

Instructions for Divorce – Without Children

Read Directions Completely – Please Type or Print Neatly

Caution: Use of forms without the assistance of a lawyer could harm your legal rights. You may want to have a lawyer review your completed forms before you file them with the court. These are basic forms and may not cover every situation.

1. Petitioner: Complete the **Petition** except for the case and division number. (Paragraph 7 may be omitted.)
2. Sign the **Petition** in front of a Notary.
3. File the original and 2 copies with the Clerk of the District Court (2nd floor of the courthouse) The filing fee is \$106 plus a \$5 surcharge for a total of \$111. It can be paid by money order, Cashier's check or cash.
4. Obtain case and division number from the Clerk of the District Court when you file.
5. Notify Respondent (spouse) by providing copy of **Petition** by: waiver, sheriff's service, or mail
 - a) By Waiver: Respondent completes the **Entry of Appearance and Waiver of Service** and signs it in front of a Notary. If the Respondent is given a copy of the **Petition** before it is filed he/she may complete and sign (notarized) the **Entry of Appearance and Waiver of Service** and it may be filed at the same time as the **Petition**.
 - or
 - b) By Sheriff's Service: Complete a [Request and Service Instruction Form](#) provided by the Clerk's of the District Court. File it along with a \$5.00 check payable to (Name of County where service will take place) County Sheriff's Office. The Clerk will issue the paperwork to the Sheriff's Office.
 - or
 - c) By Mail: Mail the **Petition** by certified mail – return receipt requested. The form: Return of Service for Certified Mail, **must** be filed with the Clerk of the District Court **after** service by certified mail (green card) is returned to you.
6. Contact the Administrative Assistant for the division to which the case has been assigned, and obtain a date and time for a hearing before the court.
7. Complete the **Decree of Divorce** and bring it with you to the hearing for the judge to sign.
8. Obtain a **Certificate of Divorce** form from the Clerk of the District Court.
9. Make at least two copies of the signed **Decree**. File the original **Decree**, the **Certificate of Divorce** and at least two copies of the **Decree** with the Clerk of the District Court.
10. Send one copy of the file stamped **Decree** to the Respondent and keep a copy for your records.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

In the Matter of the Marriage of

(Name of Spouse Filing)
and

Case No. _____

Division No. _____

Chapter 60D

(Name of Other Spouse)

PETITION FOR DIVORCE (without children)

The Petitioner states:

1. Petitioner is now and has been a resident in the state of Kansas for more than sixty days before this Petition is filed.

2. Respondent is now living at: _____

(street address), _____
(city), _____ (state).

3. Petitioner and Respondent were married on the following date: _____, _____ (marriage date and year) in the following city and state: _____, and have been married since that date.

4. Petitioner and Respondent should be divorced because they are incompatible, and they are no longer able to live together.

5. Petitioner and Respondent do not now have any children born of their marriage who are under the age of eighteen (18) years and the Wife is not pregnant at the time this Petition is filed.

6. During their marriage, Petitioner and Respondent have obtained property and debt that should be distributed between Petitioner and Respondent as they may agree, or as the court may decide if the parties cannot agree.

7. Petitioner requests that Wife be restored to the following last name: _____.

WHEREFORE, Petitioner prays that upon final hearing Petitioner be granted a divorce, that the property and debt of the parties be distributed between them and that the court issue such other orders as are appropriate.

Name:
Address 1:
Address 2:
City, State, Zip:
Telephone Number:

PETITIONER PRO SE

VERIFICATION

STATE OF Kansas)
COUNTY OF JOHNSON) ss.

I swear or affirm that I am the Petitioner in this case and that the statements made in this Petition are true.

Petitioner

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

N O T A R Y P U B L I C

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

In the Matter of the Marriage of

(Name of Spouse Filing)
and

(Name of Other Spouse)

Case No. _____
Division No. _____
Chapter 60D

ENTRY OF APPEARANCE AND WAIVER OF SERVICE

COMES NOW the Respondent and voluntarily enters an appearance in this action. Respondent states that service of summons is waived and that Respondent acknowledges receipt of the Petition filed in this case, together with a copy of the proposed Decree of Divorce. Respondent agrees that this divorce action may be heard by the court without any further notification to Respondent.

Name:
Respondent
Address 1:
Address 2:
City, State, Zip:
Telephone Number:

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF) ss.

BE IT REMEMBERED that on this _____ day of _____, 20____, before me a Notary Public in and for said County and State, personally appeared _____, to me known to be the identical person who executed the foregoing instrument and acknowledged to me that s/he executed the same as a voluntary act and deed for the uses and purposes therein set forth. **IN WITNESS WHEREOF**, I have set my hand and affixed my seal, the day and year last above written.

Notary Public

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

In the Matter of the Marriage of

(Name of Spouse Filing)
and

(Name of Other Spouse)

Case No. _____
Division No. _____
Chapter 60D

DECREE OF DIVORCE

(TITLE TO REAL ESTATE INVOLVED)
(NO CHILDREN)

NOW THIS _____ day of _____, 20____, the above matter comes before the Court for final hearing. Petitioner appears in person, pro se. Respondent, appears (not)(in person)(by counsel).

Thereupon Petitioner presents evidence and testimony to the court. The court, having considered the pleadings filed, having heard the evidence presented, and otherwise being duly advised, makes the following findings:

1. Petitioner was a resident of the State of Kansas for more than sixty days before the Petition for Divorce was filed.

2. This court has jurisdiction over the parties to and the subject matter of this divorce matter. More than sixty days have elapsed since the filing of the petition.

3. Petitioner and Respondent were married on the following date: _____, _____ (marriage date and year) and have been married since that date.

4. Petitioner and Respondent are incompatible and they are hereby divorced on that ground.

5. Petitioner and Respondent do not now have any children born of their marriage who are under the age of eighteen (18)

years and the Wife is not pregnant at the time this Petition is filed.

6. The parties have entered into a (written settlement agreement, marked as Exhibit 1)(an oral settlement agreement the terms of which are stated on the record).

7. The parties' agreement has been reviewed by the Court and the Court determines that the parties' agreement is valid, just, and equitable and the agreement is approved by the Court.

8. Petitioner shall have as Petitioner's sole and separate property, all of Petitioner's personal papers and clothing and any other property in possession of the Petitioner, and the following items now in the possession of Respondent:

9. Respondent shall have as Respondent's sole and separate property, all of Respondent's personal papers and clothing and any other property in possession of the Respondent, and the following items now in the possession of Petitioner:

10. Each party is responsible for the debts held in his or her own name, and shall hold the other harmless, except the following:

Debts to be paid by Petitioner:

Debts to be paid by Respondent:

11. Each party shall hold the other harmless from any and all debts incurred on any property assigned to that party.

12. The parties own a house or land at the following address with the following legal description (if none, state "NONE"):

13. The house or land is to be assigned to [Petitioner][Respondent], who will be responsible for payment of the mortgage loan and will hold the other party harmless on that debt.

14. Neither Petitioner nor Respondent has requested the payment of spousal support and neither party shall receive spousal support from the other.

15. [Petitioner][Respondent] is restored to the former last name of _____.

16. The parties are prohibited from contracting marriage with any third person until thirty (30) days from the entry of this Decree, unless an appeal is taken, and then until the receipt of the mandate from the Appellate Courts of the State of Kansas in accordance with K.S.A. 60-2106(c). Any marriage

contracted before the expiration of that period shall be voidable unless both Parties waive appeal.

17. The costs of the action are taxed against the deposit made.

IT IS SO ORDERED.

Judge of the District Court

Submitted by:

Name:
Address 1:
Address 2:
City, State
Telephone:

PETITIONER PRO SE

Name:
Address 1:
Address 2:
City, State
Telephone:

RESPONDENT