

456.060 Ruling on petition for interpersonal protective order -- Duration of order.

(1) Following a hearing ordered under KRS 456.040, if a court finds by a preponderance of the evidence that dating violence and abuse, sexual assault, or stalking has occurred and may again occur, the court may issue an interpersonal protective order:

(a) Restraining the adverse party from:

1. Committing further acts of dating violence and abuse, stalking, or sexual assault;
2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
5. Disposing of or damaging any of the property of the parties;

(b) Authorizing, at the request of the petitioner:

1. Limited contact or communication between the parties that the court finds necessary; or
2. The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.

Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;

(c) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of dating violence and abuse, stalking, or sexual assault, except that the court shall not order the petitioner to take any affirmative action;

(d) Directing that either or both of the parties receive counseling services available in the community in dating violence and abuse cases; and

(e) Awarding possession of any shared domestic animal to the petitioner.

(2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:

(a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;

(b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;

(c) Specifically describe in the order the locations or areas prohibited to the respondent; and

(d) Consider structuring a restriction so as to allow the respondent transit through

an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.

- (3) An interpersonal protective order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 143, sec. 3, effective July 14, 2022; and ch. 158, sec. 4, effective July 14, 2022. -- Created 2015 Ky. Acts ch. 102, sec. 24, effective January 1, 2016.

Legislative Research Commission Note (7/14/2022). This statute was amended by 2022 Ky. Acts chs. 143 and 158, which do not appear to be in conflict and have been codified together.