

Rule 139

DOMESTIC RELATIONS AFFIDAVIT; SUPPORT ORDER AND PAYMENT

- (a) **Domestic Relations Affidavit Required in Divorce, Annulment, or Separate Maintenance Case.** All parties—including unrepresented parties—in a divorce, annulment, or separate maintenance case must prepare and file a domestic relations affidavit on the form set forth in the appendix of the Kansas Child Support Guidelines. In a contested case, the parties must exchange domestic relations affidavits before trial.
- (b) **Domestic Relations Affidavit Required in Matter Involving Support.** A domestic relations affidavit must be included with:
 - (1) an ex parte motion that includes a request for temporary support;
 - (2) a motion to modify an existing support order; and
 - (3) a response or answer challenging:
 - (A) a support order; or
 - (B) facts contained in a domestic relations affidavit.
- (c) **When Child Support Worksheet Required.** When child support is an issue, a child support worksheet—on the form set forth in the appendix of the Kansas Child Support Guidelines—must accompany the domestic relations affidavit.
- (d) **No Ex Parte Order Without Required Attachment.** An ex parte support order may not be issued in the absence of an accompanying domestic relations affidavit or child support worksheet required under subsection (b) or (c).
- (e) **Service.**
 - (1) **Ex Parte Order.** A copy of an ex parte support order—and any accompanying domestic relations affidavit or child support worksheet if required under subsection (b) or (c)—must be served promptly on the individual to whom it is addressed.
 - (2) **Motion to Modify Support Order.** A party filing a motion to modify a support order must serve the motion, along with a copy of the domestic relations affidavit—and a copy of the child support worksheet if the order is for child support—on the adverse party.
- (f) **Filing and Service of Required Document in Response to Motion to Modify.** A person challenging a motion to modify a support order or facts contained in an accompanying domestic relations affidavit or child support worksheet must file and serve a domestic relations affidavit—and a child support worksheet if the motion seeks to modify child support—prior to the hearing on the motion to modify.

(g) **Support Payment.** Unless the court orders otherwise, every child support or spousal support payment—whether temporary or permanent—must be made to the Kansas Payment Center.

[History: Am. effective December 30, 1985; Am. effective April 1, 1990; Am. (c) effective October 7, 2004; Am. (g) effective September 8, 2006; Restyled rule and amended effective July 1, 2012.]