

INSTRUCTIONS FOR PRO SE MOTION TO MODIFY PARENTING TIME

*****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.

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 modification of parenting time, the following 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 Parenting Time
2. Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit
3. Proposed Parenting Plan
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)

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 to Modify Parenting Time

- a. Fill out the Motion to Modify Parenting Time 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. Fill out the UCCJEA Affidavit completely and sign.
- c. Fill out the proposed Parenting Plan completely and sign.

- d. Make 3 copies of the completed Motion to Modify Parenting Time, the UCCJEA Affidavit and the proposed Parenting Plan. Attach copies of the UCCJEA Affidavit and proposed Parenting Plan to the Motion to Modify Parenting Time. (Make 4 copies if the other party has an attorney. Additional copies may be necessary if the court has appointed a guardian ad litem for the child(ren).)

Some courts require extra copies. Check with the clerk of the court to find out if more copies are required.

2. Notice of Hearing

- a. Fill out the Notice of Hearing **except for the hearing place, date and time.**
- b. Make 3 copies of the completed Notice of Hearing. (Make 4 copies if the other party has an attorney. Additional copies may be necessary if the court has appointed a guardian ad litem for the child(ren).)

Some courts require extra copies. Check with the clerk of the court to find out if more copies are required.

3. 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 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. 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.

4. Serving the Other Party - Request and Service Instruction Form

You **must** provide the other party, the other party's attorney, and each guardian ad litem appointed for the child(ren), if any, 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 last known address of the other party, the other party's attorney, and each guardian ad litem appointed for the

child(ren), if any. 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 other party, the other party's attorney, and each guardian ad litem appointed for the child(ren), if any, 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 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, the other party's attorney, and each guardian ad litem appointed for the child(ren), if any, 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 other party and one of each for the other party's attorney, and one for each guardian ad litem, if any).

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 other party and the other party's attorney, 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 other 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 other party's 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.
- 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 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.