

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

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

1 a reasonable time, the proceedings may be conducted by any judge of the county in
2 accordance with court rules.

3 ➔Section 2. KRS 456.140 is amended to read as follows:

4 (1) A copy of a foreign protective order may be filed in the office of the clerk of any
5 District Court~~[of competent jurisdiction]~~ of this state. A filed foreign protective
6 order~~[so filed]~~ shall have the same effect and shall be enforced in the same manner
7 as an interpersonal protective order issued by a court of this state.

8 (2) (a) At the time of the filing of the foreign protective order, the person filing the
9 order shall file with the clerk of the court an affidavit on a form prescribed
10 and provided by the Administrative Office of the Courts. The affidavit shall
11 set forth the name, city, county, and state or other jurisdiction of the issuing
12 court. The person shall certify in the affidavit the validity and status of the
13 foreign protective order, and attest to the person's belief that the order has not
14 been amended, rescinded, or superseded by any orders from a court of
15 competent jurisdiction. All foreign protective orders presented with a
16 completed and signed affidavit shall be accepted and filed.

17 (b) The affidavit signed by the applicant shall have space where the reviewing
18 judge shall place information necessary to allow the order's entry into the Law
19 Information Network of Kentucky in the same manner as a Kentucky order.

20 (3) (a) If the person seeking to file the order presents a copy of the foreign protective
21 order which is current by the terms of the order and has been certified by the
22 clerk or other authorized officer of the court which issued it, the circuit clerk
23 shall present it to the District Judge~~[or Circuit Judge]~~, who shall read the
24 order and enter on the affidavit the information necessary to allow the order's
25 entry into the Law Information Network of Kentucky. The order shall not be
26 subject to further verification and shall be accepted as authentic, current, and
27 subject to full faith and credit.

(b) I. If the order presented is current by the terms of the order but is not certified in the manner specified in paragraph (a) of this subsection, the circuit clerk shall present the order and the affidavit to the District ~~or Circuit~~ Judge, who shall read the order and enter on the affidavit the information necessary to allow the order's entry into the Law Information Network of Kentucky.

7 2. The order shall be subject to full faith and credit in the same manner as a
8 Kentucky interpersonal protective order, but shall be subject to
9 verification by the circuit clerk. The order shall be valid for a period of
10 fourteen (14) days and may be renewed once for a period of fourteen
11 (14) days if the circuit clerk has not received a certified copy of the
12 order from the issuing jurisdiction.

13 **3.** The clerk shall treat the foreign protective order in the same manner as
14 an interpersonal protective order of this **Commonwealth**~~[state]~~ issued
15 pursuant to KRS 456.060, except that no service on the adverse party
16 shall be required pursuant to 18 U.S.C. sec. 2265.

(c) Upon the filing of an uncertified foreign protective order, the circuit clerk shall, within two (2) business days, contact the issuing court to request a certified copy of the order. If the certified copy of the order is received by the circuit clerk within the initial fourteen (14) day period, the clerk shall cause the information that certification has been received to be entered into the Law Information Network of Kentucky and shall notify the applicant for the order of the fact of its certification. A facsimile copy of a certified foreign protective order shall be grounds for the issuance of an interpersonal protective order.

26 (d) **I.** If the clerk has not received a certified copy of the foreign protective
27 order within ten (10) days, the clerk shall notify the court and the

1 applicant that the order has not been received. The notice to the
2 applicant, on a form prepared by the Administrative Office of the
3 Courts, shall state that the foreign protective order will be extended for
4 another fourteen (14) days, but will be dismissed at the expiration of that
5 time.

6 2. If the clerk informs the judge in writing that the certified foreign
7 protective order has been requested but has not yet been received, the
8 judge shall extend the foreign protective order for a period of fourteen
9 (14) days. If certification of the foreign protective order is not received
10 within twenty-eight (28) days, the foreign protective order shall expire
11 and shall not be reissued.

12 3. If the applicant meets the qualifications for the issuance of a Kentucky
13 interpersonal protective order, the court may, upon proper application
14 and showing of evidence, issue a Kentucky order in accordance with this
15 chapter.

16 (4) The right of a person filing a foreign protective order to bring an action to enforce
17 the order instead of proceeding under this chapter remains unimpaired.