

should state the reason for the request of the extension and must be personally served on the defendant.

- You may also seek an extension of the order for two years up to the lifetime of the abuser if the abuser has violated the protection order or committed a person felony crime against you or a member of your household by:
 - Filing a sworn motion (paperwork) for a two year to life time extension with the issuing court, and;
 - Having the paperwork personally served on the defendant.
- A hearing will be held where the abuser has the opportunity to present evidence and cross examine witnesses.

Special Issues Concerning Immigrant Victims

Can I get a PFA order if I am not a U.S. citizen?

YES. Regardless of your immigration status, you have a right to be protected.

Will I be deported if I get a PFA order?

Generally, civil courts do not ask about immigration status when seeking a protection order. However, you can contact your local domestic and sexual violence program or legal services office to find out about the practices in your area.

If you are a natural citizen, lawful permanent resident, or a valid visa holder, you are not likely to be deported unless you have violated certain immigration laws or committed certain crimes.

If you are undocumented, you may be at risk depending on the policies of your local court. A competent immigration attorney can help you determine if you qualify for any immigration remedies specifically for those abused by their partners. Do not seek help from Citizen and Immigration Services for information on immigration remedies available. Contact your local program to learn about your community resources. By law these programs should contact an interpreter if you do not speak English.

Will my partner be deported if I get a PFA order?

If you contact the police and your partner is convicted of a crime, your partner may be deported, depending on immigration status and the seriousness of the crime. A violation of a PFA order is a deportable offense.

Filing for a PFA

Advocates may be available to assist you with the filing of your PFA order, accompany you to court and provide information to you and your children. Call your local domestic and sexual violence program for assistance.

The information found in this brochure is a summary of the law. For more information or for legal advice, you should seek the assistance of an attorney.

In an Emergency, Call 911 Important Telephone Numbers

Police _____

Domestic/Sexual
Violence Program _____

Friend _____

Other _____

**You and your children
deserve to be safe.**

**ALWAYS KEEP YOUR COPY OF
THE PFA ORDER WITH YOU!**

**For 24/7 support, contact:
Kansas Crisis Hotline
1-888-END-ABUSE (1-888-363-2287)**

**To find the Kansas Sexual and Domestic
Violence Advocacy Program nearest you visit:
www.kcsdv.org/find-help**

What you need to know about

PFA

**Protection From Abuse Orders
in Kansas**

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 **Kansas
Coalition**
against sexual &
domestic violence

What is a Protection From Abuse (PFA) Order and Who May Qualify?

A PFA order is a civil court order telling a person to not have contact with you and/or your child/ren. To qualify for a PFA order you and the abuser must have had a specific relationship AND you must be the victim of abuse, meaning you must:

- Be living together OR
- Have lived together in the past OR
- Have a child in common OR
- Be in a dating relationship OR
- Have been in a dating relationship OR
- If seeking an order on behalf of a minor child, be the parent of or living with the child who has been abused

AND

- The abuser tried to physically harm you or the child or caused physical harm to you or the child
- The abuser has, by physical threat, caused you or the child to fear that physical harm is imminent
- The abuser has participated in certain sexual conduct with a child under 16 years of age who is not the abuser's spouse

How to Apply for a PFA Order

- You can pick up the necessary forms from your district court, your local domestic and sexual violence program or find them online at www.kscourts.org.
- You must swear that the content of the application (called a petition) is true by signing it.
- You can file the petition at the district court clerk's office.
- You should be prepared to tell the judge why you feel you need protection.
- You may be able to keep your address and phone number from the abuser by requesting the information remain confidential for safety reasons.
- You may be granted a temporary order that will protect you until the final hearing.
- The court will set a date and time within 21 days for a final hearing.

- At the final hearing, the judge will listen to both sides and decide if a final order should be issued, and that order could last up to one year.

What Can Happen Under a PFA Order?

Within a Final PFA order, the court may do any of the following:

- Order the abuser to not contact you or your child/ren;
- Require the abuser to leave the home or require the abuser to provide suitable alternate housing for you and your child/ren;
- Award custody of any children shared by you and the abuser and establish a parenting plan (visitation schedule);
- Order the abuser to pay child support and/or spousal support;
- Award costs and attorney fees to either party;
- Allow you or the abuser to safely get personal belongings from the home;
- Order the abuser not to disconnect the utility services to your home for up to 60 days;
- Order counseling for the abuser;
- Order or restrain the abuser from any other acts deemed necessary to keep you or your child/ren safe including but not limited to the return of keys, immigration papers, birth certificates or other important documents, or an order requiring your cell phone provider to separate your account and allow you to maintain your phone number.

Note: Once a final order is granted, the abuser is prohibited, by statute, from possessing any firearms for as long as the Protection from Abuse Order is valid.

What is a "Mutual Order" and How Can it Hurt You?

A mutual order indicates that both sides abused each other and neither acted in self defense. A mutual order prevents both of you from contacting each other.

A mutual order may harm you in the following ways:

- If you violate the order, you may be criminally prosecuted.
- You could be tricked by the abuser into violating the order, causing you to be arrested.
- The order may affect your employment options.
- The order could be used against you in a custody or divorce case.
- If you are an immigrant, a mutual order may affect your ability to gain or maintain a legal status. The violation of a protection order is a deportable offense.

A mutual order may only be issued against you when the following three things happen:

1. The abuser files a written counter-petition against you,
2. You are served with the counter-petition before the hearing, AND
3. At the final hearing, the judge decides you and the abuser were both primary aggressors and neither of you acted in self defense.

Sometimes a mutual order gets issued if you agree to it. If a counter-petition is filed against you or you are urged to agree to a mutual order, seriously consider asking for time to contact your local domestic and sexual violence program or an attorney. A mutual order will not keep you safe.

Other Things You Should Know

- It is not necessary to have an attorney represent you at the final PFA hearing but it might be in your best interest to have one. Check with your local program for options concerning legal representation in your area.
- The abuser will be given (served) a copy of the petition, a copy of the temporary order and may be at the final hearing. Based on the information you and the abuser present to the judge, the court will decide whether to issue a final PFA order.
- If you need a PFA order and the court is closed, you may be able to apply for an Emergency Order at your local law enforcement office.

Contact your local advocacy program to find out more about this option. These orders will automatically expire at 5:00 p.m. on the next regular working day of the district court. To continue this order, you must apply at the court.

- If the abuser violates the order before it is served, you can still call the police. They may not be able to arrest him for violating the order at that time, but they can still protect you and can also serve the order.
- If you are asking the court to order the abuser to pay child support, you should complete a child support worksheet.
- If you have children, you may be asked to file a parenting plan (visitation schedule). Be specific about times and places the abuser can see the children.
- When seeking custody in the order, be prepared to fill out the UCCJEA Affidavit, which asks where the children have been living for the past five years and with whom.
- If you do not want the abuser to see the children or you want the abuser to be supervised while with the children, be prepared to explain to the judge why this is necessary. Ask your local program if your community has a supervised child visitation and exchange center.
- If the abuser requests personal items from the home, make sure to express what time is best for you and that the police assist the abuser.
- Your PFA order should be enforceable in the state you received it as well as the rest of the United States, including Indian Tribal Lands, U.S. Territories and the District of Columbia.
- A PFA order can only be changed by the judge. If you want to end the order early, you must ask the court to modify it. The clerk at the district court can give you the forms for changing the order.
- The judge may issue a final PFA order that is good for up to a year. If you want to have the order extended for another year, before the order expires, you must file a motion (paperwork) with the court asking for the extension. This motion