

60-31a05. Hearing; temporary orders pending hearing. (a) Within 21 days of the filing of a petition under the protection from stalking or sexual assault act a hearing shall be held at which the plaintiff must prove the allegation of stalking or sexual assault by a preponderance of the evidence and the defendant shall have an opportunity to present evidence on the defendant's behalf. Upon the filing of the petition, the court shall set the case for hearing. At the hearing, the court shall advise the parties of the right to be represented by counsel.

(b) Prior to the hearing on the petition and upon a finding of good cause shown, the court on motion of a party may enter such temporary relief orders in accordance with K.S.A. 60-31a06, and amendments thereto, or any combination thereof, as it deems necessary to protect the victim from being stalked. Temporary orders may be granted ex parte on presentation of a verified petition by the victim supporting a prima facie case of stalking or sexual assault.

(c) If a hearing under subsection (a) is continued, the court may make or extend such temporary orders under subsection (b) as it deems necessary.

History: L. 2002, ch. 141, § 5; L. 2010, ch. 135, § 189; L. 2017, ch. 66, § 7; July 1.