

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT
SENATE BILL NO. 475**

As Agreed to May 8, 2002

Brief*

The Conference Committee agreed to the House amendments, made additional clarifying amendments, and added back in the ability to issue mutual protection from abuse orders under limited circumstances.

SB 475 amends the Protection From Abuse Act to expand those persons who may obtain a protection from abuse order to include persons who are or have been in a dating relationship, to require all protection from abuse orders including ex parte orders (emergency and temporary) and final or amended and other orders to be entered into the National Crime Information Center (NCIC) protection order file; and, to make other changes.

Intimate partner or household member is defined to mean persons who are or have been in a dating relationship, persons who reside together or who have formerly resided together, or persons who have had a child in common.

Dating relationship is defined to mean a social relationship of a romantic nature consisting of one or more dates. A dating relationship shall be presumed if a plaintiff verifies that the relationship exists. Factors that a court may consider in making a determination of whether a relationship exists or existed include:

- Nature of the relationship;
- Length of time the relationship existed;
- Frequency of interaction between the parties; and

*Conference committee summary reports are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree.

- Time since the termination of the relationship, if applicable.

SB 475 also limits the issuance of restraining orders to both parties only when specific findings of abuse are found against both and both acting primarily as aggressors and neither party acted primarily in self defense, expands the powers of the court to include ordering or restraining any other acts to promote the safety of the defendant or any minor children, limits the ability of a protective order to be issued against the plaintiff to situations when the defendant complies with certain procedures and when the court makes specific findings of abuse against both the plaintiff and the defendant and determines both parties acted primarily as aggressors and neither acted primarily in self-defense.

The House Committee amendments clarified that factors that may be considered when determining whether a relationship exists, in addition to those listed in the bill, clarifies that, although the items in the list are mandatory, these are not exclusive. Forms for the petition and orders will be prescribed by the Judicial Council instead of the Kansas Supreme Court.