

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS
 Protection from Abuse (K.S.A. 60-3101 *et seq.*)

Mutual Order of Protection from Abuse

| Judge or Division: | Case Number: Court ORI Number: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Plaintiff: <div style="border: 1px solid black; width: 200px; height: 20px; margin: 5px 0;"></div> Address _____ _____ _____ vs. | Plaintiff 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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| Defendant: <div style="border: 1px solid black; width: 200px; height: 20px; margin: 5px 0;"></div> 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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| Relationship between Plaintiff and Defendant: <input type="checkbox"/> are in a dating relationship <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 filed on behalf of a minor child <input type="checkbox"/> Defendant filed on behalf of a minor child | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Appearances: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Plaintiff's Attorney <input type="checkbox"/> Defendant's Attorney <input type="checkbox"/> Other _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Protected Person(s): <i>(Only the party, or parties, initialed by the judge are Protected Person(s).)</i> _____ Plaintiff, _____ <i>(name of Plaintiff)</i> _____ Defendant, _____ <i>(name of Defendant)</i> _____ The following child(ren): | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:60%;">Child's Name</th> <th style="width:15%;">Sex</th> <th style="width:25%;">Child's Year of Birth</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> | | Child's Name | Sex | Child's Year of Birth | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| This Final Order and its terms are directed at and apply to both Plaintiff and Defendant. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

This Final Order shall be effective until: _____, 20____.
(Length of this order shall be not less than one year and not more than two years.)

ONLY THE COURT CAN CHANGE THIS FINAL ORDER.

The Court Finds: *(Only the provision(s) initialed by the judge apply.)*

_____ Plaintiff filed a written verified petition on _____, 20____ requesting an Order of Protection from Abuse. Prior to this hearing, Defendant was given reasonable notice of the date set for the hearing, together with a copy of the petition and any ex parte order of protection from abuse, by personal service on _____, 20____.

_____ Defendant filed a written verified counter-petition on _____, 20____ requesting an Order of Protection from Abuse. Prior to this hearing, Plaintiff was given reasonable notice of the date set for the hearing, together with a copy of the petition and any ex parte order of protection from abuse, by personal service on _____, 20____.

_____ 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's Defendant's address and telephone number shall remain confidential for the protection of the protected person(s).

_____ Defendant represents a credible threat to the physical safety of the Protected Person(s).

_____ Plaintiff represents a credible threat to the physical safety of the Protected Person(s).

Under Kansas law and in order to comply with 18 U.S.C. § 2265, the following findings are required for mutual orders of protection from abuse:

K.S.A. 60-3107(b) requires the Court to make specific findings of abuse against both the Plaintiff and the Defendant and determine that both parties acted primarily as aggressors and neither party acted primarily in self-defense.

Based on the following facts, the Court finds that Plaintiff abused Defendant;

Based on the following facts, the Court finds that Defendant abused Plaintiff;

Based on the following facts, the Court has determined that Plaintiff did not act primarily in self-defense;

Based on the following facts, the Court has determined that Defendant did not act primarily in self-defense;

Based on the following facts, the Court has determined that both Plaintiff and Defendant acted primarily as aggressors;

Order

The Court Orders:

- This Final Mutual Order of Protection from Abuse (“Final Order”) replaces any previous Temporary Order of Protection from Abuse entered by the Court and serves as notice of termination of that Temporary Order upon service of this Final Order on both parties.
- Neither party shall assault, threaten, abuse, harass, follow, stalk, or interfere with the privacy or rights of the Protected Person(s) wherever they may be. This includes, but is not limited to, utilizing any electronic tracking system or acquiring tracking information to determine the Protected Person’s location, movement, or travel patterns. [NCIC 01 & 02]
- Neither party shall use, attempt to use, or threaten to use physical force, that would reasonably be expected to cause bodily injury, against the Protected Person(s), nor shall either party engage in conduct that would place any Protected Person(s) in reasonable fear of physical injury. [NCIC 01 & 02]
- Neither party shall threaten a member of the Protected Person’s family or household. [NCIC 02]
- Neither party shall enter or come on or around the premises, the residence, property, school, or place of employment of the Protected Person(s) or other family or household members. [NCIC 04]
- Neither party shall contact the Protected Person(s), either directly or indirectly, including in person, by phone, text or email message, any social media, or, in any way or manner, except as authorized by the Court in Paragraph 9(b) of this Final Order. [NCIC 05]
- Neither party shall contact, either directly or indirectly, including in person, by phone, text or email message, any social media, or, in any way or manner, the Protected Person’s employer, employees, fellow workers, or others with whom the communication would be likely to cause annoyance or alarm to the Protected Person. [NCIC 05]
- Neither party shall direct or request another to contact the Protected Person(s), either directly or indirectly, including in person, by phone, text or email message, any social media, or, in any way or manner, except as authorized by the Court in Paragraph 9(b) of this Final Order. [NCIC 05]
- Law enforcement officers are directed to grant any assistance necessary to protect the parties and the minor child(ren) from abuse, and to provide any other assistance necessary to enforce this Final Order, including the order excluding one party from the other party’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; the parties have 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 Final Order are set forth below. (Only the provision(s) initialed by the judge apply.)

Housing and Property:

(If the parties to this action are not married to each other and one party owns the residence or household, the Court shall not grant possession of the residence or household to the exclusion of the party who owns it. K.S.A. 60- 3107(d). The Protection from Abuse Act does not prohibit granting possession of a leasehold to either party.)

_____ 1. Plaintiff is granted exclusive possession of the residence located at: _____ [NCIC 03]

Defendant shall immediately move from the residence and may take only personal effects and clothing for Defendant and any child(ren) in Defendant’s custody. Law enforcement officials are directed to enter the residence with Defendant and prevent Plaintiff from interfering with Defendant’s removal of the above mentioned possessions. Once the possessions are removed, 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 Plaintiff may occupy. [NCIC 08]

_____ 2. Defendant is granted exclusive possession of the residence located at: _____ [NCIC 03]

Plaintiff shall immediately move from the residence and may take only personal effects and clothing for Plaintiff and any child(ren) in Plaintiff’s custody. Law enforcement officials are directed to enter the residence with Plaintiff and prevent Defendant from interfering with Plaintiff’s removal of the above mentioned possessions. Once the possessions are removed, law enforcement officials are directed to remove Plaintiff from the residence, and to ensure that Plaintiff does not enter or re-enter the premises or any other residence Defendant may occupy. [NCIC 08]

_____ 3. Neither Plaintiff or Defendant shall cancel utilities to the residence granted to the other party. The terms of this paragraph expire 60 days from this Final Order’s date of entry. [NCIC 08]

_____ 4. The personal property, including pets, of the parties is divided as follows:

Law enforcement officers are directed to assist in securing possession of the personal property as described above. [NCIC 08]

_____ 5. Plaintiff Defendant shall provide suitable alternate housing for the other party and/or the minor child(ren) by paying rent at a residence, other than the residence previously shared with the other party, in the amount of \$ _____ per _____ to _____, with the first payment due _____ (date), or as follows:

_____ 6. Defendant shall immediately surrender to Plaintiff the following items: [NCIC 08]
 The garage door opener for the residence;
 All keys to the residence;
 Mailbox keys;
 Keys to the _____ automobile(s);
 Other: _____

_____ 7. Plaintiff shall immediately surrender to Defendant the following items: [NCIC 08]
 The garage door opener for the residence;
 All keys to the residence;
 Mailbox keys;
 Keys to the _____ automobile(s);
 Other: _____

Parentage, Support and Custody:

_____ 8. Plaintiff Defendant shall pay spousal support to the other party in the amount of \$ _____ each month for the duration of this Final Order, with the first payment due _____ (date).

_____ 9. For this paragraph, the Court shall initial subparagraph (a) **OR** subparagraph (b), but not both.

_____ a. Plaintiff's 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 Plaintiff Defendant has no right to custody or parenting time with the following named child(ren): _____ [NCIC 09]

OR

_____ b. Plaintiff's 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), _____ shall be:

Joint legal custody between Plaintiff and Defendant until this Final Order expires [NCIC 06];

OR

Sole legal custody granted to Plaintiff [NCIC 09] Defendant [NCIC 09] until this Final Order expires.

The parent who does not have sole legal custody shall not have access to information regarding the child(ren) because:

(K.S.A. 23-3206)

ii. Rights of temporary parenting time shall be as follows:

- Plaintiff Defendant shall have no parenting time [NCIC 09];
 Plaintiff Defendant shall have supervised parenting time as follows:[NCIC 06 & 08]

Plaintiff and Defendant shall have parenting time as follows: NCIC 06 & 08]

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

_____ [NCIC 08]

_____ 10. Law Enforcement shall assist Plaintiff Defendant in obtaining physical custody of the minor child(ren).

_____ 11. Plaintiff Defendant is the presumed or established parent and child support is ordered in accordance with the attached Child Support Addendum.

Other Provisions:

_____ 12. The Court orders the transfer of one or more wireless service numbers as contained in the Order Transferring Wireless Services Number(s) from Defendant to Plaintiff Plaintiff to Defendant.

_____ 13. Plaintiff Defendant shall seek counseling to aid in the cessation of abuse.

_____ 14. Plaintiff Defendant shall pay the following attorney fees and costs:

_____ 15. Other orders necessary to promote the safety of the Protected Person(s): [NCIC 08]

Plaintiff Defendant shall surrender any firearms to _____ [NCIC 07]

SO ORDERED:

Date

Judge of the District Court

WARNINGS TO PARTIES

- **This Final Order is effective when signed by the judge. Law enforcement officials shall immediately enforce this order.**
- **Violation of this Final 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 one party, violation of this Final Order by the other party 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 Final Order may also be punishable as contempt of this Court.**
- **If either party has a concealed carry license, that license is subject to revocation pursuant to K.S.A. 75-7c07, and amendments thereto. After a party'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.**
- **This protection order may subject the either party to prosecution for criminal use of weapons under K.S.A. 21-6301.**
- **This protection order may subject both parties to federal firearms restrictions under 18 U.S.C. § 922(g)(8), and violation of this order may result in prosecution for such federal crimes, including but not limited to: firearms possession; interstate travel to commit domestic violence; interstate stalking; and interstate violation of a protection order.**

Notice of Extension of this Final Order

(Pursuant to K.S.A. 60-3107)

This Final Order of Protection from Abuse may be extended for additional periods of time upon motion of protected person. Violation of this Final Order could result in this Final Order being extended for up to the lifetime of restrained person.