**INSTRUCTIONS TO MODIFY PARENTING TIME**

**A filing fee must be paid when filing your motion.**

\*\*\*\*Please read these instructions in their entirety before you begin! \*\*\*\*\*

The following information is provided to assist you in obtaining a hearing to modify the court-ordered parenting time that has been set forth in your case. A hearing cannot be held until your motion has been filed and all of the steps have been completed.

The following documents must be completed and filed with the court when seeking modification of parenting time.

1. Motion to Modify Parenting Time

2. Proposed Parenting Plan

3. Notice of Hearing (If applicable)

4. Request and Service Instruction Form (one for each party to be served)

5. Return of Service for Certified Mail (if completing service by Certified Mail)

Follow the steps below in the order given.

**1. Motion to Modify Parenting Time**

a. Fill out the Motion to Modify Parenting Time completely. Make sure you sign your name where indicated.

b. Fill out the proposed Parenting Plan completely and sign.

c. Make 3 copies of the completed Motion to Modify Parenting Time, the proposed Parenting Plan. (Make 4 copies if the opposing party has an attorney.)

**Mediation or Conciliation Required**. Unless waived by the court or on a motion to modify an ex parte temporary order (which is required by K.S.A. 23-2707(b) or 23-3219(b) to be heard within 14 days), any disputes concerning the **legal custody of a child, parenting time, or visitation** arising from a motion to modify a pre-existing parenting plan must be submitted to a court-appointed mediator or conciliation through Domestic Court Services or another court approved conciliator before an evidentiary hearing is held. Upon approval of the court, the parties may agree upon and engage a private mediator under Supreme Court Rule 902.

**2. Notice of Hearing**

a. Fill out the Notice of Hearing except for the hearing place, date and time.

 (You will contact the Division Administrative Assistant for a date & time)

**3. Filing your Motion and Obtaining a Hearing Date**

a. Go to the Clerk of the District Court to file your motion. Take originals and all copies with you.

b. Give the clerk the original and all copies of the Motion to Modify Parenting Time.

The clerk will file-stamp the original and all copies of your Motion to Modify Parenting Time. They will keep the original for the court file and give you back the other copies.

c. Contact the Judge’s Administrative Assistant regarding a Hearing Date and Time. (It is possible that you may not be given a Hearing Date until your Mediation or Conciliation is complete) If you are given a Hearing Date, complete the Notice of Hearing. Give the original Notice of Hearing to the Clerk of the Court for filing. The clerk will keep the original Notice of Hearing for the court file and give you back file-stamped copies.

**4. Serving the Opposing Party - Request and Service Instruction Form**

*You must provide the opposing party with a copy of the filed Motion to Modify Parenting Time and the Notice of Hearing. You may obtain this service by one of the following methods:*

i. Service by U.S. Mail - You may mail the documents, postage prepaid, to the opposing party’s last known address. If you choose this method, fill out the Certificate of Service and Mailing at the bottom of the Notice of Hearing form.

ii**. Service by Certified Mail (Preferred method)** - You may send copies of the documents to the opposing party by certified mail. If you choose this method, fill out the Certificate of Service and Mailing at the bottom of the Notice of Hearing form. You must also complete a Return of Service for Certified Mail Form and file it with the Clerk of the District Court after the “green card” is returned to you and before the hearing date.

iii. Service by Sheriff - You may request that the documents be delivered to the opposing party by your local Sheriff. There will be a fee for this service.

iv. Service by Sheriff’s Office - Outside Kansas. If the opposing party lives outside Kansas, you may request the Sheriff’s department where the opposing party lives deliver the documents to the opposing party. You will be responsible for finding out the costs involved and completing the appropriate paperwork as required by that Sheriff’s department.

Once you have determined the method with which you want to serve the documents on the opposing party, complete the Request and Service Instruction Form and provide it to the Clerk along with the appropriate number of copies of the Motion to Modify Parenting Time and the Notice of Hearing (one of each for the opposing party and one of each for the opposing party’s attorney, if any). If you choose to mail the documents yourself, do not give the extra forms to the clerk.

**Service by Certified Mail:**

If you choose service by certified mail, you must mail a copy of the Motion to Modify Parenting Time and the Notice of Hearing by certified mail to both the opposing party and their attorney of record, if any. Do this on the same day that you file the Notice of Hearing with the Clerk of the District Court. Failure to mail the copies and provide proof of service will result in your motion being dismissed. *(Do not forget to complete instruction #5 if you choose service by certified mail.)*

a. Keep one copy of the Motion to Modify Parenting Time and one copy of the Notice of Hearing for yourself.

 b. Mail one copy of the Motion to Modify Parenting Time and one copy of the Notice of Hearing to the opposing party/ex-spouse by certified mail.

c. Mail one copy of the Motion to Modify Parenting Time and one copy of the Notice of Hearing to the opposing attorney of record, if any, by certified mail.

**5. Filing the Return of Service for Certified Mail**

After you mail your Motion to Modify Parenting Time and Notice of Hearing by certified mail to the required parties, you will have to wait for the Return of Service (“green card”) to be returned to you by the post office. Once you receive the green card(s), follow the steps below to prove to the court you served your motion properly.

a. Fill out the Return of Service for Certified Mail.

b. Attach the green card(s) to the middle of the page where indicated.

c. Make one copy for your file.

d. Bring the original Return of Service for Certified Mail to the Clerk of the District Court office. Hand the document to the clerk for filing. The clerk will keep the document so that it can be placed in your court file as proof that you completed all the steps necessary to properly file your Motion to Modify Parenting Time.

**PLEASE REMEMBER!!**

It is up to you to get the correct papers filed and proper service completed in order for a hearing to be held at its assigned hearing date and time.