

1 AN ACT relating to interpersonal protective orders.

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

3 ➔Section 1. KRS 456.030 is amended to read as follows:

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

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

6 (b) A victim of stalking;

7 (c) A victim of sexual assault;~~[-or]~~

8 (d) An adult on behalf of a victim who is a minor otherwise qualifying for relief
9 under this subsection; or

10 *(e) A mental health professional or clergy person who provides pastoral care*
11 *and who is a victim of stalking or sexual assault by a patient.*

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

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

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

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

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

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

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

- 1 (5) All petitions requested, completed, and signed by persons seeking protection under
2 this chapter shall be accepted and filed with the court.
- 3 (6) (a) Jurisdiction over petitions filed under this chapter shall be concurrent between
4 the District Court and Circuit Court.
- 5 (b) The Court of Justice shall provide a protocol for twenty-four (24) hour access
6 to interpersonal protective orders in each county with any protocol, whether
7 statewide or local, being subject to Supreme Court review and approval of the
8 initial protocol and any subsequent amendments. This protocol may allow for
9 petitions to be filed in or transferred to a court other than those specified in
10 paragraph (a) of this subsection.
- 11 (c) The Court of Justice may authorize by rule that petitions in a specific county
12 be filed in accordance with a supplemental jurisdictional protocol adopted for
13 that county. This protocol may provide for petitions to be filed in or
14 transferred to a court other than those specified in paragraph (a) of this
15 subsection.
- 16 (d) 1. In addition to the protocols for twenty-four (24) hour access established
17 under paragraphs (b) and (c) of this subsection, before January 1, 2019,
18 the Court of Justice shall provide protocols for filing, including
19 electronic filing, of petitions for orders of protection at those regional
20 rape crisis centers designated under KRS 211.600, or regional domestic
21 violence shelters designated under KRS 209A.045, that elect to
22 participate in any county's twenty-four (24) hour access protocol.
- 23 2. These protocols shall be subject to Supreme Court review for approval
24 of the initial protocol and any subsequent amendments.
- 25 (7) Any judge to whom a petition is referred under subsection (6) of this section shall
26 have full authority to review and hear a petition and subsequently grant and enforce
27 an interpersonal protective order.

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

5 ➔Section 2. KRS 456.010 is amended to read as follows:

6 As used in this chapter:

- 7 (1) *A "clergy person" means a minister, priest, rabbi, accredited Christian Science*
8 *practitioner, or other similar functionary of a religious organization, or an*
9 *individual reasonably believed so to be by the person consulting him;*
- 10 (2) "Dating relationship" means a relationship between individuals who have or have
11 had a relationship of a romantic or intimate nature. It does not include a casual
12 acquaintanceship or ordinary fraternization in a business or social context. The
13 following factors may be considered in addition to any other relevant factors in
14 determining whether the relationship is or was of a romantic or intimate nature:
- 15 (a) Declarations of romantic interest;
 - 16 (b) The relationship was characterized by the expectation of affection;
 - 17 (c) Attendance at social outings together as a couple;
 - 18 (d) The frequency and type of interaction between the persons, including whether
19 the persons have been involved together over time and on a continuous basis
20 during the course of the relationship;
 - 21 (e) The length and recency of the relationship; and
 - 22 (f) Other indications of a substantial connection that would lead a reasonable
23 person to understand that a dating relationship existed;
- 24 (3)~~(2)~~ "Dating violence and abuse" means physical injury, serious physical injury,
25 stalking, sexual assault, strangulation, or the infliction of fear of imminent physical
26 injury, serious physical injury, sexual abuse, strangulation, or assault occurring
27 between persons who are or have been in a dating relationship;

- 1 ~~(4)~~~~(3)~~ "Foreign protective order" means any judgment, decree, or order of protection
2 which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which was
3 not issued on the basis of domestic violence and abuse;
- 4 ~~(5)~~~~(4)~~ "Global positioning monitoring system" means a system that electronically
5 determines a person's location through a device worn by the person which does not
6 invade his or her bodily integrity and which transmits the person's latitude and
7 longitude data to a monitoring entity;
- 8 ~~(6)~~~~(5)~~ **"Mental health professional" means:**
- 9 **(a) A physician licensed under the laws of Kentucky to practice medicine or**
10 **osteopathy, or a medical officer of the government of the United States**
11 **while engaged in conducting mental health services;**
- 12 **(b) A psychiatrist licensed under the laws of Kentucky to practice medicine or**
13 **osteopathy, or a medical officer of the government of the United States**
14 **engaged in conducting mental health services;**
- 15 **(c) A psychologist, a psychological practitioner, a certified psychologist, or a**
16 **psychological associate, licensed under the provisions of KRS Chapter 319;**
- 17 **(d) A registered nurse licensed under the provisions of KRS Chapter 314**
18 **engaged in providing mental health services;**
- 19 **(e) A licensed clinical social worker licensed under the provisions of KRS**
20 **335.100, or a certified social worker licensed under the provisions of KRS**
21 **335.080 engaged in providing mental health services;**
- 22 **(f) A marriage and family therapist licensed under the provisions of KRS**
23 **335.300 to 335.399 engaged in providing mental health services;**
- 24 **(g) A professional counselor credentialed under the provisions of KRS Chapter**
25 **335.500 to 335.599 engaged in providing mental health services;**
- 26 **(h) An art therapist certified under KRS 309.130 to 309.1399 engaged in**
27 **providing mental health services; or**

1 (i) A pastoral counselor licensed under the provisions of KRS 335.600 to
2 335.699 engaged in providing mental health services;

3 (7) "Order of protection" means any interpersonal protective order, including those
4 issued on a temporary basis, and includes a foreign protective order;

5 (8) "Patient" means a person under observation, care, or treatment in a hospital,
6 including a person currently under the outpatient care or treatment of a mental
7 health professional;

8 (9)~~[(6)]~~ "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy,
9 or sexual abuse under KRS Chapter 510 or incest under KRS 530.020;

10 (10)~~[(7)]~~ "Stalking" refers to conduct prohibited as stalking under KRS 508.140 or
11 508.150;

12 (11)~~[(8)]~~ "Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175;
13 and

14 (12)~~[(9)]~~ "Substantial violation" means criminal conduct which involves actual or
15 threatened harm to the person, family, or property of an individual protected by an
16 order of protection.