

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF:

Name _____ Case No. _____
 DOB xx/xx/____ A male female

APPLICATION FOR EX PARTE ORDER OF PROTECTIVE CUSTODY

Pursuant to K.S.A. 38-2242

COMES NOW _____ County/District Attorney or designee
 other _____, and makes application for an *ex parte* Order of Protective Custody. The applicant believes that the above-captioned child is a Child in Need of Care. The applicant further states that the child is likely to sustain harm if not immediately removed from the home and allowing the child to remain in the home is contrary to the welfare of the child.

(Sections 1 through 6 are for use when this application is submitted to the court without a petition. They may be deleted if a petition is on file or submitted for filing with this application.)

1. CHILD:

Name: _____ DOB: xx - xx - _____ SSN: xxx-xx-_____
 Address: _____ see cover sheet
 Phone: _____ unknown

2. MOTHER:

Name: _____ DOB: see cover sheet SSN: xxx-xx-_____
 Address: _____ unknown see cover sheet
 Phone: _____ unknown

3. FATHER:

Name: _____ DOB: see cover sheet SSN: xxx-xx-_____
 Address: _____ unknown see cover sheet
 Phone: _____ unknown

4. CUSTODIAN (if other than a parent):

Name: _____
 Address: _____
 Phone: _____

5. MATERNAL GRANDPARENTS:

Name: _____
 Address: _____
 Phone: _____

6. PATERNAL GRANDPARENTS:

Name:
Address:
Phone:

JURISDICTION

- 5. a. The Indian Child Welfare Act **is applicable** **is not applicable** **applicability is undetermined.**
- b. The Court has jurisdiction to make a child custody determination pursuant to K.S.A. 38-1351(a), and amendments thereto.
- c. The Court has jurisdiction of the parties and the subject matter of this proceeding pursuant to K.S.A. 38-2203, and amendments thereto.

VENUE

- 6. Pursuant to K.S.A. 38-2204, and amendments thereto, venue in _____ County, Kansas is proper.

Reasonable efforts have been made and failed to maintain the family and prevent removal of the child. (*Specify the efforts made*) _____

or

An emergency exists which threatens the safety of the child and reasonable efforts are not required to maintain the child in the home. (*Specify the basis for the allegation*) _____

A statement of facts is attached and incorporated by reference thereto.

WHEREFORE, your applicant requests an *Ex Parte* Temporary Order of Protective Custody, pursuant to K.S.A. 38-2242.

Applicant

VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF _____)

COMES NOW _____, of lawful age, being first duly sworn and under oath,
and states:

I am the applicant above named, and I have read and understand the above and foregoing
Application for *Ex Parte* Order of Protective Custody, and believe that all of the content thereof is
true and correct.

Applicant

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public/Clerk of the Court/Deputy

Authority

K.S.A. 38-2242.

Notes on Use

Upon receipt of a verified application for protective custody and finding probable cause to believe the allegations in it are true, the court may issue an *ex parte* order of protective custody. In addition to the information required by the statute, the form also contains language that will assist the court in making requisite ASFA findings. This application must include the facts relied upon to support the request for protective custody, including efforts that have been made to prevent unnecessary removal of the child or facts relating to the emergency which threatens the safety of the child.

No child shall be held in protective custody pursuant to K.S.A. 38-2232 for more than 72 hours. The time begins to run when the child is admitted to a facility or delivered for custody, regardless of whether an order for protective custody was issued. Time spent in police protective custody, prior to the issuance of an order, shall be included in the 72 hour calculation. A protective custody order may not be used in conjunction with police custody to extend the total 72 hours (not including

Saturday, Sunday and legal holidays) that a child may be in protective custody without a temporary custody hearing.