

INSTRUCTIONS FOR PRO SE MOTION TO MODIFY CHILD SUPPORT

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

The following information is provided to assist you in obtaining a modification of your child support. The Kansas Child Support Guidelines are the rules which must be followed in setting the amount of child support to be paid. A hearing cannot be held until your motion has been filed and all of the steps have been completed. Promptness is very important. The Court cannot reduce or increase child support which has already become due prior to the filing of your motion. If you can afford to hire an attorney to represent you in modifying your support obligation, you should seriously consider doing so.

A filing fee must be paid when filing your motion. Check with the clerk to find out the amount of the filing fee.

When seeking a child support modification, the following documents must be completed, filed with the court, **and a copy provided to the other party**. Complete the documents with a typewriter or print legibly in black or blue ink. You may download the forms in a Microsoft Word format or re-create the forms on a computer or word processor as well.

Complete:

1. Motion to Modify Child Support
2. Short Form Domestic Relations Affidavit with supporting documents
3. Child Support Worksheet
4. Notice of Hearing
5. Request and Service Instruction Form (one for each party to be served)
6. Return of Service for Certified Mail (if completing service by Certified Mail)

You may need to have your employer complete an Employer Verification Form if no other documentation of your wages and cost of health insurance is available; and your child care provider complete a Child Care Verification Form if no other documentation of your child care expenses is available. These forms are available on the Judicial Council website.

Follow the steps below in the order given. Check each one off as you complete it to properly file your motion with the court.

1. Motion for Modification of Child Support

- a. Fill out the Motion to Modify Child Support completely. Make sure you sign your name where indicated.

Case Caption:

The section above the title of every document is called the case caption. The case caption on this document should match the case caption on the Petition. The first document filed in the case is the Petition.

- b. Make 4 copies of the completed Motion to Modify Child Support. (Make 5 copies if your case is enforced by the District Court Trustee or the Department for Children and Families.) **Some courts require extra copies. Check with the clerk of the court to find out if more copies are required.**

2. Short Form Domestic Relations Affidavit

- a. Make two copies of the Short Form Domestic Relations Affidavit (Short Form DRA) document before you complete it. Fill out one copy completely. Set aside the blank copy. You will send the blank copy to the other party or ex-spouse for them to complete.
- b. Attach supporting documents to your completed Short Form DRA.
(Supporting documents may include: one month's worth of pay stubs; copy of your most recent tax return and W-2; unemployment, disability, workers compensation, or social security income received; proof of health insurance paid on behalf of yourself and the child(ren); Employer Verification Form if needed as proof of your income, and Child Care Verification Form as proof of daycare expense, if any. Be sure to black out any social security numbers and dates of birth.)
- c. Sign the Short Form DRA.
- d. Make 4 copies of the completed Short Form DRA and supporting documents. (Make 5 copies if your case is enforced by the District Court Trustee or the Department for Children and Families.) **Some courts require extra copies. Check with the clerk of the court to find out if more copies are required.**

3. Child Support Worksheet

- a. Make two copies of the Child Support Worksheet before you complete it. Fill out one copy completely. Set aside the other blank copy. You will send the blank copy to the other party or ex-spouse for them to complete.
- b. Instructions on how to complete the Child Support Worksheet may be found at the Kansas Judicial Branch website, <http://www.kscourts.org/Rules-procedures-forms/Child-support-guidelines/default.asp>, or by visiting your local law library.

- c. Make 4 copies of the completed Child Support Worksheet. (Make 5 copies if your case is enforced by the District Court Trustee or the Department for Children and Families.) **Some courts require extra copies. Check with the clerk of the court to find out if more copies are required.**
- d. Staple the original Motion to Modify Child Support, the original Short Form DRA with supporting documents and the original Child Support Worksheet together.
- e. Staple the remaining copies of the Motions to Modify Child Support, the Short Form DRAs with supporting documents and the Child Support Worksheets to each other in the same way.

4. Notice of Hearing

- a. Fill out the Notice of Hearing **except for the hearing place, date and time.**
- b. Make 4 copies of the completed Notice of Hearing. (Make 5 copies if your case is enforced by the District Court Trustee or the Department for Children and Families.) **Some courts require extra copies. Check with the clerk of the court to find out if more copies are required.**

5. Filing your Motion and Obtaining a Hearing Date

- a. Go to the Clerk of the District Court office to file your motion. Bring originals and all copies with you.
- b. Give the clerk the original and all copies of the Motion to Modify Child Support. The clerk will file-stamp the original and all copies of your Motion to Modify Child Support. They will keep the original for the court file and give you back the other copies.
- c. Ask the clerk for a hearing date and time and enter that information on the original Notice of Hearing and all copies. Give the original and all copies of the Notice of Hearing to the clerk for filing. The clerk will keep the original Notice of Hearing for the court file and give you back all the file-stamped copies.

6. Serving the Other Party (and the District Court Trustee or the Department for Children and Families, if appropriate) - Request and Service Instruction Form

You **must** provide the other party and the other party's attorney, if any, with a copy of the filed Motion to Modify Child Support (with attachments i.e. a completed Short Form DRA with supporting documents and a completed Child Support Worksheet), the blank Short Form DRA, the blank Child Support Worksheet and the Notice of Hearing. If your case is enforced by a

District Court Trustee or the Department for Children and Families, you must serve a full set of documents on that office too. You may serve each person or entity by **one** of the following methods:

i. *Service by U.S. Mail* - You may mail the documents, postage prepaid, to the last known address of the other party and their attorney, if any. If your case is enforced by a District Court Trustee or the Department for Children and Families, mail a set of the documents to that office too. If you choose this method, fill out the Certificate of Service and Mailing at the bottom of the Motion and Notice of Hearing form.

ii. *Service by Certified Mail (Preferred method)* - You may send copies of the documents to the other party and the other party's attorney, if any, by certified mail. If you choose this method, fill out the Certificate of Service and Mailing at the bottom of the Motion and 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 via Certified Mail* - You may request that the documents be mailed, certified mail, by your local Sheriff's office. There will be a fee for this service.

iv. *Personal Service by Sheriff – Inside Kansas* – If the other party lives in Kansas, you may request that the documents be delivered by the Sheriff of the county in which the other party resides. There will be a fee for this service.

v. *Personal Service by Sheriff's Office - Outside Kansas*. If the other party lives outside Kansas, you may request the Sheriff's department where the other party lives deliver the documents to the other 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 other party and the other party's attorney, if any, and the District Court Trustee or the Department for Children and Families, 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 Child Support (with attachments i.e. a completed Short Form DRA with supporting documents and a completed Child Support Worksheet), the blank Short Form DRA, the blank Child Support Worksheet and the Notice of Hearing (one of each for the other party, the other party's attorney, and the District Court Trustee or the Department for Children and Families, if appropriate).

Service by Certified Mail:

If you choose service by certified mail, you must mail a copy of the Motion to Modify Child Support (with attachments i.e. a completed Short Form DRA with supporting documents

and a completed Child Support Worksheet), the blank Short Form DRA you set aside previously, the blank Child Support Worksheet you set aside previously and the Notice of Hearing by certified mail to the other party, and the other party's attorney, if any, and the District Court Trustee or the Department for Children and Families, if applicable, as instructed below. 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 #7 if you choose service by certified mail.)**

- a. Keep one copy of the Motion to Modify Child Support (with attachments i.e. a completed Short Form DRA with supporting documents and a completed Child Support Worksheet) and one copy of the Notice of Hearing for yourself.
- b. Mail one copy of the Motion to Modify Child Support (with attachments i.e. a completed Short Form DRA with supporting documents and a completed Child Support Worksheet), the Notice of Hearing, the blank Short Form DRA, and the blank Child Support Worksheet that you previously set aside when you completed Steps 2 (a) and 3(a), to the other party/ex-spouse **by certified mail**.
- c. Mail one copy of the Motion to Modify Child Support (with attachments i.e. a completed Short Form DRA with supporting documents and a completed Child Support Worksheet) and one copy of the Notice of Hearing to the other party's attorney of record, if any, **by certified mail**.
- d. Mail one copy of the Motion to Modify Child Support (with all attachments i.e. a completed Short Form DRA with supporting documents and a completed Child Support Worksheet) and one copy of the Notice of Hearing to the agency enforcing your child support case, if any, (District Court Trustee or the Department for Children and Families) by regular mail. Fill out the Certificate of Service and Mailing section at the bottom of the Motion and the Notice of Hearing to show you served the District Court Trustee or the Department for Children and Families.

7. Filing the Return of Service for Certified Mail

After you mail your Motion to Modify Child Support (with attachments i.e. a completed Short Form DRA with supporting documents, and a completed Child Support Worksheet) 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.
- e. 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 for Modification of Child Support.

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.