

Temporary Order of Protection from Abuse

Judge or Division: Plaintiff: 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.	Case Number: Court ORI Number: Plaintiff Identifiers: Year of Birth <input style="width:100px;" type="text"/> Sex: _____ (Date File Stamp)																														
Defendant: Address _____ _____ _____	Defendant Identifiers: <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%;">YOB</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">LAST 4 DIGITS OF SSN (IF KNOWN)</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> </table>	SEX	RACE	YOB	HT	WT						HAIR	EYES	LAST 4 DIGITS OF SSN (IF KNOWN)								DRIVERS LICENSE #		DL STATE	DL EXP. DATE						
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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	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 _____ (Court) 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):

_____ 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):

_____ [NCIC 09]

shall be:

Joint legal custody between the plaintiff and defendant until this order expires;

OR

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

ii. Rights of temporary parenting time shall be as follows: [NCIC 06]

- Defendant shall have no parenting time;
 Defendant shall have supervised parenting time as follows:

_____;

- Plaintiff and Defendant shall have parenting time as follows:

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

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

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 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.