

1 AN ACT relating to expiration of protective orders.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 209A.122 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Center" means the Criminal Justice Statistical Analysis Center created in  
6 KRS 15.280;

7 (b) "Corollary victim" means an individual other than the victim who is directly  
8 impacted by domestic violence and abuse or dating violence and abuse, either  
9 through relationship or proximity;

10 (c) "Domestic violence fatalities" means deaths that occur as a result of domestic  
11 violence and abuse or dating violence and abuse, and includes but is not  
12 limited to homicides, related suicides, and corollary victims; and

13 (d) "Near fatality" means a crime where serious physical injury as defined in KRS  
14 500.080 occurs.

15 (2) The center shall:

16 (a) Collect information on domestic violence fatalities, domestic violence and  
17 abuse, and dating violence and abuse within the Commonwealth from  
18 subsections (3) to (5) of this section; and

19 (b) Produce an annual report by July 1 of each year and submit the report to the:

20 1. Kentucky Coalition Against Domestic Violence;

21 2. Governor;

22 3. Cabinet for Health and Family Services;

23 4. Interim Joint Committee on Judiciary;

24 5. Interim Joint Committee on Families and Children; and

25 6. Legislative Research Commission.

26 The Kentucky Coalition Against Domestic Violence may provide the agencies  
27 listed in paragraph (b)1. to 6. of this subsection with best practices and any other

1 recommendations for public policy by November 1 of each year.

2 (3) (a) The Department of Kentucky State Police shall provide the center with:

3 1. The number of domestic violence and abuse and dating violence and  
4 abuse calls for service to which the Kentucky State Police and  
5 associated law enforcement agencies responded;

6 2. The number of arrests by Kentucky State Police and associated agencies  
7 in response to calls of domestic violence and abuse or dating violence  
8 and abuse; and

9 3. If an arrest was made, the arresting offense charged by Kentucky State  
10 Police or associated law enforcement agencies.

11 (b) The Department of Kentucky State Police shall separately provide the center  
12 with information reported to the Law Information Network of Kentucky  
13 (LINK). The Department of Kentucky State Police shall provide the center  
14 with the:

15 1. Number of orders of protection received to be served by law  
16 enforcement agencies;

17 2. Number of orders of protection served by law enforcement agencies;

18 3. Number of orders of protection in LINK; and

19 4. Average time for actual service to be returned.

20 (4) The Administrative Office of the Courts shall provide the center with:

21 (a) The number and type of petitions for orders of protection filed and denied  
22 under KRS 403.725;

23 (b) The number and type of petitions for interpersonal violence orders filed and  
24 denied under KRS 456.030;

25 (c) The number of emergency protective orders granted under KRS 403.730 and  
26 temporary interpersonal protective orders granted under KRS 456.040;

27 **(d) The number of emergency protective orders rescinded without prejudice**

**under Section 2 of this Act and interpersonal protective orders rescinded  
without prejudice under Section 3 of this Act;**

**(e)**~~(d)~~ The number of domestic violence orders granted under KRS 403.740 and interpersonal protective orders granted under 456.060, excluding amended or corrected orders;

**(f)**~~(e)~~ The relationship between the petitioner and the respondent, if known;

**(g)**~~(f)~~ Demographics of the parties, including age, race, and gender;

**(h)**~~(g)~~ Information on whether the victim was or is pregnant, if indicated on the petition; and

**(i)**~~(h)~~ The number of criminal charges for a violation of an order of protection.

(5) The Cabinet for Health and Family Services shall provide the center with:

(a) The number of reports of alleged child abuse made to the cabinet through an adult or child abuse hotline in which there were also allegations of domestic violence; and

(b) Domestic violence and abuse and dating violence and abuse shelter statistics reported to the cabinet, including but not limited to the:

1. Number of minors served in shelter;
2. Number of minors served in non-shelter services;
3. Number of adults served in shelter;
4. Number of adults served in non-shelter services;
5. Demographics, including age and race;
6. Number of crisis or hotline calls;
7. Number of minors receiving:
  - a. Crisis intervention;
  - b. Victim advocacy services; and
  - c. Individual or group counseling or support group; and
8. Number of adult victims receiving:

- 1 a. Crisis intervention;
- 2 b. Victim advocacy services;
- 3 c. Individual or group counseling or support group;
- 4 d. Criminal or civil legal advocacy;
- 5 e. Medical accompaniment; and
- 6 f. Transportation services.

7 ➔Section 2. KRS 403.735 is amended to read as follows:

- 8 (1) Prior to or at a hearing on a petition for an order of protection:
- 9 (a) The court may obtain the respondent's Kentucky criminal and protective order  
10 history and utilize that information to assess what relief and which sanctions  
11 may protect against danger to the petitioner or other person for whom  
12 protection is being sought, with the information so obtained being provided to  
13 the parties in accordance with the Kentucky Rules of Civil Procedure; and
  - 14 (b) If the petitioner or respondent is a minor, the court shall inquire whether the  
15 parties attend school in the same school system to assist the court in imposing  
16 conditions in the order that have the least disruption in the administration of  
17 education to the parties while providing appropriate protection to the  
18 petitioner.
- 19 (2) (a) If the adverse party is not present at the hearing ordered pursuant to KRS  
20 403.730 and has not been served, a previously issued emergency protective  
21 order shall remain in place, and the court shall direct the issuance of a new  
22 summons for a hearing set not more than fourteen (14) days in the future. If  
23 service has not been made on the adverse party before that hearing or a  
24 subsequent hearing, the emergency protective order shall remain in place, and  
25 the court shall continue the hearing and issue a new summons with a new date  
26 and time for the hearing to occur, which shall be within fourteen (14) days of  
27 the originally scheduled date for the continued hearing. The court shall repeat

1 the process of continuing the hearing and reissuing a new summons until the  
2 adverse party is served in advance of the scheduled hearing. If service has not  
3 been made on the respondent at least seventy-two (72) hours prior to the  
4 scheduled hearing, the court may continue the hearing no more than fourteen  
5 (14) days in the future. In issuing the summons, the court shall simultaneously  
6 transmit a copy of the summons or notice of its issuance and provisions to the  
7 petitioner.

- 8 (b) The provisions of this section permitting the continuance of an emergency  
9 protective order shall be limited to twelve (12)~~[six (6)]~~ months from the  
10 issuance of the emergency protective order. If the respondent has not been  
11 served within that period, the order shall be rescinded without prejudice. Prior  
12 to the expiration of the emergency protective order, the court shall provide  
13 notice to the petitioner stating that, if the petitioner does not file a new  
14 petition, the order shall be rescinded without prejudice.

15 ➔Section 3. KRS 456.050 is amended to read as follows:

- 16 (1) Prior to or at a hearing on a petition for an interpersonal protective order:

- 17 (a) The court may obtain the respondent's Kentucky criminal and protective order  
18 history and utilize that information to assess what relief and which sanctions  
19 may protect against danger to the petitioner or other person for whom  
20 protection is being sought, with the information so obtained being provided to  
21 the parties in accordance with the Kentucky Rules of Civil Procedure; and  
22 (b) If the petitioner or respondent is a minor, the court shall inquire whether the  
23 parties attend school in the same school system to assist the court in imposing  
24 conditions in the order that have the least disruption in the administration of  
25 education to the parties while providing appropriate protection to the  
26 petitioner.

- 27 (2) (a) If the adverse party is not present at the hearing ordered pursuant to KRS

1           456.040 and has not been served, a previously issued temporary interpersonal  
2           protective order shall remain in place, and the court shall direct the issuance  
3           of a new summons for a hearing set not more than fourteen (14) days in the  
4           future. If service has not been made on the adverse party before that hearing  
5           or a subsequent hearing, the temporary interpersonal protective order shall  
6           remain in place, and the court shall continue the hearing and issue a new  
7           summons with a new date and time for the hearing to occur, which shall be  
8           within fourteen (14) days of the originally scheduled date for the continued  
9           hearing. The court shall repeat the process of continuing the hearing and  
10          reissuing a new summons until the adverse party is served in advance of the  
11          scheduled hearing. If service has not been made on the respondent at least  
12          seventy-two (72) hours prior to the scheduled hearing, the court may continue  
13          the hearing no more than fourteen (14) days in the future. In issuing the  
14          summons, the court shall simultaneously transmit a copy of the summons or  
15          notice of its issuance and provisions to the petitioner.

- 16          (b) The provisions of this section permitting the continuance of an interpersonal  
17          protective order shall be limited to twelve (12)~~six (6)~~ months from the  
18          issuance of the temporary interpersonal protective order. If the respondent has  
19          not been served within that period, the order shall be rescinded without  
20          prejudice. Prior to the expiration of the temporary interpersonal protective  
21          order, the court shall provide notice to the petitioner stating that, if the  
22          petitioner does not file a new petition, the order shall be rescinded without  
23          prejudice.