

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

Final Order of Protection from Abuse

Judge or Division:	Case Number:	
	Court ORI Number:	
Plaintiff: _____	Plaintiff Identifiers:	(Date File Stamp)
	Year of Birth _____	
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		Sex: <input type="checkbox"/> F <input type="checkbox"/> M

Defendant: _____ Address _____ _____ _____	Defendant Identifiers: <table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <td>SEX</td> <td>RACE</td> <td>YOB</td> <td>HT</td> <td>WT</td> </tr> <tr> <td>HAIR</td> <td>EYES</td> <td colspan="3">LAST 4 DIGITS OF SSN (IF KNOWN)</td> </tr> <tr> <td>DRIVERS LICENSE #</td> <td>DL STATE</td> <td colspan="3">DL EXP. DATE</td> </tr> </table>	SEX	RACE	YOB	HT	WT	HAIR	EYES	LAST 4 DIGITS OF SSN (IF KNOWN)			DRIVERS LICENSE #	DL STATE	DL EXP. DATE		
SEX	RACE	YOB	HT	WT												
HAIR	EYES	LAST 4 DIGITS OF SSN (IF KNOWN)														
DRIVERS LICENSE #	DL STATE	DL EXP. DATE														

Appearances: Plaintiff Defendant Defendant Fails to Appear
 Plaintiff's Attorney Defendant's Attorney Other _____

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 form shall not be used for Mutual Protection from Abuse Orders.)

This order shall be effective until: _____, 20____.

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 an Order of Protection from Abuse. Prior to this hearing, Defendant was given reasonable notice of the date set for the hearing, together with a copy of the petition and any ex parte order of protection from abuse, by personal service on _____, 20____.

_____ 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: _____

_____ The matter was heard and submitted to the court which finds that Plaintiff has proved the allegations of abuse by the preponderance of the evidence as required by K.S.A. 60-3107.

_____ The plaintiff's address and telephone number shall remain confidential for the protection of the protected person(s).

Order

The Court Orders:

- This Final Order of Protection from Abuse replaces any previous Temporary Order of Protection from Abuse entered by the court and serves as notice of termination of that order upon service of this final order on the defendant.
- 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 8(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 8(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: (If the parties to this action are not married to each other and one party owns the residence or household, the court shall not grant possession of the residence or household to the exclusion of the party who owns it. K.S.A. 60-3107(d). The Protection from Abuse Act does not prohibit granting possession of a leasehold to either party.)

1. Defendant owns the residence in which Plaintiff and Defendant lived together and Plaintiff and Defendant are not married to each other so the court cannot grant Plaintiff possession of the residence. Defendant is not excluded from that residence, but has an exclusive right to possession of that residence under K.S.A. 60-3107(d). Defendant is entitled to the return of any means of access to that residence including residence keys and garage door openers. Plaintiff may remove the following items _____ [NCIC 08]
2. Defendant shall provide suitable alternate housing for the plaintiff and/or the minor child(ren) by paying rent in the amount of \$ _____ per _____ to _____, with the first payment due _____ (date), or as follows: _____
3. Plaintiff is granted exclusive possession of the residence located at: _____ [NCIC 03]
The defendant shall immediately move from the residence and may take only personal effects and clothing for Defendant and any child(ren) in the defendant's custody. Law enforcement officials are directed to enter the residence with Defendant to prevent abuse from occurring while Defendant is present to remove those personal effects and clothing. When the defendant has finished removing those items, law enforcement officials shall remove Defendant from the residence, and ensure that Defendant does not enter or re-enter the premises or any other residence that Plaintiff may occupy. [NCIC 08]
4. Defendant shall not cancel any utilities to the residence granted to Plaintiff. The terms of this paragraph expire 60 days from this order's date of entry. [NCIC 08]
5. Defendant shall immediately surrender to the plaintiff the following items: [NCIC 08]
 - The garage door opener for the residence;
 - All keys to the residence;
 - Mailbox keys;
 - Keys to the _____ automobile(s);
 - Other: _____
6. The personal property of the parties is divided as follows: _____

Law enforcement officers are directed to assist in securing possession of the personal property as described above.

[NCIC 08]

Parentage, Support and Custody:

7. Defendant shall pay spousal support to the plaintiff in the amount of \$ _____ each month for the duration of this order, with the first payment due _____ (date).

8. 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]

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.

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

Plaintiff and Defendant shall have parenting time as described in the attached parenting plan [NCIC 06];
 Defendant shall have no parenting time [NCIC 09];
 Defendant shall have supervised parenting time as follows: _____

Plaintiff and Defendant shall exchange the minor child(ren) for parenting time at: _____ [NCIC 06 & 08];
_____ [NCIC 08]

9. Defendant is the presumed or established parent and child support is ordered in accordance with the attached Child Support Addendum.

Other Provisions:

10. Defendant shall seek counseling to aid in the cessation of abuse.

11. Defendant shall pay the following attorney' fees and costs: \$ _____

12. Other orders necessary to promote the safety of the protected person(s): [NCIC 08]
 Defendant shall surrender any firearms to _____ [NCIC 07]

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. 21-5924, 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 the 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 could result in the order being extended for up to the lifetime of the defendant.
- 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. 21-6302, and amendments thereto.
- This protection order may subject the defendant to federal firearms restrictions under 18 U.S.C. § 922(g)(8), and violation of this order may subject the defendant to prosecution for such federal crimes, including but not limited to: Firearms possession; Interstate travel to commit domestic violence; Interstate stalking; and Interstate violation of a protection order.

Notice of Extension of this Final Order
(Pursuant to K.S.A. 60-3107)

This Final Order of Protection from Abuse may be extended for additional periods of time upon motion of the plaintiff. Violation of this order could result in the order being extended for up to the lifetime of the defendant.

House Status: Adjourned until Monday, 14 January 2013 at 02:00 p.m.
Senate Status: Adjourned until Monday, 14 January 2013 at 02:00 p.m.

[Prev](#)

[Article 31 - PROTECTION FROM ABUSE ACT](#)

[Next](#)



60-3107. Orders for relief of abuse, procedure; modifications; inconsistent orders; violation of orders, criminal violations and penalties. (a) The court may approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children or grant any of the following orders:

- (1) Restraining the defendant from abusing, molesting or interfering with the privacy or rights of the plaintiff or of any minor children of the parties. Such order shall contain a statement that if such order is violated, such violation may constitute assault as defined in subsection (a) of K.S.A. 2011 Supp. 21-5412, and amendments thereto, battery as defined in subsection (a) of K.S.A. 2011 Supp. 21-5413, and amendments thereto, domestic battery as defined in K.S.A. 2011 Supp. 21-5414, and amendments thereto, and violation of a protective order as defined in K.S.A. 2011 Supp. 21-5924, and amendments thereto.
 - (2) Granting possession of the residence or household to the plaintiff to the exclusion of the defendant, and further restraining the defendant from entering or remaining upon or in such residence or household, subject to the limitation of subsection (d). Such order shall contain a statement that if such order is violated, such violation shall constitute criminal trespass as defined in subsection (a)(1)(C) of K.S.A. 2011 Supp. 21-5808, and amendments thereto, and violation of a protective order as defined in K.S.A. 2011 Supp. 21-5924, and amendments thereto. The court may grant an order, which shall expire 60 days following the date of issuance, restraining the defendant from cancelling utility service to the residence or household.
 - (3) Requiring defendant to provide suitable, alternate housing for the plaintiff and any minor children of the parties.
 - (4) Awarding temporary custody and residency and establishing temporary parenting time with regard to minor children.
 - (5) Ordering a law enforcement officer to evict the defendant from the residence or household.
 - (6) Ordering support payments by a party for the support of a party's minor child, if the party is the father or mother of the child, or the plaintiff, if the plaintiff is married to the defendant. Such support orders shall remain in effect until modified or dismissed by the court or until expiration and shall be for a fixed period of time not to exceed one year. On the motion of the plaintiff, the court may extend the effect of such order for 12 months.
 - (7) Awarding costs and attorney fees to either party.
 - (8) Making provision for the possession of personal property of the parties and ordering a law enforcement officer to assist in securing possession of that property, if necessary.
 - (9) Requiring any person against whom an order is issued to seek counseling to aid in the cessation of abuse.
 - (10) Ordering or restraining any other acts deemed necessary to promote the safety of the plaintiff or of any minor children of the parties.
- (b) No protection from abuse order shall be entered against the plaintiff unless:
- (1) The defendant properly files a written cross or counter petition seeking such a protection order.
 - (2) the plaintiff had reasonable notice of the written cross or counter petition by personal service as provided in subsection (d) of K.S.A. 60-3104, and amendments thereto; and
 - (3) the issuing court made specific findings of abuse against both the plaintiff and the defendant and determined that both parties acted primarily as aggressors and neither party acted primarily in self-defense.
- (c) Any order entered under the protection from abuse act shall not be subject to modification on ex parte application or on motion for temporary orders in any action filed pursuant to K.S.A. 60-1601 et seq., or K.S.A. 38-1101 et seq., and amendments thereto. Orders previously issued in an action filed pursuant to K.S.A. 60-1601 et seq., or K.S.A. 38-1101 et seq., and amendments thereto, shall be subject to modification under the protection from abuse act only as to those matters subject to modification by the terms of K.S.A. 2011 Supp. 23-2712, 23-2715, 23-2716, 23-2802, 23-2902 through 23-2605, 23-3001 through 23-3006, 23-3201 through 23-3207, 23-3216 and 23-3218, and amendments thereto, and on sworn testimony to support a showing of good cause. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause. If an action is filed pursuant to K.S.A. 2011 Supp. 23-2712, 23-2715, 23-2716, 23-2802, 23-2902 through 23-2605, 23-3001 through 23-3006, 23-3201 through 23-3207, 23-3216 and 23-3218, and amendments thereto, during the pendency of a proceeding filed under the protection from abuse act or while an order issued under the protection from abuse act is in effect, the court, on final hearing or on agreement of the parties, may issue final orders authorized by K.S.A. 2011 Supp. 23-2712, 23-2715, 23-2716, 23-2802, 23-2902 through 23-2605, 23-3001 through 23-3006, 23-3201 through 23-3207, 23-3216 and 23-3218, and amendments thereto, that are inconsistent with orders entered under the protection from abuse act. Any inconsistent order entered pursuant to this subsection shall be specific in its terms, reference the protection from abuse order and parts thereof being modified and a copy thereof shall be filed in both actions. The court shall consider whether the actions should be consolidated in accordance with K.S.A. 60-242, and amendments thereto. Any custody or parenting time order, or order relating to the best interests of a child, issued pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code, shall be binding and shall take precedence over any such custody or parenting order involving the same child issued under the protection from abuse act, until jurisdiction under the revised Kansas code for care of children or the revised Kansas juvenile justice code is terminated. Any inconsistent custody or parenting order issued in the revised Kansas code for care of children case or the revised Kansas juvenile justice code case shall be specific in its terms, reference any preexisting protection from abuse order and the custody being modified, and a copy of such order shall be filed in the preexisting protection from abuse case.
- (d) If the parties to an action under the protection from abuse act are not married to each other and one party owns the residence or household, the court shall not have the authority to grant possession of the residence or household under subsection (a)(2) to the exclusion of the party who owns it.

- (e) Subject to the provisions of subsections (b), (c) and (d), a protective order or approved consent agreement shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year, except that, on motion of the plaintiff, such period may be extended for one additional year.
- (f) The court may amend its order or agreement at any time upon motion filed by either party.
- (g) No order or agreement under the protection from abuse act shall in any manner affect title to any real property.
- (h) If a person enters or remains on premises or property violating an order issued pursuant to subsection (a)(2), such violation shall constitute criminal trespass as defined in subsection (a)(1)(C) of K.S.A. 2011 Supp. 21-5808, and amendments thereto, and violation of a protective order as defined in K.S.A. 2011 Supp. 21-5924, and amendments thereto. If a person abuses, molests or interferes with the privacy or rights of another violating an order issued pursuant to subsection (a)(1), such violation may constitute assault as defined in subsection (a) of K.S.A. 2011 Supp. 21-5412, and amendments thereto, battery as defined in subsection (a) of K.S.A. 2011 Supp. 21-5413, and amendments thereto, domestic battery as defined in K.S.A. 2011 Supp. 21-5414, and amendments thereto, and violation of a protective order as defined in K.S.A. 2011 Supp. 21-5924, and amendments thereto.

History: L. 1979, ch. 92, § 7; L. 1980, ch. 177, § 6; L. 1983, ch. 201, § 4; L. 1987, ch. 228, § 6; L. 1988, ch. 220, § 1; L. 1990, ch. 210, § 1; L. 1992, ch. 76, § 1; L. 1996, ch. 208, § 8; L. 1998, ch. 94, § 5; L. 2000, ch. 171, § 24; L. 2001, ch. 177, § 10; L. 2002, ch. 142, § 3; L. 2010, ch. 75, § 22; L. 2011, ch. 26, § 46; L. 2011, ch. 91, § 26; July 1.

[Prev](#)

[Article 31. - PROTECTION FROM ABUSE ACT](#)

[Next](#)



IN THE DISTRICT COURT OF _____ 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. If the defendant is known to be a minor, a Minor Defendant Addendum is attached.

5. 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.)

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

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 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.

9. After a hearing, the court should issue a Final Order of Protection from Stalking 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:

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: _____

(Plaintiff's address is to remain confidential. DO NOT include the residential address of the Plaintiff in this petition. 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: _____

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS
 Protection from Stalking (K.S.A. 60-31a01 *et seq.*)

Final Order of Protection from Stalking

Judge or Division:	Case Number:
	Court ORI Number:
Plaintiff: []	Plaintiff Identifiers:
	Year of Birth [] (Date File Stamp)
vs.	Sex: <input type="checkbox"/> F <input type="checkbox"/> M

Defendant: [] Address [] []	Defendant Identifiers:				
	SEX	RACE	YOB	HT	WT
	HAIR	EYES	LAST 4 DIGITS OF SSN (IF KNOWN)		
	DRIVERS LICENSE #		DL STATE	DL EXP. DATE	

Appearances: Plaintiff Defendant Plaintiff's Attorney Defendant's Attorney Defendant Fails to Appear Other _____

Protected Person: _____ (name)
 This order and its terms are directed at and apply to Defendant only.

This order shall be effective until: _____, 20____.

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 an Order of Protection from Stalking. Prior to this hearing, Defendant was given reasonable notice of the date set for the hearing, together with a copy of the petition and any ex parte order of protection from stalking, by personal service on _____, 20____.
 This court has jurisdiction over Plaintiff, Defendant and subject matter.
 The matter was heard and submitted to the court which finds that Plaintiff has proved the allegations of stalking by the preponderance of the evidenced as required by K.S.A. 60-31a05.

Order

- The Court Orders:**
- This Final Order of Protection from Stalking replaces any previous order of protection from stalking entered by the court and serves as notice of termination of that order upon service of this final order on the defendant.
 - 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 that person 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]
 - The defendant shall pay the following costs: \$ _____.

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.)

Other Provisions:

1. Defendant shall pay the following attorney fees: \$ _____
2. 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. 21-5924, and amendments thereto; stalking as provided in K.S.A. 21-5427, 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 criminal trespass as provided in 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 could result in the order being extended for up to the lifetime of the defendant.
- 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. 21-6302, and amendments thereto.
- This protection order may subject the defendant to prosecution for such federal crimes, including but not limited to: Firearms of this order may subject the defendant to prosecution for such federal crimes, including but not limited to: Firearms possession; Interstate travel to commit domestic violence; Interstate stalking; and Interstate violation of a protection order.

Notice of Extension of this Final Order

(Pursuant to K.S.A. 60-31a06)

This Final Order of Protection from Stalking may be extended for additional periods of time upon motion of the plaintiff. Violation of this order could result in the order being extended for up to the lifetime of the defendant.

House Status: Adjourned until Monday, 14 January 2013 at 02:00 p.m.
Senate Status: Adjourned until Monday, 14 January 2013 at 02:00 p.m.

[Prev](#)

[Article 31a. - PROTECTION FROM STALKING ACT](#)

[Next](#)



60-31a06. Orders; time periods; amendments; costs. (a) The court may issue a protection from stalking order granting any of the following orders:

- (1) Restraining the defendant from following, harassing, telephoning, contacting or otherwise communicating with the victim. Such order shall contain a statement that if such order is violated such violation may constitute stalking as defined in K.S.A. 2011 Supp. 21-5427, and amendments thereto, and violation of a protective order as defined in K.S.A. 2011 Supp. 21-5924, and amendments thereto.
 - (2) Restraining the defendant from abusing, molesting or interfering with the privacy rights of the victim. Such order shall contain a statement that if such order is violated, such violation may constitute stalking as defined in K.S.A. 2011 Supp. 21-5427, and amendments thereto, assault as defined in subsection (a) of K.S.A. 2011 Supp. 21-5412, and amendments thereto, battery as defined in subsection (a) of K.S.A. 2011 Supp. 21-5413, and amendments thereto, and violation of a protective order as defined in K.S.A. 2011 Supp. 21-5924, and amendments thereto.
 - (3) Restraining the defendant from entering upon or in the victim's residence or the immediate vicinity thereof. Such order shall contain a statement that if such order is violated, such violation shall constitute criminal trespass as defined in subsection (a)(1) (C) of K.S.A. 2011 Supp. 21-5808, and amendments thereto, and violation of a protective order as defined in K.S.A. 2011 Supp. 21-5924, and amendments thereto.
 - (4) Any other order deemed necessary by the court to carry out the provisions of this act.
 - (b) A protection from stalking order shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year, except that, on motion of the plaintiff, such period may be extended for one additional year. Before the expiration of an order for protection from stalking, a victim, or a parent on behalf of the victim, may request an extension of the protection from stalking order for up to one additional year on showing of continuing threat of stalking.
 - (c) The court may amend its order at any time upon motion filed by either party.
 - (d) The court shall assess costs against the defendant and may award attorney fees to the victim in any case in which the court issues a protection from stalking order pursuant to this act. The court may award attorney fees to the defendant in any case where the court finds that the petition to seek relief pursuant to this act is without merit.
 - (e) A no contact or restraining provision in a protective order issued pursuant to this section shall not be construed to prevent:
 - (1) Contact between the attorneys representing the parties;
 - (2) a party from appearing at a scheduled court or administrative hearing; or
 - (3) a defendant or defendant's attorney from sending the plaintiff copies of any legal pleadings filed in court relating to civil or criminal matters presently relevant to the plaintiff.
- History:** L. 2002, ch. 141, § 6; L. 2008, ch. 137, § 5; L. 2011, ch. 30, § 222; July 1.

[Prev](#)

[Article 31a. - PROTECTION FROM STALKING ACT](#)

[Next](#)



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Formerly cited as K.S.A. 21-3843



West's Kansas Statutes Annotated Currentness

Chapter 21. Crimes and Punishments

Article 59. Crimes Affecting Government Functions

→ → 21-5924. Violation of a protective order

- (a) Violation of a protective order is knowingly violating:
- (1) A protection from abuse order issued pursuant to K.S.A. 60-3105, 60-3106 and 60-3107, and amendments thereto;
 - (2) a protective order issued by a court or tribunal of any state or Indian tribe that is consistent with the provisions of 18 U.S.C. § 2265, and amendments thereto;
 - (3) a restraining order issued pursuant to K.S.A. 23-2707, 38-2243, 38-2244 and 38-2255, and amendments thereto, and K.S.A. 60-1607, prior to its transfer;
 - (4) an order issued in this or any other state as a condition of pretrial release, diversion, probation, suspended sentence, postrelease supervision or at any other time during the criminal case that orders the person to refrain from having any direct or indirect contact with another person;
 - (5) an order issued in this or any other state as a condition of release after conviction or as a condition of a supersedeas bond pending disposition of an appeal, that orders the person to refrain from having any direct or indirect contact with another person; or
 - (6) a protection from stalking order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments thereto.
- (b)(1) Violation of a protective order is a class A person misdemeanor, except as provided in subsection (b)(2).
- (2) Violation of an extended protective order as described in subsection (e)(2) of K.S.A. 60-3107, and amendments thereto, and subsection (d) of K.S.A. 60-31a06, and amendments thereto, is a severity level 6, person felony.
- (c) No protective order, as set forth in this section, shall be construed to prohibit an attorney, or any person acting on such attorney's behalf, who is representing the defendant in any civil or criminal proceeding, from contacting the protected party for a legitimate purpose within the scope of the civil or criminal proceeding. The attorney, or person acting on such attorney's behalf, shall be identified in any such contact.
- (d) As used in this section, "order" includes any order issued by a municipal or district court.

CREDIT(S)

Laws 2010, ch. 136, § 149, eff. July 1, 2011; Laws 2012, ch. 138, § 2, eff. July 1, 2012.

K.S.A. § 21-5414

Kansas Statutes Annotated Currentness
Chapter 21.—Crimes And Punishments (Refs & Annos)
Kansas Criminal Code (Articles 31 to 47) (Refs & Annos)
Part III.—Classification of Crimes And Sentencing
Article 54.—Crimes Against Persons
21-5414. Domestic battery.

(a) Domestic battery is:

(1) Knowingly or recklessly causing bodily harm by a family or household member against a family or household member; or

(2) Knowingly causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.

(b) Domestic battery is a:

(1) Class B person misdemeanor and the offender shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the offender enroll in and successfully complete a domestic violence prevention program, except as provided in subsection (b)(2) or (b)(3);

(2) class A person misdemeanor, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a second time and the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000, except as provided in subsection (b)(3). The five days imprisonment mandated by this paragraph may be served in a work release program only after such offender has served 48 consecutive hours imprisonment, provided such work release program requires such offender to return to confinement at the end of each day in the work release program. The offender shall serve at least five consecutive days imprisonment before the offender is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to enter into and complete a treatment program for domestic violence prevention; and

(3) person felony, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a third or subsequent time, and the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$7,500. The offender convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the offender has served at least 90 days imprisonment. The court shall require as a condition of parole that such offender enter into and complete a treatment program for domestic violence. If the offender does not enter into and complete a treatment program for domestic violence, the offender shall serve not less than 180 days nor more than one year's imprisonment. The 90 days imprisonment mandated by this paragraph may be served in a work release program only after such offender has served 48 consecutive hours imprisonment, provided such work release program requires such offender to return to confinement at the end of each day in the work release program.

(c) As used in this section:

(1) 'Family or household member' means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. 'Family or household member' also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(2) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(A) 'Conviction' includes being convicted of a violation of K.S.A. 21-3412a, prior to its repeal, this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(B) 'conviction' includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(C) only convictions occurring in the immediately preceding five years including prior to July 1, 2001 shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(D) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(d) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits only twice during any five-year period. History: L. 2010, ch.136, § 49; L. 2011, ch. 30, § 20; July 1.

<<General Materials (GM) - References, Annotations, or Tables>

SOURCE OR PRIOR LAWS

2010 Pocket Part SOURCE OR PRIOR LAWS

21-3412a.

Current through 2011

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K. S. A. § 21 -5414 , KS ST § 21 -5414

END OF DOCUMENT

K.S.A. § 21-5427

Kansas Statutes Annotated Currentness
Chapter 21.—Crimes And Punishments (Refs & Annos)
Kansas Criminal Code (Articles 31 to 47) (Refs & Annos)
Part III.—Classification of Crimes And Sentencing
Article 54.—Crimes Against Persons
21-5427. Stalking.

- (a) Stalking is:
- (1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear;
 - (2) engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; or
 - (3) after being served with, or otherwise provided notice of, any protective order included in K.S.A. 21-3843, prior to its repeal or K.S.A. 2011 Supp. 21-5924, and amendments thereto, that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection (f)(1) that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear.
- (b) Stalking as defined in:
- (1) Subsection (a)(1) is a:
 - (A) Class A person misdemeanor, except as provided in subsection (b)(1)(B); and
 - (B) severity level 7, person felony upon a second or subsequent conviction;
 - (2) subsection (a)(2) is a:
 - (A) Class A person misdemeanor, except as provided in subsection (b)(2)(B); and
 - (B) severity level 5, person felony upon a second or subsequent conviction; and
 - (3) subsection (a)(3) is a:
 - (A) Severity level 9, person felony, except as provided in subsection (b)(3)(B); and
 - (B) severity level 5, person felony, upon a second or subsequent conviction.

- (c) For the purposes of this section, a person served with a protective order as defined by K.S.A. 21-3843, prior to its repeal or K.S.A. 2011 Supp. 21-5924, and amendments thereto, or a person who engaged in acts which would constitute stalking, after having been advised by a law enforcement officer, that such person's actions were in violation of this section, shall be presumed to have acted knowingly as to any like future act targeted at the specific person or persons named in the order or as advised by the officer.
- (d) In a criminal proceeding under this section, a person claiming an exemption, exception or exclusion has the burden of going forward with evidence of the claim.
- (e) The present incarceration of a person alleged to be violating this section shall not be a bar to prosecution under this section.
- (f) As used in this section:
 - (1) 'Course of conduct' means two or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct shall not include constitutionally protected activity nor conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct shall include, but not be limited to, any of the following acts or a combination thereof:
 - (A) Threatening the safety of the targeted person or a member of such person's immediate family;
 - (B) following, approaching or confronting the targeted person or a member of such person's immediate family;
 - (C) appearing in close proximity to, or entering the targeted person's residence, place of employment, school or other place where such person can be found, or the residence, place of employment or school of a member of such person's immediate family;
 - (D) causing damage to the targeted person's residence or property or that of a member of such person's immediate family;
 - (E) placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person;
 - (F) causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family;
 - (G) any act of communication;
 - (2) 'communication' means to impart a message by any method of transmission, including, but not limited to: Telephoning, personally delivering, sending or having delivered, any information or material by written or printed note or letter, package, mail, courier service or electronic transmission, including electronic transmissions generated or communicated via a computer;
 - (3) 'computer' means a programmable, electronic device capable of accepting and processing data;
 - (4) 'conviction' includes being convicted of a violation of K.S.A. 21-3438, prior to its repeal, this section or a law of another state which prohibits the acts that this section prohibits; and
 - (5) 'immediate family' means father, mother, stepparent, child, stepchild, sibling, spouse or grandparent of the targeted person; any person residing in the household of the targeted person; or any person involved in an intimate re-