

GENERAL INSTRUCTIONS
FOR THOSE SEEKING A PROTECTION FROM STALKING ORDER

NOTICE

The protection from stalking 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 stalking at <http://www.kcsdv.org/pfs.html>.

1. You may seek a protection from stalking order:
 - a. For yourself; or,
 - b. For your minor child; or,
 - c. For a minor child who resides with you.

2. For each person for whom protection is sought, Kansas Law requires that stalking must have occurred.

“Stalking” is an intentional harassment of another person that places the other person in reasonable fear for that person’s safety.

“Harassment” is a knowing and intentional course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person and that serves no legitimate purpose.

“Course of conduct” is conduct consisting of two or more separate acts over a period of time, however short, that show a continuity of purpose which would cause a reasonable person to suffer substantial emotional distress.

3. You must file the petition for protection from stalking in the county where the stalking has occurred.
4. You must notify the defendant by personal service that you have filed a Petition for a Protection from Stalking Order. To obtain personal service, you must fill out a Request for Service Form, requesting that the sheriff deliver the Petition for Protection from Stalking to the defendant.
5. If the defendant is a minor, you must complete the Minor Defendant Addendum. Petitions, Motions and Temporary Protection from Stalking 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 Stalking Order will expire after one year or on the date stated in the order, unless you request an extension or modification from the court.

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

_____, Plaintiff

vs.

Case No. _____

_____, Defendant

PROTECTION FROM STALKING CONFIDENTIAL ADDRESS FORM

(K.S.A. 60-31a04(e))

NOTE: THIS FORM WILL BE SHOWN ONLY TO AUTHORIZED COURT OR LAW ENFORCEMENT PERSONNEL. THIS FORM 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: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div></p> <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: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div></p> <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; margin-top: 5px;"> <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> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>HAIR</td> <td>EYES</td> <td colspan="3">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <td colspan="2">DRIVERS LICENSE #</td> <td>DL STATE</td> <td colspan="2">DL EXP. DATE</td> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> <tr> <td colspan="2">VEHICLE MAKE</td> <td>VEHICLE MODEL</td> <td colspan="2">VEHICLE YEAR</td> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </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

vs.

Case No. _____

_____,
Defendant

PETITION FOR PROTECTION FROM STALKING ORDER
(K.S.A. 60-31a01 *et seq.*)

1. Plaintiff seeks an order for protection from stalking for:

- myself; or
- my minor child (under age 18); or
- a minor child who lives with me.

2. The minor child for whom Plaintiff seeks protection is: (give full name and year of birth)

NAME	YOB

3. Defendant, _____ (name), 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 _____

4. Describe the incidents of stalking. Include specific facts, dates and locations:

Incident #1: _____

Incident #2: _____

Additional Incident(s), if any:

(Attach additional pages as needed.)

5. Plaintiff needs a protection from stalking order because: _____

6. The stalking occurred in this county.

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

following, harassing, telephoning, contacting or otherwise communicating with the protected person

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

entering or coming on or around the premises or the residence of the protected person 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 it is to remain confidential.)

8. The court shall 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.

9. After a hearing, the court should issue a final order of protection prohibiting Defendant from committing any acts of stalking against the protected person;

order Defendant to pay court costs and attorney fees if appropriate; and order any other relief necessary for the safety of the protected person including:

Plaintiff's signature

Plaintiff's Name: _____

(DO NOT include the residential address of the Plaintiff in this petition if it is to remain confidential. If the address is to remain confidential, Plaintiff must complete the Protection from Stalking 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 Stalking

Judge or Division: Plaintiff: <div style="border: 1px solid black; width: 250px; height: 20px; margin: 5px 0;"></div> vs. Defendant: <div style="border: 1px solid black; width: 250px; height: 20px; margin: 5px 0;"></div> Address _____ _____ _____	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="5">Case Number:</td> </tr> <tr> <td colspan="5">Court ORI Number:</td> </tr> <tr> <td colspan="5">Plaintiff Identifiers:</td> </tr> <tr> <td colspan="2">Year of Birth</td> <td colspan="3"><div style="border: 1px solid black; width: 150px; height: 20px;"></div></td> </tr> <tr> <td colspan="5">Sex: <input type="checkbox"/> F <input type="checkbox"/> M</td> </tr> <tr> <td colspan="5">Defendant Identifiers:</td> </tr> <tr> <td style="text-align: center;">SEX</td> <td style="text-align: center;">RACE</td> <td style="text-align: center;">YOB</td> <td style="text-align: center;">HT</td> <td style="text-align: center;">WT</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td style="text-align: center;">HAIR</td> <td style="text-align: center;">EYES</td> <td colspan="3" style="text-align: center;">LAST 4 DIGITS OF SSN (IF KNOWN)</td> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <td colspan="2" style="text-align: center;">DRIVERS LICENSE #</td> <td style="text-align: center;">DL STATE</td> <td colspan="2" style="text-align: center;">DL EXP. DATE</td> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> </table>	Case Number:					Court ORI Number:					Plaintiff Identifiers:					Year of Birth		<div style="border: 1px solid black; width: 150px; height: 20px;"></div>			Sex: <input type="checkbox"/> F <input type="checkbox"/> M					Defendant Identifiers:					SEX	RACE	YOB	HT	WT						HAIR	EYES	LAST 4 DIGITS OF SSN (IF KNOWN)								DRIVERS LICENSE #		DL STATE	DL EXP. DATE						
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(Date File Stamp)

Protected Person: _____ (name)

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 Stalking.

_____ This Court has jurisdiction over Plaintiff, Defendant and subject matter.

_____ Plaintiff has established a *prima facie* case of stalking sufficient for the court to issue a temporary order of protection from stalking. A hearing has been set for _____, 20____ and summons has been issued.

Order

- The Court orders:**
- The plaintiff's address and telephone number shall remain confidential for the protection of the protected person.
 - The defendant shall not follow, harass, telephone, contact or otherwise communicate with the protected person. [NCIC 01 & 05]
 - The defendant shall not abuse, molest, or interfere with the privacy rights of the protected person wherever they may be. [NCIC 01 & 02]
 - The defendant shall not contact the protected person, either directly or indirectly. [NCIC 04 & 05]
 - The defendant shall not direct or request another to contact the protected person, either directly or indirectly. [NCIC 04 & 05]
 - The defendant shall not enter or come on or around the premises, the residence or workplace where the protected person resides, stays or works. [NCIC 04]

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, if any.

Other Provisions:

____ 1. Other orders necessary to promote the safety of the protected person:

<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

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; stalking as provided in K.S.A. 21-3438, 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 criminal trespass as provided in K.S.A. 21-3721(a)(1)(C), 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. 60-31a05)

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