

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.

The Judicial Council forms are for non-commercial use only. The forms are copyrighted by the Kansas Judicial Council and are provided free of charge. The forms cannot be sold, republished, or otherwise transferred from one person to another for compensation or other value without the Kansas Judicial Council's express written permission.

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, 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 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:
 - 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** =====