

Emergency Protective Orders/Domestic Violence

Kentucky law allows the Court to issue a protective order against a named individual to protect you and/or your minor child from violence. Before the Court can issue an emergency order you must fulfill three (3) requirements:

- 1.** You must be a **resident** of Warren County or have **fled** to Warren County as a safe place.
- 2.** You must have a **domestic relationship** with the person from whom you are seeking protection. Kentucky law defines “domestic relationships” as follows:
 - a. Married or formerly married**
 - b. Person with whom you live or formerly lived**
 - c. Person with whom you have an alleged child in common**
 - d. Parent, Grandparent, Grandchild Child or Step-child**
 - e. Any person living in the same household as a child if the child is the alleged victim.**
- 3.** There must be an **immediate and present danger of Domestic Violence and Abuse**. This means physical injury, sexual abuse, stalking, assault or the threat or infliction of fear of imminent physical injury, sexual abuse or assault. This means you may qualify for a protective order if you or your minor child are actually physically injured, assaulted or sexually abused or if the person says or acts like he/she is going to physically injure, sexually abuse or assault you or your minor child.

What Next?

If the Court finds that all three (3) of these requirements are met, it will issue an Emergency Protective Order and give you a date to return for a hearing. You must return for this hearing. If the Court finds that there is not an immediate and present danger of domestic/dating violence but you otherwise qualify for a protective order, the Court may issue a summons for a hearing date to determine if you will get a protective order. Again, you must return for this hearing. To facilitate notification of service or release from jail, you should register for VINE (Victim Information & Notification Everyday) by calling 1-800-511-1670 or going online at www.vinelink.com.

If the Court issues an order of protection you should notify your employer/school and provide them a copy of the order. They will not otherwise be notified.

Interpersonal Protective Orders/Dating Violence

As of January 1, 2016, Kentucky law allows the Court to issue a protective order against a named individual to protect you and/or your minor child from violence with whom you or the child is involved in a “Dating Relationship.” Before the Court can issue an emergency order you must fulfill three (3) requirements:

1. You must be a **resident** of Warren County or have **fled** to Warren County as a safe place.
2. You must have a **dating relationship** with the person from whom you are seeking protection. Kentucky law defines “dating relationship” as a relationship between individuals who have or have had a relationship of a romantic or intimate nature. This does not include a casual acquaintance or ordinary fraternization in business or social context. The Court will look at the following factors to determine if a dating relationship exists:
 - a. **Declaration of romantic interest**
 - b. **Expectation of affection**
 - c. **Attendance at social outings as a couple**
 - d. **Frequency, duration and type of interaction**
 - e. **Length and recency of the relationship**
 - f. **Any other factor which would lead a reasonable person to understand that a dating relationship exists**
3. There must be an **immediate and present danger of Dating Violence and Abuse**. This means physical injury, sexual abuse, stalking, assault or the threat or infliction of fear of imminent physical injury, sexual abuse or assault. This means you may qualify for a protective order if you or your minor child are actually physically injured, assaulted or sexually abused or if the person says or acts like he/she is going to physically injure, sexually abuse or assault you or your minor child.

What Next?

If the Court finds that all three (3) of these requirements are met, it will issue an Interpersonal Protective Order and give you a date to return for a hearing. You must return for this hearing. If the Court finds that there is not an immediate and present danger of violence but you otherwise qualify for a protective order, the Court may issue a summons for a hearing date to determine if you will get a protective order. To facilitate notification of service or release from jail, you should register for VINE (Victim Information & Notification Everyday) by calling 1-800-511-1670 or going online at www.vinelink.com. You may also wish to discuss the facts of your case with the local police or with the Warren County Attorney’s Office to pursue criminal charges.

If the Court issues an order of protection you should notify your employer/school and provide them a copy of the order. They will not otherwise be notified.

Interpersonal Protective Orders Stalking or Sexual Assault

As of January 1, 2016, Kentucky law allows the Court to issue a protective order against a named individual to protect you and/or your minor child from violence with whom you or the

child is the victim of “Sexual Assault” or “Stalking” as defined by the statutes. Before the Court can issue an emergency order you must fulfill these requirements:

1. You must be a **resident** of Warren County or have **fled** to Warren County as a safe place.
2. You must have be the victim of either **sexual assault** or **stalking** by the person from whom you are seeking protection.
 - a. Kentucky law defines **Stalking** as an intentional course of conduct, directed at a specific person or persons which seriously alarms, annoys, intimidates or harasses that person and serves no legitimate purpose. As part of the course of conduct, there must exist an explicit or implicit threat of sexual contact, physical injury or death.
 - b. For the purposes of obtaining an IPO, Kentucky law defines **sexual assault** as being Rape, Sodomy, Sexual Abuse as those offenses are defined in KRS Chapter 510 and Incest as defined in KRS 530.020.
3. It is **NOT REQUIRED** that charges be pending or a conviction obtained at the time the IPO is sought. The court must find by a preponderance of the evidence that the Petitioner is the victim of stalking or sexual assault.
4. The entry of a judgment of conviction for the crimes of Stalking, Rape, Sodomy, Sexual Abuse or Incest shall operate as an application for an Interpersonal Protective Order, unless the victim requests otherwise. The court entering the judgment of conviction can enter the IPO without the need of further proof. The order may be effective for up to 10 years, with renewals available in up to 10 year increments.

What Next?

If the Court finds that of these requirements are met, it will issue an Interpersonal Protective Order and give you a date to return for a hearing. You must return for this hearing. If the Court finds that there is not an immediate and present danger of domestic/dating violence/sexual assault/stalking but you otherwise qualify for a protective order, the Court may issue a summons for a hearing date to determine if you will get a protective order. Again, you must return for this hearing. To facilitate notification of service or release from jail, you should register for VINE (Victim Information & Notification Everyday) by calling 1-800-511-1670 or going online at www.vinelink.com. You may also wish to discuss the facts of your case with the local police or with the Warren County Attorney’s Office to pursue criminal charges.

If the Court issues an order of protection you should notify your employer/school and provide them a copy of the order. They will not otherwise be notified.