

**LYON COUNTY DISTRICT COURT**  
**Respondent's Instructions for Divorce – Without Children**

**CONTENTS OF THIS PACKET:**

Domestic Relations Affidavit of Respondent  
Voluntary Entry of Appearance and Waiver of Summons and Notice  
Objection to Temporary Orders/Notice of Hearing/Certificate of Mailing

**Caution:** Not being represented by a lawyer in court 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.

**Read Directions Completely – Please Type or Print Neatly in black ink**

**COURT STAFF CANNOT AND WILL NOT PROVIDE ASSISTANCE OR ADVICE  
IN COMPLETING FORMS**

The person who files the case will always be designated the Petitioner; the person who has been filed against will always be designated the Respondent.

**Step 1:** Read the paperwork carefully that you have received from the Petitioner. You should have received a copy of the **Petition for Divorce**, a copy of the **Domestic Relations Affidavit of the Petitioner**, and a **Summons**. It is also possible that you received a copy of the **Temporary Orders** if temporary orders were requested by the Petitioner.. You should also receive a **Notice of Hearing/Certificate of Service** and a proposed **Decree of Divorce** from the Petitioner under separate cover.

(If you received a copy of the paperwork personally from the Petitioner, and do not desire to have service by the Sheriff or certified mail, you need to complete the **Voluntary Entry of Appearance and Waiver of Summons and Notice** form, sign it in front of a notary, and file it with the Lyon County District Court, 430 Commercial, Emporia, KS 66801. By filing this form, you acknowledge that you received notice of this lawsuit.)

**Step. 2:** Fill out the **Domestic Relations Affidavit of the Respondent**, sign it in front of a notary, and return the original and one copy to the Court at the address above. You may wish to keep a copy for yourself.

**NOTE:** Division of retirement benefits may require the preparation of a *Qualified Domestic Relations Order*. You should contact an attorney or the plan administrator for more information.

**Step 3:** If you do not object to the proposed **Decree of Divorce** that the Petitioner has prepared, sign it and return it to the Petitioner. The judge will sign the Decree of Divorce on the hearing date and the divorce will be final. You will be given a certified copy of the Decree of Divorce. If you are not present at the hearing, the court clerk will mail your copy if you have provided a stamped, self-addressed envelope. **Although the divorce**

**will be final, you are prohibited by law from remarrying for at least 30 days from the date of the filestamp on the document.**

If you disagree with the proposed Decree of Divorce, do not sign it. You must then appear at the hearing designated on the Notice of Hearing to argue your case.

**Step 4:** If the Court has issued Temporary Orders, these are the order of the Court and you must obey them. Final Orders will be contained in the Decree of Divorce, which may or may not be the same as the Temporary Orders.

**Step 5:** Only if you object to the Temporary Orders, you will need to file the Objection to Temporary Orders. To do this you need to call the Clerk of the District Court at (620) 341-3282 and state your intent. You must know the name of the case and the case number to complete this step. This information appears on the face of the Petition for Divorce. Ask the Clerk to transfer you to the Administrative Assistant (A.A.) of the judge assigned to your case so that you may request a hearing date and time. It is your responsibility to make contact with the A.A. to obtain the hearing date.

When you are given a date and time, fill in the Notice of Hearing portion of the form, and the section entitled Certificate of Service. Be sure to sign everywhere a signature is asked for. Make two copies of the Objection to Temporary Orders/Notice of Hearing/Certificate of Service. File the original with the Court. Keep a copy for yourself. Mail a copy to the Petitioner at the address stated on the Certificate of Service. If the Petitioner does not receive a copy of the Objection to Temporary Orders/Notice of Hearing, the Court cannot hear your objection.

You must attend the hearing to argue your case. If you fail to appear, the Court will not consider your objection. After hearing all the arguments from both sides, the judge may or may not issue new temporary orders.

**Step 6:** If you do not approve the proposed Decree of Divorce prepared by the Petitioner, you need to appear at the divorce hearing. This hearing date appears on the Notice of Hearing you originally received and by law is at least 60 days after the date of filing. Be prepared to argue your case at that time. If the case is highly contested, it may need to be set over to a later date to allow more time for each party to present their case. The Court may also, at its discretion, order the parties to meet with a mediator regarding unresolved issues.

Once the judge makes his final decision, he will sign the Decree of Divorce and it will become the order of the Court. The clerk will provide you with a certified copy. If you wish to have it mailed to you, you should provide a self-addressed stamped envelope. Once again, even though the divorce will be final when the Court files the Decree of Divorce, you are prohibited by law from remarrying for at least 30 days after the Decree is filestamped.

At any time you may contact the Lyon County District Court to obtain additional copies of your Decree of Divorce. There will be a small certifying fee and copy fee for this service.

Contact Information:

**Lyon County District Court  
430 Commercial - 2nd Floor Lyon County Courthouse  
Emporia, KS 66801  
(620) 341-3282**

**IN THE FIFTH JUDICIAL DISTRICT COURT  
LYON COUNTY, KANSAS**

In the Matter of the Marriage of

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

Case Number: \_\_\_\_\_

**VOLUNTARY ENTRY OF APPEARANCE AND  
WAIVER OF SUMMONS AND NOTICE**

Comes now the Respondent and enters his voluntary appearance in said action, waives the issuance of service of summons upon the Respondent, and acknowledges receipt of a copy of the Petition of Divorce.

\_\_\_\_\_  
Respondent

**ACKNOWLEDGMENT**

STATE OF KANSAS, COUNTY OF LYON, SS:

The above Entry of Appearance and Waiver of Summons and Notice was acknowledged before me by \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
NOTARY PUBLIC

My appointment expires: \_\_\_\_\_

**IN THE FIFTH JUDICIAL DISTRICT COURT  
LYON COUNTY, KANSAS**

IN THE MATTER OF THE MARRIAGE OF

\_\_\_\_\_,  
Petitioner

and

\_\_\_\_\_, Case Number: \_\_\_\_\_  
Respondent

**DOMESTIC RELATIONS AFFIDAVIT OF RESPONDENT**

1. Petitioner's Address: \_\_\_\_\_  
(Street, City, State, Zip)

2. Respondent's Address: \_\_\_\_\_  
(Street, City, State, Zip)

3. Date of Marriage: \_\_\_\_\_

4. Number of Previous Marriages: \_\_\_\_\_  
Petitioner Respondent

5. Number of children of relationship: \_\_\_\_\_

6. Names and date of birth of minor children of the relationship:  
Name Age Custodian  
\_\_\_\_\_  
\_\_\_\_\_

7. Names and ages of minor children of previous relationships and facts as to custody and support payments paid or received, if any:

Name	Age	Custodian	Support Paid/Support Received
_____	_____	_____	\$ _____ \$ _____
_____	_____	_____	\$ _____ \$ _____
_____	_____	_____	\$ _____ \$ _____

8. Petitioner is employed by: \_\_\_\_\_  
Company Name  
Address

Respondent is employed by: \_\_\_\_\_  
Company Name  
Address

9. Income of Parties

A. Wages	Petitioner	Respondent
1. Gross Income	_____	_____
2. Other Income	_____	_____
3. Subtotal Gross Income	_____	_____
4. Federal Withholding: (Claiming _____ exemptions)	_____	_____
5. Federal Income Tax	_____	_____
6. OASDHI	_____	_____
7. Kansas Withholding	_____	_____
8. Subtotal Deductions	_____	_____
9. Net Income (line A1 minus A8)	_____	_____

B.	Self-Employment	Petitioner	Respondent
1.	Gross Income	_____	_____
2.	Other	_____	_____
3.	Subtotal Gross Income	_____	_____
4.	Reasonable Business Expenses	_____	_____
5.	Self-Employment Tax	_____	_____
6.	Estimated Tax Payments	_____	_____
7.	Federal Income Tax	_____	_____
8.	Kansas Withholding	_____	_____
9.	Subtotal Deductions	_____	_____
10.	Net Income (line B3 minus B9)	_____	_____

Pay period \_\_\_\_\_  
 \_\_\_\_\_  
 Petitioner Respondent

10. The liquid assets of the parties are (do not list account numbers):

A.	Item	Amount	Joint/Individual
	Checking Accounts:	\$ _____	_____
	_____	\$ _____	_____
	_____	\$ _____	_____
B.	Savings Accounts:	Amount	Joint/Individual
	_____	\$ _____	_____
	_____	\$ _____	_____
C.	Cash on Hand: Petitioner _____ Respondent _____		

11. Actual or estimated monthly expenses:

		Petitioner	Respondent
A.	Rent	_____	_____
B.	Food	_____	_____
C.	Utilities:	_____	_____
	Trash Service	_____	_____
	Newspaper	_____	_____
	Telephone	_____	_____
	Gas	_____	_____
	Water	_____	_____
	Lights	_____	_____
	Other	_____	_____
D.	Insurance:	_____	_____
	Life	_____	_____
	Health	_____	_____
	Car	_____	_____
	House/Rental	_____	_____
	Other	_____	_____
E.	Medical & Dental	_____	_____
F.	Prescription drugs	_____	_____
G.	Child care (work related)	_____	_____
H.	Child Care (non-work related)	_____	_____
I.	Clothing	_____	_____
J.	School expenses	_____	_____
K.	Hair cuts and beauty	_____	_____
L.	Car repair	_____	_____
M.	Gas and oil	_____	_____
N.	Personal property tax	_____	_____
O.	Miscellaneous (specify)	_____	_____
P.	Debt Payments	_____	_____

12. Creditor	When Incurred	Amt of Payment	Balance	Responsibility	
				Petitioner	Respondent
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
Subtotal of Payments				\$	\$
Total				\$	\$

13. Total Living Expenses	\$	\$
	Petitioner	Respondent
	(Actual or Estimated)	(Actual or Estimated)
A. Total funds available to	\$	\$
	Petitioner	Respondent
B. Total needed	\$	\$
C. Net Balance	\$	\$
D. Projected Child Support	\$	\$

14. Payments or contributions received or paid for support of others. Specify source and amount.		
Source	Petitioner	Respondent

15. How much does it cost Petitioner/Respondent for health insurance for individual coverage?  
 \$\_\_\_\_\_ per \_\_\_\_\_

How much does it cost to furnish health insurance for family coverage \$\_\_\_\_\_ per \_\_\_\_\_

16. All other personal property:	Petitioner	Respondent
a. Retirement, 401K, etc.		
b. Vehicles		
c. Cash value of Life Insurance		
d. Other		

(THE FOLLOWING NEED NOT BE FURNISHED IN **POST JUDGMENT PROCEDURES**)

17. List real property identified as to description, ownership (joint or individual) and actual or estimated value.

Property Description	Ownership	Value

18. Identify the property if any acquired by each of the parties prior to marriage or acquired during marriage by a will or inheritance.

Property Description	Ownership	Source of Ownership	Value

19. List debt obligations, including maintenance, not listed in Section 12 above, identified as to name or names, of obligor or obligors and obligees, balance due and rate at which payable; and, if secured, identify the encumbered property.

Debt/Obligation	Obligor	Obligee	Balance Due	Payment Rate	Encumbered Party
_____					
_____					

20. List health insurance coverage and the right, pursuant to ERISA §§601-608, 29 U.S.C. §§1161-1168 (1986) to continued coverage by the spouse who is not a member of the covered employee group.

Name of Health Insurance \_\_\_\_\_  
 COBRA Continuation available: \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown

**FURNISH THE FOLLOWING INFORMATION IF THERE ARE MINOR CHILDREN OF THIS MARRIAGE.**

21. Income and financial resources of children.

Source	Amount
_____	
_____	

22. Child support adjustments requested.

	Mother	Father
Long Distance Visitation Costs	\$ _____	\$ _____
Visitation Adjustment	\$ _____	\$ _____
Income Tax Consideration	\$ _____	\$ _____
Special Needs	\$ _____	\$ _____
Agreement Past Minority	\$ _____	\$ _____
Overall Financial Condition	\$ _____	\$ _____

**VERIFICATION**

STATE OF KANSAS)

) ss:

COUNTY OF LYON )

I swear or affirm under penalty of perjury that this affidavit and attached schedules are true and complete.

\_\_\_\_\_  
 Petitioner/Respondent (Circle one)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
 NOTARY PUBLIC

My Appointment Expires:

\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the Domestic Relations Affidavit of \_\_\_\_\_Petitioner  
\_\_\_\_\_Respondent was placed in the United States Mail, postage pre-paid to the following:

Name: \_\_\_\_\_

Street: \_\_\_\_\_

State, Zip: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

**IN THE FIFTH JUDICIAL DISTRICT COURT  
LYON COUNTY, KS**

\_\_\_\_\_  
Petitioner

vs.

\_\_\_\_\_  
Respondent

Case Number: \_\_\_\_\_

**OBJECTION TO TEMPORARY ORDERS**

I, \_\_\_\_\_, the Respondent in the above-captioned matter,  
object to the Temporary Order(s) issued by the Court in this case  
for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Respondent)

**NOTICE OF HEARING**

A hearing has been set on \_\_\_\_\_, \_\_\_\_\_ (Year)  
(Month and day)

at \_\_\_\_\_ A.M/P.M. in Courtroom # \_\_\_\_\_ to hear  
(Time)

the Respondent's Objection to Temporary Orders. Your presence is required at the hearing to defend your case.

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that a copy of the above and foregoing  
Objection to Temporary Orders and Notice of Hearing was mailed by pre-paid 1st Class  
U.S. Postage on \_\_\_\_\_, to the  
(Date)  
following:

Name of Petitioner: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Respondent)