

Preventing Domestic Violence

*How to Obtain an Emergency Protective Order
& Domestic Violence Order*



Provided by the
Kentucky Court of Justice

Court Protection Orders for Domestic Violence

The person who files a petition for an emergency protective order is called the petitioner. The person who allegedly committed the abuse is the respondent.

What is an EPO?

An emergency protective order (EPO) is a court order intended to stop domestic violence. The purpose of the EPO is to prevent the domestic violence from occurring again by placing restrictions on the respondent's actions. It is short term and temporary until the court can decide whether to issue a long-term order called a domestic violence order (DVO).

EPOs are different from criminal cases. An EPO is intended to prevent future acts of violence. A criminal case is usually handled by the county attorney, who prosecutes the respondent for acts of violence that have already taken place.

Why file for an EPO?

To be eligible for an EPO, the respondent must have either:

- Physically injured or assaulted you.
- Sexually abused or sexually assaulted you.
- Threatened to physically injure or assault you.
- Done something to place you in fear of imminent physical injury, serious physical injury or sexual abuse or assault.

An adult family member may file a petition on behalf of a minor child who needs protection.

Who can obtain an EPO?

In order to get an EPO, the petitioner must have a qualifying relationship with the respondent. The respondent must be:

- Your spouse or former spouse.
- Someone related to you by blood or marriage.
- Someone you live with as a couple or have lived with as a couple.
- Someone with whom you have a child in common.
- A family member of a child who needs protection.

If you are under the age of 18, an adult family member may file the petition for you.

Where do I file a petition for an EPO?

To file a domestic violence petition, go to the Office of Circuit Court Clerk in your county of residence or in the county where you are currently residing if you left your home to get away from the abuse. For contact information for the Office of Circuit Court Clerk, visit www.courts.ky.gov and click on Counties. After business hours you should contact local law enforcement

for assistance in obtaining an EPO. You can obtain an EPO 24 hours a day. There is no fee or costs for filing a petition.

What happens after the petition is filed?

The petition will be immediately submitted to a judge or a trial commissioner for review. If the judge issues an EPO or a summons, a hearing will be scheduled within 14 days to determine whether a long-term order is needed. You will receive something that shows you the date and time for your hearing. If you do not know when your hearing is scheduled, check with the Office of Circuit Court Clerk.

Law enforcement will then attempt to serve the EPO on the respondent. The EPO does not go into effect until the respondent is served with a copy of the EPO or is notified about the order by law enforcement. You can contact the “agency assigned service” (listed on the order) to find out if the respondent has been served.

An EPO is effective until the court hearing is held (within 14 days). The respondent will be ordered to appear in court at the hearing.

If the respondent has not been served by the court date, you still need to appear at the hearing. The court may reissue the EPO and a new summons upon request. Even if you feel you no longer need protection, you should appear. Only a judge can grant a new court date or change the order.

What should you bring to the hearing?

This may be the only hearing in the case, so you will need to bring any witnesses you may have and any documents that may be evidence of what has happened (police reports, photos, medical records, etc.) The circuit court clerk can give you forms for subpoenas for any witnesses. If you are asking for child support, bring pay stubs and tax returns if possible. All of this information will be made part of the court record.

What can happen at the hearing? What is a DVO?

At a full hearing, the court hears testimony from you, the respondent and any other witnesses. The court may dismiss the case or issue a domestic violence order (DVO) which may include any of the following terms:

1. Order the respondent to have no contact with you except as directed by the judge.
2. Order the respondent not to abuse or threaten you.
3. Order the respondent not to damage or dispose of your property.
4. Order the respondent to leave your residence.
5. Grant temporary custody of children.

6. Grant child support.
7. Order counseling.
8. Anything else needed to eliminate future acts of violence.

Closely read all orders you receive. If you have any questions about what your order means, contact your attorney (if you have one), a local domestic violence program or a victim's advocate.

What kind of protection does an EPO/DVO provide?

A protective order can be enforced in any Kentucky county. Other states may enforce the order, but it should be registered in any state where you move to or plan to stay for extended periods of time.

If the respondent violates the EPO/DVO, your options may include:

1. Calling the police who may be able to arrest the respondent.
2. Going back to the court that issued the EPO/DVO to ask that the respondent be held in contempt for violating the order.
3. Going to the county attorney's office to see if the respondent can be charged with a crime for violating the EPO/DVO.

How do I change or extend an EPO/DVO?

If you need to change the terms of an order, you must file a motion to amend with the clerk's office in the county where you got your EPO/DVO. Either party can file a motion to amend an order. A judge will then review the motion and make a decision. The judge can change some or all of the terms of an order.

If you wish to have the DVO extended past its expiration date, you must file a motion with the court before the DVO expires giving your reason(s) for the request.

How do I obtain support services?

A copy of the EPO petition will be sent to the Kentucky Cabinet for Health and Family Services, either to Adult Protective Services or Child Protective Services. You can expect a social worker from the Cabinet for Health and Family Services to contact you to offer support services.

Domestic violence services are available across Kentucky. For more information, contact the National Domestic Violence Hotline at 1-800-799-7233.

