

1 AN ACT relating to protective orders involving minors.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) Any petition filed under KRS 456.030 on behalf of a minor, or in which a minor*  
6 *is named as a respondent or petitioner, shall comply with the requirements in that*  
7 *section and shall:*

8 *(a) Proceed in accordance with the procedural safeguards under KRS 610.070;*

9 *(b) Conform to the confidentiality provisions under KRS 610.340; and*

10 *(c) Comply with the requirement of KRS 456.050(1)(b).*

11 *(2) If the court orders an evidentiary hearing under KRS 456.040(1)(a), a guardian*  
12 *ad litem shall be appointed for any unrepresented minor who is a party to the*  
13 *action. The guardian ad litem shall be paid a fee fixed by the court not to exceed*  
14 *five hundred dollars (\$500), which shall be paid by the Finance and*  
15 *Administration Cabinet.*

16 *(3) Violation of the terms or conditions of an order of protection issued under KRS*  
17 *456.060 after the person has been served or given notice of the order shall*  
18 *constitute contempt of court and may constitute a public offense as defined in*  
19 *KRS 600.020(51). Once a juvenile action or contempt proceeding has been*  
20 *initiated, the other shall not be undertaken regardless of the outcome of the*  
21 *original proceeding.*

22 *(4) Nothing in subsection (3) of this section shall preclude the Commonwealth from*  
23 *proceeding, or the petitioner from pursuing charges, against the minor*  
24 *respondent for offenses other than a violation of an order of protection.*  
25 *Proceedings against a minor respondent for offenses other than a violation of an*  
26 *order of protection shall proceed:*

27 *(a) In the juvenile session of District Court; and*

1        (b) In accordance with the procedural and statutory provisions established for  
 2                the juvenile session of District Court.

3        (5) Proceedings for contempt of court against a minor under KRS Chapter 456 shall  
 4                proceed in the juvenile session of District Court subject to the requirements  
 5                contained in KRS 610.265 and 630.080 and shall be held in the county where:

6                (a) The child is living;

7                (b) The child is found;

8                (c) The petition for the interpersonal protective order was filed; or

9                (d) The interpersonal protective order was issued.

10        ➔SECTION 2. A NEW SECTION OF KRS 403.715 TO 403.785 IS CREATED  
 11 TO READ AS FOLLOWS:

12        (1) Any petition filed under KRS 403.725 on behalf of a minor, or in which a minor  
 13                is named as a respondent or petitioner, shall comply with the requirements in that  
 14                section and shall:

15                (a) Proceed in accordance with the procedural safeguards under KRS 610.070;

16                (b) Conform to the confidentiality provisions under KRS 610.340; and

17                (c) Comply with the requirement of KRS 403.735(1)(b).

18        (2) If the court orders an evidentiary hearing under KRS 403.730(1)(a), a guardian  
 19                ad litem shall be appointed for any unrepresented minor who is a party to the  
 20                action. The guardian ad litem shall be paid a fee fixed by the court not to exceed  
 21                five hundred dollars (\$500), which shall be paid by the Finance and  
 22                Administration Cabinet.

23        (3) Violation of the terms or conditions of an order of protection issued under KRS  
 24                403.740 after the person has been served or given notice of the order shall  
 25                constitute contempt of court and may constitute a public offense as defined in  
 26                KRS 600.020(51). Once a juvenile action or contempt proceeding has been  
 27                initiated, the other shall not be undertaken regardless of the outcome of the

- 1        original proceeding.
- 2        (4) Nothing in subsection (3) of this section shall preclude the Commonwealth from
- 3        proceeding, or the petitioner from pursuing charges, against the minor
- 4        respondent for offenses other than a violation of an order of protection.
- 5        Proceedings against a minor respondent for offenses other than a violation of an
- 6        order of protection shall proceed:
- 7        (a) In the juvenile session of District Court; and
- 8        (b) In accordance with the procedural and statutory provisions established for
- 9        the juvenile session of District Court.
- 10       (5) Proceedings for contempt of court against a minor under KRS Chapter 403 shall
- 11       proceed in the juvenile session of District Court subject to the requirements
- 12       contained in KRS 610.265 and 630.080 and shall be held in the county where:
- 13       (a) The child is living;
- 14       (b) The child is found;
- 15       (c) The petition for the order of protection was filed; or
- 16       (d) The order of protection was issued.