

(Date File Stamp)

**Mutual Order of Protection from Abuse**

Judge or Division:	<b>Case Number:</b>																														
	Court ORI Number:																														
Plaintiff:  <div style="border: 1px solid black; width: 300px; height: 20px; margin-bottom: 5px;"></div> Address _____ _____ _____  <b>vs.</b>	Plaintiff Identifiers: <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <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</td> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <td>DRIVERS LICENSE #</td> <td>DL STATE</td> <td colspan="3">DL EXP. DATE</td> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> </table>	SEX	RACE	YOB	HT	WT						HAIR	EYES	LAST 4 DIGITS OF SSN								DRIVERS LICENSE #	DL STATE	DL EXP. DATE							
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Defendant:  <div style="border: 1px solid black; width: 300px; height: 20px; margin-bottom: 5px;"></div> Address _____ _____ _____	Defendant Identifiers: <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <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</td> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <td>DRIVERS LICENSE #</td> <td>DL STATE</td> <td colspan="3">DL EXP. DATE</td> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> </table>	SEX	RACE	YOB	HT	WT						HAIR	EYES	LAST 4 DIGITS OF SSN								DRIVERS LICENSE #	DL STATE	DL EXP. DATE							
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Relationship between Plaintiff and Defendant: <input type="checkbox"/> are or <input type="checkbox"/> have been in a dating relationship <input type="checkbox"/> reside together or <input type="checkbox"/> formerly resided together <input type="checkbox"/> have a child in common																															
Appearances: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Plaintiff's Attorney <input type="checkbox"/> Defendant <input type="checkbox"/> Defendant's Attorney																															
Protected Person(s):                    _____ Plaintiff                    _____ Plaintiff's child(ren)                    _____ Minor child(ren) residing with the plaintiff _____ Defendant                    _____ Defendant's child(ren)                    _____ Minor child(ren) residing with the defendant (Only the party, or parties, initialed by the judge are protected person(s).)																															
<p><b>This order and its terms are directed at and apply to both Plaintiff and Defendant.</b></p> <p><b>This order shall be effective until: _____, 20____.</b></p> <p><b>ONLY THE COURT CAN CHANGE THIS ORDER.</b></p>																															
<b>The Court Finds:</b> (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 <input type="checkbox"/> it is home state, <input type="checkbox"/> there is no home state and Kansas has significant connections with the child(ren), <input type="checkbox"/> temporary emergency jurisdiction, <input type="checkbox"/> other: _____ _____ <input type="checkbox"/> Plaintiff's <input type="checkbox"/> Defendant's <input type="checkbox"/> address and <input type="checkbox"/> telephone number shall remain confidential for the protection 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 replaces any previous Temporary Order of Protection from Abuse entered by the court and serves as notice of termination of that 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. [ **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). [ **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, in any manner, except as authorized by the court in paragraph 9(b) of this order. [ **NCIC 05** ]
- Neither party shall contact, in any 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, in any manner, except as authorized by the court in paragraph 9(b) of this 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 these orders, 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 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. The plaintiff is granted exclusive possession of the residence located at: \_\_\_\_\_ [ NCIC 03 ]

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

\_\_\_\_\_ 2. The defendant is granted exclusive possession of the residence located at: \_\_\_\_\_ [ NCIC 03 ]

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

\_\_\_\_\_ 4. The personal property 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. Plaintiff shall surrender immediately to the defendant the following items: [ NCIC 08 ]

- The garage door opener for the residence of the defendant;
- All keys to the residence of the defendant;
- Mailbox keys belonging to the defendant;
- Keys to the \_\_\_\_\_ automobile(s);
- Other: \_\_\_\_\_

\_\_\_\_\_ 7. Defendant shall surrender immediately to the plaintiff the following items: [ NCIC 08 ]

- The garage door opener for the residence of the plaintiff;
- All keys to the residence of the plaintiff;
- Mailbox keys belonging to the plaintiff;
- 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 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 ]

\_\_\_\_\_ 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 the plaintiff and defendant until this order expires [ NCIC 06 ]; or,  
 Sole legal custody granted to  Plaintiff [ NCIC 09 ]  Defendant [ NCIC 09 ] until this order expires.

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

Plaintiff and Defendant shall have parenting time as described in the attached parenting plan [ NCIC 06 ];  
 Plaintiff  Defendant shall have no parenting time [ NCIC 09 ];  
 Plaintiff  Defendant shall have supervised parenting time as follows: \_\_\_\_\_ [ NCIC 06 and 08 ];  
 Plaintiff and Defendant shall exchange the minor child(ren) for parenting time at: \_\_\_\_\_ [ NCIC 08 ]

\_\_\_\_\_ 10.  Plaintiff  Defendant is the presumed or established parent and child support is ordered in accordance with the attached Child Support Addendum.

**Other Provisions:**

\_\_\_\_\_ 11.  Plaintiff  Defendant shall seek counseling to aid in the cessation of abuse.

\_\_\_\_\_ 12.  Plaintiff  Defendant shall pay the following attorney fees and costs: \$ \_\_\_\_\_

\_\_\_\_\_ 13. 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 order is effective when signed by the judge. Law enforcement officials shall immediately enforce this order.
- Violation of this 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 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 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 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.