

209.130 Ex parte order of court -- Implementation.

- (1) When from an affidavit or sworn testimony of an authorized representative of the cabinet, it appears probable that an adult will suffer immediate and irreparable physical injury or death if protective services are not immediately provided, and it appears that the adult is incapable of giving consent, the court may assume jurisdiction and issue an ex parte order providing that certain specific protective services be provided the adult. The court shall not authorize such protective services except those specifically designed to remove the adult from conditions of immediate and irreparable physical injury or death. A copy of the order shall be served upon the adult and his guardian, or if none, his caretaker. Service shall not be made upon the person or caretaker who is believed to have perpetrated the abuse, neglect, or exploitation.
- (2) To implement an ex parte order, the court may authorize forcible entry of the premises of the adult for the purpose of rendering protective services or transporting the adult to another location for the provision of such services. Authorized forcible entry shall be accomplished by a peace officer accompanied by a representative of the cabinet.
- (3) Upon the issuance of an ex parte order, the cabinet must file a petition as soon as possible. A hearing must be held within seventy-two (72) hours, exclusive of Saturdays and Sundays, from the issuance of an ex parte order.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 132, sec. 6, effective June 20, 2005. -- Amended 1982 Ky. Acts ch. 141, sec. 68, effective July 1, 1982. -- Created 1980 Ky. Acts ch. 372, sec. 8, effective July 15, 1980.

Legislative Research Commission Note (11/9/93). Prior references to the "department" in this statute were changed to "cabinet" pursuant to 1982 Ky. Acts ch. 393, sec. 50(5), and KRS 7.136(2).