

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

Plaintiff

Case No. _____

vs.

Defendant

Petition Pursuant to K.S.A. Chapter 60

COUNTER PETITION FOR PROTECTION FROM ABUSE ORDER

(K.S.A. 60-3101 *et seq.*)

1. Defendant seeks an order for protection from abuse:
(*check and fill out either a, b, or c*)

a. For Defendant Only

(*Kansas law requires a former or current relationship which may be established by any one of the following options.*)

Defendant and Plaintiff:

- 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

OR

b. For Defendant and minor child(ren)

Defendant is:

- the parent of the child(ren)
- an adult who resides with the child(ren)
- the child(ren)'s court appointed legal custodian
- the child(ren)'s court-appointed legal guardian.

(*Kansas law requires a former or current relationship which may be established by any one of the following options.*)

Defendant and Plaintiff:

- 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) and Plaintiff:

- reside together in the same residence
- formerly resided together in the same residence

Defendant asks for protection for the following minor child(ren):
(give full names and year of birth)

| NAME | YOB | PARENT'S NAME | PARENT'S NAME |
|-------|-----|---------------|---------------|
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |

OR

c. **Only for the minor child(ren)**

Defendant is:

- the parent of the child(ren)
- an adult who resides with the child(ren)
- the child(ren)'s court appointed legal custodian
- the child(ren)'s court-appointed legal guardian.

(Kansas law requires a former or current relationship which may be established by any one of the following options.)

Minor child(ren) and Plaintiff:

- 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

Defendant asks for protection for the following minor child(ren):

(give full names and year of birth)

NAME YOB PARENT'S NAME PARENT'S NAME

2. Plaintiff 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. Defendant seeks protection from abuse because Plaintiff: *(check all that apply)*

- caused Defendant bodily injury or attempted to cause Defendant bodily injury.
- placed Defendant in fear of imminent bodily injury by threatening Defendant.
- 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 sexual contact or attempted sexual contact with the Defendant without consent or when the Defendant was incapable of giving consent.
- engaged in any sexual contact or attempted sexual contact with the minor child(ren) without consent or when the minor child(ren) was incapable of giving consent.
- engaged in any of the following acts with a minor under 16 years of age who is not the spouse of Plaintiff: sexual intercourse or lewd fondling or touching on the person of either the minor or Plaintiff.

4. a. Describe why you are asking for a protection from abuse order and include specific facts or other instances:

(Attach additional pages as needed.)

- b. Describe the past incidents where you experienced violence, where you were afraid of injury or where Plaintiff threatened to harm or kill you:

(Attach more pages as needed.)

c. Have any criminal charges ever been filed based on the incidents described above (in 4a or 4b)? If yes, give name of county where case was filed and case number, if known.

5. Defendant requests that Defendant’s address and/or telephone number remain confidential for the following reason(s): *(complete if appropriate)*

(If Defendant requests that Defendant’s address remain confidential, Defendant must complete the Protection from Abuse Confidential Address Form and include it with this petition.)

6. Defendant requests that the Court issue a Final Order of Protection restraining Plaintiff 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).

DO NOT WRITE AN ADDRESS BELOW IF YOU WANT THE ADDRESS TO BE CONFIDENTIAL. THIS DOCUMENT WILL BE GIVEN TO THE DEFENDANT.

Protected person’s premises or residence:

Protected person’s workplace:

7. Defendant states the residence is:
- jointly owned or rented and jointly occupied by Defendant and Plaintiff
 - owned or rented by Defendant
 - owned or rented by Plaintiff only
 - owned or rented by someone else (explain)

not applicable because Defendant and Plaintiff do not live together.

Defendant requests the court order that the plaintiff immediately move from and not return to the residence, and that law enforcement officers be directed to remove Plaintiff from the residence, located at:

8. Defendant requests that the court issue an order of temporary custody of the minor child(ren) and has attached a completed UCCJEA form.

a. Plaintiff's parentage of the child(ren) has NOT been established and Plaintiff has no right to custody or parenting time with the following child(ren):

b. Plaintiff's parentage of the child(ren) has been established and Defendant requests the following custody and parenting time orders concerning the following children:

Defendant requests the following orders:

i. Temporary legal custody (*decision-making*) and residency of the minor child(ren) be:

Joint legal custody (*decision-making*) between Defendant and Plaintiff until this order expires;

OR

Sole legal custody (*decision-making*) granted to

Defendant

Plaintiff until this order expires.

ii. Rights of temporary parenting time as follows:

Plaintiff shall have no parenting time.

OR

Plaintiff shall have supervised parenting time as follows:

OR

Defendant and Plaintiff shall have parenting time as described in the attached parenting plan.

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

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 Plaintiff, notifying Plaintiff of this action and the relief requested.

10. After a hearing, the court should issue a Final Order of Protection from Abuse prohibiting Plaintiff from committing any acts of abuse against the protected person(s), and order the following additional relief:

suitable alternate housing for Defendant and minor child(ren)

custody of the minor child(ren) (UCCJEA form completed)

child support

support of spouse

possession of personal property, including pets, and the assistance of law enforcement officers in securing that property, if necessary

attorney's fees, if represented by counsel, and costs

counseling for Plaintiff

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

other, please specify: _____

11. a. List any current or past divorce or legal separation court cases between Plaintiff and Defendant.

County, State Case number Date filed, if known

County, State Case number Date filed, if known

b. List any current or past protection order, restraining order, or no-contact orders between Plaintiff and Defendant.

County, State Case number Date filed, if known

County, State Case number Date filed, if known

County, State Case number Date filed, if known

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__.

Defendant's Signature

Defendant's Name: _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone Number: _____

Email: _____

(DO NOT include the residential address if Defendant is requesting that Defendant's residential address is to remain confidential. If Defendant requests that Defendant's address remain confidential, Defendant must complete the Protection from Abuse Confidential Address Form and include it with this counter-petition.)

Attorney representing Defendant (if any)

Attorney's Name: _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone: _____

Email: _____