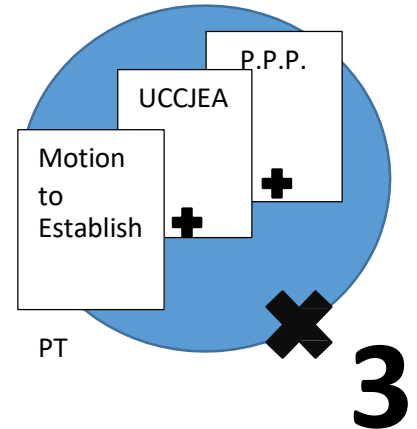
Complete:

1. Motion to Establish Parenting Time
2. UCCJEA Affidavit
3. Proposed Parenting Plan
4. Notice of Hearing
5. Request and Service Instruction Form (one for each party to be served)
6. 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 Establish Parenting Time

- a. Fill out the Motion to Establish Parenting Time completely.
 - ➔ Make sure you sign your name where indicated.
 - ➔ Click [here](#) to find this form.
- b. Fill out the UCCJEA Affidavit in full and sign.
 - ➔ Click [here](#) to find this form.
- c. Fill out the proposed Parenting Plan completely and sign.
 - ➔ Click [here](#) to find this form.
- d. Make 3 copies of the completed Motion to Establish Parenting Time, the UCCJEA Affidavit and the proposed Parenting Plan.
 - ➔ Attach copies of the UCCJEA Affidavit and proposed Parenting Plan to the Motion to Establish Parenting Time.
 - ➔ Make 4 copies if the opposing party has an attorney.
 - ➔ **Check with the clerk to find out if extra copies are necessary.**



2. Notice of Hearing

- a. Fill out the Notice of Hearing **except for the hearing place, date and time.**
 - ➔ Click [here](#) for this form.
- b. Make 3 copies of the completed Notice of Hearing.
 - ➔ Make 4 copies if the opposing party has an attorney.
 - ➔ **Check with the clerk to find out if additional copies are necessary.**

3. Filing your Motion and Obtaining a Hearing Date

- a. Go to the Clerk of the District Court office to file your motion.
 - ➔ Bring original documents and all copies with you.
- b. Give the clerk the original and all copies of the Motion to Establish Parenting Time and attachments.
 - ➔ The clerk will file-stamp the original and all copies.
 - ➔ The clerk 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 Notice of Hearing.



- ➔ 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 Opposing Party - Request and Service Instruction Form

You **must** give the opposing party a copy of the filed Motion to Establish Parenting Time and attachments 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 opposing party's last known address. 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 opposing party 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 - You may request that the documents be delivered to the opposing party by your local Sheriff. *There will be a fee for this service.*

- iv. Service by Sheriff via Certified Mail - You may ask that the documents be mailed, certified mail, by your local Sheriff's office. *There will be a fee for this service.*
- v. Service by Sheriff's Office - Outside Kansas. If the opposing party lives outside Kansas, you may ask that the Sheriff's department where the opposing party lives deliver the documents to the opposing party. You will be responsible for finding out the costs involved and completing the correct paperwork as required by that Sheriff's department.

Once you have decided the method with which you want to serve the documents on the opposing party:

- Complete the Request and Service Instruction Form
 - ➔ Click [here](#) to find the form.
- Provide the form to the clerk, along with the appropriate number of copies of the Motion to Establish Parenting Time and the Notice of Hearing.
 - ➔ One of each for the opposing party and one of each for the opposing party's attorney, if any.
 - ➔ If you choose to mail the documents yourself, do not give the extra forms to the clerk.

Service by Certified Mail:

If you choose service by certified mail, you must mail a copy of the Motion to Establish Parenting Time and attached UCCJEA Affidavit and proposed Parenting Plan and the Notice of Hearing by certified mail to both the opposing party and their attorney of record, 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 give 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 Establish Parenting Time and attachments and one copy of the Notice of Hearing *for yourself*.
 - b. Mail one copy of the Motion to Establish Parenting Time and attachments and one copy of the Notice of Hearing *to the opposing party/ex-spouse* **by certified mail**.
 - c. Mail one copy of the Motion to Establish Parenting Time and attachments and one copy of the Notice of Hearing to the *opposing attorney of record, if any*, **by certified mail**.

5. Filing the Return of Service for Certified Mail

After you mail your Motion to Establish Parenting Time and attachments and Notice of Hearing **by certified mail** to the necessary 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.

➔ Click [here](#) to find the form.

- b. Attach the green card(s) to the middle of the page where shown.

- 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 needed to properly file your Motion to Establish Parenting Time.

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|---|--|---|---|
| ● Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. | | A. Signature | <input type="checkbox"/> Agent |
| ● Print your name and address on the reverse so that we can return the card to you. | | X | <input type="checkbox"/> Address |
| ● Attach this card to the back of the mailpiece, or on the front if space permits. | | B. Received by (Printed Name) | C. Date of Delivery |
| Article Addressed to: | | D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No | |
| | | 3. Service Type | |
| | | <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| | | <input type="checkbox"/> Registered Mail | <input type="checkbox"/> Return Receipt for Merchandise |
| | | <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |
| | | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| Article Number | | | |

****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.**

****Double-check that you have completed and checked-off all the required steps mentioned above.**