

## KCSDV LAW AND POLICY E-NEWS

YOUR LEGAL RESOURCE FOR WORKING WITH VICTIMS OF  
SEXUAL & DOMESTIC VIOLENCE AND STALKING IN KANSAS

### **At A Glance: Protection Orders and the Transfer of Wireless Telephone Numbers (2018 Kansas HB No. 2524)**

The Kansas Legislature passed House Bill Number 2524 (HB No. 2524) during the 2018 legislative session. This bill was approved by Governor Colyer on April 5, 2018 and will become law on July 1, 2018. This Bill creates law allowing a court, at a hearing on a petition filed pursuant to the Protection from Abuse Act (PFAA) or Protection from Stalking or Sexual Assault Act (PFSSAA), to issue an order directing a wireless services provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner if the petitioner is not the account holder.<sup>1</sup> The Kansas Coalition Against Sexual and Domestic Violence supported this Bill and worked with drafters on the language of this Bill.

HB No. 2524 ensures that the petitioner, and any minor children in the care of the petitioner, may maintain their existing wireless telephone numbers. Survivors or their attorneys opting to petition for this type of protection can find the necessary forms online at the Legal Forms section of the Kansas Judicial Council Website (<https://www.kansasjudicialcouncil.org/legal-forms>). These forms can also be supplied by the clerk of the court. The Family Law Advisory Committee of the Kansas Judicial Council is working on amending Protection Order Forms for all 2018 legislative changes and estimates having those forms released by July 1, 2018.

Under this Bill, to transfer a wireless phone number a court shall issue a separate order directed to the wireless phone provider. This order must include: the name and billing address, telephone number of the account holder, the name and contact information of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred.<sup>2</sup>

To further protect survivors this Bill has laid out specific confidential address protocols in creating these orders. If the order is made in conjunction with a PFSSAA petition, the court must ensure the petitioner's address and telephone number are not disclosed to the account holder. If the order is made in conjunction with a petition filed under the PFAA, the court must direct that the petitioner's information remain confidential if the court finds the petitioner's address, telephone number, or both need to remain confidential.<sup>3</sup>

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<sup>1</sup> Kansas Legislative Research Department, PRELIMINARY SUMMARY OF LEGISLATION 2018 KANSAS LEGISLATURE, 33-34, (June 8, 2018) <http://www.kslegresearch.org/KLRD-web/Publications/SummaryofLegislation/PreliminarySummaries/2018-preliminary-summary.pdf>.

<sup>2</sup> Id.

<sup>3</sup> Id.

After the transfer of billing responsibility for and rights of a wireless number (or numbers) to the petitioner, the petitioner assumes all financial responsibility for such service(s). This responsibility could include monthly service costs and costs for any wireless device associated with the number or numbers. To be noted: a wireless provider is not prohibited from applying any routine and customary requirements for account establishment to the petitioner as part of the transfer of billing responsibility, including, but not limited to, identification, financial information, and customer preferences.<sup>4</sup> Lastly, the Bill requires any provider operating in Kansas to adhere to an order issued under its provisions and prohibits a provider from charging a fee for the services provided pursuant to the Bill.

### **Exact Text (May 2018):**

Protection from Abuse Act; Protection from Stalking or Sexual Assault Act; Transfer of Wireless Telephone Number; HB No. 2524

<https://www.legiscan.com/KS/text/HB2524/2017>

### **Questions:**

Questions about new legislation impacting survivors of sexual assault and domestic violence can be directed to the KCSDV Director of Legal and Policy, Sara Rust-Martin, via email at [srust-martin@kcsdv.org](mailto:srust-martin@kcsdv.org). Questions regarding protection orders can be directed to the KCSDV Protection Order Project Manager, Alyssa Bauer, via email at [abuaer@kcsdv.org](mailto:abuaer@kcsdv.org).

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<sup>4</sup> Id.

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## **Upcoming Trainings**

### **KCSDV Summer CLE Webinar Series**

The KCSDV legal team is putting on a series of six free CLE webinars this summer. Each webinar is 50 minutes, during the lunch hour. Highlighted below are the remaining webinars of the series with their objectives. There is additional information about all of these presentations on our website at [www.kcsdv.org/train](http://www.kcsdv.org/train).

#### **Webinar 3: Immigration Overview: The U Visa CLE Wednesday, July 25, 2018 @ 12:00**

Presenters: Jenna Christophel, KCSDV Immigration Project Attorney & Yesenia Ceja Ramirez, KCSDV Immigration Advocate

#### **Objectives:**

- Furnish an overview of KCSDV/resources & the Immigration Project
- Understand Immigration advocacy for survivors – what questions to ask
- Provide an overview of U Visa – what it is/where it comes from
- Review certifications of helpfulness – addressing immigration discrimination
- Discuss expected wait times for receiving immigration benefits

<https://attendee.gotowebinar.com/register/4114057341795967745>

#### **Webinar 4: Immigration Overview: VAWA Self-Petitions CLE**

**Wednesday, August 8, 2018 @ 12:00**

Presenters: Jenna Christophel, KCSDV Immigration Project Attorney & Yesenia Ceja Ramirez, KCSDV Immigration Advocate

Objectives:

- Furnishing an overview of KCSDV/resources we offer (Immigration Project)
- Understanding immigration advocacy for survivors – what questions to ask
- Providing an overview of form I-360
- Collecting evidence in VAWA cases
- Discussing USCIS VAWA interviews – things to watch for in SA/DV cases

<https://attendee.gotowebinar.com/register/5723435601115915777>

#### **Webinar 5: Protection Orders: Protecting All Victims of SA/DV CLE**

**Wednesday, August 22, 2018 @ 12:00**

Presenters: Jenna Christophel, KCSDV Immigration Project Attorney & Alyssa Bauer, KCSDV Protection Order Project

Objectives:

- Furnishing an overview of KCSDV (Protection Order Project)
- Reviewing the Kansas protection order statute
- Understanding who can apply for a protection order
- Helping immigrant communities feel empowered to seek protection orders
- Understanding advocacy in the civil system for undocumented persons
- Addressing what to do if a protection order is denied

<https://attendee.gotowebinar.com/register/4114057341795967745>

#### **Webinar 6: Ethical Considerations for Nonprofit Attorneys CLE**

**Wednesday, September 5, 2018 @ 12:00**

Presenters: Jenna Christophel, KCSDV Immigration Project Attorney & Jocilyn Oyler, KCSDV LAV Project Attorney

Objectives:

- Furnishing an overview of KCSDV/resources we offer
- Keeping client confidentiality in a nonprofit organization
- Representing clients on behalf of the organization – limited scope agreements
- Understanding what happens when a nonprofit attorney leaves
- Reviewing conflicts of interest & files – how far back should your database go?
- Becoming competent in all nonprofit needs – is it possible?

<https://attendee.gotowebinar.com/register/4114057341795967745>

#### **Questions about the webinars? Contact:**

Jenna Christophel

[jchristophel@kcsdv.org](mailto:jchristophel@kcsdv.org)

785-232-9784 ext. 330

## WHO'S WHO IN KANSAS DV/SV LAW

This section is the home for information on Kansas attorneys and advocates who are doing stellar work for victims of sexual assault, domestic violence and stalking. We want to feature all of the network referral attorneys and advocates who do the hard work of representing and working with victims. Please feel free to send nominations for Who's Who in DV/SA Law to Jenna Christophel at [jchristophel@kcsdv.org](mailto:jchristophel@kcsdv.org).

**Jennifer T. Tábuas**, KCSDV Staff Attorney - [jtabuas@kcsdv.org](mailto:jtabuas@kcsdv.org)



Jennifer Tábuas joined the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) this April as Staff Attorney. Jennifer has a background in family law, criminal law, children's advocacy, poverty law and immigration law. In her role as Staff Attorney her primary focus is providing technical assistance on legal issues regarding sexual assault, stalking, domestic violence, and human trafficking. This includes research, writing, legislative monitoring, and providing multi-disciplinary training to advocates, attorneys, law enforcement officers, criminal justice personnel and other professionals across Kansas.

Jennifer is a passionate advocate for social justice and has served with various agencies including Kansas Legal Services, Prairie Band Potawatomi Nation and the Disability Rights Center of Kansas before joining KCSDV. Jennifer most recently worked as a bilingual solo practitioner (English & Spanish) for over 4 years with a focus on children's advocacy as a Guardian ad litem, family law, housing law and immigration law. In 2000 Jennifer graduated with Honors in Anthropology from the University of Kansas. She went on to graduate from Washburn University School of Law with a juris doctorate degree in 2009.

Jennifer is a mother of four and in her spare time enjoys carpentry, photography and outdoor activities such as horseback riding and hiking.

Thank you, Jennifer, for all you do for victims-survivors in Kansas! It is only through the amazing work of you and other attorneys that survivors are able to receive the tools they desperately need to pursue safety, security, and healing. We appreciate your service to this Project!

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The E-news will regularly include information on events and law you won't want to miss, including upcoming trainings, conferences, legislation, cases that affect survivors of domestic and sexual violence, articles on current news stories, best practices when representing survivors of sexual and domestic violence.

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