

# 18<sup>TH</sup> JUDICIAL DISTRICT, DISTRICT COURT

## GENERAL INFORMATION FOR THOSE SEEKING A PROTECTION FROM ABUSE ORDER

1. Before you can get a Protection from Abuse Order you and the person you want restrained must be intimate partners or household members. This means you and the person you want restrained must meet one of the following requirements:
  - a. You are in a dating relationship (a social relationship of a romantic nature);
  - b. You have been in a dating relationship in the past;
  - c. You are living together;
  - d. You have lived together in the past; or
  - e. You have had a child in common.OR if you are seeking protection of a minor child, the child and the person you want restrained must be intimate partners or household members. This means the child and the person you want restrained must meet one of the above requirements.
2. Abuse must have occurred. This means that one of the following has occurred:
  - a. The person physically hurt you or a minor child on purpose. The person tried to physically hurt you or a minor child.
  - b. The person threatened to physically hurt you or a minor child.
  - c. The person engaged in sexual conduct (touching or sexual intercourse) with a minor child under 16 years of age.
3. You may file only two petitions for a Protection from Abuse Order in one calendar year, unless you are filing the petition on behalf of a minor child who has been abused.
4. You should be available to testify at future hearings as set by the judge. If you fail to appear, the case may be dismissed.
5. Legal help may be available through your private attorney or legal services.
6. A Final Protection from Abuse Order will expire after one year or on the date stated in the order, unless you request an extension or modification from the court.
7. If you are the defendant, and you want an order restraining the plaintiff from abuse, you must file a counter petition.

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

\_\_\_\_\_

\_\_\_\_\_ Plaintiff

vs.

Case No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Defendant

PROTECTION FROM ABUSE CONFIDENTIAL FORM

NOTE:IF THE COURT FINDS THAT THE PLAINTIFF'S ADDRESS AND TELEPHONE NUMBER NEED TO REMAIN CONFIDENTIAL FOR THE PROTECTION OF THE PLAINTIFF OR THE MINOR CHILDREN, THIS FORM WILL BE SHOWN ONLY TO AUTHORIZED COURT OR LAW ENFORCEMENT PERSONNEL AND WILL NOT BE DISCLOSED TO THE PUBLIC OR TO THE DEFENDANT.IT IS THE PLAINTIFF'S RESPONSIBILITY TO NOTIFY THE COURT OF ANY CHANGE INADDRESS OR TELEPHONE NUMBER.

Name of Plaintiff \_\_\_\_\_

Confidential Address:

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

\_\_\_\_\_

\_\_\_\_\_  
Plaintiff

vs.

Case No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Defendant

**NOTICE: THIS INFORMATION IS FOR THE USE OF LAW ENFORCEMENT. COMPLETION OF THIS INFORMATION WILL HELP LAW ENFORCEMENT IDENTIFY THE DEFENDANT. THIS INFORMATION IS VOLUNTARY ON THE PART OF THE PLAINTIFF.**

1. Defendant's name or names if he/she has been known at any other time by a different name:

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

2. General description of defendant (please attach recent photograph, if available):

|                |                              |
|----------------|------------------------------|
| Race _____     | Sex _____                    |
| Height _____   | Social Security Number _____ |
| Weight _____   | Age or Date of Birth _____   |
| Hair _____     | Color Eye Color _____        |
| Glasses? _____ | Defendant's Vehicle _____    |

Does Defendant own or possess any weapons? \_\_\_\_\_

If so, what kinds? \_\_\_\_\_

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

3. Please describe any special identifying characteristics of the defendant which would help law enforcement in identification (such as tattoos, scars, locations frequented by the defendant):

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

4. The defendant can be found at: (give all available addresses)

HOME: street \_\_\_\_\_  
city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_  
phone number \_\_\_\_\_  
times when defendant is usually there \_\_\_\_\_

WORK: street \_\_\_\_\_

city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_  
phone number \_\_\_\_\_  
times when defendant is usually there \_\_\_\_\_

OTHER:

please explain \_\_\_\_\_  
street \_\_\_\_\_  
city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_  
phone number \_\_\_\_\_  
times when defendant is usually there \_\_\_\_\_

**ATTACH TO PROTECTIVE ORDERS**

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff

vs.

Case No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Defendant

**PETITION FOR PROTECTIVE ORDER  
(Pursuant to K.S.A. 60-3101, et seq.)**

1. I live in the City of \_\_\_\_\_, in the County of \_\_\_\_\_, Kansas.

2. I have filed \_\_\_\_\_ (give number) petitions for protection from abuse in the past twelve months. The dates of these petitions are \_\_\_\_\_. These petitions were filed in the counties of \_\_\_\_\_. (State which petitions, if any, involved abuse of a minor child) \_\_\_\_\_.

3. I am seeking protection for: (check all that apply)  
\_\_\_\_ myself  
\_\_\_\_ my minor children (under age 18)  
\_\_\_\_ minor children who live with me

4. The defendant and I: (answer all that apply if you are asking for protection for yourself)  
\_\_\_\_ are currently in a dating relationship  
\_\_\_\_ were formerly in a dating relationship  
\_\_\_\_ currently live together in the same residence  
\_\_\_\_ formerly lived together in the same residence  
\_\_\_\_ have never lived together in the same residence  
\_\_\_\_ have had a child in common

(If you are alleging that you and the defendant are or were in a dating relationship, briefly describe that relationship, including date the relationship ended, if appropriate):

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

The residence is: (answer if you want the judge to order the defendant to move)

- \_\_\_\_ a) jointly owned, or rented and jointly occupied by defendant and me
- \_\_\_\_ b) owned, or rented by me
- \_\_\_\_ c) owned, or rented by defendant only
- \_\_\_\_ d) owned, or rented by someone else (explain)
- \_\_\_\_ e) none of the above (explain)
- \_\_\_\_ f) not applicable because the defendant and I do not live together.

5. The minor child(ren): (check all that apply if you are asking for protection for minor child(ren))

- is currently in a dating relationship with the defendant
- was formerly in a dating relationship with the defendant
- currently lives with the defendant (and has since the following date:)
- currently lives with me (and has since the following date:)

- formerly lived with the defendant
- has never lived with the defendant
- has had a child in common with the defendant

(If you are alleging that the minor child and the defendant are or were in a dating relationship, briefly describe that relationship): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. The following legal actions have been filed between me and the defendant or involving the minor children: (check case type, give county filed in, and give case number and date filed, if known)

- divorce/custody \_\_\_\_\_
- paternity \_\_\_\_\_
- child in need of care \_\_\_\_\_
- action seeking protective order \_\_\_\_\_
- other \_\_\_\_\_

7. The following minor children are involved in this matter: (give full names and ages)

| Name  | DOB   | Mother's Name | Father's Name |
|-------|-------|---------------|---------------|
| _____ | _____ | _____         | _____         |
| _____ | _____ | _____         | _____         |
| _____ | _____ | _____         | _____         |
| _____ | _____ | _____         | _____         |
| _____ | _____ | _____         | _____         |

**If you are requesting custody of a minor child who is also a child of the defendant, you must complete and attach an additional form concerning jurisdiction (UCCJEA form).**

8. I am seeking protection from abuse because the defendant, \_\_\_\_\_  
 \_\_\_\_\_ (name of person you are seeking protection from) has: (check all that apply)

- caused me bodily injury or attempted to cause me bodily injury
- placed me in fear of imminent bodily injury by threatening me
- caused the minor children bodily injury or attempted to cause them bodily injury
- placed the minor children in fear of imminent bodily injury
- engaged in any of the following acts with a minor under 16 years of age who is not the spouse of the defendant: sexual intercourse or lewd fondling or touching of the person of either the minor or the defendant



WHEREFORE, plaintiff requests that the Court issue an order of protection restraining defendant from:

\_\_\_\_\_ a) abusing, molesting or interfering with the privacy or rights of the plaintiff and the minor child (ren)

\_\_\_\_\_ b) entering or coming on or around the premises or the residence of the plaintiff located at: \_\_\_\_\_

(Give address or other description of residence from which defendant is to be excluded.)

I am requesting that my \_\_\_\_\_ address and \_\_\_\_\_ telephone number remain confidential for the following reason: (complete if appropriate) \_\_\_\_\_

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

FURTHER, plaintiff requests that the Court also issue the following order(s): (check if appropriate)

\_\_\_\_\_ c) defendant immediately move from and not return to the residence located at:

\_\_\_\_\_  
(You must include your address if defendant is ordered to be removed from the residence)

\_\_\_\_\_ d) law enforcement officers be directed to evict the defendant from the residence located at: \_\_\_\_\_

\_\_\_\_\_ e) law enforcement officers be directed to grant any assistance necessary to protect plaintiff and child(ren) from abuse

Plaintiff further requests that copies of orders be given to the appropriate law enforcement agencies; that the Court issue an **ex parte** order of temporary custody of the minor child(ren), if appropriate; that a date, time and place for a hearing on this matter be set; and that summons be issued to defendant, notifying the defendant of this action and the relief requested.

Plaintiff further requests that upon hearing of this cause, the Court issue a final order of protection, enjoining defendant from any acts of abuse against the plaintiff and the plaintiff's child(ren), and that the Court award to plaintiff the following additional relief:

\_\_\_\_\_ a) suitable alternative housing for plaintiff and minor child(ren)

\_\_\_\_\_ b) custody of the minor child(ren) (UCCJEA form completed)

\_\_\_\_\_ c) child support

\_\_\_\_\_ d) support of spouse

\_\_\_\_\_ e) possession of personal property, and the assistance of a law enforcement officer in securing that property, if necessary

\_\_\_\_\_ f) attorney's fees, if represented by counsel; and costs

\_\_\_\_\_ g) counseling for defendant

\_\_\_\_\_ h) other, please specify: \_\_\_\_\_

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

and for such other and further relief, all as appropriate and as the Court deems necessary.

\_\_\_\_\_  
*Plaintiff's signature*

(If attorney represents the plaintiff, the attorney's address and phone number must be provided.)

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

**VERIFICATION**

STATE OF KANSAS            )  
  )  
COUNTY OF \_\_\_\_\_  )

ss:

\_\_\_\_\_, of lawful age, being first duly sworn states that (she)(he) is the plaintiff in the above action; that (she)(he) has read the foregoing Petition and knows the contents of it and that the declarations in it are true and correct to the best of plaintiff's knowledge and belief.

\_\_\_\_\_  
*Plaintiff's signature*

SIGNED AND SWORN to (or affirmed) before me on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*Clerk of the District Court/Notary Public*

My Appointment Expires:  
\_\_\_\_\_



IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

\_\_\_\_\_

\_\_\_\_\_  
Plaintiff

vs.

Case No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Defendant

**NOTICE OF HEARING AND  
TEMPORARY ORDERS OF PROTECTION**

To defendant (name):

\_\_\_\_\_

You may appear in this Court as follows to give any evidence you may have why orders sought in the petition should not be granted.

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

Time: \_\_\_\_\_

Place: JURY ROOM 1ST, FLOOR  
SEDGWICK COUNTY COURTHOUSE  
525 NORTH MAIN  
WICHITA, KANSAS 67203

If you do not attend the hearing, final orders may be made against you. You have the right to appear and oppose the petition with or without an attorney.

**REASONABLE ACCOMMODATIONS WILL BE PROVIDED IN ACCORDANCE WITH THE AMERICANS WITH DISABILITY ACT.**

## TEMPORARY ORDERS OF PROTECTION

INFORMATION ABOUT DEFENDANT: Race \_\_\_\_\_ Sex \_\_\_\_\_

THIS TEMPORARY ORDER SHALL EXPIRE ON THE DATE SCHEDULED FOR HEARING UNLESS EXTENDED BY THE COURT.

On this date, \_\_\_\_\_, plaintiff's petition for temporary orders of protection comes for consideration under the provisions of K.S.A. 60-3101, et seq.

After considering the verified petition filed with the court by the plaintiff, the court finds that:

(1) The plaintiff has established good cause for the court to issue a temporary order of protection from abuse.

(2) Including this petition, the plaintiff has not filed more than two actions under the Protection from Abuse Act in the past twelve months which did not involve abuse of minor children.

IT IS THEREFORE BY THE COURT ORDERED THAT:

1. The defendant shall not abuse, molest, or interfere with the privacy or rights of the plaintiff, the plaintiff's minor child(ren) or the minor child(ren) residing with the plaintiff, wherever they may be. This means no contact with the plaintiff, directly or indirectly, by the defendant or by someone at the defendant's behest, this means: no e-mail, no phone, no text messaging or third party contact except as authorized by the Court in this Order.
2. The defendant shall not enter or come on or around the premises or the dwelling or workplace where the plaintiff resides, stays or works.
3. \_\_\_\_\_ (CHECK IF APPLICABLE) The plaintiff is granted exclusive possession of the residence located at:  
  
\_\_\_\_\_

\_\_\_\_\_ (CHECK IF APPLICABLE) The plaintiff's \_\_\_\_\_ address and \_\_\_\_\_ telephone number must remain confidential for the protection of the plaintiff, plaintiff's child(ren) or the minor child(ren) residing with plaintiff.

If the plaintiff is granted exclusive possession of the residence then the defendant must immediately move from such address and take only personal clothing and effects until further order of the court. Defendant shall not cancel utilities to such residence. Law enforcement officials are hereby directed to evict the defendant from such residence, and to ensure that defendant does not enter or re-enter the premises or any other residence the plaintiff may occupy.

If the defendant is granted exclusive possession of the dwelling then the plaintiff is granted the right to remove from the dwelling personal effects and clothing for the plaintiff and any children in the plaintiff's custody. Law enforcement officials are hereby directed to enter the dwelling with the plaintiff and prevent the defendant from interfering with the plaintiff removing the above mentioned possessions.

(COMPLETE IF APPLICABLE)

4. Care, custody and control of the following minor child(ren) are temporarily awarded to \_\_\_\_\_ plaintiff or \_\_\_\_\_ defendant:

---

5. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. CERTIFICATE OF COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT (VAWA): This order meets all the requirements of the Violence Against Women Act, 18 U.S.C 2265. This Court has jurisdiction of the parties and the subject matter, the defendant has been afforded notice and a timely opportunity to be heard as provided by the laws of Kansas. This Order is enforceable in all 50 states, the District of Columbia, all Indian tribal courts and all United States territories and shall be enforced as if it were an order that jurisdiction pursuant to 18 U.S.C 2265.

**THIS ORDER IS EFFECTIVE WHEN SIGNED BY THE JUDGE. LAW ENFORCEMENT OFFICIALS SHALL ENFORCE THE ORDER IMMEDIATELY UPON RECEIPT. THE DEFENDANT IS HEREBY PUT ON NOTICE THAT VIOLATION OF THIS ORDER MAY CONSTITUTE VIOLATION OF A PROTECTIVE ORDER AS PROVIDED IN K.S.A. 21-3843. ADDITIONALLY, VIOLATION OF THIS ORDER MAY CONSTITUTE ASSAULT AS PROVIDED IN K.S.A. 21-3408, AND AMENDMENTS THERETO, BATTERY AS PROVIDED IN K.S.A. 21-3412, AND AMENDMENTS THERETO, DOMESTIC BATTERY AS PROVIDED IN K.S.A. 21-3412A, AND AMENDMENTS THERETO, AND MAY RESULT IN PROSECUTION AND CONVICTION UNDER KANSAS CRIMINAL STATUTES.**

**IF POSSESSION OF THE RESIDENCE IS GRANTED TO THE PLAINTIFF, VIOLATION OF THIS ORDER BY THE DEFENDANT CONSTITUTES CRIMINAL TRESPASS PURSUANT TO K.S.A. 21-3721, AND AMENDMENTS THERETO, AND MAY RESULT IN PROSECUTION AND CONVICTION UNDER KANSAS CRIMINAL STATUTES. VIOLATION OF THIS ORDER MAY ALSO BE PUNISHABLE AS A CONTEMPT OF THIS COURT.**

IT IS SO ORDERED.

\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT