

with each other and act in the best interests of their child(ren) so that each parent can have a full and active participation in the lives of their child(ren). Any parenting plan or schedule, for example, should take into consideration the age of the child. For infants and preschool children, consideration should be given to scheduling more frequent but shorter contacts with parent B during the week on a routine and consistent basis. Consideration should also be given to older adolescents whose personal schedules may interfere with these guidelines.

19. Telephone and Internet Communication. Telephone calls and Internet communication between parent and child should be liberally permitted at reasonable hours and at the expense of the calling parent. Weekly telephone communication with the child should be permitted.
20. Mail and e-mail Contact. Parents and children should have an unrestricted right to send cards, letters, packages, audio, video and e-mail communications to each other. Neither parent should interfere with this right.
21. Long Distance Parenting. When there is a significant geographical distance separating the two parents, parenting plans should provide for the following:
 - A. Weekly telephone contact.
 - B. Longer periods of parenting time during school holidays.
 - C. Extended summer residency for school age children.
 - D. The parent having residency where the child goes to school shall send school records, school calendars, school photographs, activities schedules, report cards, standardized test results, etc. on a frequent basis to the other parent.

23.26 **Docket Fee - Post Decree.** A post decree motion petitioning for a change in legal custody, residency, visitation rights, or parenting time, or for a modification of child support, requires the payment of a \$26.00 docket fee.

RULE 24 PROSECUTION OF DIVORCES PRO-SE

In the event pleadings in domestic relations cases are filed without an attorney and they do not comply fully with the requirements of Kansas law, the action will be

dismissed. It is not the job of the judge or of the court personnel to assist *pro-se* litigants as neither is allowed to practice law. A *pro-se* litigant in a civil case is required to follow the same rules of procedure and evidence which is binding upon a litigant who is represented by counsel. Our legal system cannot function on any basis other than equal treatment of all litigants. To have different rules for different classes of litigants is untenable. A party in civil litigation cannot expect the trial judge or an attorney for the other party to advise him/her of the law or court rules, or to see that his or her case is properly presented to the court. A *pro-se* litigant in a civil case cannot be given either an advantage or a disadvantage solely because of the fact that he or she is proceeding *pro-se* *Mangiaracina v Gutierrez*, 11 Kan.App. 2d 594.

Likewise, there are certain matters that must be presented to the Court at the time of the divorce hearing. If these items are not properly presented through sworn testimony or documentary evidence, the Court is without jurisdiction to grant the petition.

If the case is not properly presented, or a Decree not submitted consistent with the Order of the Court, a divorce will not be granted.

The Clerk of the District Court shall provide each *pro-se* litigant with a copy of this rule at the time of filing. Standardized forms for *pro-se* domestic relations litigation have been approved and adopted by this district. They shall be provided to all litigants at no cost. Any other forms will only be accepted after approval by the judge assigned to hear the matter.

Residency requirements. Either you or your spouse must have been a resident of the State of Kansas for at least sixty (60) days before the filing of the Petition for Divorce. Usually the divorce action should be filed in the county in which you reside or your spouse resides.

Starting the proceedings. The first step is to file a Petition for Divorce with the Clerk of the District Court. The petition must be accompanied by the appropriate filing fee or Poverty Affidavit if you are financially unable to pay the filing fee.

Service of Process. There are two ways to notify your spouse officially that you have filed a divorce action:

- A. Your spouse may sign a written receipt called an Entry of Appearance for a copy of the petition and any other papers filed at the same time. The signing of the receipt acknowledges that the court has jurisdiction over the parties and can therefore grant the relief requested. It does not mean that your spouse has agreed to any of the requests in the petition or other papers.
- B. If your spouse is unwilling to sign a receipt or you don't want to

handle the proceeding in that manner, the Sheriff will deliver or serve a copy of the Petition to your spouse. Your spouse will then have twenty (20) days if it is in-state service, or thirty (30) days if it is out-of-state service, in which to answer or oppose the relief requested in the Petition.

Domestic Relations Affidavit. A Domestic Relations Affidavit shall be filed with the Clerk of the District Court at the time of the filing of the Petition for divorce or before the hearing date.

Hearing Date. Kansas law provides that, unless there is a reason for acceleration, a divorce shall not be heard prior to the expiration of sixty (60) days from the date on which the petition for divorce is filed. Your case will be assigned to a District Judge. The judge's office or clerk can provide you with specific hearing dates.

As the petitioner you are required to send notice of the hearing to your spouse. Proof of this notice of hearing will have to be filed in your case prior to your divorce hearing.

On the day of the hearing you will be required to bring with you all documents required under Rule 23.5. Failure to comply will result in the decree not being filed and you will not be divorced.

Contested vs. Uncontested Divorce. The divorce will be considered contested unless both parties agree on all aspects of the property division, the payment of obligations and the payment of court costs. If one party disputes any of these issues the divorce will be considered contested. In either case a trial before the court is required and sworn testimony will need to be received. In the case of an uncontested divorce the hearing will be brief and shall be set for hearing on the assigned judge's regular docket day after the expiration of the required sixty (60) days. A contested divorce will need to be specially scheduled with the assigned judge. If issues concerning children are involved the parties must seek the advice and assistance of an attorney.

Name Change. The name of either party can be changed in the Divorce Decree if he or she took the name of the other spouse at the time of marriage and now wants to be returned to either a former or maiden name.

Forms. The following forms shall be utilized. (See appendix E)

**RULE 25
COURT COMPLIANCE WITH SUPREME
COURT RULES 172 AND 173**

The District Judges and District Magistrate Judge of this District are appointed to

2B.25 dissolved by its own filing with the court. If a husband or wife is a party to a divorce proceeding, the court shall have jurisdiction to grant a divorce to the party who is not a party to the proceeding.

30. LOCAL RULES

10.1 of and no 2018 be

2018 be Rule 1

Rule 3

Rule 4

10.1 of Rule 6

Rule 7

Rule 8

Rule 9

10.1 of Rule 10

Rule 11

Rule 12

10.1 of Rule 13

Rule 14

Rule 15

2018 be Rule 16

Rule 17

Rule 18

2018 be Rule 19

Rule 20

2018 be Rule 21

Rule 22

2018 be Rule 23

Rule 24

10.1 of Rule 25

2018 be Rule 26