

Final Order of Protection from Abuse

Judge or Division:	Case Number: _____ Court ORI Number: _____																														
Plaintiff: <div style="border: 1px solid black; width: 250px; height: 20px; margin: 5px 0;"></div> Relationship to 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 vs.	Plaintiff Identifiers: Year of Birth <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> Sex: <input type="checkbox"/> F <input type="checkbox"/> M																														
Defendant: <div style="border: 1px solid black; width: 250px; 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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(Date File Stamp)

Appearances: Plaintiff Defendant Defendant Fails to Appear
 Plaintiff's Attorney Defendant's Attorney Other _____

Protected Person(s): _____ Plaintiff _____ Plaintiff's child(ren) _____ Minor child(ren) residing with the plaintiff
 (Only the party, or parties, initialed by the judge are protected person(s).)

**This order and its terms are directed at and apply to Defendant only.
 (This form shall not be used for Mutual Protection from Abuse Orders.)**

This order shall be effective until: _____, 20____.

ONLY THE COURT CAN CHANGE THIS 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____.

_____ 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: _____

_____ The matter was heard and submitted to the court which finds

that Defendant was personally served and failed to appear; therefore, the court grants the petition by default.

that the allegations of abuse are proven by a preponderance of the evidence as required by K.S.A. 60-3106.

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

Order

The Court Orders:

- This Final 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 the defendant.
- The defendant shall not 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]
- The defendant shall not 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]
- The defendant shall not threaten a member of the protected person's family or household. [NCIC 02]
- The defendant shall not 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]
- The defendant shall not contact the protected person(s), either directly or indirectly, in any manner, except as authorized by the court in paragraph 8(b) of this order. [NCIC 05]
- The defendant shall not 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]
- The defendant shall not 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 8(b) of this order. [NCIC 05]
- Law enforcement officers are directed to grant any assistance necessary to protect the protected person(s) from abuse by the defendant, and to provide any other assistance necessary to enforce these orders, including the order excluding the defendant from the protected person(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 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. possession of the personal property as described above.

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. Defendant owns the residence in which Plaintiff and Defendant lived together and Plaintiff and Defendant are not married to each other so the court cannot grant Plaintiff possession of the residence. Defendant is not excluded from that residence, but has an exclusive right to possession of that residence under K.S.A 60-3107(d). Defendant is entitled to the return of any means of access to that residence including residence keys and garage door openers. Plaintiff may remove the following items _____ [NCIC 08]
- _____ 2. Defendant shall provide suitable alternate housing for the plaintiff and/or the minor child(ren) by paying rent in the amount of \$ _____ per _____ to _____, with the first payment due _____ (date), or as follows: _____.
- _____ 3. 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 Defendant and any child(ren) in the defendant's custody. Law enforcement officials are directed to enter the residence with Defendant to prevent abuse from occurring while Defendant is present to remove those personal effects and clothing. When the defendant has finished removing those items, law enforcement officials shall remove Defendant from the residence, and ensure that Defendant does not enter or re-enter the premises or any other residence that Plaintiff may occupy. [NCIC 08]
- _____ 4. Defendant shall not cancel any utilities to the residence granted to Plaintiff. The terms of this paragraph expire 60 days from this order's date of entry. [NCIC 08]
- _____ 5. Defendant shall immediately surrender to the 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: _____

_____ 6. 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]

Parentage, Support and Custody:

_____ 7. Defendant shall pay spousal support to the plaintiff in the amount of \$ _____ each month for the duration of this order, with the first payment due _____ (date).

_____ 8. For this paragraph, the Court shall initial subparagraph (a) **OR** subparagraph (b), but not both.

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

_____ b. 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 06] 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];
 Defendant shall have no parenting time [NCIC 09];
 Defendant shall have supervised parenting time as follows: _____

Plaintiff and Defendant shall exchange the minor child(ren) for parenting time at: _____ [NCIC 06 & 08];
_____ [NCIC 08]

_____ 9. Defendant is the presumed or established parent and child support is ordered in accordance with the attached Child Support Addendum.

Other Provisions:

_____ 10. Defendant shall seek counseling to aid in the cessation of abuse.

_____ 11. Defendant shall pay the following attorney fees and costs: \$ _____

_____ 12. Other orders necessary to promote the safety of the protected person(s): [NCIC 08]

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

SO ORDERED:

_____ Date

_____ Judge of the District Court

WARNINGS TO DEFENDANT

- 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 the plaintiff, violation of this order by the defendant 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 could result in the order being extended for up to the lifetime of the defendant.
- Violation of this order may also be punishable as contempt of this court.

- **If the defendant has a concealed carry license, that license is subject to revocation pursuant to K.S.A. 75-7c07, and amendments thereto. After a defendant'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 defendant to federal firearms restrictions under 18 U.S.C. § 922(g)(8), 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 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 the plaintiff. Violation of this order could result in the order being extended for up to the lifetime of the defendant.