



STATE OF KANSAS  
TENTH JUDICIAL DISTRICT  
JOHNSON COUNTY COURTHOUSE  
OLATHE, KANSAS 66061

## **INSTRUCTIONS FOR FILING A PATERNITY CASE**

### **WARNINGS and GENERAL INFORMATION:**

- A. The *pro se* forms available through Johnson County's Self Help Center are basic. These forms do NOT deal with every situation. A paternity case can be complicated, and using legal forms without an attorney's help may not be advisable.
- B. Court staff CANNOT give you legal advice or tell you exactly how to fill out your pleadings. Court staff can only provide information about the divorce procedures and help you file the correct forms. If you have legal questions or a complicated case, you should talk to an attorney.
- C. Our courts require everyone to follow court rules. If you cannot follow the court rules you will not be able to finalize your paternity case. Even if you do not have an attorney, you are still expected to know and follow the same court rules and laws as an attorney.
- D. When your case is filed, you will be given a case number. Your case "caption" with this case number must be included on all pleadings or documents you file with the Court in the future.
- E. After you have filed your initial pleadings and Civil Cover Sheet, which include your address and contact information, you must inform the Clerk of the District Court and your assigned Division of any changes. See Notice of Change of Address, available through the Help Center.

## INSTRUCTIONS FOR FILING AND SERVING YOUR PATERNITY PLEADINGS:

### Filing:

- A. To start a paternity case you must complete and file the following documents:
  - a. Civil Information Sheet – a general information form for the Clerk’s office.
  - b. Paternity Petition– the main pleading alleging fatherhood and asking for custody orders and child support.
  - c. Domestic Relations Affidavit (DRA) – a sworn affidavit of your income and other facts for Child Support purposes.
  - d. Proposed Parenting Plan – for custody, parenting time, exchanges.
- B. After preparing and printing the above forms, Sign the Paternity Petition and the Domestic Relations Affidavit in front of a notary public. Notary publics may commonly be found in the Court House, law firms, title companies and financial institutions, i.e. banks and credit unions. Then...
- C. File the following pleadings and forms with the Clerk of the District Court:
  - the original Paternity Petition with 3 copies for your file and for service;
  - the original Domestic Relations Affidavit with 3 copies for your file and for service;
  - the original Civil Information Sheet; and
  - a Request for Service Form, if not filing a Voluntary Entry of Appearance.

At the time of filing you must pay the filing fee of \$196.50. If you cannot afford to pay the filing fee you may ask the Court to waive it by completing the Poverty Affidavit and obtaining a signed Order from the Court.

### Service:

You must notify the alleged father (or the mother) that you have filed a Paternity Petition in one of the following ways:

- a. “Voluntary Entry of Appearance”: the other party signs a Voluntary Entry of Appearance form in front of a notary public, which acknowledges receipt of the Paternity Petition. You must make sure the Voluntary Entry of Appearance with the other party’s original signature is then filed with the Clerk.
  
- b. “Sheriff’s Service”: This is where the Clerk issues the “Summons” and the Sheriff “serves” it on the respondent. You must fill out a Request for Service Form, requesting that the sheriff deliver the Petition, a summons and other documents to the other party. If he/she lives in Kansas, you must pay a sheriff’s service fee. If he/she lives in a State other than Kansas, it is your responsibility to find out the procedures required by the Sheriff in that state and county and to pay any fees required.
  - i. If he/she lives in Kansas, please complete the In State Summons form.
  - ii. If he/she lives in a state other than Kansas, please complete the Out of State Summons form.
  
- c. “Certified Mail Service”: You must mail the summons and Paternity Petition by certified mail - return receipt requested to the other party at his or her last known residential address. File the “green” “return-receipt card” with the Clerk when you receive it from the US Postal Service. Use the “Return of Service” form
  
- d. “Publication”: If you cannot provide notice of the Paternity Petition under either (a), (b), or (c), then you may be able to provide notice of the case by publishing notice in a local newspaper. In order to obtain “publication service,” you must request permission to do so by filing the “Affidavit for Service by Publication,” and obtaining an order from the assigned judge allowing you to publish notice. After you obtain the signed “Order Allowing Service by Publication,” you must then publish notice following the process set out in K.S.A. 60-307. You must obtain “proof of publication” from the newspaper and file the proof with the Court. Please see the instructions and forms for service by publication available through the Help Center.

## INSTRUCTIONS FOR COMPLETING YOUR PATERNITY CASE AFTER FILING

- A. **FILE THE NOTICE OF HEARING.** Once you have filed your Paternity Petition you should get a *hearing date and time* from the Administrative Assistant in the Division your case gets assigned to. Then put the date and time on the Notice of Final Hearing form and fill out the “Certificate of Service” portion of the form, swearing that you have mailed or hand-delivered the Notice of Final Hearing to your spouse. Then file it with the Clerk of the District Court. You should serve a copy of the Notice of Final Hearing to the other party on the day you file it.
- B. **ATTEND THE PARENTS FOREVER CLASS.** You are required to attend the “Parents Forever” class at Johnson County Court Services prior to your final hearing. The Court will issue the Order for Parents Forever when paternity is established by admission or hearing. Copies of the Parents Forever Information Sheet or Brochure are available in the Help Center. Information is also available within this website under the “Court Services – Domestic” section. [http://courts.jocogov.org/cs\\_parents\\_forever.aspx](http://courts.jocogov.org/cs_parents_forever.aspx) You should bring your Parents Forever Class Certificate of Attendance to your final hearing.
- C. **HAVE A PARENTING PLAN.** You must decide on a Permanent Parenting Plan prior to your final hearing. Complete one of the Parenting Plan forms in the Self Help site. Examples of suggested parenting time arrangements can be found in the Johnson County Family Law Guidelines. You can read these guidelines by visiting <http://www.jocobar.org/displaycommon.cfm?an=7> and clicking on “2010 Family Law Guidelines.”
- D. **COMPLETE A CHILD SUPPORT WORKSHEET.** You must prepare EITHER a Child Support Worksheet OR a Shared Expense Plan prior to your final hearing.

**Parents CANNOT make their own agreement or “deal” with regard to child support. All child support orders must comply with the Kansas Child Support Guidelines, which are by order of the Kansas Supreme Court.**

- a. You can read the Kansas Child Support Guidelines online at <http://www.kscourts.org/Rules-procedures-forms/Child-support-guidelines/2012-guidelines.asp>. Click on “Clean Version” on the website to read the guidelines in full. Section IV of the Guidelines contains specific instructions for completing a child support worksheet.
  - b. The easiest way to complete a Child Support Worksheet is to use the Bradley Software Child Support Calculator. The Bradley Software guides you through the child support worksheet with an easy question-and-answer format, and it does the child support calculations for you. The software is available to you for free on the computers in the Johnson County Law Library, located in Room 101 of the Courthouse and soon in the Help Center. You can also download a one-day free trial of the Bradley Software online at <http://www.bradleysoftware.com/free-trial.asp>.
  - c. Parents who share time with their children equally or nearly equally under their parenting plan may be able to use a Shared Expense Plan instead of a Child Support Worksheet. Sharing expenses is complicated and is intended for highly cooperative parents who are committed to keeping good records and communicating regularly. The Court will only approve a shared expense plan if it is a voluntary, detailed, written, signed agreement. Examples of Shared Expense Plans that comply with the state guidelines may be found as an appendix to the Child Support Guidelines, linked above, or are available in the Self Help Center. *Note that even if you have a shared expense plan, you must still prepare and bring a Child Support Worksheet.*
- E. **JOURNAL ENTRY OF PATERNITY.** You must bring your proposed Journal Entry of Paternity with you to the final hearing. This is the document that legally establishes the parent/child relationship, orders legal custody and parenting time, and orders child support. You should fill it out as completely as you can but some paragraphs will be for the judge to fill out.

F. **ATTEND THE FINAL HEARING**

As mentioned above, you should **bring the following documents** to your final hearing:

1. Journal Entry of Paternity signed by you (and the other parent if possible)
2. A Parenting Plan signed by you (and the other parent if possible)
3. A completed Child Support Worksheet OR Shared Expense Plan.
4. Current Domestic Relations Affidavit of each party (petitioner's should be on file from initial filing. It may not always be possible to get one from an absent or uncooperative parent).
5. Acknowledgment of Paternity form if you have it.
6. Parents Forever Class Certificates of Attendance of both parents (or at least yours).
7. Completed Kansas Payment Center Child Support Order Information Sheet (if there is no shared expense plan).
8. A file stamped copy of your Notice of Hearing, proving that you gave the other party notice of the hearing date and time.

**At the final hearing** the judge will ask you for these documents. You should be prepared to tell him or her about the basic facts supporting your allegation of paternity. You should also be prepared to tell the judge why your proposed Parenting Plan is in the children's best interests. If all of your papers are in order, your hearing should only take 15 or 20 minutes.

After the judge has approved your agreements and signed the Journal Entry of Paternity, take the original and the Parenting Plan (if separate), along with copies, and file them with the Clerk of the District Court. Copies can be made in the Johnson County Law Library in Room 101 of the Courthouse. You must provide a file-stamped copy of all final pleadings to the other parent and you should keep copies for your own records as well. **WARNING – no paternity or child support orders are in place until your Journal Entry of Paternity has been filed with the Clerk of the District Court.**

**IF YOU NEED TO CANCEL OR RESCHEDULE YOUR FINAL HEARING, PLEASE CONTACT THE DIVISION ADMINISTRATIVE ASSISTANT IMMEDIATELY. RESCHEDULING YOUR FINAL HEARING WILL REQUIRE YOU TO SERVE A NEW NOTICE OF HEARING**