KENTUCKY CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC's TA team if you have questions!

In Kentucky, there are 2 types of civil protection orders:

- ☐ **Interpersonal Protective Orders** are available for individuals seeking protection from dating violence and abuse, sexual assault, or stalking (KRS § 456.010 et seq.).

- ☐ **Domestic Violence Orders** are available for individuals seeking protection from domestic violence and abuse by a family member or by the other member of an unmarried couple (KRS §§ 403.715-403.785.).

INTERPERSONAL PROTECTIVE ORDER

Who can apply?	Anyone who is a victim of any of the following, or an adult on behalf of a qualifying minor: • **Dating violence and abuse**; • **Stalking**; • **Sexual assault**. *KRS § 456.030(1)(a-d).* **Dating violence and abuse** means any of the following occurring between those in a **dating relationship**: • Physical injury; • Stalking; • Sexual assault; • Strangulation; or • Cruelty to animals used as a method of control, punishment, or coercion. *KRS § 456.010(2).* **Stalking** means to engage in an intentional **course of conduct** which would cause a reasonable person to suffer substantial mental distress and is: • Directed at a specific person or persons; • Seriously alarms, annoys, intimidates, or harasses the person or persons; and • Serves no legitimate purpose. *KRS § 508.150(1).* **Course of conduct** means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose. *KRS § 508.150(2).* *continued on next page*

INTERPERSONAL PROTECTIVE ORDER

Who can apply?	**Sexual assault** means any degree of rape or sexual abuse or attempt thereof. *KRS § 456.010(7).* See "Who can be Restrained?" for the definition of **dating relationship**.
Can minors apply?	Yes, but they may be required to have an adult petition for them or choose to have an adult petition on their behalf. *KRS § 456.030(1)(d)*
Who can be restrained?	Anyone who commits sexual assault or stalking; or anyone in a dating relationship who commits dating violence and abuse. *KRS §§ 456.030(1-3), 456.060(1).* A **dating relationship** means a relationship between individuals of a romantic or intimate nature. The court may consider the following factors in determining whether there is a dating relationship: • Declarations of romantic interest; • Expectations of affection; • Attendance at social outings as a couple; • Frequency and type of interaction; • Length and recency of the relationship; or • Other indications of substantial connection. *KRS § 456.010(1).*
What types of relief may a court order?	In a temporary order, the court may order the following: • Appropriate relief allowable in a final order (see below); and • Details of which communications are or are not authorized as requested by petitioner. *KRS § 456.040(2).* *continued on next page*

INTERPERSONAL PROTECTIVE ORDER

What types of relief may a court order?	In a final order, the court may order the following: • Prohibit respondent from engaging in acts of dating violence and abuse, stalking, or sexual assault; • Prohibit respondent from unauthorized contact or communication with the petitioner or other specified person; • Prohibit respondent from coming within a certain distance of petitioner, not to exceed 500 feet; • Prohibit respondent from certain locations including, but not limited to, petitioner's home, school, or work; • Prohibit either party from disposing of or damaging any property belonging to the other; • Directing either or both parties to counselling services; • Award possession of shared animals; • Any other actions the court believes will prevent future acts of dating violence and abuse, stalking, or sexual assault. KRS § 456.060(1). The court may not order the petitioner to take any affirmative action. *KRS § 456.060(1)(a, c-e).*
How long does the order last?	After receiving a petition for a protection order but before a hearing, a court who finds the presence of an immediate and present danger may issue a temporary ex parte order. A temporary order may be in effect for up to 14 days. *KRS § 456.040(2).* A final order can be issued for up to 3 years. *KRS § 456.060(3).*

INTERPERSONAL PROTECTIVE ORDER

Can the order be renewed?	A temporary order may be renewed for subsequent periods of up to 14 days until respondent is served with a hearing summons. KRS § 456.050(2)(a). If service is not made within a period of 6 months, then the temporary order shall be rescinded without prejudice. *KRS § 456.050(2)(b).* A final order may be reissued upon expiration. Each renewal can be for up to 3 years, with no limit provided. *KRS § 456.060(3).*
Is a hearing with the respondent required?	A temporary order may be issued ex parte if the court's review of the petition indicates the presence of an immediate and present danger to petitioner. *KRS § 456.040.* A final order may only be issued after a hearing for which the respondent was provided at least 72 hours' notice. *KRS §§ 456.040, 456.050.*

DOMESTIC VIOLENCE ORDER

Who can apply?	Anyone who is: (1) a victim of **domestic violence and abuse**; or (2) an adult on behalf of a qualifying minor. *KRS § 403.725.* **Domestic violence and abuse** means any of the following committed between **family members** or an unmarried couple: • Physical injury; • Stalking; • Sexual assault; • Strangulation; or • Cruelty to animals used as a method of control, punishment, or coercion. *KRS § 403.720(2).* See "Who can be Restrained?" for the definition of **family member**.
Can minors apply?	Yes, but they may be required to have an adult petition for them or choose to have an adult petition on their behalf. *KRS § 403.725.*
Who can be restrained?	A person who is a **family member** or member of an unmarried couple. *KRS § 403.720(2).* **Family member** includes any of the following relationships: • Spouse or former spouse; • Grandparent or grandchild; • Parent; *continued on next page*

DOMESTIC VIOLENCE ORDER

Who can be restrained?	• Adult sibling; • Child or stepchild; and • If the victim is a child, the definition also includes any other person living in the same household. *KRS § 403.720(3).*
What types of relief may a court order?	In a temporary order, the court may order the following: • Appropriate relief allowable in a final order, except temporary support or counselling; • Details of which communications are or are not authorized as requested by petitioner; and • Allow parties to retrieve personal belongings from a shared residence. *KRS § 403.730(2).* In a final order, the court may order the following: • Prohibit respondent from engaging in acts of domestic violence; • Prohibit respondent from unauthorized contact or communication with the petitioner or other specified person; • Prohibit respondent from coming within a certain distance of petitioner, not to exceed 500 feet; • Prohibit respondent from certain locations including, but not limited to, petitioner's home, school, or work; • Prohibit either party from disposing of or damaging any property belonging to the other; • Directing either or both parties to counselling services; • Award possession of shared animals; • Grant temporary custody of shared children; *continued on next page*

DOMESTIC VIOLENCE ORDER

What types of relief may a court order?	• Award temporary child support; • Direct respondent to vacate a shared residence; or • Any other actions the court believes will prevent future acts of domestic violence. *KRS § 403.740(1)(a, c-e).*
How long does the order last?	After receiving a petition for a protection order but before a hearing, a court who finds the presence of an immediate and present danger may issue a temporary ex parte order. A temporary order may be in effect for up to 14 days. *KRS § 403.730(1)(a).* A final order can be issued for up to 3 years. *KRS § 403.740(4).*
Can the order be renewed?	A temporary order may be renewed for subsequent periods of up to 14 days until respondent is served with a hearing summons. If service is not made within a period of 6 months, then the temporary order shall be rescinded without prejudice. *KRS § 403.735(2).* A final order may be reissued upon expiration. Each renewal can be for up to 3 years, with no limit provided. *KRS § 403.740(4).*
Is a hearing with the respondent required?	A temporary order may be issued ex parte if the court's review of the petition indicates the presence of an immediate and present danger to petitioner. *KRS § 403.725(2).* *continued on next page*

DOMESTIC VIOLENCE ORDER

Is a hearing with the respondent required?	A final order may only be issued after a hearing for which the respondent was provided at least 72 hours' notice. *KRS §§ 403.730, 403.735, 403.740.*

HOW TO APPLY

Forms are available at courthouse and online at https://www.kycourts.gov/Legal-Forms/Pages/default.aspx.

Petitioner files petition in circuit court for the victim's county of residence or a county where the victim has fled.
KRS § 456.030(2)

The court shall review a petition for an Interpersonal Protective Order immediately when it is filed and if the review indicates dating violence and abuse, stalking, or sexual assault exists, the court will schedule a hearing to take place no more than 14 days in the future.
KRS § 456.040(1)

SCAN ME!

For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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