

GENERAL INSTRUCTIONS
FOR THOSE SEEKING A PROTECTION FROM ABUSE ORDER

NOTICE

The protection from abuse process is designed to provide quick and immediate protection. However, the process may require time, expertise, or more than one hearing. If you have questions, you should seek help from an attorney or victim services advocate. The Kansas Crisis Hotline (1-888-363-2287) or Kansas Legal Services (1-800-723-6953) may be able to help you find an attorney or advocate.

These are basic forms and they do not cover every situation. The Clerk of the District Court cannot help you with these forms. The Clerk cannot give legal advice to you or tell you about your rights or responsibilities. The Clerk can only provide very limited information about the protection order process. You can find more information about protection from abuse at <http://www.kcsdv.org/pfa.html>.

1. You may seek a protection from abuse order:
 - a. For yourself; or,
 - b. For yourself and your minor child(ren); or,
 - c. For only your child(ren) or other minor child(ren) who reside with you.

2. For each person for whom protection is sought, Kansas law requires a former or current “intimate partner or household member” relationship with the defendant.

“Intimate partner or household member” relationship means:

 - a. Persons who are in a dating relationship (a social relationship of a romantic nature); or,
 - b. Persons who have been in a dating relationship; or,
 - c. Persons who live together; or,
 - d. Persons who have lived together; or,
 - e. Persons who have had a child in common.

3. Each person needing protection must have been abused. This means that one of the following must have occurred:
 - a. The defendant physically hurt you or a minor child on purpose; or,
 - b. The defendant tried to physically hurt you or a minor child; or,
 - c. The defendant threatened to physically hurt you or a minor child; or,
 - d. The defendant engaged in sexual conduct (touching or sexual intercourse) with a minor child under 16 years of age.

4. You must notify the defendant by personal service that you have filed a Petition for a Protection from Abuse Order. To obtain personal service, you must fill out a Request for Service Form, requesting that the sheriff deliver the Petition for Protection from Abuse to the defendant.

5. If the defendant is a minor, you must complete the Minor Defendant Addendum. Petitions, Motions and Temporary Protection from Abuse Orders filed against a minor defendant must be served by serving the minor **and**:
 - a. The minor's guardian or conservator, if any; **or**,
 - b. The minor's father or mother; **or**,
 - c. A person having the minor's care or control; **or**,
 - d. A person with whom the minor resides.

If service cannot be made upon any of these people, then service may be obtained as provided by order of the judge.

6. You should be available to testify at future hearings as set by the judge. If you fail to appear, the case may be dismissed.
7. 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 before the order expires.
8. If you are the defendant and you want an order restraining the plaintiff from abuse, you must file a written counter petition.
9. If you decide to seek child support, it is highly recommended that you seek the advice of an attorney. In order to obtain child support, you must complete a Domestic Relations Affidavit and a Child Support Worksheet and attach them to the Petition for Protection from Abuse. If the court grants child support, the court will complete the Child Support Addendum and attach it to the Final Protection from Abuse Order. You will then need to complete a Kansas Payment Center Form, attach it to a copy of the Final Protection from Abuse Order including the Child Support Addendum and provide it to the Clerk of the District Court.

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

_____, Plaintiff

vs.

Case No. _____

_____, Defendant

PROTECTION FROM ABUSE CONFIDENTIAL ADDRESS FORM

(K.S.A. 60-3104(e))

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 CHILD(REN), 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 IN ADDRESS OR TELEPHONE NUMBER.

Name of Plaintiff: _____

Confidential Address:

Street _____

City _____ State _____ Zip Code _____

Phone Number _____

SERVICE COVER SHEET AND NCIC INFORMATION FORM

NOTICE: THIS INFORMATION IS INTENDED TO BE USED BY LAW ENFORCEMENT TO IDENTIFY THE DEFENDANT FOR ENFORCEMENT OF THE ORDER, AND FOR NCIC DATA ENTRY. THIS FORM IS NOT TO BE INCLUDED IN THE PUBLIC RECORD AND SHOULD BE DESTROYED ONCE THE REQUIRED INFORMATION IS ENTERED IN THE NCIC FILE. THIS INFORMATION IS VOLUNTARY ON THE PART OF THE PLAINTIFF.

<p>Plaintiff's Name:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>Relationship to Defendant: <input type="checkbox"/> are or <input type="checkbox"/> have been in a dating relationship <input type="checkbox"/> reside together or <input type="checkbox"/> formerly resided together <input type="checkbox"/> have a child in common</p>	<p>Plaintiff Identifiers:</p> <p>Date of Birth <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div></p> <p>Sex: <input type="checkbox"/> F <input type="checkbox"/> M</p>																																								
vs.																																									
<p>Defendant's Name:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>Any other name(s) Defendant has been known by: _____ _____</p> <p>Defendant can be found at (give all available addresses):</p> <p>Home Address: _____ _____ _____</p> <p>Phone number(s): _____ Times defendant is usually there _____ _____</p> <p>Place of employment: _____ _____ _____</p> <p>Phone number(s): _____ Times defendant is usually there _____ _____</p> <p>Other Address: _____ _____ _____</p> <p>Phone number(s): _____ Times defendant is usually there _____ _____</p>	<p>Defendant Identifiers: (Please include all available information.)</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20%;">SEX</td> <td style="width: 20%;">RACE</td> <td style="width: 20%;">DOB</td> <td style="width: 20%;">HT</td> <td style="width: 20%;">WT</td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2">HAIR</td> <td colspan="2">EYES</td> <td colspan="1">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="2" style="height: 20px;"></td> <td colspan="2"></td> <td></td> </tr> <tr> <td colspan="2">DRIVERS LICENSE #</td> <td colspan="2">DL STATE</td> <td>DL EXP. DATE</td> </tr> <tr> <td colspan="2" style="height: 20px;"></td> <td colspan="2"></td> <td></td> </tr> <tr> <td colspan="2">VEHICLE MAKE</td> <td colspan="2">VEHICLE MODEL</td> <td>VEHICLE YEAR</td> </tr> <tr> <td colspan="2" style="height: 20px;"></td> <td colspan="2"></td> <td></td> </tr> </table> <p>Distinguishing Features (tattoos, scars, locations frequented, etc.): Please describe: _____ _____ _____ _____</p> <p>Does Defendant wear glasses? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Does Defendant own or possess any weapons? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, what kind(s)? _____ _____ _____</p>	SEX	RACE	DOB	HT	WT						HAIR		EYES		SOCIAL SECURITY NUMBER						DRIVERS LICENSE #		DL STATE		DL EXP. DATE						VEHICLE MAKE		VEHICLE MODEL		VEHICLE YEAR					
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IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

Plaintiff

Case No. _____

vs.

Defendant

PETITION FOR PROTECTION FROM ABUSE ORDER

(K.S.A. 60-3101 *et seq.*)

1. Plaintiff seeks an order for protection from abuse:

a. For Plaintiff Only, or
(Kansas law requires a former or current relationship which may be established by any one of the following options.)

i. Plaintiff and Defendant:

- are in a dating relationship
- were formerly in a dating relationship
- reside together in the same residence
- formerly resided together in the same residence
- have a child in common

b. For Plaintiff and Plaintiff's minor child(ren), or
(Kansas law requires a former or current relationship which may be established by any one of the following options.)

i. Plaintiff and Defendant:

- are in a dating relationship
- were formerly in a dating relationship
- reside together in the same residence
- formerly resided together in the same residence
- have a child in common

ii. Plaintiff's minor child(ren) and Defendant:

- reside together in the same residence
- formerly resided together in the same residence

c. Only on behalf of Plaintiff's minor child(ren) or minor child(ren) residing with Plaintiff (Kansas law requires a former or current relationship which may be established by any one of the following options.)

i. Minor child(ren) and Defendant:

- are in a dating relationship
- were formerly in a dating relationship
- reside together in the same residence
- formerly resided together in the same residence
- have a child in common

The minor child(ren) for whom Plaintiff seeks protection are: (give full names and year of birth)

NAME	YOB	MOTHER'S NAME	FATHER'S NAME
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. Defendant can be served at: (please provide 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: street _____ city _____
state _____ zip code _____ phone number _____
times when defendant is usually there _____

3. Plaintiff seeks protection from abuse because Defendant: (check all that apply)

- caused Plaintiff bodily injury or attempted to cause Plaintiff bodily injury
- placed Plaintiff in fear of imminent bodily injury by threatening Plaintiff
- caused the minor child(ren) bodily injury or attempted to cause the minor child(ren) bodily injury
- placed the minor child(ren) 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 Defendant: sexual intercourse or lewd fondling or touching on the person of either the minor or Defendant.

4. Describe why Plaintiff seeks a protection from abuse order and include specific facts: _____

(Attach additional pages as needed.)

5. Plaintiff requests that Plaintiff's address and/or telephone number remain confidential for the following reason(s): (complete if appropriate)

(If Plaintiff requests that Plaintiff's address remain confidential, Plaintiff must complete the Protection from Abuse Confidential Address Form and include it with this petition.)

6. Plaintiff requests that the Court issue an Ex Parte Temporary Order of Protection and Final Order of Protection restraining defendant from:

abusing, molesting or interfering with the privacy or rights of the protected person(s)

entering or coming on or around the premises or the residence of the protected person(s) located at: _____,

and the workplace located at: _____.

(Give address or other description of residence and workplace from which Defendant is to be excluded. DO NOT include the residential address if Plaintiff is requesting that Plaintiff's residential address is to remain confidential.)

7. Plaintiff states the residence is:

jointly owned, or rented and jointly occupied by Plaintiff and Defendant

owned, or rented by Plaintiff

owned, or rented by Defendant only

owned, or rented by someone else (explain) _____

not applicable because the Plaintiff and Defendant do not live together.

Plaintiff requests the Court order that the Defendant immediately move from and not return to the residence, and that Law Enforcement officers be directed to remove Defendant from the residence, located at: _____
_____.

8. Plaintiff requests that the Court issue an Ex Parte order of temporary custody of the minor children and has attached a completed form concerning jurisdiction (UCCJEA form). (Complete either option (a.) OR option (b.))

a. Defendant's parentage of the child(ren) has not been established and Defendant has no right to custody or parenting time with the child(ren).

b. Defendant's parentage of the child(ren) has been established and the Plaintiff requests the following custody and parenting time orders:

i. Temporary legal custody and residency of the minor child(ren) be:

Joint legal custody between Plaintiff and Defendant until this order expires; or,

Sole legal custody granted to Plaintiff, Defendant until this order expires.

ii. Rights of temporary parenting time as follows:

Plaintiff and Defendant shall have parenting time as described in the attached parenting plan; or

Defendant shall have no parenting time; or

Defendant shall have supervised parenting time as follows: _____

Plaintiff and Defendant shall exchange the minor child(ren) for parenting time at: _____

9. The court should give copies of orders to the appropriate law enforcement agencies; set a date, time and hearing on this matter; and issue summons to Defendant, notifying Defendant of this action and the relief requested.

10. After a hearing, the court should issue a final order of protection prohibiting Defendant from committing any acts of abuse against the protected person(s), and order the following additional relief:

suitable alternate housing for Plaintiff and minor child(ren)

custody of the minor child(ren) (UCCJEA form completed)

child support

support of spouse

possession of personal property, and the assistance of law enforcement officers in securing that property, if necessary

attorney's fees, if represented by counsel, and costs

counseling for Defendant

other, please specify: _____

11. The following legal actions have been filed between Plaintiff and Defendant or involving the minor child(ren): (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 _____

Plaintiff's signature
 Plaintiff's Name: _____
 Address 1: _____
 Address 2: _____
 City, State, Zip: _____
 Telephone Number: _____

(DO NOT include the residential address if Plaintiff is requesting that Plaintiff's residential address is to remain confidential. If Plaintiff requests that Plaintiff's address remain confidential, Plaintiff must complete the Protection from Abuse Confidential Address Form and include it with this petition.)

 Attorney representing Plaintiff (if any)
 Attorney's Name: _____
 Address 1: _____
 Address 2: _____
 City, State, Zip: _____
 Telephone: _____

VERIFICATION

STATE OF _____)
) ss:
 COUNTY OF _____)

I swear or affirm that the statements made in this Petition are true and correct to the best of my knowledge and belief and that I am the person filing this petition.

Plaintiff's signature

SUBSCRIBED AND SWORN to before me, a Notary Public, this _____ day of
_____ 20_____.

Notary Public

My Appointment Expires:

Temporary Order of Protection from Abuse

Judge or Division:	Case Number: <hr/> Court ORI Number:																														
Plaintiff: <div style="border: 1px solid black; width: 250px; height: 20px; margin: 5px 0;"></div> Relationship to Defendant: <input type="checkbox"/> are or <input type="checkbox"/> have been in a dating relationship <input type="checkbox"/> reside together or <input type="checkbox"/> formerly resided together <input type="checkbox"/> have a child in common vs.	Plaintiff Identifiers: Year of Birth <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> <div style="float: right; margin-top: 10px;">(Date File Stamp)</div> Sex: <input type="checkbox"/> F <input type="checkbox"/> M																														
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Protected Person(s): _____ Plaintiff _____ Plaintiff's child(ren) _____ Minor child(ren) residing with the Plaintiff (Only the party, or parties, initialed by the Judge are protected person(s).)																															
This order and its terms are directed at and apply to Defendant only.																															
THIS TEMPORARY ORDER SHALL REMAIN IN EFFECT UNTIL SERVICE OF THE FINAL ORDER OR UNTIL TERMINATED BY ORDER OF THE COURT. ONLY THE COURT CAN CHANGE THIS ORDER.																															
The Court finds: (Only the provision(s) initialed by the Judge apply.) _____ Plaintiff filed a written verified petition on _____, 20____ requesting a Temporary Order of Protection from Abuse. _____ This Court has jurisdiction over Plaintiff, Defendant and subject matter. _____ This Court has child custody jurisdiction because <input type="checkbox"/> it is home state, <input type="checkbox"/> there is no home state and Kansas has significant connections with the child(ren), <input type="checkbox"/> temporary emergency jurisdiction, <input type="checkbox"/> other: _____ _____ Plaintiff has established good cause for the court to issue a temporary order of protection from abuse. A hearing has been set for _____, 20____ and summons has been issued. _____ The plaintiff's <input type="checkbox"/> address and <input type="checkbox"/> telephone number shall remain confidential for the protection of the protected person(s).																															

Order

The Court orders:

- The defendant shall not abuse, molest, or interfere with the privacy or rights of the protected person(s) wherever they may be. [NCIC 01 & 02]
- The defendant shall not use, attempt to use, or threaten to use physical force, that would reasonably be expected to cause bodily injury, against the protected person(s). [NCIC 01 & 02]
- The defendant shall not contact the protected person(s), either directly or indirectly, except as authorized by the Court in paragraph 3(b) of this order. [NCIC 04 & 05]
- The defendant shall not direct or request another to contact the protected person(s), either directly or indirectly, except as authorized by the Court in paragraph 3(b) of this order. [NCIC 04 & 05]
- The defendant shall not enter or come on or around the premises, the residence or workplace where the protected person(s) resides, stays or works. [NCIC 04]
- Law enforcement officers are directed to grant any assistance necessary to protect the protected person(s) from abuse by the defendant, and to provide any other assistance necessary to enforce these orders, including the order excluding the defendant from the protected person(s) place of residence, wherever it may be. [NCIC 08]

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 of that jurisdiction pursuant to 18 U.S.C. § 2265.

Additional terms of this order are set forth below. (Only the provision(s) initialed by the Judge apply.)

Housing and Property:

- _____ 1. The plaintiff is granted exclusive possession of the residence located at: _____ [NCIC 03]
- If the plaintiff is granted exclusive possession of the residence, the defendant shall immediately move from the residence and may take only personal clothing and effects until further order of the court. Law enforcement officials are directed to remove the defendant from the residence, and to ensure that defendant does not enter or re-enter the premises or any other residence the plaintiff may occupy.
- _____ 2. Defendant shall not cancel utilities to the residence. The terms of this paragraph expire 60 days from this order's date of entry. [NCIC 08]

Parentage and Custody:

- _____ 3. For this paragraph, the Court shall initial subparagraph (a) **OR** subparagraph (b), but not both.
- _____ a. Defendant's parentage of the child(ren) **has not** been established through a marriage of the parties or pursuant to the Kansas Parentage Act, K.S.A. 38-1110 *et seq.*, and Defendant has no right to custody or parenting time with the following named child(ren): _____.
- _____ b. Defendant's parentage of the child(ren) **has been** established through the marriage of the parties or pursuant to the Kansas Parentage Act, K.S.A. 38-1110 *et seq.*, and the following custody and parenting time orders are entered:
- i. Temporary legal custody and residency of the following named minor child(ren): _____ [NCIC 09]
- shall be: Joint legal custody between the plaintiff and defendant until this order expires; or,
 Sole legal custody granted to Plaintiff, Defendant until this order expires. [NCIC 06]
- ii. Rights of temporary parenting time shall be as follows: [NCIC 06]
- Plaintiff and Defendant shall have parenting time as described in the attached parenting plan;
 Defendant shall have no parenting time;
 Defendant shall have supervised parenting time as follows: _____;
- Plaintiff and Defendant shall exchange the minor child(ren) for parenting time at: _____.

SO ORDERED:

Date

Judge of the District Court

WARNINGS TO DEFENDANT

- **This order is effective when signed by the Judge. Law enforcement officials shall immediately enforce this order.**
- **Violation of this order may constitute: violation of a protective order as provided in K.S.A. 21-3843, and amendments thereto; assault as provided in K.S.A. 21-3408, and amendments thereto; battery as provided in K.S.A. 21-3412, and amendments thereto; and 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 contempt of this Court.**
- **If the defendant has a concealed carry license, that license is subject to revocation pursuant to K.S.A. 75-7c07, and amendments thereto. After a defendant's concealed carry license has been revoked, continuing to carry a concealed weapon may constitute a violation of K.S.A. 21-4201, and amendments thereto.**
- **Violation of this order may subject the defendant to prosecution for such federal crimes, including but not limited to: Interstate travel to commit domestic violence; Interstate stalking; and Interstate violation of a protection order.**

Notice of Extension of this Temporary Order (Pursuant to K.S.A. 60-3106)

If a hearing on the petition for protection is continued, the court may extend this Temporary Order of Protection from Abuse for additional periods of time as it deems necessary.