

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/resources/brochures/criminal-justice/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. 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 any district court. 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, requesting that the sheriff deliver the Petition for Protection from Abuse 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 requesting 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. 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. You may request that the court extend an order for one additional year, or longer under certain circumstances. If the defendant has violated a valid protection order or been convicted of a person felony against you or a member of your household, you may request the court extend the order for at least two years or up to the lifetime of the defendant. A request to extend an order for more than one year must be personally served on the defendant and the court must hold a hearing where the defendant may appear, present evidence, and question witnesses.
9. If you are the defendant and you want to seek 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. 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 _____ 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 _____

Plaintiff

vs.

Case No. _____

Defendant

Div. No. _____

PERSONAL AND SERVICE DATA SHEET

The purpose of this document is to provide the Sheriff's Department with the necessary information to effect service on Defendant and to provide essential information for the safety of the Sheriff's Deputy. This document is for the Court and Sheriff's use only and will not be part of the packet served to Defendant. All information on this document is treated as confidential.

PRINT CLEARLY. ITEMS MARKED WITH AN ASTERISK * ARE REQUIRED.

PLAINTIFF'S INFORMATION

*Plaintiff's Name: _____

*Birthdate: _____

*Plaintiff's Address:

*Phone Number where Plaintiff can be contacted: _____

*E-mail address where Clerk will send Plaintiff a copy of judge's decision:

Physical Description of PLAINTIFF

Race: _____ Sex: _____ Date of Birth: _____ Eyes: _____

Hair: _____ Weight: _____ Height: _____

Minor Children to be protected (If applicable):

Name: _____ Sex: _____ Date of Birth: _____

Same address: Yes / No

Name: _____ Sex: _____ Date of Birth: _____

Same address: Yes / No

Name: _____ Sex: _____ Date of Birth: _____

Same address: Yes / No

Name: _____ Sex: _____ Date of Birth: _____

Same address: Yes / No

DEFENDANT'S INFORMATION

*Defendant's First and Last Name: _____

*Defendant's Date of Birth: _____

Other name(s) Defendant may go by/be known as: _____

Defendant's Social Security Number (if known): _____

Name of Defendant's Employer: _____

Defendant's Work Hours: _____

Does Defendant require an interpreter? ☐ Yes ☐ No. If so, what language? _____

Physical Description of **Defendant**: (Please attach current photo if available)

Race: _____ Sex: _____ Eyes: _____ Hair: _____ Weight: _____

Height: _____ Other Identifying Characteristics (i.e. scars, tattoos, glasses, etc.): _____

Places Defendant is likely to be found: _____

Has Defendant been arrested? ☐ Yes ☐ No If so, why? _____

Does Defendant own any weapons? ☐ Yes ☐ No If so, what kinds? _____

Does Defendant have a history of drug or alcohol abuse? ☐ Yes ☐ No

If so, please explain: _____

Does Defendant have a history of domestic violence? ☐ Yes ☐ No

If so, please explain: _____

Does Defendant have a history of mental illness? ☐ Yes ☐ No

If so, please explain: _____

*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 or OTHER (circle one):

Street _____

City _____ State _____ Zip Code _____

Phone number _____

Times when defendant is usually there _____

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

Plaintiff

Case No. _____

vs.

Defendant

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:

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. If the defendant is known to be a minor, a Minor Defendant Addendum is attached.

4. 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 sexual contact or attempted sexual contact with the Plaintiff without consent or when the Plaintiff was incapable of giving consent.
- ☐ engaged in any sexual contact or attempted sexual contact with the minor child(ren) without consent or when the minor child(ren) was incapable of giving consent.
- ☐ 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.

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

(Attach additional pages as needed.)

6. 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.)

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 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.)

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 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: _____

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:

☐ 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: _____

☐ _____

☐ _____

☐ _____

☐ _____

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 _____

☐ paternity _____

☐ 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 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: _____

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

_____, Plaintiff

vs.

Case No. _____

_____, Defendant

**UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)
AFFIDAVIT**

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

I, (*full legal name*) _____, of lawful age, being first duly sworn, certify that the following statements are true:

1. The names and dates of birth of the children now under eighteen years of age and subject to this proceeding are:

- a. _____ (child's name), was born in _____ (month) _____ (year).
b. _____ (child's name), was born in _____ (month) _____ (year).
c. _____ (child's name), was born in _____ (month) _____ (year).
d. _____ (child's name), was born in _____ (month) _____ (year).

2. The child(ren) now live with: _____ (name of adult)
at _____ (Street address),
_____ (city), _____ (state) and have lived at this
place since _____ (date).

***If you are the petitioner and have requested that the court keep your address confidential pursuant to K.S.A. 60-3104(e), you should write "confidential" in any space that would require you to enter the address where you are currently living.**

3. All the children lived together at the following addresses with the adults listed during the past five years. If the children lived at different addresses from each other, complete this information for each child separately using the spaces provided on page four. Make additional copies of page four as needed.

From Date	Until Date	City, State	Name and Relationship of Adult(s) Living with Child, and Adult(s) Present Address

***If you are the petitioner and have requested that the court keep your address confidential pursuant to K.S.A. 60-3104(e), you should write "confidential" in any space that would require you to enter the address where you are currently living.**

4. I ☐ have ☐ have not been involved in a court case involving the custody or visitation of the child(ren). The following court cases are on file about the child(ren):

Type of Case	Court, City and State	Case Number	Last Order Date

5. I ☐ have ☐ do not have information concerning ANY OTHER proceeding that could affect the current proceeding, including but not limited to proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights and adoption. The following court cases are on file and could affect the current proceedings:

Type of Case	Court, City and State	Case Number	Last Order Date

6. The following named persons not a party to this proceeding have physical custody or claim to have custody or visitation rights with respect to any child subject to this proceeding: ☐ None

Name	Address, City and State	Check the box that applies
		☐ Has Physical Custody ☐ Claims Custody Rights ☐ Claims Visitation Rights
		☐ Has Physical Custody ☐ Claims Custody Rights ☐ Claims Visitation Rights
		☐ Has Physical Custody ☐ Claims Custody Rights ☐ Claims Visitation Rights
		☐ Has Physical Custody ☐ Claims Custody Rights ☐ Claims Visitation Rights
		☐ Has Physical Custody ☐ Claims Custody Rights ☐ Claims Visitation Rights

7. I acknowledge that I have a continuing duty to inform the court of proceeding(s) in this or any other state that could affect the current proceeding.

VERIFICATION

STATE OF _____)
) ss:
 COUNTY OF _____)

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

Plaintiff's Signature

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

Notary Public

My Appointment Expires:

 STATE OF _____

COURT OF _____

(Make as many copies of this page as necessary.)

THE FOLLOWING INFORMATION IS TRUE:

(Child's Full Legal Name) _____, lived at the following address(es) with the adult(s) listed during the past five years:

From Date	Until Date	City, State	Name and Relationship of Adult(s) Living with Child, and Adult(s) Present Address

*If you are the petitioner and have requested that the court keep your address confidential pursuant to K.S.A. 60-3104(e), you should write "confidential" in any space that would require you to enter the address where you are currently living.

THE FOLLOWING INFORMATION IS TRUE:

(Child's Full Legal Name) _____, lived at the following address(es) with the adult(s) listed during the past five years:

From Date	Until Date	City, State	Name and Relationship of Adult(s) Living with Child, and Adult(s) Present Address

*If you are the petitioner and have requested that the court keep your address confidential pursuant to K.S.A. 60-3104(e), you should write "confidential" in any space that would require you to enter the address where you are currently living.