

## **Instructions for FILING Divorce – With Children**

Read these directions carefully and completely.

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### **WARNINGS**

- 1. These forms are basic forms for simple divorces. They do not deal with every situation. If your divorce is complicated, 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 or give you legal advice. The Clerk can only give very limited information about the process. If you have any questions, you should contact an attorney.**
- 3. These forms are not for sale. *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. 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. Property includes all assets, real estate, personal property, liquid accounts, retirement accounts, and any other things that were owned by either spouse during the marriage. Agreements that are not binding can include mortgages, promissory notes, debt obligations or other contracts involving third persons or entities.**
- 7. If one spouse is to receive part of the other spouse's retirement benefits, additional documents may be needed to complete the transfer. Consult an attorney. This type of situation is too complicated for use of these forms.**

## GENERAL INFORMATION

- ❖ To get a divorce in Kansas, you or your spouse must have lived in Kansas for at least sixty (60) days before the [Petition for Divorce](#) is filed.
- ❖ Filing for divorce starts with filing certain documents, and paying a filing fee, with the Clerk of the District Court in the county where you or your spouse lives. The office of the Clerk of the District Court is in the county courthouse.
- ❖ Make sure to tell the Clerk of the District Court every time your mailing address changes.
- ❖ When you file the [Petition for Divorce](#), the Clerk of the District Court will assign a case number which you must put on all documents you file with the court in the future.
- ❖ The Clerk of the District Court cannot help you prepare any legal documents or provide any legal advice.
- ❖ The district court where you file for divorce may have local court rules that apply to your case. Contact the Clerk of the District Court to ask how you can find a copy of the local court rules. Some courts have their local court rules available on their website.
- ❖ These forms give the reason for the divorce as “incompatibility.” If you want to reference a different statutory reason for the divorce, do not use these forms.

## COMMON TERMS

- ❖ **Case Caption** = The section above the title of every document is called the case caption. It says which county the case was filed in, the case number, and the names of the people involved in the case. The case number is assigned by the court when the [Petition for Divorce](#) is filed.

Example:

IN THE DISTRICT COURT OF <u>SMITH</u> COUNTY, KANSAS	
<i>In the Matter of the Marriage of</i>	
<u>John Doe</u> _____.	
and	Case No. <u>20 DM 555</u>
<u>Mary Doe</u> _____.	

- ❖ **Clerk of the District Court** = A person at the courthouse who is responsible for taking the papers you give to the court.
  - You can find the Clerk's phone number on the [Kansas Judicial Branch website](#).
- ❖ **Decree** = A final order of the Court.
- ❖ **File Stamped** = When you give documents to the Clerk of the District Court, the Clerk of the District Court will stamp each document showing that it was officially filed on the date printed on the stamp. The documents are now "file stamped." This stamp shows the documents were received by the Clerk of the District Court and are now part of the court's file.
- ❖ **Filing Fee (or Docket Fee)** = The money the person who files the [Petition for Divorce](#) pays to start the case. When you file your [Petition for Divorce](#) with the Clerk of the District Court, you must:
  - pay a filing fee (also called a docket fee).
 

You can find out how much the fee will be by calling the Clerk of the District Court. You can search for the phone number on the [Kansas Judicial Branch website](#).

OR

  - file a [Poverty Affidavit](#) form.
 

Later in the case, the Judge will look at the [Poverty Affidavit](#) and decide whether you must pay the filing fee. If the Judge find that you do not meet the requirements, you will have to pay the filing fee.
- ❖ **Parties** = A general word meaning both Petitioner and Respondent.
- ❖ **Petitioner** = The person who files the [Petition for Divorce](#).
- ❖ **Respondent** = The person served with a [Petition for Divorce](#) and who may file an Answer.
- ❖ **Real Estate Legal Description** = A legal description of a property is the geographical description of the real estate that identifies its precise location, boundaries, and any easements. You can get the legal description from the local Register of Deeds office.
- ❖ **Self-Represented Litigant (SRL)** = A petitioner or respondent who does not have an attorney representing him or her in this case.
- ❖ **Service of Process** = The procedure by which Petitioner gives appropriate notice of the legal action to the Respondent.

## FORMS

To get a form online, go to [www.kansasjudicialcouncil.org](http://www.kansasjudicialcouncil.org) and click on the "Legal Forms" tab. Scroll down and click on the "[Divorce](#)" box. Forms are available in PDF. You may type on the forms or print the form and write on it. If you write on the forms, write neatly in ink.

You can find an explanation of each form in Appendix A.

### FILING YOUR DIVORCE CASE

**Step 1: Fill out these forms:**

- [Civil Cover Sheet](#)
- [Self-Represented Litigant Certification Form](#)
- [Petition for Divorce](#) - **Do not sign this form until you are in front of a notary public.**
- [Domestic Relations Affidavit](#)
- [Parenting Plan](#)

Leave the Case Number line blank. The Clerk of the District Court will give you the Case Number when you complete step 8.

**Step 2: Decide how you will give "legal notice" to your spouse**

You must give legal notice to your spouse that you have filed a [Petition for Divorce](#). You can do that in **ONE** of the following ways.

**Voluntary Entry  
of Appearance** →

You must give your spouse a copy of the completed [Petition for Divorce](#) and [Summons](#). After getting the copies of those forms, your spouse can fill out a [Voluntary Entry of Appearance](#) form.

Your spouse must sign this form in front of a notary public. The completed and signed [Voluntary Entry of Appearance](#) form must then be filed with the Clerk of the District Court.

**OR**

**Personal Service by Sheriff** →

You can have the sheriff give a copy of the [Petition for Divorce](#) and [Summons](#) to your spouse.

If your spouse lives in Kansas, you must pay a sheriff's service fee.

If your spouse lives in a state other than Kansas, you will have to find out the procedures required by the sheriff in that state and county and to pay any fees required.

**OR**

**Service by Return Receipt** →

You can mail copies of the [Petition for Divorce](#) and [Summons](#) to your spouse using return receipt delivery, which can be by certified mail, priority mail, commercial courier service, overnight delivery service or other reliable personal delivery service to the party addressed. The written or electronic delivery receipt must show who the documents were delivered to, the date of delivery, the address where delivered, and the person or entity completing delivery.

After receiving the return receipt, you must fill out and file a [Return of Service by Return Receipt](#) form with the Clerk of the District Court to show that your spouse received the documents.

**OR**

You can pay a fee and have the sheriff's office send copies of your [Petition for Divorce](#) and [Summons](#) to your spouse using return receipt delivery.

*See Appendix B for more information on Service by Return Receipt.*

**OR**

**Publication** →

*You can only use this method if the judge says you can.*

If you cannot give legal notice to your spouse through any other way, you can ask the court if you can publish notice in a local newspaper.

This is a very complicated process and may limit your ability to have all issues decided in the divorce. You can only use this method if the judge says you can.

The newspaper will charge you a fee to publish the notice. After publication, you must file the proof of publication with the Clerk of the District Court.

**Step 3: Call the Clerk of the District Court**

- ❖ You can search for the phone number on the [Kansas Judicial Branch website](#).
- ❖ Call the Clerk of the District Court's office and ask:
  - how many copies of each document you need to bring when you file the documents with the Clerk of the District Court's office;
  - how much you will have to pay (the filing fee) when you give the documents to the Clerk of the District Court's office; and
  - if you are asking a sheriff in Kansas to serve your [Petition for Divorce](#) and other documents on your spouse, ask how much the Kansas sheriff service fee is and how you can pay that fee when you file your documents.

**Step 4: Fill out the [Summons](#) Form**

- ❖ On the [Summons](#) form:
  - Fill out the case caption.
  - On page 1, write your spouse's name and the address where you want the sheriff to go to give your spouse the [Petition for Divorce](#) and Summons.
  - On page 2, write your name and mailing address on the line.
  - **Do not** fill in the date or sign on the line reserved for the Clerk of the District Court.
- ❖ On the Return of Service of Summons section (beginning on page 3), fill out the caption only. **Do not** fill out anything else after the caption.

**Step 5: Fill out the [Request and Service Instructions](#) Form**

- ❖ Check the box on the form showing how you want to give legal notice to your spouse. See Step 2 above.
- ❖ If you chose – Personal Service by Sheriff:

***Option a – Personal Service inside Kansas:***

- Look at the address you wrote on the [Summons](#) form where you want the sheriff to serve the paperwork on your spouse. Find out which county the address is in and write the name of that county on the line in Option a.
- Write a check or buy a money order for the amount of the service fee. Make out the check or money order payable to the county sheriff of the county you wrote on the line in Option a. You will give this check or money order to the Clerk of the District Court's office in Step 8.

***Option b – Personal Service outside Kansas:***

- Look at the address you wrote on the [Summons](#) form where you want the sheriff to serve the paperwork on your spouse. Find out which county the address is in and write the name of that county and state on the lines in Option b.
- Call the sheriff's office in that county and ask:
  1. How much it costs for the sheriff to serve the paperwork on your spouse.
  2. Whether you must pay the fee by check or money order.
  3. The address where the Clerk of the District Court must send the paperwork to the sheriff.
- On the form, write the address where the Clerk of the District court must mail the paperwork to the sheriff and the sheriff's phone number.
- Write the check or buy the money order in the amount of the fee charged by the sheriff. You will give this check or money order to the Clerk of the District Court in Step 8.

- ❖ If you chose – Service by Return Receipt:

***Option c –Service by Return Receipt inside or outside of Kansas:***

- You do not need to write anything in Option c.

***Option d – Service by Return Receipt inside or outside Kansas by Sheriff:***

- Look at the address you wrote on the [Summons](#) form where you want the sheriff to mail the paperwork to your spouse. Find out which county the address is in and write the name of that county and state on the lines in Option d.
- Call the sheriff in that county and ask:
  1. How much it costs for the sheriff to send the paperwork to your spouse by return receipt delivery.
  2. Whether you must pay the fee by check or money order.
  3. What is the address where the Clerk of the District Court must send the paperwork to the sheriff.
- On the form, write the address where the Clerk of the District court must mail the paperwork to the sheriff and the sheriff's phone number.
- Write the check or buy the money order in the amount of the fee charged by the sheriff. You will give this check or money order to the Clerk of the District Court in Step 8.

❖ If you chose – No Service Required:

***Option e – Voluntary Entry of Appearance or Publication Service:***

- You do not need to write anything in Option e.

❖ Sign the form and write your address, telephone number, and email address.

**Step 6: Find a notary public and sign the [Petition for Divorce](#) in front of the notary public**

- ❖ You must sign the [Petition for Divorce](#) in front of a notary public. You may have to pay a fee.
- ❖ Here are the most common types of businesses where you can find a Notary Public.

Banks, Law Firms or Law Offices, Real Estate Firms or Real Estate Offices, Tax Preparer or Accountant Offices, Photocopy Shops, Parcel Shipping Stores, Auto tag and license service centers, Colleges and Universities, or Public Libraries.



- Step 7: (Optional) Fill out the [Poverty Affidavit](#)**
- ❖ If you are unable to pay the fee required to start your divorce case, fill out the [Poverty Affidavit](#).
- Step 8: File your completed documents with the Clerk of the District Court's Office**
- ❖ Go to the Clerk of the District Court's office in the county courthouse. You can find the address of the county courthouse on the [Kansas Judicial Branch website](#).
  - ❖ Give the original and all copies of the following documents to one of the Clerks in the Clerk of the District Court's office:
    - [Civil Cover Sheet](#)
    - [Self-Represented Litigant Certification Form](#)
    - [Petition for Divorce](#)
    - [Request and Service Instructions](#)
    - [Summons](#)
    - [Domestic Relations Affidavit](#)
    - [Parenting Plan](#) – *check the box on the form to show that this is the parenting plan proposed by you or agreed to by you and your spouse.*
  - ❖ Give the Clerk of the District Court any check or money order for the sheriff's service fee, if needed.
  - ❖ One of the Clerks in the Clerk of the District Court's office will stamp each document showing that it was filed on the date printed on the stamp. The documents are now "file stamped." The Clerk will give you back a "file stamped" copy of your documents.
- Step 9: Pay the filing fee to the Clerk of the District Court**
- ❖ You must pay to start your divorce case. If you are unable to pay, give the Clerk your completed [Poverty Affidavit](#) form.
  - ❖ Even if you file the [Poverty Affidavit](#), you may have to pay the filing fee later. Before the judge orders your divorce, the judge will look at your [Poverty Affidavit](#) and decide if you must pay the filing fee.

## COMPLETE SERVICE (LEGAL NOTICE)

**Step 10: Your next step depends on which type of service you selected in Step 5**

❖ If you chose – **Voluntary Entry of Appearance:**

- Print the [Voluntary Entry of Appearance form](#). Fill out the case caption. Give your spouse a copy of the file-stamped [Petition for Divorce, Summons](#), and the [Voluntary Entry of Appearance form](#). After getting the documents, your spouse will fill out a [Voluntary Entry of Appearance form](#). Your spouse must sign this form in front of a notary public.
- After your spouse has completed the [Voluntary Entry of Appearance form](#), **either you or your spouse need to file the completed [Voluntary Entry of Appearance form](#)** with the Clerk of the District Court in the same place you filed your [Petition for Divorce](#).

**OR**

❖ If you chose – **Personal Service by Sheriff:**

- The Clerk of the District Court will send your paperwork to the sheriff.

**OR**

❖ If you chose – **Service by Return Receipt inside or outside Kansas:**

- You can send the documents to your spouse using certified mail, priority mail, commercial courier service, overnight delivery service or other reliable personal delivery service. For example, these services may be offered by the United States Postal Service, FedEx, or UPS. Go to Appendix B for more information.
- After you file your [Petition for Divorce](#) and Summons, take the file-stamped copies of these documents, and any other documents you filed (do not include the Civil Information Sheet and [Request and Service Instructions](#)), to the company you've chosen to send the documents.
- **Make sure you send the documents to your spouse using a type of service that will give you a written or electronic delivery receipt showing who the documents were delivered to, the date of delivery, the address where delivered, and the person or entity completing delivery.**
- When you get the written or electronic delivery receipt, fill out the [Return of Service by Return Receipt](#) form. Attach the written or electronic delivery receipt to the form. Go to Appendix B for examples of what the delivery receipt might look like.

- If the written or electronic delivery receipt says the documents were refused, mail a copy of the [Petition for Divorce](#) and other documents to your spouse by first-class mail.
- File the completed [Return of Service by Return Receipt](#) form with the Clerk of the District Court's office where you filed your [Petition for Divorce](#).

**OR**

❖ If you chose - **Service by Return Receipt inside or outside Kansas by Sheriff:**

- The Clerk of the District Court will send your paperwork to the sheriff.

**OR**

❖ If you chose – **Publication:**

- If you cannot give legal notice to your spouse through any other way, you can ask the court if you can publish notice in a local newspaper. This is a very complicated process. Follow the steps under STEPS FOR PUBLICATION SERVICE in Appendix C.

## **RESPONDENT FILES AN ANSWER**

**Step 11: Receive your spouse's response**

- ❖ Your spouse may file a response (Answer) to the Petition. This response should be filed within the timeframe written on the summons form. It is also ok if your spouse does not file a response.
- ❖ If your spouse files a response, your spouse must file it with the Clerk of the District Court and mail a copy to you.

## COURT HEARING

**Step 12: Get a hearing date**

- ❖ Call the Clerk of the District Court to find out how to get a final hearing date and time for your divorce. Different courts have different procedures and requirements.
- ❖ Kansas law says that a divorce decree cannot be entered until at least 60 days after you filed the petition.

**Step 13: Fill out, mail (use return receipt delivery), and file the [Notice of Hearing](#)**

- ❖ As soon as you know the date and time of the hearing, fill out the [Notice of Hearing](#) form.
- ❖ Take the original [Notice of Hearing](#) form and at least two copies of the completed [Notice of Hearing](#) form to the Clerk of the District Court's office. File the original and all copies of that notice with the Clerk of the District Court's office.
- ❖ Send a file-stamped copy of the [Notice of Hearing](#) to your spouse using return receipt delivery. Return receipt delivery can be by certified mail, priority mail, commercial courier service, overnight delivery service or other reliable personal delivery service. For example, these services may be offered by the United States Postal Service, FedEx, or UPS.

**Step 14: Fill out and file the [Return of Service by Return Receipt](#) form**

This proves to the court that you sent the [Notice of Hearing](#) to your spouse.

- ❖ Once the documents are delivered to your spouse, get the written or electronic delivery receipt back from the delivery service. Go to Appendix B for more information.
- ❖ When you get the written or electronic delivery receipt, fill out the [Return of Service by Return Receipt](#) form. Attach the written or electronic delivery receipt to the form. Go to Appendix B for examples of what the written or electronic delivery receipt form might look like.
- ❖ If the written or electronic delivery receipt says the documents were refused, mail a copy of the [Petition for Divorce](#) and other documents to your spouse by first-class mail.
- ❖ File the completed [Return of Service by Return Receipt](#) form with the Clerk of the District Court's office where you filed your [Petition for Divorce](#).

**Step 15: Complete any required parenting, co-parenting, or other required class**

- ❖ If required by local rules, attend and complete any required parenting, co-parenting, divorce or other required classes before your final divorce hearing.
- ❖ You may find a copy of your local court rules on the district court's website or by calling the Clerk of the District Court's office.

**Step 16: Before the hearing, print at least two copies of the [Decree of Divorce](#) form. Leave one copy of the form blank. On the other copy, and fill out the following paragraphs**

- ❖ Complete the case caption.

*Name Change*

- ❖ If you want to change your name, complete paragraph 10 of the [Decree of Divorce](#), and the Order Changing Name found at the end of the [Decree of Divorce](#) form.

*Personal Property & Debts*

- ❖ If you and your spouse already **agree** about how you will split your personal property (items you own, such as furniture, appliances, electronics, clothes, etc) and debts, complete paragraphs 11-16 of the [Decree of Divorce](#), or write out your agreement on a separate piece of paper to give to the judge.
- ❖ If you and your spouse **do not agree** about how you will split your personal property (items you own, such as furniture, appliances, electronics, clothes, etc) and debts, **do not** complete paragraphs 11 - 16 of the [Decree of Divorce](#).

*Real Estate*

- ❖ If you and your spouse own real estate, get the property's mailing address and the full legal description of the property. You can usually find the full legal description on the real estate deed or by calling your local Register of Deeds office. Fill in the street address and legal description of the property in paragraph 18 of the [Decree of Divorce](#).
- ❖ If you and your spouse **agree** on who will keep the real estate, check the box in paragraph 18 of the [Decree of Divorce](#) for Petitioner or Respondent.
- ❖ If you and your spouse **do not agree** on who will keep the real estate, **do not** check either box in paragraph 18 of the [Decree of Divorce](#) for Petitioner or Respondent.

## Children

- ❖ Fill in the child(ren)'s initials and year of birth in paragraph 21 of the [Decree of Divorce](#).
- ❖ If you and your spouse **agree** on the parenting plan, fill out paragraphs 23 – 27 of the [Decree of Divorce](#) or complete the [parenting plan](#) form and give it to the judge.
- ❖ If you and your spouse **do not agree** on the parenting plan, **do not** fill out paragraphs 23 – 27 of the [Decree of Divorce](#).

If a paragraph is not mentioned above, **do not** complete it. The judge will complete the other paragraphs.

### Step 17: Before the hearing, complete the Child Support Worksheet

- ❖ The Child Support Worksheet must be completed before your hearing.
- ❖ A copy of the [Child Support Guidelines](#) is available on the [Kansas Judicial Branch website](#) ([www.kscourts.org/About-the-Courts/Programs/Child-Support-Guidelines](http://www.kscourts.org/About-the-Courts/Programs/Child-Support-Guidelines)).

- ❖ **Free** child support calculator:

If the total yearly income of both you and your spouse combined is less than \$50,000, you can use [Kansas Legal Services' interactive Child Support Worksheet](#) to calculate child support.

- ❖ **Fee-based** child support calculator:

You can pay a fee and use the [Kansas Child Support Calculator](#) ([childsupporttools.com](http://childsupporttools.com)) if any of the following situations apply:

- the total yearly income of both you and your spouse combined is more than \$50,000;
- you or your spouse have children with other people;
- if you and your spouse live in different states; or
- you need to calculate an income tax adjustment.

*When using these online forms, sign in and create an account because you need to save your answers often while completing the forms.*

**Step 18: Go to the final divorce hearing.**

- ❖ Plan to arrive at the courthouse early.
- ❖ Be prepared to go through security when entering the courthouse.
- ❖ Wear clean and appropriate clothing.
- ❖ Do not bring children with you to the courthouse.

**Step 19: Take the following things with you to the final divorce hearing:**

- Copies of any documents you previously filed.
- Any documents you received from your spouse.
- The blank [Decree of Divorce](#) form.
- The partially completed [Decree of Divorce](#) form.
- Any written property and debt division agreement signed by you and your spouse;
- Any written [parenting plan](#) agreed to and signed by you and your spouse;
- If you have not already filed it, take the completed [Return of Service by Return Receipt](#) form from Steps 10 & 14;
- If you have not already filed it, take 3 copies of your completed [Domestic Relations Affidavit](#) (you will need to give one copy to the judge, and one copy to your spouse);
- A completed Child Support Worksheet;
- Any certificate showing you completed any required parenting, co-parenting, or divorce or other classes required by local court rule;
- The completed [Kansas Payment Center form](#); and,
- The completed [Vital Statistics Worksheet](#).

## Step 20: Talking to the judge in the hearing

- ❖ There may be multiple families in the courtroom waiting for the judge. The judge will say the name of your case you when it is your turn.
- ❖ Be polite to the judge and other party. Don't interrupt.
- ❖ Be calm and logical. Don't yell or object on the grounds that the other side is lying.
- ❖ Speak only when asked to. Don't talk unless the judge instructs you to do so.
- ❖ Always stand if you are asked to speak.
- ❖ The judge will ask you and your spouse questions about the divorce. Only answer the questions the judge asks directly to you.
- ❖ Be prepared to tell the judge:
  - about the facts stated in the [Petition for Divorce](#),
  - that you and your spouse are incompatible, and
  - why you are asking the judge to approve your proposed agreements about your property, debts, and children.
- ❖ When the judge is done questioning each party, the judge will decide the issues in your divorce case and tell you what orders the judge is making.

## Step 21: After the final divorce hearing

- ❖ Once the judge has signed the original decree, the judge will tell you whether to take the completed divorce decree any parenting plan and child support worksheet to the judge's assistant or to the Clerk of the District Court's office. The judge's assistant or the Clerk of the District Court will file stamp the decree. Ask for at least two copies of the filed stamped decree, any parenting plan and child support worksheet. There may be a fee.
- ❖ Give your ex-spouse a file stamped copy of the decree, any parenting plan, and child support worksheet. Keep a copy of each document for yourself.
- ❖ If the judge ordered that child support and/or spousal maintenance to be paid through an Income Withholding Order in paragraph 33, issuing the Income Withholding Order is outside the scope of these forms. You may want to ask the Clerk of the District Court if there is a local procedure for getting the Income Withholding Order (see below).



- ❖ If the judge ordered you or your ex-spouse to pay you child support, you can have the child support order enforced (issuing Income Withholding Orders) through:
  - the [local district court trustee's office](#) (if your judicial district has a court trustee). You can get information about your local district court trustee by contacting the Clerk of the District Court.

OR

  - [Kansas Department for Children and Families Child Support Services](#) (DCF CSS). You may contact DCF CSS by calling toll free at 1-888-757-2445.

# APPENDIX A

## EXPLANATIONS OF FORMS

[Child Support Worksheet](#)



This form shows how child support is calculated.

[Civil Cover Sheet](#)



This form gives the court required information about you and your spouse. It is important to write full social security numbers and dates of birth, if known, on this form. This form is only used by the court staff and is not available to other people after it is entered into the court's computer system.

[Decree of Divorce](#)



This form is where the judge grants your divorce and makes orders about your property, support, and children.

[Domestic Relations Affidavit](#)



This form gives the court information about the money you have, your income, expenses, debts, property, and health insurance.

[Kansas Payment Center Form](#)



This form gives the Kansas Payment Center all the information it needs to get child support or spousal support payments from one spouse and give it to the other spouse. It is important to write full social security numbers and dates of birth, if known. This form is only used by the Kansas Payment Center and is not available to other people.

[Notice of Hearing](#)



This form tells your spouse when and where a court hearing will happen.

[Parenting Plan](#)



This form sets out how you and your spouse will make decisions about your children and when your children will be with you or your spouse.

[Petition for Divorce](#)



This form starts the case. It tells the court what you want the court to order and gives the court information it needs to make those orders.

[Poverty Affidavit](#)



This form gives the court information about you so it can decide whether you must pay the filing fee.

**Request and Service Instructions**



This form tells the Clerk of the District court how you plan to give “legal notice” to your spouse that you have filed a Petition for Divorce.

**Return of Service for Return Receipt Delivery**



This form tells the court when your spouse got your Petition for Divorce and Summons.

**Self-Represented Litigant Certification Form**



This form tells the court that the document you are filing does not contain prohibited personally identifiable information “PPI.” Examples of PPI include: full dates of birth and full social security numbers. This information may only be provided on the confidential Civil Cover Sheet that is filed by the Petitioner.

**Summons & Return of Service**



This form gives your spouse information about how to respond to your Petition for Divorce. The return of service section tells the court how and when your spouse got the summons.

**Vital Statistics – Worksheet for Divorce or Annulment Registration**



This form gives the Office of Vital Statistics the information it needs to register your divorce. It is important to write full social security numbers and dates of birth, if known. This form is only used by the Office of Vital Statistics and is not available to other people.

**Voluntary Entry of Appearance**



This form is filled out and filed by your spouse. This form tells the court that your spouse got a copy of the Petition for Divorce and Summons from you and your spouse does not want the sheriff to serve the same paperwork to them.

Service by Publication Forms:

**Affidavit for Service by Publication**



This form gives the court information to decide if you can serve your spouse using publication.

**Affidavit of Completion of Publication Service**



This form tells the court you completed service by publication.

**Order Allowing Service by Publication**



After being signed by the judge, this form says you can serve your spouse using publication.

**Publication Service Notice of Suit**



This form has the information the newspaper will publish.

## APPENDIX B

### SERVICE BY RETURN RECEIPT

If you choose to use return receipt delivery to give legal notice of the case to your spouse, here is some information that might be helpful to you.

There are multiple ways to accomplish service by return receipt. It is not enough to be able to track that the documents were delivered to an address. You must give to the court the document showing:

- WHO the documents were delivered to;
- The DATE when the documents were delivered;
- The ADDRESS where the documents were delivered;
- The PERSON or ENTITY who delivered the documents (the company name).

**Whichever company you use to deliver your documents, it is your responsibility to make sure that the return delivery receipt document shows all the required information above.**

THERE MAY BE OTHER COMPANIES THAT PROVIDE A RETURN RECEIPT SERVICE, THESE INSTRUCTIONS CONTAIN EXAMPLES FROM THREE COMMON COMPANIES.


#### U.S. POSTAL SERVICE (USPS) CERTIFIED MAIL WITH RETURN RECEIPT

USPS offers a [Certified Mail with Return Receipt](#) service. You can choose to get the Return Receipt as a green paper card that is mailed to you, or electronically by email.

The green paper card looks like this:

The image shows two examples of USPS Certified Mail with Return Receipt forms. The left form is a 'Domestic Return Receipt' (PS Form 3811) with a green header and a white body. It has sections for 'SENDER: COMPLETE THIS SECTION' and 'COMPLETE THIS SECTION ON DELIVERY'. The right form is a 'First-Class Mail Postage & Fees Paid USPS Permit No. G-10' with a green header and a white body. It features a tracking number, a barcode, and a signature line.

The electronic Return Receipt (attached as a PDF to an email) looks like this:

 UNITED STATES  
POSTAL SERVICE

Date: 9/9/05

JANE DOE:

The following is in response to your 9/9/04 request for delivery information on your Certified Mail item number 7003 1010 0000 3856 1252. The delivery record shows that this item was delivered on 9/7/04 at 10:19 AM in ANYTOWN, MD 20978 to J. Somebody. The scanned image of the recipient information is provided below.

Signature of Recipient: John Somebody  
JOHN SOMEBODY

Address of Recipient: 1234 ANY STREET

Thank you for selecting the U.S. Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office™ or postal representative.

Sincerely,

United States Postal Service

To show the court that your spouse received copies of the Petition and Summons, you must file either the green paper card or the electronic return receipt with the [Return of Service by Return Receipt](#) form.

## FedEx SIGNATURE PROOF OF DELIVERY

[FedEx](#) offers a service where you can log into the FedEx website and download a letter confirming delivery and shows the signature of the person who received the FedEx package.

This is an example of what the Signature Proof of Delivery letter might look like.

	FedEx Express Customer Support Trace 3675 Airways Boulevard Module H, 4th Floor Memphis, TN 38116	U.S. Mail: PO Box 727 Memphis, TN 38194-4643 Telephone: 901-969-9400	
11/07/2006			
Dear Customer:			
The following is the proof of delivery you requested with the tracking number <b>123456789123</b> .			
<b>Delivery Information:</b>			
Status:	Delivered	Delivery location:	555 Purple Promise Lane
Signed for by:	John O. Public	Delivery date:	Jun 1, 2005 09:10
Service type:	FedEx2Day Service		
			
<b>Shipping Information:</b>			
Tracking number:	123456789123	Ship date:	May 31, 2005
Recipient:	CUSTOMER SERVICE DEPARTMENT FEDERAL EXPRESS 555 PURPLE PROMISE LANE ANYTOWN, TN 38209 U.S.	Shipper:	GARY SMITHSON 3680 HACKENSON ROAD BEN GLENWOOD, CO 80112 U.S.
Thank you for choosing FedEx Express.			
FedEx Worldwide Customer Service 1.800.GoFedEx 1.800.463.3339			


To show the court that your spouse received copies of the Petition and Summons, you must file the Signature Proof of Delivery letter with the [Return of Service by Return Receipt](#) form.

## UPS PROOF OF DELIVERY ADULT SIGNATURE REQUIRED

UPS offers a [Proof of Delivery](#) service where they will require the adult recipient's signature and provide you with a copy of the delivery information and picture of the recipient's signature.

This is an example of what the Proof of Delivery receipt might look like.

12/21/11 UPS: Proof of Delivery


 **Proof of Delivery** [Close Window](#)

Dear Customer,

This serves as proof of delivery for the shipment listed below.

**Tracking Number:** 1ZE8E7030350829706  
**Shipment Reference:** 1043, 159827  
**Service:** GROUND  
**Weight:** 2.10 LBS.  
**Shipped or Billed On:** Nov 22, 2011  
**Delivered on:** Nov 28, 2011 1:51 PM  
**Delivered to:** 745 AGRICULTURE MALL DR  
WEST LAFAYETTE, IN, US, 47907

**Location:** OFFICE  
**Signed By:** WEBSTER



Thank you for giving us this opportunity to serve you.

Sincerely,  
UPS

Tracking results provided by UPS: Dec 21, 2011 10:53 AM Eastern Standard Time [Close Window](#)

<https://www.ups.com/qmVdisplayPOD> 1/1

To show the court that your spouse received copies of the Petition and Summons, you must file the Signature Proof of Delivery receipt with the [Return of Service by Return Receipt](#) form.

## APPENDIX C

### STEPS FOR SERVICE BY PUBLICATION

If you cannot give legal notice to your spouse through any other way, you can ask the court if you can publish notice in a local newspaper. This is a very complicated process. You may want to talk to an attorney.

**Step 1: Fill out the [Affidavit for Service by Publication](#) form**

- ❖ You must sign this form in front of a Notary Public.

**Step 2: File the completed [Affidavit for Service by Publication](#) form**

- ❖ File the completed [Affidavit for Service by Publication](#) form with the Clerk of the District Court where you filed your [Petition for Divorce](#).

**Step 3: Call or go talk to the judge's assistant**

- ❖ Ask the judge's assistant if you need to schedule a hearing for the judge to decide whether to allow you to use publication service, or if the judge will decide without holding a hearing.
- ❖ If the judge is not going to hold a hearing, ask whether you need to give the judge's assistant a completed [Order Allowing Service by Publication](#) form.
- ❖ If the judge wants to have a hearing, schedule the hearing with the judge's assistant.

**Step 4: Attend the hearing**

- ❖ If the judge wants to have a hearing, attend the hearing.
- ❖ Take a copy of the [Order Allowing Service by Publication](#) form and [Notice of Suit](#) form to the hearing.

**Step 5: Fill out the [Notice of Suit](#) form**

- ❖ Complete all blanks on the form.



**Step 6: Call the newspaper**

- ❖ After the judge says you are allowed to use publication service, call the newspaper in the county where you filed the [Petition for Divorce](#). If there is no newspaper published in the county, you can use a newspaper that has general circulation in the county.
- ❖ Ask the newspaper if it is the newspaper that is authorized to publish legal notices.
- ❖ Ask the newspaper how to send them the [Notice of Suit](#) and what the newspaper's process is for publication. The newspaper will tell you how much it will cost to publish the notice.
- ❖ Follow the newspaper's directions to finish publication process.
- ❖ You must publish the [Notice of Suit](#) in the newspaper once a week for three consecutive weeks.

**Step 7: Mail a copy of the [Notice of Suit](#) to your spouse**

- ❖ Within 7 days after the notice is first published in the newspaper, you must mail a copy of the [Notice of Suit](#) to your spouse at the address you gave as your spouse's last known address in #5 of the [Affidavit for Service by Publication](#).

**Step 8: Fill out the [Affidavit of Completion of Publication Service](#) form**

- ❖ After the 3<sup>rd</sup> time the notice is published in the newspaper, fill out the [Affidavit of Completion of Publication Service](#) form. Attach a copy of the [Notice of Suit](#) to the affidavit.

**Step 9: File the [Affidavit of Completion of Publication Service](#) form**

- ❖ File the completed [Affidavit of Completion of Publication Service](#) form and the [Notice of Suit](#) with the Clerk of the District Court's office where you filed your [Petition for Divorce](#).