

GENERAL INSTRUCTIONS FOR THOSE SEEKING
A PROTECTION FROM STALKING OR SEXUAL ASSAULT ORDER

NOTICE

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

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

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

2. Stalking or sexual assault must have occurred against each person for whom protection is sought.

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

“Sexual assault” is (1) a nonconsensual sexual act; or (2) an attempted sexual act against another by force, threat of force, duress or when the person is incapable of giving consent.

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

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

3. You may file a Petition for Protection from Stalking or Sexual Assault Order in any district court. In addition, you must complete the Protection from Stalking or Sexual Assault Confidential Address Form and include it with your petition.

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

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

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

6. You should be available to testify at future hearings as set by the judge. If you fail to appear, the case may be dismissed. 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.
7. A Final Protection from Stalking or Sexual Assault Order will expire after one year or on the date stated in the order, unless you request an extension or modification from the court. 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.

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

_____, Plaintiff

vs.

Case No. _____

_____, Defendant

PROTECTION FROM STALKING OR SEXUAL ASSAULT CONFIDENTIAL

ADDRESS FORM

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

NOTE: THIS FORM WILL BE SHOWN ONLY TO AUTHORIZED COURT OR LAW ENFORCEMENT PERSONNEL. THIS FORM WILL NOT BE DISCLOSED TO THE PUBLIC OR TO THE DEFENDANT. IT IS THE PLAINTIFF'S RESPONSIBILITY TO NOTIFY THE COURT OF ANY CHANGE IN ADDRESS OR TELEPHONE NUMBER.

Name of Plaintiff: _____

Confidential Address:

Street _____

City _____ State _____ Zip Code _____

Phone Number _____

SERVICE COVER SHEET AND NCIC INFORMATION FORM

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:</p> <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> <p>Any other name(s) Defendant has been known by: _____</p> <p>Defendant can be found at (give all available addresses):</p> <p>Home Address: _____</p> <p>Phone number(s): _____ Times Defendant is usually there _____</p> <p>Place of employment: _____</p> <p>Phone number(s): _____ Times Defendant is usually there _____</p> <p>Other Address: _____</p> <p>Phone number(s): _____ Times Defendant is usually there _____</p>	<p>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: 15%;">SEX</td> <td style="width: 15%;">RACE</td> <td style="width: 15%;">DOB</td> <td style="width: 15%;">HT</td> <td style="width: 15%;">WT</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>HAIR</td> <td>EYES</td> <td colspan="3">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <td colspan="2">DRIVERS LICENSE #</td> <td>DL STATE</td> <td colspan="2">DL EXP. DATE</td> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> <tr> <td colspan="2">VEHICLE MAKE</td> <td>VEHICLE MODEL</td> <td colspan="2">VEHICLE YEAR</td> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> </table> <p>Distinguishing Features (tattoos, scars, locations frequented, etc.): Please describe: _____</p> <p>Does Defendant wear glasses? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Does Defendant own or possess any weapons? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, what kind(s)? _____</p>	SEX	RACE	DOB	HT	WT						HAIR	EYES	SOCIAL SECURITY NUMBER								DRIVERS LICENSE #		DL STATE	DL EXP. DATE							VEHICLE MAKE		VEHICLE MODEL	VEHICLE YEAR						
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<p>Protected Person's Name:</p> <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> <p>Relationship to Defendant:</p> <p><input type="checkbox"/> are or <input type="checkbox"/> have been in a dating relationship</p> <p><input type="checkbox"/> reside together or <input type="checkbox"/> formerly resided together</p> <p><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; display: inline-block; width: 100px; height: 20px; vertical-align: middle;"></div></p> <p><i>(It is important to include the protected person's full date of birth)</i></p> <p>Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male</p> <p>Race _____</p>																																								

SERVICE COVER SHEET AND NCIC INFORMATION FORM

Other Protected Persons Information

<p>Protected Person's Name:</p> <p><input type="text"/></p> <p>Relationship to Defendant:</p> <p><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) <input type="text"/> <i>(It is important to include the protected person's full date of birth)</i></p> <p>Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male</p> <p>Race _____</p>
<p>Protected Person's Name:</p> <p><input type="text"/></p> <p>Relationship to Defendant:</p> <p><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) <input type="text"/> <i>(It is important to include the protected person's full date of birth)</i></p> <p>Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male</p> <p>Race _____</p>
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<p>Protected Person's Name:</p> <p><input type="text"/></p> <p>Relationship to Defendant:</p> <p><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) <input type="text"/> <i>(It is important to include the protected person's full date of birth)</i></p> <p>Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male</p> <p>Race _____</p>

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

_____,
Plaintiff

vs.

Case No. _____

_____,
Defendant

Petition Pursuant to K.S.A. Chapter 60

PETITION FOR PROTECTION FROM STALKING OR SEXUAL ASSAULT ORDER

(K.S.A. 60-31a01 *et seq.*)

1. Plaintiff seeks an order for protection from stalking or sexual assault 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. Please list for the court if the Plaintiff or any of the previously named individuals are involved in any other related filings or pending cases.

6. Describe the incidents of stalking. Include specific facts, dates and locations:
Incident #1: _____

Incident #2: _____

Additional Incident(s), if any:

OR

Describe the incident of sexual assault. Include specific facts, dates and locations:

(Attach additional pages as needed.)

7. Plaintiff needs a protection from stalking or sexual assault order because: _____

8. 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.

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

committing or attempting to commit a sexual assault upon 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.)

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

10. After a hearing, the court should issue a Final Order of Protection from Stalking or Sexual Assault prohibiting Defendant from committing any acts of stalking or sexual assault 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 or Sexual Assault 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: _____