

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

www.kcsdv.org and

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 the **Self-Represented Litigant Certification Form** and include it with your petition.

NOTE: Your address and phone number are confidential, but your email address is not. The court and other parties may use your email address to communicate with you about this case. You may want to create a new email address to use only for emails about this case.

4. The defendant must be notified by personal service that you have filed a **Petition for a Protection from Stalking, Sexual Assault, or Human Trafficking 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.

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 an extension, you can use the form titled “**Motion to Extend Final Protection from Stalking, Sexual Assault, or Human Trafficking 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 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.