

GENERAL INSTRUCTIONS FOR THOSE SEEKING
A PROTECTION FROM STALKING OR SEXUAL ASSAULT ORDER

NOTICE

The protection from stalking 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 seek 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 at <http://www.kcsdv.org/learn-more/stalking.html>.

1. You may seek a protection from stalking or sexual assault order:
 - a. For yourself; or,
 - b. For your minor child; or,
 - c. For a minor child who resides with you.

2. Stalking or sexual assault 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.

3. You may file a Petition for Protection from Stalking or Sexual Assault Order in any district court. In addition, you must complete the Protection from Stalking or Sexual Assault Confidential Address Form and include it with your petition.

4. You must notify the defendant by personal service that you have filed a Petition for a Protection from Stalking or Sexual Assault Order. To obtain personal service, you must fill out a Request for Service form, requesting that the sheriff deliver the Petition for Protection from Stalking or Sexual Assault to the defendant.

5. If the defendant is a minor, you must complete the Minor Defendant Addendum. Petitions, motions and temporary protection from stalking 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 requesting 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. A Final Protection from Stalking or Sexual Assault Order will expire after one year or on the date stated in the order, unless you request an extension or modification from the court. You may request that the court extend an order for one additional year, or longer under certain circumstances. If the defendant has violated a valid protection order or been convicted of a person felony against you or a member of your household, you may request the court extend the order for at least two years or up to the lifetime of the defendant. A request to extend an order for more than one year must be personally served on the defendant and the court must hold a hearing where the defendant may appear, present evidence, and question witnesses.