

GENERAL INSTRUCTIONS FOR THOSE ASKING FOR 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 ask for 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. The Wyandotte County Victim Services Advocate is located on the 1st floor of the Wyandotte County Courthouse. You can reach them at (913) 573-5153 or (913) 573-5616. 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 www.kcsdv.org and <https://www.kansaslegalservices.org/node/2036/pfa-tips-tricks-part-1-preparing-your-pfapfs>.

1. You may ask for a protection from abuse order:

- a. For yourself; or,
- b. For yourself and a minor child(ren); or,
- c. For only a minor child(ren).

You may file on behalf of a minor child if:

- a. You are the child's parent; or
- b. You are an adult residing with the child; or
- c. You are the child's court-appointed legal custodian or guardian.

2. Each person for whom protection is sought must be in (or have been in) an "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 any sexual contact or attempted sexual contact with you or a minor child when such person was incapable of giving consent; or,
- e. The defendant engaged in sexual conduct (touching or sexual intercourse) with a minor child under 16 years of age.

4. If you meet the requirements above, you may file a Petition for Protection from Abuse Order with the district court. You must completely fill out the Civil Information Sheet, SRL Certificate, Petition for Protection from Abuse and Temporary Order of Protection from Abuse to start your case. If you want your address and telephone number to remain confidential, you must complete the Protection from Abuse Confidential Address Form and include it with your petition.
5. 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, asking that the sheriff deliver the Petition for Protection from Abuse Order to the defendant.
6. 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.

7. You should be available to testify at future hearings as set by the judge. If you fail to appear, the case may be dismissed. You are the one asking for the protective order, and you must convince your judge of what you claimed to be true. You may bring other evidence and call additional witnesses in support of your claim.
8. Your final protection order will expire after one year or on the date stated in the order unless you ask for an extension from the court before the order expires.

Extension for one year

To ask for a one-year extension, you can use the form titled **“Motion to Extend Final Protection from Abuse Order for One Additional Year.”** You must file the motion with the clerk of the district court and mail a copy of the motion to the defendant. You must file your motion to extend the order before your order ends. It is a good idea to file the motion at least a month before your order ends because this process can take several weeks.

Extension for two or more years

If the defendant has violated a protection order or been convicted of a person felony against you or a member of your household, you may ask the court to extend the protection order for two years or longer. You can use the form titled **“Motion to Extend Final Protection from Abuse Order for Two Additional Years or Up to Life.”** The motion asking to extend an order for two years or longer must be filed with the clerk of the district court and then personally served on the defendant. The court must hold a hearing where the defendant may appear, present evidence, and question witnesses. You must file your motion to extend the order before your order ends. It is a good idea to file the motion at least a month before your order ends because this process can take several weeks.

9. If you are the defendant and you want to ask for a protection from abuse order against the plaintiff, you must meet all the requirements in paragraphs one (1) through three (3) above, and then you may file a written counter-petition.

10. *Child Support*

If you decide to ask the court to order or modify child support, it is highly recommended that you get the advice of an attorney. In order for the court to order or modify 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.

11. *Wireless Telephone Number(s)*

You may ask the court to transfer the rights to and the billing responsibility for the wireless telephone numbers used by you and/or the children in your care from the defendant to you. If the court grants your request, the court will complete an Order Transferring Wireless Telephone Number(s). You must send a copy of the file-stamped Order Transferring Wireless Telephone Number(s) and the Confidential Information for Order Transferring Wireless Telephone Number(s) to the wireless service provider's agent for service of process listed with the secretary of state.

INSTRUCCIONES GENERALES PARA AQUELLOS QUE PIDEN UNA ORDEN DE PROTECCIÓN CONTRA EL ABUSO

AVISO

El proceso de protección contra el abuso está diseñado para brindar protección rápida e inmediata. Sin embargo, el proceso puede requerir tiempo, experiencia o más de una audiencia.

Si tiene preguntas, debe pedir ayuda a un abogado o defensor de servicios para víctimas. La línea directa de Crisis de Kansas (1-888-363-2287) o los servicios Legales de Kansas (1-800-723-6953) pueden ayudarlo a encontrar un abogado. El defensor de Servicios de Víctimas del Condado de Wyandotte está ubicado en el primer piso de la corte del condado de Wyandotte.

Puede comunicarse con ellos al (913) 573-5153 o (913) 573-5616.

Estas formas son básicas no cubren todas las situaciones. La secretaria del tribunal de Distrito no puede ayudarlo con estas formas. La secretaria no puede brindarle asesoramiento legal ni infórmale sobre sus derechos o responsabilidades. La secretaria solo puede proporcionar información muy limitada sobre el proceso de la orden de protección. Puede encontrar más información sobre la protección contra el abuso en www.kcsdv.org y

<https://www.kansaslegalservices.org/node/2036/pfa-tips-tricks-part-1-preparing-your-pfapfs>.

1. Puede solicitar una orden de protección contra abuso:

- a. Para ti; o,
- b. Para usted y un Niño (s) menor (es); o,
- c. Solo para un niño (s) menor (es).

Puede presentar una petición en nombre de un menor si:

- a. Eres el padre del menor; o
- b. Es un adulto que vive con el menor; o
- c. Usted es el tutor legal o tutor designado por la corte del menor.

2. Cada persona para quien busca protección debe tener (o haber tenido) una relación de “pareja íntima o miembro del hogar” con el acusado.

Relación de “pareja íntima o miembro del hogar” significa:

- a. Personas que están en una relación de noviazgo (una relación social de social de naturaleza romántica); o,
- b. Personas que han estado en una relación amorosa; o,
- c. Personas que viven juntos; o,
- d. Personas que han vivido juntas; o,
- e. Personas que tienen un hijo en común.

3. Todas las personas que necesitan protección deben haber sufrido abuso. Esto significa que debe haber ocurrido uno de los siguientes:

- a. El demandado lastimo físicamente a usted o a un menor a propósito; o,
- b. El demandado intento lastimarte físicamente a ti o a un menor de edad; o,
- c. El demandado amenaza con lastimarlo físicamente a usted o a un menor de edad; o,
- d. El demandado participo en cualquier contacto sexual o intento contacto sexual con usted o un menor de edad cuando dicha persona no pudo dar su consentimiento; o
- e. El demandado participo en una conducta sexual (tocamientos o relaciones sexuales) con un menor de 16 años.

4. Si cumple con los requisitos anteriores, puede presentar una **Petición de Orden de Protección contra Abuso** ante el tribunal de Distrito. Debe completar la hoja de Información Civil, el certificado SRL, la Petición de Protección contra el Abuso y la Orden Temporal de Protección contra el Abuso para iniciar su caso. Si desea que su dirección y número de teléfono permanezcan confidenciales, debe completar la **Forma de Dirección Confidencial de Protección de Abuso** e incluirlo con su petición.
5. Debe notificar al demandado por servicio personal que ha presentado una **Petición de Orden de Protección de Abuso**. Para obtener servicio personal, debe completar la forma de Solicitud de Servicio, solicitando que el alguacil entregue la **Petición de Orden de Protección de Abuso** al demandado.
6. Si el demandado es un menor de edad, debe completar el **Anexo del Demando Menor**. Las peticiones, y ordenes temporales de protección de abuso presentadas contra un demandado menor deben notificar al menor y:
 - a. El tutor o curador del menor, si lo hubiera; o,
 - b. El padre o la madre del menor; o,
 - c. Una persona que tiene el cuidado o el control del menor o,
 - d. Persona con la que reside el menor.

Si no se puede entregar servicio a ninguna de estas personas, entonces se puede obtener el servicio según lo dispuesto por orden del juez.

7. Debe estar disponible para testificar en futuras audiencias según los establezca el juez. Si no se presenta, el caso puede ser desechado. Usted es quien solicita la orden de protección y debe convencer a su juez de lo que afirma ser cierto. Puede traer otras pruebas y llamar testigos adicionales para respaldar su reclamo.
8. Su orden final de protección vencerá después de un año o en la fecha indicada en la orden, a menos que solicite una extensión a la corte antes de que expire la orden.

Extensión por un año

Para solicitar una extensión de un año, puede usar la forma titulada “**Petición para Extender la Orden Final de Protección de Abuso por un Año Adicional.**” Debe presentar la petición ante la secretaria de la corte de Distrito y enviar por correo una copia de la petición al demandado. Debe presentar su petición para extender la orden antes de que finalice su orden. Es buena idea presentar la petición al menos un mes antes de que finalice su orden porque este proceso puede demorar varias semanas

Extensión por dos o más años

Si el demandado ha violado una orden de protección o ha sido condenado por un delito grave contra usted o un miembro de su hogar, puede pedirle a la corte que extienda la orden de protección por dos años o más. Puede utilizar la forma titulada “**Petición para Extender la Orden Final de Protección de Abuso durante dos años adicionales o de por vida.**” Debe presentar la petición ante la secretaria de la corte de Distrito y luego notificar personalmente al demandado. El tribunal debe tener una audiencia en la que el demandado pueda comparecer, presentar pruebas e interrogar a los testigos. Debe presentar su petición para extender la orden antes de que finalice su orden. Es buena idea presentar la petición al menos un mes antes de que finalice su orden porque este proceso puede demorar varias semanas

9. Si usted es el demandado y desea solicitar una orden de protección de abuso contra el demandante, debe cumplir con todos los requisitos de los párrafos uno (1) al tres (3) anteriores, y luego puede presentar una contra demanda por escrito.

10. *Manutención de menores*

Si decide pedirle a la corte que ordene o modifique la manutención de menores, se recomienda que obtenga el asesoramiento de un abogado. Para que el tribunal ordene o modifique la manutención de menores debe completar una **Declaración Jurada de Relaciones Domesticas** y la **Hoja de Manutención de Menores** y adjuntarlas a la **Petición de Protección de Abuso**. Si la corte concede la manutención, la corte completara el Anexo de Manutención de menores y lo adjuntara a la **Orden Final de Protección de Abuso**. Luego deberá completar la forma del Centro de Pago de Kansas, adjuntarlo a una copia de la **Orden Final de Protección de Abuso**, incluido el Anexo de Manutención de Menores, y proporcionárselo a la secretaria del Tribunal de Distrito.

11. *Número (s) de Teléfono Inalámbrico*

Puede pedirle a la corte que le transfiera los derechos y la responsabilidad de facturación de los números de teléfono inalámbricos utilizados por usted y/o los niños bajo su cuidado del demandado a usted. Si la corte concede su solicitud, la corte completara una **Orden de Transferencia de Números Telefónicos Inalámbricos**. Debe enviar una copia certificada de la **Orden de Transferencia de Números de Teléfono Móvil** y la **Información Confidencial para la Orden de Números de Teléfono Móvil** al agente del proveedor de servicios inalámbricos para el servicio del proceso que figura con la secretaria de estado.

Self-Represented Litigant Certification Form

By signing this form, I certify that, to the best of my knowledge, information, and belief, and based on my reasonable review of the document's contents, the attached filing complies with the certification requirements in the Temporary Rule for Filing in a District Court by a Self-Represented Litigant as follows:

(a) I have signed the attached filing and provided my name, address, email address (if available), telephone number, and fax number (if available); and

(b) The attached filing contains no personally identifiable information (PII) or meets an exception in the Temporary Rule for Filing in a District Court by a Self-Represented Litigant because the filing (check box that applies):

contains no PII (if this box is checked, do not check any other boxes); or

requests that this document be sealed under the Temporary Rule for Filing in a District Court by a Self-Represented Litigant for the following reason (check box that applies):

a pre-existing order was entered by the court on that seals this document;

this document asks the court to issue an order that seals the following document: [include general description of document contents without including PII.] _____;

or

this document asks the court to seal the following document already filed in the case: [describe the document already on file so that the clerk can identify it without using PII] _____.

Date: _____

Signature: _____

Name of Party: _____

CIVIL COVER SHEET

The civil cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. **This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time.** A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at www.kscourts.org.

<u>NATURE OF SUIT</u> (Mark only one - If the case involves more than one of the following categories, indicate the category having the highest dollar value.)			
<u>CIVIL</u>		If a CH. 61: \$ _____ (Judgment Demand Amount)	
TORT WARRANT	CONTRACT	REAL PROPERTY	<input type="checkbox"/> STATE TAX
<input type="checkbox"/> Asbestos Product Liability <input type="checkbox"/> Automobile Tort <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Legal Malpractice <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Other Professional Malpractice <input type="checkbox"/> Premises Liability <input type="checkbox"/> Slander/Libel/Defamation <input type="checkbox"/> Tobacco Product Liability <input type="checkbox"/> Toxic/Other Product Liability <input type="checkbox"/> Other Tort	<input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Employment Dispute – Discrimination <input type="checkbox"/> Employment Dispute - Other <input type="checkbox"/> Fraud <input type="checkbox"/> Landlord/Tenant - Unlawful Detainer <input type="checkbox"/> Landlord/Tenant Dispute – Other <input type="checkbox"/> Seller Plaintiff (debt collection) <input type="checkbox"/> Other Contract CIVIL APPEALS <input type="checkbox"/> Administrative Agency <input type="checkbox"/> Other Civil Appeal	<input type="checkbox"/> Eminent Domain <input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Other Real Property MISCELLANEOUS <input type="checkbox"/> 60-1507 <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Other Writs <input type="checkbox"/> OTHER CIVIL <input type="checkbox"/> SMALL CLAIMS	
<u>DOMESTIC</u>			
<input type="checkbox"/> MARRIAGE DISSOLUTION/DIVORCE <input type="checkbox"/> PROTECTION FROM ABUSE <input type="checkbox"/> PROTECTION FROM STALKING <input type="checkbox"/> UIFSA <input type="checkbox"/> OTHER DOMESTIC RELATIONS <input type="checkbox"/> NON-DIVORCE SUPPORT, CUSTODY OR VISITATION <input type="checkbox"/> PATERNITY			
<u>PROBATE/ESTATE</u>			
GUARDIAN/CONSERVATOR	<input type="checkbox"/> DETERMINATION OF DESCENT	<input type="checkbox"/> ELDER ABUSE	<input type="checkbox"/> ADOPTION
<input type="checkbox"/> Conservatorship/Trusteeship <input type="checkbox"/> Guardianship - Adult <input type="checkbox"/> Guardianship - Minor <input type="checkbox"/> Guardian/Conservator - Adult <input type="checkbox"/> Guardian/Conservator – Minor	<input type="checkbox"/> SEXUALLY VIOLENT PREDATOR	<input type="checkbox"/> OTHER PROBATE/ESTATE	
	<input type="checkbox"/> DECEDENT ESTATE CARE AND TREATMENT		

JURY DEMAND YES (Check yes only if jury demand is included in petition or as a separate pleading)
 NO

SUMMONS ATTACHED: YES
 NO

SERVICE BY: PROCESS SERVER/ATTORNEY
SHERIFF IN STATE _____ (County)
SHERIFF OUT OF STATE _____ (State)

SHERIFF'S PROCESS FEE ATTACHED YES
 NO

11/25/2014

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

SERVICE COVER SHEET AND NCIC INFORMATION FORM

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 intended to be used by law enforcement to identify the defendant for enforcement of the order and for entry into the National Crime Information Center (NCIC) database. Please fill out the information as completely and correctly as possible, be particularly careful with the dates of birth and spelling of names.

PLEASE PRINT.

If there is more than one person being protected by the order (i.e., children), use the second page to provide information about each protected person.

<p>Restrained Person/Defendant's Name: <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> Any other name(s) Defendant has been known by: _____ Defendant can be found at (give all available addresses): Home Address: _____ _____ Phone number(s): _____ Times Defendant is usually there _____ _____ Place of employment: _____ _____ Phone number(s): _____ Times Defendant is usually there _____ _____ Other Address: _____ _____ Phone number(s): _____ Times Defendant is usually there _____ _____</p>	<p>Restrained Person/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%;">YOB</td> <td style="width: 20%;">HT</td> <td style="width: 20%;">WT</td> </tr> <tr> <td>HAIR</td> <td>EYES</td> <td colspan="3">LAST 4 DIGITS OF SSN (IF KNOWN)</td> </tr> <tr> <td>DL #</td> <td>DL STATE</td> <td colspan="3">DL EXP. DATE</td> </tr> <tr> <td>VEHICLE MAKE</td> <td>VEHICLE MODEL</td> <td colspan="3">VEHICLE YEAR</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 Does defendant own or possess any weapons? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, what kind(s)? _____ _____ _____</p>	SEX	RACE	YOB	HT	WT	HAIR	EYES	LAST 4 DIGITS OF SSN (IF KNOWN)			DL #	DL STATE	DL EXP. DATE			VEHICLE MAKE	VEHICLE MODEL	VEHICLE YEAR		
SEX	RACE	YOB	HT	WT																	
HAIR	EYES	LAST 4 DIGITS OF SSN (IF KNOWN)																			
DL #	DL STATE	DL EXP. DATE																			
VEHICLE MAKE	VEHICLE MODEL	VEHICLE YEAR																			
<p>Protected Person's Name: <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></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</p>	<p>Protected Person's Identifiers:</p> <p>Full Date of Birth (mm/dd/yyyy) <div style="border: 1px solid black; width: 150px; height: 20px; display: inline-block; vertical-align: middle;"></div></p> <p>(It is important to include the protected person's full date of birth)</p> <p>Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male</p> <p>Race _____</p>																				

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Case No. _____

and

Respondent

Petition Pursuant to K.S.A. Chapter 60

PETITION FOR PROTECTION FROM ABUSE ORDER

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

1. Plaintiff seeks an order for protection from abuse:
(Check and fill out either a, b, or c)

a. For Plaintiff Only

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

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

OR

b. For Plaintiff and minor child(ren)

Plaintiff is:

- the parent of the child(ren)
- an adult who resides with the child(ren)
- the child(ren)'s court appointed legal custodian
- the child(ren)
- the child(ren)'s court-appointed legal guardian.

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

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

The minor child(ren) and Defendant:

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

Plaintiff asks for protection for the following minor child(ren):

(Give full names and year of birth)

<u>NAME</u>	<u>YOB</u>	<u>PARENT'S NAME</u>	<u>PARENT'S NAME</u>

OR

c. Only for the minor child(ren)

Plaintiff is:

- the parent of the child(ren)
- an adult who resides with the child(ren)
- the child(ren)'s court appointed legal custodian
- the child(ren)'s court-appointed legal guardian.

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

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

Plaintiff asks for protection for the following minor child(ren):

(Give full names and year of birth)

<u>NAME</u>	<u>YOB</u>	<u>PARENT'S NAME</u>	<u>PARENT'S NAME</u>

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 _____

7. 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 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.)

8. 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 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:

9. Plaintiff requests that the court issue an ex parte order of temporary custody of the minor child(ren) and has attached a completed UCCJEA form.

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

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

Plaintiff requests the following orders:

- i. Temporary legal custody (*decision-making*) and residency of the minor child(ren) be:
 - Joint legal custody (*decision-making*) between Plaintiff and Defendant until this order expires.

OR

- Sole legal custody (*decision-making*) granted to **Plaintiff** **Defendant** until this order expires.

ii. Rights of temporary parenting time as follows:

Defendant shall have no parenting time.

OR

Defendant shall have supervised parenting time as follows: _____

OR

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

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

10. 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.

11. After a hearing, the court should issue a Final Order of Protection from Abuse prohibiting Defendant from committing any acts of abuse against the protected person(s), and order the following additional relief: *(check all that apply)*

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, including pets, 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

the transfer of the rights to and billing responsibility for the wireless telephone number of Plaintiff and/or minor child(ren) in the care of Plaintiff

other, please specify: _____

12. 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 _____

parentage _____

child in need of care _____

action seeking protective order _____

other _____

VERIFICATION

I verify under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct. Executed on _____, 20____.

Plaintiff's Signature

Plaintiff's Name:

Address:

City, State, Zip:

Telephone Number:

Email:

(DO NOT include the residential address or telephone number if Plaintiff is requesting that Plaintiff's residential address and telephone number are to remain confidential. If Plaintiff requests that Plaintiff's address and telephone number 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:

City, State, Zip:

Telephone:

Email:

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

In the Matter of

Petitioner

Case No. _____

and

Respondent

Respondent's Address:

REQUEST AND SERVICE INSTRUCTION FORM

"Petitioner" means the person who filed the Petition.

"Respondent" means the person who did not file the Petition.

To: Clerk of the District Court:

The Clerk of the Court will issue a Summons and Petition in the above-entitled action for the above named Respondent. You are hereby instructed to effect service, as follows:

- a. *Personal Service inside Kansas* – Service through the office of the Sheriff of Wyandotte County, State of Kansas, other than by certified mail.
- b. *Personal Service outside Kansas* – Out of state service by service through the Sheriff of _____ County, State of _____ (another person's location) by other than certified mail.
- c. Personal Service through the Special Process Server

X _____
Signature of Petitioner

Name (Print): _____

Address 1: _____

City, State, Zip: _____

Telephone Number: _____

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Case No. _____

and

Respondent

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 _____

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
Protection from Abuse (K.S.A. 60-3101 *et seq.*)

Temporary Order of Protection from Abuse

Judge or Division: Kathleen M. Lynch Div. 10	Case No: Court ORI No:																				
Plaintiff <div style="border: 1px solid black; height: 20px; width: 100%;"></div> Relationship to Defendant: <input type="checkbox"/> are or <input type="checkbox"/> have been in a dating relationship <input type="checkbox"/> reside together <input type="checkbox"/> formerly resided together <input type="checkbox"/> have a child in common <input type="checkbox"/> Plaintiff is filing on behalf of a minor child Vs	Plaintiff Identifiers: Year of Birth <div style="border: 1px solid black; width: 60px; height: 20px; display: inline-block;"></div> Sex: _____																				
Defendant: <div style="border: 1px solid black; height: 20px; width: 100%;"></div> Address: _____ _____ _____	Defendant Identifiers: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <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 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 style="text-align: center;">DL #</td> <td style="text-align: center;">DL STATE</td> <td colspan="3" style="text-align: center;">DL EXP. DATE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	SEX	RACE	YOB	HT	WT	HAIR	EYES	LAST 4 DIGITS OF SSN (IF KNOWN)			DL #	DL STATE	DL EXP. DATE							
SEX	RACE	YOB	HT	WT																	
HAIR	EYES	LAST 4 DIGITS OF SSN (IF KNOWN)																			
DL #	DL STATE	DL EXP. DATE																			

Protected Person(s): (Only the party, or parties, initialed by the judge are Protected Person(s).)

_____ Plaintiff, _____ (name of plaintiff)
 _____ The following child(ren):

Child's Name	Sex	Child's Year of Birth

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.

_____ Plaintiff has shown the statutorily required relationship between Plaintiff and minor child(ren).

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

_____ This court has child custody jurisdiction because it is home state, there is no home state and Kansas has significant connections with the child(ren), temporary emergency jurisdiction, 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__ , at ____:____ a.m. p.m., at The Wyandotte County District Court (by zoom) and summons has been issued.

_____ The plaintiff's address and telephone number shall remain confidential for the protection of the Protected Person(s)

Order

The Court Orders:

- Defendant shall not abuse, molest, or interfere with the privacy or rights of the Protected Person(s) wherever they may be. [NCIC 01 & 02]
- 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]
- 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]
- 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]
- 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 Defendant, and to provide any other assistance necessary to enforce these orders, including the order excluding 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; 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, 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 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. 23-2201 et seq., and Defendant has no right to custody or parenting time with the following named child(ren):

[NCIC 09]

OR

____ 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. 23-2201 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):

_____ shall be:

Joint legal custody between the plaintiff and defendant until this order expires; [NCIC 06]

OR

Sole legal custody granted to Plaintiff [NCIC 09] Defendant [NCIC 06] until this order expires.

The parent who does not have sole legal custody shall not have access to information regarding the child(ren) because:

(K.S.A. 23-3206)

ii. Rights of temporary parenting time shall be as follows:

- Defendant shall have no parenting time; [NCIC 09]
- Defendant shall have supervised parenting time as follows:

[NCIC 06 & 08]

- Plaintiff and Defendant shall have parenting time as follows:

[NCIC 06 & 08]

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

[NCIC 08]

____ 4. Law Enforcement shall assist Plaintiff in obtaining physical custody of the minor child(ren).

SO ORDERED:

Date

Kathleen M Lynch, Judge

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. 21-5924, and amendments thereto; assault as provided in K.S.A. 21-5412(a), and amendments thereto; battery as provided in K.S.A. 21-5413(a), and amendments thereto; and domestic battery as provided in K.S.A. 21-5414, 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 Defendant constitutes criminal trespass pursuant to K.S.A. 21-5808(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 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. 21-6302, and amendments thereto.
- Violation of this order may subject 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.

**Notice of Default
(Pursuant to K.S.A. 60-255)**

If you fail to appear at the hearing, a default order may be entered against you and this Temporary Order of Protection from Abuse may turn into a Final Protection from Abuse without further notice to you.