

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

_____, Plaintiff

vs.

Case No. _____

_____, Defendant

**FINAL ORDER - PROTECTION FROM ABUSE
[MUTUAL ORDER]**

INFORMATION ABOUT DEFENDANT: Race _____ Sex _____ Date of Birth _____ Social Security Number _____

THIS FINAL ORDER SHALL EXPIRE AT MIDNIGHT ON _____ UNLESS EXTENDED OR MODIFIED BY THIS COURT.

On this date, _____, plaintiff's petition for protective orders and defendant's counter petition for protective orders come for consideration under the provisions of K.S.A. 60-3101, et seq.

The plaintiff appears: ___ in person ___ and pro se
___ by his/her attorney _____
___ not, but was duly served and is otherwise in default

The defendant appears: ___ in person ___ and pro se
___ by his/her attorney _____
___ not, but was duly served and is otherwise in default

WHEREAS, both parties have filed verified petitions for issuance of protective orders, and the cause has been heard after duly serving and notifying both parties.

The Court finds that both parties have proven the allegations of the abuse by the preponderance of the evidence. The Court also finds that both parties acted primarily as aggressors and neither party acted primarily in self-defense.

IT IS THEREFORE BY THE COURT ORDERED:

1. This final order of protection supersedes the ex parte order of protection or any other temporary or emergency order previously entered by the Court and serves as notice of termination thereof upon service of this final order upon the defendant.
2. Neither party shall abuse, molest, or interfere with the privacy or rights of each other or the minor children, wherever they may be. This includes any contact between the parties, directly or indirectly; or by someone at the direction or request of either party, except as authorized by the Court in this Order.
3. Neither party shall enter or come on or around the premises or the residence or workplace where

the other resides, stays or works.

4. _____ (CHECK IF APPLICABLE) The plaintiff/defendant is granted exclusive possession of the residence located at:

_____ (CHECK IF APPLICABLE)

The plaintiff's/defendant's _____ address and _____ telephone number must remain confidential for the protection of the plaintiff/defendant and the minor child(ren).

If the plaintiff is granted exclusive possession of the residence then the defendant must immediately move from such address and take only personal clothing and effects until further order of the court. Defendant shall not cancel utilities to such residence for 60 days following the issuance of this order. Law enforcement officials are hereby directed to evict the defendant from such residence, and to ensure that defendant does not enter or re-enter the premises or any other residence the plaintiff may occupy.

If the defendant is granted exclusive possession of the residence then the plaintiff is granted the right to remove from the residence personal effects and clothing for the plaintiff and any children in the plaintiff's custody. Law enforcement officials are hereby directed to enter the residence with the plaintiff and prevent the defendant from interfering with the plaintiff removing the above mentioned possessions.

5. 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 these orders, including the order excluding one party from the other's place of residence, wherever it may be.

6. _____ (CHECK IF APPLICABLE) _____ Defendant or _____ Plaintiff shall provide suitable alternative housing for the other party and/or the minor children as follows:

7. _____ (CHECK IF APPLICABLE) Physical and legal custody and residency of the minor child(ren), named:

_____ is hereby granted to _____ plaintiff or to _____ defendant until this order expires. Rights of visitation shall be as follows: _____

NO PERSON SHALL TAKE OR CONCEAL THE CHILD(REN) EXCEPT AS ALLOWED BY THIS ORDER.

8. _____ (CHECK IF APPLICABLE) _____ Defendant or _____ Plaintiff shall pay child support as follows: \$_____ per _____, commencing on the _____ day of _____, _____, and payable on the _____ day of each month thereafter for a period of _____ months.

9. _____ (CHECK IF APPLICABLE) _____ Defendant or _____ Plaintiff shall pay spousal support as follows: \$ _____ per _____, commencing on the _____ day of _____, _____, and payable on the _____ day of each month thereafter for a period of _____ months.
10. _____ (CHECK IF APPLICABLE) All child support and/or support payments shall be made payable to the Kansas Payment Center, and each party shall inform the Kansas Payment Center in writing of any change of name, address, and employer with business address, within seven days of such change; income withholding to enforce such support orders shall take effect under the laws of Kansas if there is an arrearage in an amount equal to or greater than the amount of support payable for one month.
11. _____ (CHECK IF APPLICABLE) The personal property of the parties is divided as follows:

12. _____ (CHECK IF APPLICABLE) Law enforcement officers are directed to assist in securing possession of the personal property as described above.
13. _____ (CHECK IF APPLICABLE) _____ Defendant or _____ Plaintiff shall pay the following attorney fees and costs:

14. _____ (CHECK IF APPLICABLE) _____ Defendant and/or _____ Plaintiff shall seek counseling to aid in the cessation of abuse.
15. _____ OTHER ORDERS:

16. 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 defendant has 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.

THIS ORDER IS EFFECTIVE WHEN SIGNED BY THE JUDGE. LAW ENFORCEMENT OFFICIALS SHALL ENFORCE THE ORDER IMMEDIATELY UPON RECEIPT.

THE PARTIES ARE HEREBY PUT ON NOTICE THAT VIOLATION OF THIS ORDER MAY CONSTITUTE VIOLATION OF A PROTECTIVE ORDER AS PROVIDED IN K.S.A. 21-3843. ADDITIONALLY, VIOLATION OF THIS ORDER MAY CONSTITUTE ASSAULT AS PROVIDED IN K.S.A. 21-3408, AND AMENDMENTS THERETO, BATTERY AS PROVIDED IN K.S.A. 21-3412, AND AMENDMENTS THERETO, DOMESTIC BATTERY AS PROVIDED IN K.S.A. 21-3412A, AND AMENDMENTS

THERE TO, AND MAY RESULT IN PROSECUTION AND CONVICTION UNDER KANSAS CRIMINAL STATUTES.

IF POSSESSION OF THE RESIDENCE IS GRANTED TO ONE PARTY, VIOLATION OF THIS ORDER BY THE OTHER PARTY CONSTITUTES CRIMINAL TRESPASS PURSUANT TO K.S.A. 21-3721, AND AMENDMENTS THERETO, AND MAY RESULT IN PROSECUTION AND CONVICTION UNDER KANSAS CRIMINAL STATUTES. VIOLATION OF THIS ORDER MAY ALSO BE PUNISHABLE AS A CONTEMPT OF THIS COURT.

THIS PROTECTION ORDER MAY SUBJECT THE DEFENDANT TO FEDERAL FIREARMS RESTRICTIONS, AND VIOLATION OF THIS ORDER MAY SUBJECT THE DEFENDANT TO 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 DOMESTIC VIOLENCE ORDER.

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT