

1 AN ACT relating to paternity in domestic violence actions.

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

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

24 (7) Any judge to whom a petition is referred under subsection (6) of this section shall
25 have full authority to:

26 (a) Review and hear a petition; ~~and~~

27 (b) Subsequently grant and enforce an order of protection; and

1 *(c) In cases involving a question of paternity of a minor, make a determination*
2 *of paternity in the same manner as in KRS 406.021(2).*

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

7 ➔Section 2. KRS 403.740 is amended to read as follows:

8 (1) Following a hearing ordered under KRS 403.730, if a court finds by a
9 preponderance of the evidence that domestic violence and abuse has occurred and
10 may again occur, the court may issue a domestic violence order:

11 (a) Restraining the adverse party from:

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

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

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

27 Nothing in this paragraph shall be interpreted to place any restriction or

1 restraint on the petitioner;

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

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

7 (e) Additionally, if applicable:

8 1. Directing the adverse party to vacate a residence shared by the parties to
9 the action;

10 2. *In cases involving a question of the paternity of a minor, making a*
11 *determination of paternity in the same manner as in KRS 406.021(2);*

12 ~~3[2].~~ Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822,
13 grant temporary custody, subject to KRS 403.315;

14 ~~4[3].~~ Utilizing the criteria set forth in KRS 403.211, 403.212, 403.2122, and
15 403.213, award temporary child support; and

16 ~~5[4].~~ Awarding possession of any shared domestic animal to the petitioner.

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

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

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

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

26 (d) Consider structuring a restriction so as to allow the respondent transit through
27 an area if the respondent does not interrupt his or her travel to harass, harm, or

1 attempt to harass or harm the petitioner.

2 (3) When temporary child support is granted under this section, the court shall enter an
3 order detailing how the child support is to be paid and collected. Child support
4 ordered under this section may be enforced utilizing the same procedures as any
5 other child support order.

6 (4) A domestic violence order shall be effective for a period of time fixed by the court,
7 not to exceed three (3) years, and may be reissued upon expiration for subsequent
8 periods of up to three (3) years each. The fact that an order has not been violated
9 since its issuance may be considered by a court in hearing a request for a reissuance
10 of the order.