

1 AN ACT relating to petitions for orders of protection.

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

3 ➔Section 1. KRS 403.725 is amended to read as follows:

- 4 (1) A petition for an order of protection may be filed by:
- 5 (a) A victim of domestic violence and abuse; or
- 6 (b) An adult on behalf of a victim who is a minor otherwise qualifying for relief
- 7 under this subsection.
- 8 (2) The petition may be filed in the victim's county of residence or a county where the
- 9 victim has fled to escape domestic violence and abuse.
- 10 (3) The petition shall be verified and contain:
- 11 (a) The name, age, address, occupation, residence, and school or postsecondary
- 12 institution of the petitioner;
- 13 (b) The name, age, address, occupation, residence, and school or postsecondary
- 14 institution of the person or persons who have engaged in the alleged act or
- 15 acts complained of in the petition;
- 16 (c) The facts and circumstances which constitute the basis for the petition;
- 17 (d) The date and place of the marriage of the parties, if applicable; and
- 18 (e) The names, ages, and addresses of the petitioner's minor children, if
- 19 applicable.
- 20 (4) The petition shall be filed on forms prescribed by the Administrative Office of the
- 21 Courts and provided to the person seeking relief by the circuit clerk or by another
- 22 individual authorized by the court to provide and verify petitions in emergency
- 23 situations, such as law enforcement officers, Commonwealth's or county attorneys,
- 24 and regional rape crisis centers or domestic violence shelters.
- 25 (5) All petitions requested, completed, and signed by persons seeking protection under
- 26 this chapter shall be accepted and filed with the court.
- 27 (6) (a) Jurisdiction over petitions filed under this chapter shall be concurrent between

1 the District Court and Circuit Court and a petition may be filed by a petitioner
2 in either court, except that a petition shall be filed in a family court if one has
3 been established in the county where the petition is filed.

4 (b) The Court of Justice shall provide a protocol for twenty-four (24) hour access
5 to orders of protection in each county with any protocol, whether statewide or
6 local, being subject to Supreme Court review and approval of the initial
7 protocol and any subsequent amendments. This protocol may allow for
8 petitions to be filed in or transferred to a court other than those specified in
9 paragraph (a) of this subsection.

10 (c) The Court of Justice may authorize by rule that petitions in a specific county
11 be filed in accordance with a supplemental jurisdictional protocol adopted for
12 that county. This protocol may provide for petitions to be filed in or
13 transferred to a court other than those specified in paragraph (a) of this
14 subsection.

15 (d) 1. In addition to the protocols for twenty-four (24) hour access established
16 under paragraphs (b) and (c) of this subsection, ~~before January 1, 2019,~~
17 ~~the~~ Court of Justice shall provide protocols for filing, including
18 electronic filing, of petitions for orders of protection;

19 a. At those regional rape crisis centers designated under KRS
20 211.600, or regional domestic violence shelters designated under
21 KRS 209A.045, that elect to participate in any county's twenty-
22 four (24) hour access protocol; and

23 b. By law enforcement officers.

24 2. These protocols shall be subject to Supreme Court review for approval
25 of the initial protocol and any subsequent amendments.

26 (7) Any judge to whom a petition is referred under subsection (6) of this section shall
27 have full authority to review and hear a petition and subsequently grant and enforce

1 an order of protection.

2 (8) If the judge of a court in which there is a pending request for modification or
3 enforcement of an existing order of protection is unavailable or unable to act within
4 a reasonable time, the proceedings may be conducted by any judge of the county in
5 accordance with court rules.

6 ➔Section 2. KRS 456.030 is amended to read as follows:

7 (1) A petition for an interpersonal protective order may be filed by:

8 (a) A victim of dating violence and abuse;

9 (b) A victim of stalking;

10 (c) A victim of sexual assault; or

11 (d) An adult on behalf of a victim who is a minor otherwise qualifying for relief
12 under this subsection.

13 (2) The petition may be filed in the victim's county of residence or a county where the
14 victim has fled to escape dating violence and abuse, stalking, or sexual assault.

15 (3) The petition shall be verified and contain:

16 (a) The name, age, address, occupation, residence, and school or postsecondary
17 institution of the petitioner;

18 (b) The name, age, address, occupation, residence, and school or postsecondary
19 institution of the person or persons who have engaged in the alleged act or
20 acts complained of in the petition;

21 (c) The facts and circumstances which constitute the basis for the petition; and

22 (d) The names, ages, and addresses of the petitioner's minor children, if
23 applicable.

24 (4) The petition shall be filed on forms prescribed by the Administrative Office of the
25 Courts and provided to the person seeking relief by the circuit clerk or by another
26 individual authorized by the court to provide and verify petitions in emergency
27 situations, such as law enforcement officers, Commonwealth's or county attorneys,

1 and regional rape crisis centers or domestic violence shelters.

2 (5) All petitions requested, completed, and signed by persons seeking protection under
3 this chapter shall be accepted and filed with the court.

4 (6) (a) Jurisdiction over petitions filed under this chapter shall be concurrent between
5 the District Court and Circuit Court.

6 (b) The Court of Justice shall provide a protocol for twenty-four (24) hour access
7 to interpersonal protective orders in each county with any protocol, whether
8 statewide or local, being subject to Supreme Court review and approval of the
9 initial protocol and any subsequent amendments. This protocol may allow for
10 petitions to be filed in or transferred to a court other than those specified in
11 paragraph (a) of this subsection.

12 (c) The Court of Justice may authorize by rule that petitions in a specific county
13 be filed in accordance with a supplemental jurisdictional protocol adopted for
14 that county. This protocol may provide for petitions to be filed in or
15 transferred to a court other than those specified in paragraph (a) of this
16 subsection.

17 (d) 1. In addition to the protocols for twenty-four (24) hour access established
18 under paragraphs (b) and (c) of this subsection, ~~before January 1, 2019,~~
19 ~~the~~ Court of Justice shall provide protocols for filing, including
20 electronic filing, of petitions for orders of protection;

21 a. At those regional rape crisis centers designated under KRS
22 211.600, or regional domestic violence shelters designated under
23 KRS 209A.045, that elect to participate in any county's twenty-
24 four (24) hour access protocol; and

25 b. By law enforcement officers.

26 2. These protocols shall be subject to Supreme Court review for approval
27 of the initial protocol and any subsequent amendments.

- 1 (7) Any judge to whom a petition is referred under subsection (6) of this section shall
2 have full authority to review and hear a petition and subsequently grant and enforce
3 an interpersonal protective order.
- 4 (8) If the judge of a court in which there is a pending request for modification or
5 enforcement of an existing order of protection is unavailable or unable to act within
6 a reasonable time, the proceedings may be conducted by any judge of the county in
7 accordance with court rules.