

Instructions for RESPONDING to Divorce Proceeding – Without Children

(You may need to copy or download the following forms: Instructions, Answer, Voluntary Entry of Appearance, Domestic Relations Affidavit, Notice of Final Hearing and Decree of Divorce. These forms are for use in responding to divorce actions when the filing person and spouse do not have any children from their relationship together.)

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

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 and the Domestic Relations Affidavit.
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 document filed with the court (the Answer, Domestic Relations Affidavit, Voluntary Entry of Appearance) via U.S. Mail, postage prepaid, to the Petitioner and 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.

===== **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

Defendant

ANSWER TO PETITION FOR DIVORCE (without 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. We do not now have any children from our relationship who are under the age of 19.

Neither party is pregnant.

Or

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

Or

Unknown.

6. The court should distribute the marital property and debts as agreed upon or as the court may decide.
7. I do do not request spousal support.
8. 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.)
9. I deny any conflicting statements made in the Petition for Divorce.

Optional:

10. 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 Petitioner and Respondent, 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 Answer are true and that I am the person filing this answer.

X _____
 Signature of Respondent

SUBSCRIBED AND SWORN to before me, a Notary Public, this _____ day of _____, 20____.

 Notary Public

CERTIFICATE OF SERVICE AND MAILING

I certify that on this _____ day of _____, 20____, I sent a true copy of this Answer 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): _____

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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

1 of 17. 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
- income tax consideration
- special needs
- other: _____
- agreement past majority
- long distance parenting time
- overall financial conditions

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 Due	Payment Rate	Encumbered Property

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.

<u>Health Insurance</u>	<u>COBRA Continuation</u>		
	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 _____

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 _____ 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

Case No. _____
Division _____

Respondent

Is Title to Real Estate Involved? Yes No

**DECREE OF DIVORCE
(WITHOUT 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 #7 of the Instructions for Divorce-Without 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. Petitioner and Respondent do not now have any children from their relationship who are nineteen (19) years of age or under.
- 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 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.
13. 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:
- _____
- _____
- _____
- _____
- _____
- _____

14. 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:

15. Each party is responsible for the debts in that party's name incurred 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:

16. 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.

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

Street Address _____

City _____ County _____ State _____

Zip Code _____ 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.

18. 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.)

19. 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.

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

All 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 any information requested. No court trustee fee will be charged.

21. *Income Withholding Provisions.* 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).

22. Other Provisions:

IT IS SO ORDERED.

Judge of the District Court

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: _____