

403.735 Review by court -- Access to emergency protective orders -- Local protocol in domestic violence matters -- Time at which orders of protection take effect.

- (1) Upon the filing of a petition, as provided for in KRS 403.725, the court, after review of the petition and determining that domestic violence and abuse exists, without a jury, shall utilize one (1) of the alternatives provided for in KRS 403.740 or 403.745.
- (2) A court may issue mutual protective orders only if a separate petition is filed by the respondent. Pursuant to KRS 403.740 and 403.750, the court shall then provide orders, sufficiently specific to apprise any peace officer as to which party has violated the order if there is probable cause to believe a violation of the order has occurred.
- (3)
 - (a) All courts shall provide twenty-four (24) hour access to emergency protective orders.
 - (b) Each court shall submit written procedures for twenty-four (24) hour accessibility to be reviewed and approved by the Kentucky Supreme Court.
 - (c) Each court shall establish the local protocol in domestic violence matters in which there may be joint jurisdiction between District and Circuit Court. Each court shall submit the written procedures to be reviewed and approved by the Kentucky Supreme Court.
 - (d) All amendments or revisions to the local procedures required pursuant to this section shall be submitted to the Kentucky Supreme Court for review and approval.
- (4) If an emergency protective order is not issued, the court shall note on the petition, for the record, any action taken or denied and the reason for it.
- (5) If the court determines that the petitioner is not eligible for an emergency protective order, the court shall inform the petitioner of the petitioner's ability to contact the county attorney as provided in KRS 403.743.
- (6) An order of protection issued under the provisions of KRS 403.715 to 403.785 shall become effective and binding on the respondent at the time of personal service or when the respondent is given notice of the existence and terms of the order by a peace officer or the court, whichever is earlier. After notice of the existence and terms of the order is given to the respondent, a peace officer or the court may enforce the terms of the order, and act immediately upon any violation of the order. After notice of the order, all reasonable efforts shall be made by the peace officer or the court to arrange for personal service of the order upon the respondent.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 170, sec. 19, effective July 15, 2010. -- Amended 1996 Ky. Acts ch. 99, sec. 14, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 172, sec. 5, effective July 14, 1992. -- Created 1984 Ky. Acts ch. 152, sec. 5, effective July 13, 1984.