

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

In the Matter of the Marriage of:

(Name of Filing Spouse, Petitioner)

Case No. _____

Division. _____

Chapter 23

And

(Name of Other Spouse, Respondent)

DECREE OF LEGAL SEPARATION

On _____ this matter was heard by the court.
(Month/Day/Year)

Petitioner is **present/ not present.** (circle one)

Respondent is **present/ not present.** (circle one)

After considering the evidence presented the court makes the following findings and orders.

1. Residence. The **Petitioner/Respondent** (circle one) was an actual resident of Johnson County, Kansas for more than sixty (60) days before the filing of the petition.
2. Respondent. The court has jurisdiction over the Respondent because he/she _____ *(has filed his/her voluntary entry of appearance, has appeared at this final hearing, was served with process pursuant to K.S.A. 60-303, was served by publication pursuant to K.S.A. 60-307, has signed the decree of separation)*
3. 60 Days. More than sixty (60) days have passed since the filing of the petition.

4. Marriage. The parties were married on _____ in _____,
(mo/day/yr) (City,State or Country)
and have been since that time and now are lawfully husband and wife.

5. Military Service. The non-filing spouse _____ now on active duty with the
(is/is not/status unknown)
United States Military. If the non-filing spouse is on active duty, the requirements of the Service
Members Civil Relief Act (SCRA) _____ been met. (have/have not)

6. Personal and Subject Matter Jurisdiction; Venue. The Court has personal jurisdiction over the
parties and jurisdiction over the subject matter in this action. Venue has been properly placed.

7. Decree of Legal Separation. The parties are incompatible and the parties are legally separated
on those grounds.

8. Petitioner and Respondent are the parents of the following children who are under eighteen
years old or are still in high school:

a. _____ was born in _____, _____.
(Child's name) (Month of Birth) (Year of Birth)

b. _____ was born in _____, _____.
(Child's name) (Month of Birth) (Year of Birth)

c. _____ was born in _____, _____.
(Child's name) (Month of Birth) (Year of Birth)

d. _____ was born in _____, _____.
(Child's name) (Month of Birth) (Year of Birth)

9. Kansas has child custody jurisdiction under the following provision of the U.C.C.J.E.A.:

(home state/significant connection)

10. Parenting Plan. The court adopts the parenting plan filed separately as its order.

11. Property and Debt Divided:

- a. The parties have signed an agreement dividing all of their property and debts. The agreement is approved by the court. OR
- b. Respondent shall keep the following property: (List all property Respondent is keeping)

- c. Petitioner shall keep the following property: (List all property Petitioner is keeping)

- d. Respondent shall be responsible for the following debt: (List all debts Respondent is keeping)

- e. Petitioner shall be responsible for the following debt: (List all debts Petitioner is keeping)

12. 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.

13. Spousal Maintenance: Neither party will pay spousal maintenance to the other. OR

_____ (Petitioner/Respondent) will pay spousal maintenance of _____ (Enter Dollar Amount) on the first day of each month beginning _____ (mo/day/yr). Spousal maintenance will end on the first of the following events to occur:

- a. the death of either party;
- b. the remarriage of the recipient;
- c. the cohabitation (as defined by the then-current Kansas law) of the spouse receiving spousal support with a non-relative adult (regardless of gender) in a marriage-like relationship;
- d. the spouse receiving spousal support living together in a marriage-like relationship with an adult non-relative regardless of gender (for purposes of this provision a civil union or same-sex marriage obtained in a jurisdiction providing for such an arrangement shall be considered evidence of living together); or
- e. _____. (Enter Date)

14. Child Support. _____ will pay child support of _____ plus one half
(Husband/Wife) (Enter Dollar Amount)

the enforcement fee per month payable on the first day of each month beginning _____.
(Enter Date)

15. Duty to Notify. Each parent must notify the other of any change of financial circumstances including changes to income, work related child care costs, and health insurance premiums and any other change that could be a material change of circumstances. If a parent receives a written request for financial information, he or she has thirty days to provide the requested information in writing to the other parent. If a parent refuses to provide the requested information he or she might be held responsible for the costs and expenses, including attorney fees, the requesting party incurs in obtaining the requested information.

16. Kansas Payment Center. All support and maintenance payments shall be made payable to the order of the Kansas Payment Center P. O. Box 758599, Topeka, Kansas 66675-8599. Each

payment must include in the memo section on the check or in another place the letters "JO" followed by the case number.

17. Court Trustee to Enforce. The District Court Trustee shall enforce the orders of support entered herein. Both parties will inform the District Court Trustee in writing of any change of name, residence, and/or employer (with business address) within 7 days after the change.
18. Income withholding. Unless the court makes findings in conformity with K.S.A. 23-3103(j), income withholding shall take effect immediately to enforce the order of child support or child support and maintenance granted herein.

Mother will pay _____% of the child's uninsured health care costs and

(Enter Percentage from Child Support Worksheet)

Father will pay _____% of the child's uninsured health care costs.

Uninsured healthcare costs include such things as deductibles, co-pays, prescription medications and similar expenses. Mother and Father shall both sign any documents required by the health insurance provider for the minor child(ren) that are necessary to allow both parents to obtain information from, and to communicate with, the insurance provider about the coverage provided and the payment and reimbursement of health insurance benefits regardless which parent owns, subscribes, or pays for the child(ren)'s health insurance coverage.

19. Temporary Support Arrears. Any arrears in temporary spousal maintenance and/or child support existing as of the date of this decree (as reflected in the records of the District Court Trustee) shall be a judgment against the Obligor party and the District Court Trustee shall enforce this judgment.

20. Other Provisions. _____

(Enter Other Provisions)

IT IS SO ORDERED.

Judge of the District Court

Signature of Plaintiff

Signature of Respondent

Name: _____

Name: _____

Address: _____

Address: _____

City, State & ZIP:

City, State & ZIP:

Telephone: _____

Telephone: _____

Email: _____

Email: _____

Date Signed: _____

Date Signed: _____

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

In the Matter:

and

Case No.
Division
Chapter

AGREED PARENTING PLAN

The Court adopts the following Parenting Plan that is presumed to serve the child(ren)'s best interests pursuant to K.S.A. 23-3202.

Section I. General Information

This parenting plan applies to the following children:

Full Name of Child	Gender	Birth Date (Yr) and Age
	<input type="checkbox"/> M <input type="checkbox"/> F	
	<input type="checkbox"/> M <input type="checkbox"/> F	
	<input type="checkbox"/> M <input type="checkbox"/> F	
	<input type="checkbox"/> M <input type="checkbox"/> F	
	<input type="checkbox"/> M <input type="checkbox"/> F	

Section II. Legal Custody (Decision-Making)

A. **Joint Legal Custody.** Mother and Father shall have joint legal custody of their minor child(ren). "Joint legal custody" means that both parents have equal rights to participate in, contribute to, and have responsibility for the major life decisions concerning the child(ren) including matters of health and education. Neither parent's rights are superior to the other parent's rights, and they should cooperate to determine what is in their child(ren)'s best interests.

B. **Sole Legal Custody.** Joint legal custody is not in the child(ren)'s best interests. "Sole legal custody" means that the parent granted sole legal custody has the primary right to decide matters of health and education in the child(ren)'s best interests. The parent not granted sole legal custody may make emergency decisions affecting the child(ren)'s health or safety when the child(ren) are in that parent's physical care and control. The grant of sole legal custody to one parent does not deprive the other parent of access to information, including school and medical records, regarding the child(ren) unless the court specifically orders otherwise.

1. Sole legal custody is granted to Mother Father by Agreement of the parents.

2. Restriction of Information Regarding the Child(ren) to Non Legal Custodian.

The Mother Father shall have no access to the child(ren)'s health, educational and other personal information because of the following specific reasons:

Section III. Parenting Time Schedule.

This parenting schedule shall begin on:

The children will be with Mother (select one):

at all times not with Father

at the following times (describe the time the children usually spend with Mother stating

the day and time each period of parenting tie begins and ends in the normal week):the days and times

Mother and Father will share time with the children on the following schedule:

The children will be with Father (select one):

at all times not with Mother

at the following times (describe the time the children usually spend with Father stating

the day and time each period of parenting tie begins and ends in the normal week):the days and times

Mother and Father will share time with the children on the following schedule:

Holiday Parenting Schedule:

Per attached schedule

According to parents' regular parenting time schedule

Other (specify holidays and times):

Parenting time/exchange restrictions (specifically list restriction, i.e. supervision, location, parties, etc.):

Section IV. Dispute Resolution Process

Disputes between the parents, other than about child support, shall be submitted to:

- Mediation by: Johnson County Court Services Other:
- The following dispute resolution method:

Section V. Military Deployment, Mobilization, or Unaccompanied Tour

- Neither parent is a military service member.
- Mother Father is a military service member.

Section VI. Statutory Requirement to Notify Other Parent of Address Change

A. Mother and Father shall each notify the other parent of any address change in writing no less than 30 days before changing address by sending written notice to the other parent by certified mail – restricted delivery, return receipt requested, at that other parent’s last known address.

B. Mother and Father shall each notify the other parent of any plan to remove any child(ren) from the State of Kansas for more than 90 days by sending written notice to the other parent by certified mail – restricted delivery, return receipt requested, at that other parent’s last known address.

C. A parent is not required to give written notice of removal to the other parent under either (A) or (B) if the other parent has been convicted of a crime specified in Article 54 (crimes against persons), Article 55 (sex offenses), or Article 56 (crimes affecting family relationships and children) of Chapter 21 (Crimes and Punishments) of the Kansas Statutes Annotated to which the child(ren) was the victim.

Failure to notify the other parent of a change of address or removal of the child(ren) from the State of Kansas is an indirect civil contempt punishable as provided by law. In addition, the court may assess reasonable attorney fees and other expenses against the parent required to give notice.

Furthermore, a change of the residence or removal of the child(ren) may be considered a material change of circumstances which justifies modification of a prior order of legal custody, residency, child support or parenting time.

Section VII. Other Issues

Additional issues which the court enters into this parenting plan are:

Section VIII. Signatures:

Mother

Signed: _____

Name:

Address:

City, State & ZIP:

Telephone:

Email:

Date Signed:

Father

Signed: _____

Name:

Address:

City, State & ZIP:

Telephone:

Email:

Date Signed:

APPROVED ON _____.

DISTRICT COURT JUDGE

Parenting Plan (based on the Johnson County Bar Association Family Law Guidelines).

(A) Spring Break. Select One.

The child will reside with each parent during one-half of the Spring Break. The parent normally having the child during the first weekend of Spring Break shall have the child the first half of Spring Break.

The parents will alternate the weeks of Spring Break with Mother in even-numbered years and with Father in odd-numbered years;

(B) Mother's Day. The child shall spend Mother's Day from 9:00 a.m. until 8:00 p.m. or until school, day care or 8:00 a.m. Monday (if the child is not in school or day care) with the child's mother;

(C) Memorial Day. The child shall spend the Memorial Day weekend from Friday immediately after school, after daycare or 5:00 p.m. until Monday at 8:00 p.m. or until school, day care or 8:00 a.m. Tuesday (if the child is not in school or day care) with Mother in even-numbered years and with Father during in odd-numbered years;

(D) Father's Day. The child shall spend Father's Day from 9:00 a.m. until 8:00 p.m. or until school, day care or 8:00 a.m. Monday (if the child is not in school or day care) with the child's father;

(E) Fourth of July. The child shall spend the Fourth of July holiday from after school, after daycare or 5:00 p.m. on July 3 until 8:00 p.m. on July 5 with Mother in even-numbered years and with Father in odd-numbered years;

(F) Labor Day. The child shall spend Labor Day weekend from Friday immediately after school, after daycare or 5:00 p.m. until Monday at 8:00 p.m. or until school, day care or 8:00 a.m. Tuesday (if the child is not in school or day care) with Father in even-numbered years and with Mother in odd-numbered years;

(G) Halloween. Every effort should be made to share time between the parents every year. In the event the parents cannot agree, the child shall spend a minimum of three hours on Halloween evening with Mother during even-numbered years and with Father during odd-numbered years;

(H) Thanksgiving. Select One:

From after school, after daycare or 5:00 p.m. until Friday evening at 5:00 p.m. with Father during even-numbered years and with Mother during odd-numbered years; The parent that does not have the holiday shall always have the weekend following Thanksgiving Day;

From after school, day care or 5:00 p.m. the day school is dismissed until 8:00 p.m. Sunday or until school, day care or 8:00 a.m. Monday (if the child is not in school or day care);

(I) Winter Break. The child shall spend from after school, after daycare or 5:00 p.m. on the day that school is dismissed for vacation until 10:00 p.m. on December 24 with Father during even-numbered years and with Mother during odd-numbered years. The child shall spend from 10:00 p.m. on December 24 until 8:00 p.m. on December 30 with Mother during even-numbered years and with Father during odd-numbered years;

(J) New Year's Eve and New Year's Day. The child shall spend from December 30 at 8:00 p.m. until 8:00 p.m. on the evening before school resumes or until the beginning of school, day care or 8:00 a.m. on the day school commences with Father during even-numbered years and with Mother during odd-numbered years;

(K) Religious Holidays. Select one or none depending upon the appropriate circumstances for the family:

Christian Religious Holidays.:

(i) **Easter Sunday.** The child shall spend Easter Sunday (from Saturday night at 5:00 p.m. until Sunday at 8:00 p.m. or until school, day care or 8:00 a.m. Monday (if the child is not in school or day care)) with Father during even-numbered years and with Mother during odd-numbered years.

(ii) **Christmas.** The Christmas Eve and Christmas Day schedule is reflected in the Winter Break schedule set forth above.

Jewish Religious Holidays. The following holiday schedule may be followed for families of Jewish faith. Unless otherwise stated the holiday should be considered to

begin the evening before the holiday and end the evening of the holiday:

- (i) Purim. The child shall spend Purim with Mother during even-numbered years and with Father during odd-numbered years.
- (ii) Rosh Hashanah. The child shall spend Rosh Hashanah with Father during even-numbered years and with Mother during odd-numbered years. The parents should agree upon the definition of the holiday as it may be observed as a single day or over two days depending upon the practices of the family.
- (iii) Yom Kippur. The child shall spend Yom Kippur with Mother during even-numbered years and with Father during odd-numbered years.
- (iv) Alternate Nights of Hanukkah. The child shall spend alternate nights of Hanukkah beginning with the first night, with Father having the first night during even-numbered years and with Mother having the First Night during odd-numbered years.
- (v) The First Night of Passover. The child shall spend the first night of Passover with Father during odd-numbered years and with Mother during even-numbered years. The holiday time shall end before the beginning of the second night.
- (vi) The Second Night of Passover. The child shall spend the second night of Passover with Mother during odd-numbered years and with Father during even-numbered years. The holiday time shall end at the conclusion of the second day.
- (vii) Simhat Torah. The child shall spend the first day(s) of Simhat Torah with Father during odd-numbered years and Mother during even-numbered years. The child shall spend the final day(s) of Simhat Torah with Mother during odd-numbered years and Father during even-numbered years. The parents should agree upon the definition of the holiday as it may be observed as a single day or over two days depending upon the practices of the family.
- (viii) Sukkot. The child shall spend the first day(s) of Sukkot with Father during even-numbered years and Mother during odd-numbered years. The child shall

spend the final day(s) of Sukkot with Mother during even-numbered years and Father during odd-numbered years. The parents should agree upon the definition of the holiday as it may be observed as a single day or over two days depending upon the practices of the family.

(ix) Shavuot. The child shall spend the holiday with Father during odd-numbered years and with Mother during even-numbered years. The parents should agree upon the definition of the holiday as it may be observed as a single day or over two days depending upon the practices of the family.

Islamic Religious Holidays. The following holiday schedule may be followed for families of Muslim faith:

(i) Eid al-Fitr. The child shall spend this holiday celebration with Mother during even-numbered years and Father during odd-numbered years.

(ii) Eid al-Hadr. The child shall spend this holiday celebration with Mother during odd-numbered years and Father during even-numbered years.

(4) Other Religious Holidays. Religious holidays or celebrations other than those referenced above will be shared as follows :

(L) Parent's Birthday. The child should spend part of the day with the respective parent on that parent's birthday;

(M) Child's Birthday. The child shall spend the child's birthday with Father during even-numbered years and with Mother during odd-numbered years. During such years, the child shall spend the day before or the day after the child's birthday with the other paren. If there is more than one child the parties shall alternate the children's birthdays so that each parent has one or more of the children each year.;

(N) Conflict Between Weekend and Holiday Parenting Time. Whenever there is a conflict between weekend and holiday parenting time, the holiday parenting time shall apply. The parents are encouraged to compensate for missed weekends so that a parent will not go more than two weekends without having weekend parenting time;

(O) Conflict Between Holiday Parenting Time and Birthday Celebrations. When there is a

conflict between birthday and holiday time, the holiday schedule shall apply. However, the parents should be flexible in allowing the birthday to be celebrated either the weekend before or the weekend after the holiday period.