

INSTRUCTIONS FOR PRO SE MOTION TO MODIFY 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 modify 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.

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

When seeking modification of parenting time, the following 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 Modify Parenting Time
2. Uniform Child Custody Jurisdiction and Enforcement Act (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 Modify Parenting Time

- a. Fill out the Motion to Modify 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. Fill out the UCCJEA Affidavit completely and sign.
- c. Fill out the proposed Parenting Plan completely and sign.

- d. Make 3 copies of the completed Motion to Modify Parenting Time, the UCCJEA Affidavit and the proposed Parenting Plan. Attach copies of the UCCJEA Affidavit and proposed Parenting Plan to the Motion to Modify Parenting Time. (Make 4 copies if the other party has an attorney. Additional copies may be necessary if the court has appointed a 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 a 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 Modify Parenting Time. The clerk will file-stamp the original and all copies of your Motion to Modify 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 Modify 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 Modify Parenting Time and the Notice of Hearing (one of each for the other party and 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 Modify 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 Modify Parenting Time and one copy of the Notice of Hearing for yourself.

b. Mail one copy of the Motion to Modify 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 Modify 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 Modify 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 Modify 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.

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

Case No. _____

Petitioner

and

Respondent

MOTION TO MODIFY PARENTING TIME

I, _____ (insert your name) request that the Court modify parenting time in this case because:

1. The current order filed on (date) _____ grants the following parenting time to each parent: _____

2. A completed UCCJEA Affidavit is attached.

3. The Court should grant parenting time as requested in the attached Parenting Plan, because (set out the reasons for all proposed changes):

4. 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.)

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

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

I ask the Court to modify 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 (1): _____

Address (2): _____

City, ST, Zip: _____

Telephone: _____

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): _____

(Attach UCCJEA Affidavit and Proposed Parenting Plan)

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

Petitioner

Case No. _____

and

Respondent

**UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)
AFFIDAVIT
(K.S.A. 23-37,101 *et seq.*)**

I, _____ (*full legal name*), certify that the following statements are true:

1. The names and dates of birth of the children now under eighteen years of age and subject to this proceeding 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).

2. The child(ren) now live with: _____ (name of adult)

at _____ (Street address),

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

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

3. 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

4. I have have not been involved in a court case involving the custody or visitation of the child(ren). The following court cases are on file about the child(ren):

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

5. I have do not have information concerning ANY OTHER proceeding that could affect the current proceeding including but not limited to proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoption. The following court cases are on file and could affect the current proceedings:

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

6. The following named persons not a party to this proceeding have physical custody or claim to have custody or visitation rights with respect to any child subject to this proceeding: **None**

Name	Address, City and State	Check the box that applies
		<input type="checkbox"/> Has Physical Custody <input type="checkbox"/> Claims Custody Rights <input type="checkbox"/> Claims Visitation Rights
		<input type="checkbox"/> Has Physical Custody <input type="checkbox"/> Claims Custody Rights <input type="checkbox"/> Claims Visitation Rights
		<input type="checkbox"/> Has Physical Custody <input type="checkbox"/> Claims Custody Rights <input type="checkbox"/> Claims Visitation Rights
		<input type="checkbox"/> Has Physical Custody <input type="checkbox"/> Claims Custody Rights <input type="checkbox"/> Claims Visitation Rights
		<input type="checkbox"/> Has Physical Custody <input type="checkbox"/> Claims Custody Rights <input type="checkbox"/> Claims Visitation Rights

7. I acknowledge that I have a continuing duty to inform the court of proceeding(s) in this or any other state that could affect the current proceeding.

I certify 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): _____

(Make as many copies of this page as necessary.)

THE FOLLOWING INFORMATION IS TRUE:

(*Child's Full Legal Name*) _____, lived at the following address(es) with the adult(s) listed during the past five years:

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

THE FOLLOWING INFORMATION IS TRUE:

(*Child's Full Legal Name*) _____, lived at the following address(es) with the adult(s) listed during the past five years:

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

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</u> <u>Even/Odd/Every</u>	<u>Parent B</u> <u>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

Case No. _____

Petitioner

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 _____ 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

Case No. _____

and

Respondent

Respondent's Address:

REQUEST AND SERVICE INSTRUCTION FORM

"Petitioner" means the person who filed the Petition.

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

To: Clerk of the District Court

The Clerk of the Court will issue a Summons and Petition in the above entitled action for the above named Respondent. You are hereby instructed to effect service, as follows:

- a. *Personal Service inside Kansas* – Service through the office of the Sheriff of _____ County, State of Kansas, other than by certified mail.
- b. *Certified Mail Service inside or outside Kansas* – Certified mail service by the Petitioner, who understands that the responsibility for obtaining service and effecting its return shall be on the Petitioner. The receipt for certified mail service (green card) must be filed with the Clerk's office before service can be perfected.
- c. *Certified Mail Service inside or outside Kansas* – Certified mail service by the office of the Sheriff of _____ County, State of Kansas, AT THE EXPENSE OF THE PETITIONER. The Petitioner understands that the responsibility for obtaining service and effecting its return shall be on the Sheriff.
- d. *Personal Service outside Kansas* – Out of state service by service through the Sheriff of _____ County, State of _____ (other person's location) by other than certified mail, which the PETITIONER MUST ARRANGE WITHOUT ASSISTANCE OF THE COURT.

- e. No service required as my spouse will complete a Voluntary Entry of Appearance or I am filing an Affidavit for Service by Publication.

X _____
Signature of Petitioner

Name (Print): _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone Number: _____