105

**IN THE DISTRICT COURT OF** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, KANSAS**

**IN THE INTEREST OF:**

**Name** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Case No.** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Year of Birth** **\_\_\_\_\_\_\_\_\_\_\_\_ 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 the above-captioned child is a Child in Need of Care, and 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Year of Birth: **\_\_\_\_\_\_\_\_\_\_\_\_** SSN: xxx-xx-\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ☐ see cover sheet

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ☐ unknown

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**2. MOTHER:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Year of Birth: ☐ see cover sheet SSN: xxx-xx-\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ☐ unknown ☐ see cover sheet

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ☐ unknown

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**3. FATHER:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Year of Birth: ☐ see cover sheet SSN: xxx-xx-\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ☐ unknown ☐ see cover sheet

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ☐ unknown

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**4. CUSTODIAN (if other than a parent):**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**5. MATERNAL GRANDPARENTS:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**6. PATERNAL GRANDPARENTS:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**7.** What is the child’s current location? (*Specify county*)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

How long has the child resided in that county?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Where else has the child lived during the last six months? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8. Appropriate public or private agencies have made reasonable efforts but have failed to maintain the family and prevent the removal of the child from the child’s home **or** reasonable efforts are not required to maintain the child in the home because an emergency exists which threatens the safety of the child as follows: (*Specify the basis for the allegation)*

**AND**

The childis likely to sustain harm if not immediately removed from the home; remaining in the home or returning to the home would be contrary to the welfare of the child; **and/or**, immediate placement is in the best interest of the child. (*Specify the basis for the allegation*)

☐ A statement setting out 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

Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fax: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**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

Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fax: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 reasonable efforts or the emergency, and the likelihood of sustaining harm. Identical facts may be used for both paragraphs.

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.

Please see K.S.A. 23-37,204, K.S.A. 38-2203, and K.S.A. 38-2204 regarding jurisdiction and venue.