

FACT SHEET

SUBJECT: Domestic Violence Petition

1. Kentucky's domestic violence and abuse laws are contained in Chapter 403 of the Kentucky Revised Statutes. KRS 403.725(1) provides that "[a]ny family member or member of an unmarried couple who is a resident of this state or has fled to this state to escape domestic violence and abuse may file a verified petition in the District Court of the county in which he resides. If the petitioner has left his usual place of residence within this state to avoid domestic violence and abuse, the petition may be filed and proceedings held in the District court in the county of current residence." The state's Administrative Office of the Courts has prescribed forms for persons seeking relief under Chapter 403, and a copy of the Domestic Violence Petition is attached hereto.
2. If upon review of the petition the court determines that the allegations contained therein indicate the presence of an immediate and present danger of domestic violence and abuse, the court shall issue, ex parte, an emergency protective order (EPO) which can, among other things, restrain the adverse party from any contact or communication with the petitioner or direct the adverse party to vacate the residence shared by the parties. See KRS 403.740. The EPO will be effective for up to fourteen (14) days, within which time the court will hold a full hearing to determine whether the terms of the EPO should continue.
3. Violation of a protective order subjects the respondent to either the contempt powers of the court or to the criminal penalties set forth in KRS 403.763. Violation of a protective orders is a Class A misdemeanor, and any peace officer having probable cause to believe a violation has occurred is required by the statutes to arrest the respondent without a warrant. KRS 403.760.
4. KRS 403.735 requires each court to ensure twenty-four (24) hour accessibility to emergency protective orders. Persons from Fort Knox who seek relief should go to the second floor of the county courthouse in Radcliff during regular business hours. The Radcliff City Police Department will provide assistance after hours and on weekends.
5. POC is the Administrative Law Division, 4-7414/4668.

VINCENT C. NEALEY
Chief, Administrative Law Division