

GENERAL INSTRUCTIONS
FOR THOSE ASKING FOR A PROTECTION FROM ABUSE ORDER

NOTICE

The protection from abuse process is designed to provide quick and immediate protection. However, the process may require time, expertise, or more than one hearing. If you have questions, you should 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 abuse at www.kcsdv.org and <https://www.kansaslegalservices.org/node/2036/pfa-tips-tricks-part-1-preparing-your-pfapfs>.

1. You may ask for a protection from abuse order:
 - a. For yourself; or,
 - b. For yourself and a minor child(ren); or,
 - c. For only a minor child(ren).

You may file on behalf of a minor child if:

- a. You are the child's parent; or
 - b. You are an adult residing with the child; or
 - c. You are the child's court-appointed legal custodian or guardian.
2. Each person for whom protection is sought must be in (or have been in) an "intimate partner or household member" relationship with the defendant.

"Intimate partner or household member" relationship means:

- a. Persons who are in a dating relationship (a social relationship of a romantic nature); or,
- b. Persons who have been in a dating relationship; or,
- c. Persons who live together; or,
- d. Persons who have lived together; or,
- e. Persons who have had a child in common.

3. Each person needing protection must have been abused. This means that one of the following must have occurred:
 - a. The defendant physically hurt you or a minor child on purpose; or,
 - b. The defendant tried to physically hurt you or a minor child; or,
 - c. The defendant threatened to physically hurt you or a minor child; or,
 - d. The defendant engaged in any sexual contact or attempted sexual contact with you or a minor child when such person was incapable of giving consent; or,
 - e. The defendant engaged in sexual conduct (touching or sexual intercourse) with a minor child under 16 years of age.

4. If you meet the requirements above, you may file a **Petition for Protection from Abuse Order** with any district court. You must also complete the **Self-Represented Litigant Certification Form** and file it with your petition. If you want your address and telephone number to remain confidential, you must complete the **Protection from Abuse Confidential Address Form** and include it with your petition.

5. The defendant must be notified by personal service that you have filed a **Petition for a Protection from Abuse Order**. The clerk of the district court will give the paperwork to the sheriff's office to deliver to the defendant.

If personal service cannot be made, then service may be obtained as provided by order of the judge.

6. If the defendant is a minor, you must complete the **Minor Defendant Addendum**. Petitions, motions and temporary protection from abuse orders filed against a minor defendant must be served by serving the minor **and**:

- a. The minor's guardian or conservator, if any; **or**,
- b. The minor's father or mother; **or**,
- c. A person having the minor's care or control; **or**,
- d. A person with whom the minor resides.

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

7. You should be available to testify at future hearings as set by the judge. If you fail to appear, the case may be dismissed. You are the one 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.

8. Your final protection order will expire on the date stated in the order unless you ask for an extension from the court before the order expires.

Extension for one to three years

To ask for an extension for one to three years, you can use the form titled “**Motion to Extend Final Protection from Abuse Order for One to Three Additional Years.**” 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 one 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 one year or longer. You can use the form titled “**Motion to Extend Final Protection from Abuse Order for One Additional Year or Up to Life.**” The motion asking to extend an order for one year 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.

9. If you are the defendant and you want to ask for a protection from abuse order against the plaintiff, you must meet all the requirements in paragraphs one (1) through three (3) above, and then you may file a written counter-petition.

10. *Child Support*

If you decide to ask the court to order or modify child support, it is highly recommended that you get the advice of an attorney. In order for the court to order or modify child support, you must complete a **Domestic Relations Affidavit** and a **Child Support Worksheet** and attach them to the **Petition for Protection from Abuse**. If the court grants child support, the court will complete the Child Support Addendum and attach it to the **Final Protection from Abuse Order**. You will then need to complete a **Kansas Payment Center Form**, attach it to a copy of the **Final Protection from Abuse Order** including the Child Support Addendum and provide it to the Clerk of the District Court.

11. *Wireless Telephone Number(s)*

You may ask the court to transfer the rights to and the billing responsibility for the wireless telephone numbers used by you and/or the children in your care from the defendant to you. 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.