#### GENERAL INSTRUCTIONS FOR THOSE ASKING FOR A PROTECTION FROM STALKING, SEXUAL ASSAULT, OR HUMAN TRAFFICKING ORDER

#### NOTICE

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

<u>www.kcsdv.org/learn-more.html</u> and

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

- 1. You may ask for a protection from stalking, sexual assault, or human trafficking order:
  - a. For yourself;
  - b. For your minor child;
  - c. For a minor child who resides with you;.
  - d. For a minor child for whom you are the child's court-appointed legal custodian or legal guardian.

You may ask a county or district attorney or the attorney general to file for a protection order for a child who is a human trafficking victim.

2. Stalking, sexual assault, or human trafficking 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.

"Human trafficking" is any act that would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, or an act that, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 21-6419.

"Human trafficking victim" is a person who has been subject to an act that would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, or has committed an act that, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 21-6419.

- 3. You may file a **Petition for Protection from Stalking, Sexual Assault, or Human Trafficking Order** in any district court. In addition, you must complete the **Protection from Stalking, Sexual Assault, or Human Trafficking Confidential Information 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, Sexual Assault, or Human Trafficking Order**. To obtain personal service, you must fill out a **Request for Service form**, asking that the sheriff deliver the **Petition for Protection from Stalking, Sexual Assault, or Human Trafficking** to the defendant.
- 5. If the defendant is a minor, you must complete the **Minor Defendant Addendum**. Petitions, motions and temporary protection from stalking, sexual assault, or human trafficking 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 asking for the protective order, and you must convince your judge of what you claimed to be true. You may bring other evidence and call additional witnesses in support of your claim.
- 7. Your final protection order will expire after one year or on the date stated in the order unless you ask for an extension from the court before the order expires.

#### Extension for One Year

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

#### Extension for two or more years

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

#### 8. *Wireless Telephone Number(s)*

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

#### IN THE DISTRICT COURT OF **<u>SEDGWICK</u>**COUNTY, KANSAS

\_\_\_\_\_, Plaintiff

vs.

Case No.

\_\_\_\_\_, Defendant

#### PROTECTION FROM STALKING, SEXUAL ASSAULT, OR HUMAN TRAFFICKING CONFIDENTIAL INFORMATION FORM (K S A 60.21e04(e))

(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 OR EMAIL.

Name of Plaintiff:		
Confidential Address:		
Street		
City	State	Zip Code
Phone Number		
Email		
(give a phone number and	email that are not controlled	d or accessible by the defendant)



# 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.

Restrained Person/Defendant's Name:	Restrained l available inf		dant Identifier	rs: (Plea	se include all	
	SEX	RACE	DOB	HT	WT	
Any other name(s) Defendant has been known by:						
	HAIR	EYES	SOCIAL	SECURI	TY NUMBER	
Defendant can be found at (give all available addresses):	DRIVERS	LICENSE #	DL STAT	F	DL EXP. DATE	
Home Address:			DESIM	. <b>L</b>	DELMIDITE	
	VEHICL	E MAKE	VEHICLE M	ODEL	VEHICLE YEAR	
Phone number(s): Times Defendant is usually there						
Place of employment:	Distinguishing Features (tattoos, scars, locations frequented, etc.): Please describe:					
Phone number(s): Times Defendant is usually there						
Other Address:	Does Defendant wear glasses?  Yes No					
Phone number(s): Times Defendant is usually there			ossess any weap			
Protected Person's Name:	Protected P	erson's Ident	ifiers:			
Relationship to Defendant: are or have been in a dating relationship reside together or formerly resided together have a child in common	Full Date of <i>(It is impo</i> ) Sex: [	f Birth (mm/d	ld/yyyy) <i>de the protected</i> Male	person'	s full date of birth)	

# SERVICE COVER SHEET AND NCIC INFORMATION FORM

# **Other Protected Persons Information**

Protected Person's Name:	Protected Person's Identifiers:
Relationship to Defendant: are or have been in a dating relationship reside together or formerly resided together have a child in common	Full Date of Birth (mm/dd/yyyy)         (It is important to include the protected person's full date of birth)         Sex:       Female         Male         Race
Protected Person's Name:	Protected Person's Identifiers:
Relationship to Defendant: are or have been in a dating relationship reside together or formerly resided together have a child in common	Full Date of Birth (mm/dd/yyyy)         (It is important to include the protected person's full date of birth)         Sex:       Female         Male         Race
Protected Person's Name:	Protected Person's Identifiers:
Relationship to Defendant: are or have been in a dating relationship reside together or formerly resided together have a child in common	Full Date of Birth (mm/dd/yyyy)         (It is important to include the protected person's full date of birth)         Sex:       Female         Male         Race
Protected Person's Name:	Protected Person's Identifiers:
Relationship to Defendant: are or have been in a dating relationship reside together or formerly resided together have a child in common	Full Date of Birth (mm/dd/yyyy)         (It is important to include the protected person's full date of birth)         Sex:       Female         Male         Race
Protected Person's Name:	Protected Person's Identifiers:
Relationship to Defendant: are or have been in a dating relationship reside together or formerly resided together have a child in common	Full Date of Birth (mm/dd/yyyy)         (It is important to include the protected person's full date of birth)         Sex:       Female         Male         Race

#### IN THE DISTRICT COURT OF **<u>SEDGWICK</u>**COUNTY, KANSAS

Plaintiff

vs.

Case No.

Defendant

Petition Pursuant to K.S.A. Chapter 60

## PETITION FOR PROTECTION FROM STALKING, SEXUAL ASSAULT, OR HUMAN TRAFFICKING ORDER

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

1. Plaintiff seeks an order for protection from stalking, sexual assault, or human trafficking for:

a. \_\_\_\_ myself;

OR

b. a minor child (under age 18)

Plaintiff is:

- ] the parent of the child
- an adult who resides with the child
- the child's court appointed legal custodian
- the child's court-appointed legal guardian
- a county or district attorney
- the Kansas attorney general

The minor child's name and year of birth are:

Minor Child's Name:

Year of Birth:

2. Defendant can be served at: (*please provide all available addresses*)

H	OME: street	city
	state zip	code phone number
	times when defe	endant is usually there
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W	ORK:	street			city	
		state	zip code	e	phone number	
		times v	when defenda	nt is usually there	2	
0	THER				_city	
		state	zip code	e	phone number	
		times v	when defendar	nt is usually there	2	
If	the de	fendant	is a minor, a l	Minor Defendant	Addendum is attache	ed.
Li	ist anv	other re	lated court ca	ses involving Pla	untiff, minor child ( <i>if</i>	applicable)
	Defen				untill, innor child (g	applicable),
(g	give typ	e of cas	e, county filed	l in, case number	r and date filed, if kno	wn)
	Pla	untiff:				
	1 10					
	Mi	nor Chi	ld:			
	De	fendant	:			
~						
Se	elect ar	ıd comp	olete either sec	ction A, B, or C. A	Attach more pages as	needed.
<b>A.</b>	Descri	be the in	ncidents of sta	alking. Include sp	becific facts, dates and	locations:
In	cident	#1:				
		·				

Incident #2: \_\_\_\_\_

Additional Incident(s), if any:

#### OR

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

#### OR

C. Describe the incident of human trafficking. Include specific facts, dates, and locations:

<ul> <li>person.</li> <li>following, harassing, telephoning, contacting or otherwise community with the protected person.</li> <li>committing or attempting to commit a sexual assault upon the person.</li> <li>following, harassing, telephoning, contacting, recruiting, has transporting, or committing or attempting to commit human traupon the protected person.</li> <li>entering or coming around the residence or area of the protected person.</li> </ul>		
<ul> <li>and Final Order of Protection restraining defendant from:</li> <li>abusing, molesting or interfering with the privacy or rights of the person.</li> <li>following, harassing, telephoning, contacting or otherwise community with the protected person.</li> <li>committing or attempting to commit a sexual assault upon the person.</li> <li>following, harassing, telephoning, contacting, recruiting, harassing, telephoning, contacting, recruiting, harassing, or committing or attempting to commit human transporting, or committing or attempting to commit human transporting or coming around the residence or area of the protected person.</li> </ul>		
<ul> <li>and Final Order of Protection restraining defendant from:</li> <li>abusing, molesting or interfering with the privacy or rights of the person.</li> <li>following, harassing, telephoning, contacting or otherwise community with the protected person.</li> <li>committing or attempting to commit a sexual assault upon the person.</li> <li>following, harassing, telephoning, contacting, recruiting, harassing, telephoning, contacting, recruiting, harassing, or committing or attempting to commit human transporting, or committing or attempting to commit human transporting or coming around the residence or area of the protected person.</li> </ul>		
<ul> <li>person.</li> <li>following, harassing, telephoning, contacting or otherwise community with the protected person.</li> <li>committing or attempting to commit a sexual assault upon the person.</li> <li>following, harassing, telephoning, contacting, recruiting, has transporting, or committing or attempting to commit human transporting, or committing or attempting to commit human transport the protected person.</li> <li>entering or coming around the residence or area of the protected person.</li> </ul>		
<ul> <li>with the protected person.</li> <li>committing or attempting to commit a sexual assault upon the person.</li> <li>following, harassing, telephoning, contacting, recruiting, harasporting, or committing or attempting to commit human traupon the protected person.</li> <li>entering or coming around the residence or area of the protected person.</li> </ul>	[	abusing, molesting or interfering with the privacy or rights of the prote person.
<ul> <li>person.</li> <li>following, harassing, telephoning, contacting, recruiting, harassing, or committing or attempting to commit human transporting, or commit deprotected person.</li> <li>entering or coming around the residence or area of the protected person.</li> </ul>		following, harassing, telephoning, contacting or otherwise communication with the protected person.
<ul> <li>transporting, or committing or attempting to commit human traupon the protected person.</li> <li>entering or coming around the residence or area of the protected person.</li> </ul>		
entering or coming around the residence or area of the protected period		following, harassing, telephoning, contacting, recruiting, harbo transporting, or committing or attempting to commit human traffic upon the protected person
	[	entering or coming around the residence or area of the protected person
other:	[	other:

9. (Check box if you are asking for the transfer of wireless telephone numbers. Leave box blank if you are not asking for the transfer of wireless telephone numbers.)

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

- 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 Stalking, Sexual Assault, or Human Trafficking prohibiting Defendant from committing any acts of stalking, sexual assault, or human trafficking 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: \_\_\_\_\_

(DO NOT include the residential address of Plaintiff in this petition. Plaintiff must complete the Protection from Stalking, Sexual Assault, or Human Trafficking Confidential Information 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 <u>SEDGWICK</u> COUNTY, KANSAS Protection from Stalking, Sexual Assault, or Human Trafficking (K.S.A. 60-31a01 *et seq.*)

Judge or Division:	Case Numbe				
	Court ORI N	umber:			
Plaintiff:	Protected Pe	rson Identifie	ers:		
	Name:				
vs.	Year of Birt	th			
	Sex:				
Defendant:	Defendant Id	entifiers:	<b>I</b>		
	SEX	RACE	YOB	HT	WT
Address	HAIR	EYES	LAST 4 DIG	ITS OF SSN	(IF KNOWN)
	_ DRIVERS	LICENSE #	DL STATE	DL EX	P. DATE
Protected Person:(name) 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 Stalking, Sexual Assault, and Human Trafficking.					
This Court has jurisdiction over Plaintiff, Defendant and subject matter.					
Plaintiff has established a <i>prima fac</i> the court to issue a temporary order		-		-	
A hearing has been set for	, 20	, at :	a.m. [	] p.m. at	
Sedgwick County District Court, 525 N Main, Wichita KS 67203, 1 <sup>st</sup> Floor Jury Room (Court) and summons has been issued.					
Summons has been issued.					





#### Order

#### The Court Orders:

- Plaintiff's address and telephone number shall remain confidential for the protection of the Protected Person.
- Defendant shall not follow, harass, abuse, molest, assault, threaten, stalk, or interfere with the privacy rights of the Protected Person, and the Protected Person's family or household. [NCIC 01 & 02]
- Defendant shall not enter or come on or around the premises, the residence, the property, school, or place of employment of the Protected Person or other family or household member. [NCIC 04]
- Defendant shall not communicate in any manner with the Protected Person, the Protected Person's employer, employees, fellow workers, or others with whom the communication would be likely to cause annoyance or alarm the Protected Person. [ NCIC 05 ]
- Defendant shall not direct or request another to contact the Protected Person, either directly or indirectly. [ NCIC 04 & 05 ]
- Defendant shall not commit or attempt to commit a nonconsensual sexual act against the Protected Person.
- Defendant shall not commit or attempt to commit a sexual act against the Protected Person by force, threat of force, duress, or when the Protected Person is incapable of giving consent.
- Defendant shall not follow, harass, telephone, contact, recruit, harbor, transport, or commit or attempt to commit human trafficking upon the Protected Person.

**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, if any.

#### **Other Provisions:**

1. Other orders necessary to promote the safety of the Protected Person:

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 an offense under chapter 21 of the Kansas Statutes Annotated, including, but not limited to: violation of a protective order as provided in K.S.A. 21-5924, and amendments thereto; a sex offense under article 55 of chapter 21 of the Kansas Statutes Annotated, 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 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. 60-31a05)

If a hearing on the petition for protection is continued, the court may extend this Temporary Order of Protection from Stalking, Sexual Assault, or Human Trafficking 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 Stalking, Sexual Assault, or Human Trafficking may turn into a Final Protection from Stalking, Sexual Assault, or Human Trafficking without further notice to you.