

**FINAL REPORT OF THE  
LEGISLATIVE TASK FORCE ON  
DOMESTIC VIOLENCE**

**RESEARCH MEMORANDUM NO. 470**

**Legislative Research Commission  
Frankfort, Kentucky  
February, 1996**

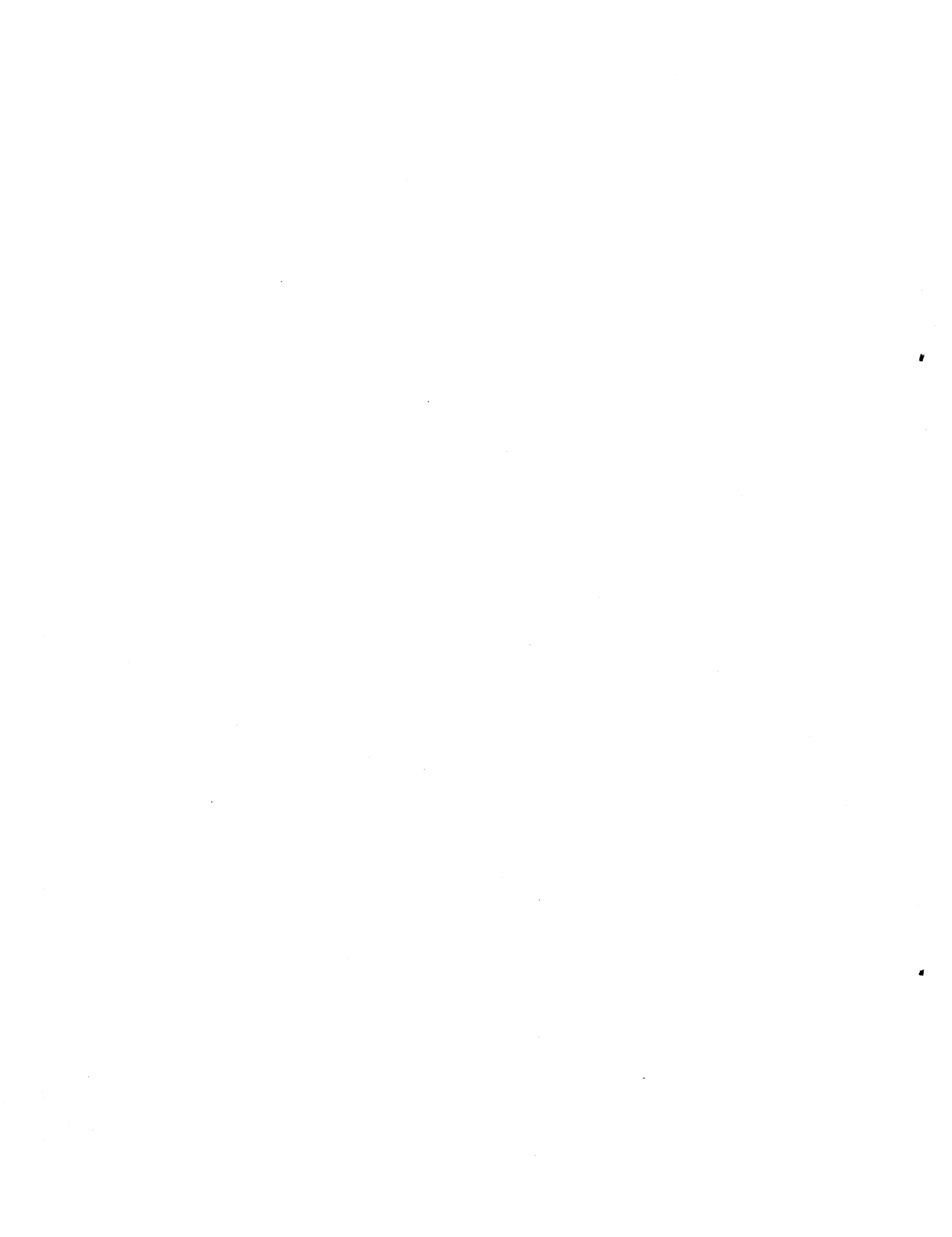


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This report was prepared by the staff of the Legislative Research Commission and paid for from state funds and is available in alternate forms upon request.





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**MEMORANDUM**

**TO:** Senator John "Eck" Rose, President of the Senate  
Representative Jody Richards, Speaker of the House

**FROM:** Senator *Jeff Green*, Co-Chair  
Representative *Leonard Gray*, Co-Chair  
Legislative Task Force on Domestic Violence

**DATE:** December 19, 1995

**SUBJECT:** Final Report of the Legislative Task Force on Domestic Violence

During the 1994-95 Interim, the Legislative Task Force on Domestic Violence was appointed to explore the degree to which current laws are effective in providing protection to vulnerable citizens of the Commonwealth. The findings of the Task Force are reflected in the report and the recommendations contained in this publication.

The success of this body in addressing the crime of domestic violence is due to the cooperation of all three branches of state government, the commitment and dedication of the members, and the inspiration provided by the victims who struggle with the realities of this very personal crime. Our aim has been to bring together people who could both identify concerns and propose solutions. We have challenged many of the community and professional leaders from around this state, and around this nation, to assist in this effort.

The work of the Task Force is intended to serve as a catalyst for an improved, coordinated response to domestic violence at both the state and local level. Development of a workable, effective response will require the continued collaboration among the judiciary, prosecutors, law enforcement, social services, mental health, victims services, court administration, and advocates. It is our sincere hope the result will be to increase public awareness and societal intolerance for this type of crime.



**REPORT OF THE 1994  
TASK FORCE ON DOMESTIC VIOLENCE**

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Representative Leonard Gray (Co-chair)**

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*Paul Isaacs, Director, Administrative Office of the Courts*  
*Sherry Currens, Executive Director, Kentucky Domestic Violence Association*  
*Kathy Frederich, Adult Protection Specialist, Department for Social Services*  
*Carol Jordan, Administrator, Sexual & Domestic Violence Program, Dept. for Mental Health*  
*Sheriff Tom Scillian, President, Kentucky Sheriffs Association*  
*Commissioner Chuck Sayre, Department of Criminal Justice Training*  
*Major Dennis Goss, Kentucky State Police, Information Services Branch*  
*Major Kathy Witt, Fayette County Sheriff's Office*  
*Marcia Roth, Director, Jefferson County Office for Women*  
*Marsha Weinstein, Executive Director, Kentucky Commission on Women*  
*Dr. Baretta Casey, Chair, Domestic Violence Committee, Kentucky Medical Association*  
*The Honorable Lana Grandon, Assistant State Attorney General*  
*The Honorable Lewis Paisley, Fayette Circuit Judge*  
*The Honorable Steve Mershon, Jefferson Family Court Judge*  
*The Honorable Peter Macdonald, Christian District Judge*  
*The Honorable Virginia Whittinghill, Jefferson District Judge*

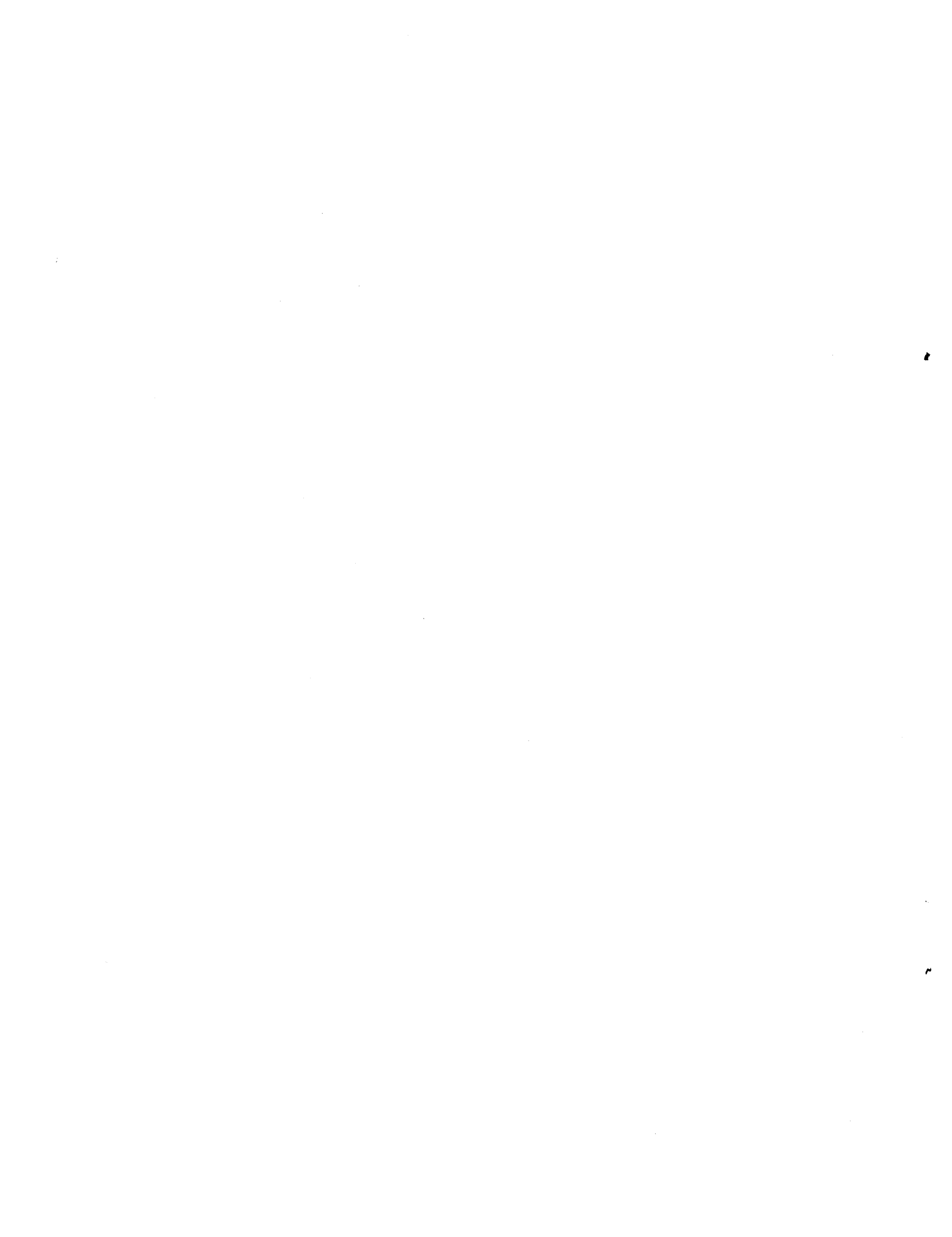
LRC STAFF: Susan Lewis Warfield, Scott Varland, and Mac Lewis.

**PRESENTED TO THE LEGISLATIVE RESEARCH COMMISSION**

**AND THE**

**1996 REGULAR SESSION OF THE**

**KENTUCKY GENERAL ASSEMBLY**



## TASK FORCE ON DOMESTIC VIOLENCE

**TASK FORCE JURISDICTION:** This Task Force was created by the Legislative Research Commission to study the causes and extent of domestic violence in Kentucky families, explore the implementation and enforcement of existing laws dealing with domestic violence, and develop legislative and budgetary recommendations for the 1996 Regular Session of the Kentucky General Assembly. The Task Force has been directed to submit recommendations to the Legislative Research Commission on or before October 1, 1995.

### TASK FORCE ACTIVITY

The Legislative Research Commission authorized the creation of the Task Force on Domestic Violence at its September 26, 1994 meeting. The Task Force members include not only legislators, but also representatives of the judiciary, prosecutors, law enforcement, social services, mental health, victims services, court administration, and advocates. The Task Force held thirteen meetings through October, 1995 and concluded its work by reaching a consensus on sixteen recommendations which are included in this report. The Task Force met again prior to the 1996 Regular Session, primarily to review bill drafts which incorporate the final recommendations.

#### Special guest speakers

In February 1995, United States Attorney General Janet Reno addressed the Task Force via telephone from her Washington, D.C. office. Her remarks centered on the key provisions of the Violence Against Women Act signed into law by President Clinton in 1994. General Reno expressed appreciation for the commitment Kentucky leaders had demonstrated in addressing the crime of domestic violence. She particularly commended the members for the participation of all three branches of state government in the development of a comprehensive solution to the issue of domestic violence. The Task Force suggested the Commonwealth be used as a "laboratory" for development of a model response to the federal initiatives. General Reno responded with encouragement and issued an invitation to prepare a program proposal and funding request to develop a model for the nation. The proposal has been submitted to the U.S. Department of Justice and is currently being considered.

In April 1995, the Task Force held a joint meeting with the Kentucky Supreme Court Gender Fairness Committee in order to hear from Bonnie J. Campbell, Director of the Violence Against Women Office of the U.S. Department of Justice and former Iowa Attorney General. The members were also joined by Kentucky's U.S. Attorneys Joseph Famularo, Eastern Division, and Michael Troop, Western Division. Ms. Campbell reported on the availability of federal domestic violence funding and explained the role her office will play in coordinating the national response to domestic violence crimes. Ms. Campbell praised the Kentucky Legislature for involving representatives of federal, state, and local government as well as representatives of diverse interests in the effort to deal with the issue of domestic violence.

During the interim, the Task Force was addressed by several nationally recognized experts, including Sara Buell, Prosecutor in Quincy, Massachusetts (via teleconference); Ann Crowe, Council on State Governments; Andy Klein, Chief Probation Officer in Quincy, Massachusetts; Ted Wedel, Attorney and Research Analyst for the Missouri House of Representatives, representing the National Council of Juvenile and Family Court Judges; and Dr. Ann Ganley, concerning the certification of providers of court ordered treatment for offenders in the state of Washington (via teleconference).

Several professional associations were invited to address the Task Force, including the Kentucky Domestic Violence Association; County Attorneys Association; Commonwealth's Attorneys Association; Kentucky Sheriff's Association; Circuit Clerks Association; Circuit Judges Association; District Judges Association; and Kentucky Medical Association. In addition, members were addressed by representatives of the Crime Victims' Compensation Board; Kentucky Parole Board; and Prosecutors' Advisory Council. Contribution to the work of the Task Force was also made by representatives of local agencies. And of course, the testimony from survivors of domestic violence was a key part of Task Force deliberations.

### **Demonstrations**

Task Force members observed a demonstration of the Law Information Network of Kentucky, referred to as LINK. Personnel from the Kentucky State Police, with the assistance of a LINK terminal operator from the Fayette County Sheriff's Office, explained the capabilities of the computer network in quickly providing law enforcement officers 24-hour statewide access to information critical to the performance of their duties. A presentation was also made by Interactive Systems, Inc., to demonstrate the automated victim notification system currently used in Jefferson County.

### **Issues discussed**

The Task Force reviewed current Kentucky statues relating to domestic violence and invited Task Force members to identify key issues to be discussed. Early presentations explored the nature and extent of domestic violence in Kentucky and furnished a profile of both abusers and their victims, based on Kentucky and national data. Major topics explored by the Task Force include:

#### **Ensuring Victim Safety**

- The "cost of system failure" paid by victims and their families.
- The incidence of domestic violence related homicide-suicide in 1994.
- The inherent danger of the first 24-hours after the victim leaves the abuser.
- The need for consistent and uniform success in the timely service of protective orders.
- The need for full and immediate access to protective orders in all communities.
- The additional funding needed to accommodate victims and families seeking shelter.
- The need to assist victims in filing requests for protective orders.
- The need to provide representation for the victim in civil proceedings.
- The use of automated systems which notify victims when an offender is released.
- The eligibility requirements for crime victims' compensation funds.

### Strengths And Weaknesses Of "The System"

- The critical nature of the first response by law enforcement.
- The warrantless arrest authority of peace officers.
- The vital communication role of Law Information Network of Kentucky (LINK).
- The dramatic increase in adult protective services reports.
- The role of prosecutors in cases of domestic violence.
- The use of civil proceedings in conjunction with criminal prosecution.
- The role of Circuit Court Clerks in domestic violence proceedings.
- The role of District, Circuit, and Family Court judges in domestic violence cases.
- The role of judges in civil proceedings when the victim is not represented in court.
- The limited availability of sentencing alternatives for offenders, such as probation.
- The efforts to improve the response by health care professionals to domestic violence.
- The limited access to mental health services for victims, children, and perpetrators.
- The need to ensure the quality of court ordered treatment for offenders.
- The parole eligibility of battered women convicted of crimes against their abuser.

### **Recommendations**

**In Brief:** The recommendations made by the Legislative Task Force on Domestic Violence relate to the creation of a state multidisciplinary authority, encouraging development of local interagency councils, and requiring special training and development of model policies for several agencies and professions. The Task Force also recommends addressing concerns regarding protective orders, revising the elements for certain crimes, revising some aspects of warrantless arrest authority, expanding court alternatives, and supports requiring certification for law enforcement officers. In addition, the Task Force suggests the General Assembly comply with the provisions within the Violence Against Women sections of the federal Crime Act of 1994, improve funding for victim safety including victim advocacy, and revise the membership of the Crime Victims Compensation Board.

1. **Create a state multidisciplinary authority** - to provide coordination and communication, at the local and state levels, in the effort against the crime of domestic violence. Members shall include representatives from public and private agencies with responsibility for, and a demonstrated commitment to, the issue of domestic violence. The members should include, but not be limited to, representatives of local law enforcement, prosecutors, judges, court clerks, victim advocates, spouse abuse shelter staff, social services staff, mental health providers, health care professionals, criminal defense bar, and the Kentucky State Police, as the agency responsible for LINK. The authority would be permitted to hire staff within budgetary limitations. The **duties** of the authority would include the following:
  - a. **Develop a protocol for state interagency coordination**, to be updated every two years to ensure consistency with statutory changes and current case law.
  - b. **Assist in the establishment of local interagency councils and develop a model local interagency protocol**. Each local council would be required to establish a local protocol and submit it for approval by the state authority every two years. Essential core

components could be selected for uniform implementation, with varying degrees of local control on other components. The local protocols should be filed with and accepted by the state authority for at least biennial review.

- c. **Develop** model training, model interagency protocols, and agency policies to be **recommended for use** by a variety of agencies and professionals (law enforcement agencies, LINK procedures, prosecutors, judges, court clerks, victim advocates, spouse abuse shelters, social services, mental health providers, and health care professionals). **Review** the training curricula, protocols, and policies adopted by these agencies and communities and **make recommendations if necessary**.
  - d. **Review and analyze data, statistics, and information** which can be useful in the formulation of recommendations for changes in statute, regulation, or policy. This information could come from existing sources, such as LINK protective order file summary statistics, State Police crime data, the JC-3 form used by law enforcement, DSS statistics, and court statistics from the Administrative Office of the Court.
  - e. **Determine the availability of services for victims, children, and offenders** by conducting needs assessments (include review of non-residential services, such as court advocacy, counseling, and support groups). Determine barriers to providing 24-hour access to emergency protective orders.
  - f. **Recommend changes to statutes, regulations, or policies** related to domestic violence on an on-going basis. Submit a report of these recommendations and authority activities at least every two years to the Governor, Legislative Research Commission, and Chief Justice of the Kentucky Supreme Court.
2. **Permit and encourage the development of Local Interagency Councils** - to identify roles and responsibilities of local agencies and officials, while coordinating a comprehensive system to respond to families experiencing domestic violence. If a community develops a local council, **require each local council to adopt a local protocol** based on the state model. Essential core components, to be determined by the state authority, would have to be included to ensure uniform implementation. The protocols would have to be filed with the state authority for review and approval every two years.
3. **Protective Orders.**
    - a. Amend the statutes to provide that protective orders may be valid for up to three (3) years and may be renewed upon expiration for an additional period (or periods) of up to three (3) years. The number of times an order may be renewed is not limited.
    - b. Clarify the circumstances in which a domestic violence order may be renewed. Specify that the court has the authority to reissue a domestic violence order even if there has been no violation during the pendency of the initial order. Specify that there is no need for the court to make a finding of continued violence or abuse.



- c. Amend KRS 64.060 to permit reimbursement for the service of protective orders.
  - d. Amend KRS Chapter 403 to require all judges to use the forms prescribed by AOC when issuing emergency protective orders, domestic violence orders, orders amending an existing order, or other orders which require entry into LINK, even if the form contains information which duplicates that which is contained in a "narrative order".
  - e. Create the authority and procedures for local officials to honor out-of-state protective orders, pursuant to the "full faith and credit" provisions of the federal Crime Act of 1994.
4. **Court policies or rules.** Require each judicial circuit and district to adopt a local rule or protocol concerning cases involving domestic violence. The local rule should address such issues as how 24-hour accessibility will be ensured and how cases will be handled when there is joint jurisdiction between District and Circuit Court. (Fayette County has implemented such a protocol.) Require the local rules to be filed with the Supreme Court, and a copy provided to the state authority.
5. **Law Enforcement.**
- a. **Certification of peace officers.** Require every peace officer in the Commonwealth to receive Kentucky Law Enforcement Council (KLEC) basic training (which includes domestic violence specific curricula) and to receive certification by the Justice Cabinet. Establish and maintain a statewide registry in the Justice Cabinet of certified peace officers and the training each has completed. Develop procedures and criteria for the decertification of peace officers.
  - b. **Require a model law enforcement policy** to be jointly developed by the Justice Cabinet and the state authority, distributed to all local law enforcement agencies, submitted to the state authority for review, and updated at least once every two years.
  - c. Amend KRS 403.785 to **require local law enforcement agency domestic violence policies to be submitted to the Justice Cabinet for approval** at least every two years.
  - d. **Require Justice Cabinet officials to review the local policies** at least once every two years and **report the findings of the review and recommendations** for changes in statutes, regulations, and policies to the Governor, Legislative Research Commission, Chief Justice of the Kentucky Supreme Court, and the state authority.
6. **Prosecution.** Require a prosecutor's manual of recommended policies and practices to be jointly developed by the Attorney General and the state authority, and to be updated at least once every two years. Require the Attorney General to distribute the manual.
7. **Funding for Victim Safety.**
- §§ Expand shelter capacity at regional spouse abuse centers.** Increase the availability of non-residential spouse abuse center services, such as court advocacy, counseling, and support groups, to all residents in each of the Area Development Districts (ADD).

**§§ Provide long-term assistance** to survivors of domestic violence and their children, such as access to transitional housing and supportive services.

**§§ Increase the number of DSS adult protective service workers.**

**§§ Increase the availability of mental health services.** Provide such services as crisis intervention counseling, support groups, and treatment services.

**§§ Provide funding for statewide system to notify victims** when the perpetrator is transferred or released from jail or prison, and provide notice of court proceedings.

8. **Advocates.**

- a. **Amend KRS 15.760**, relating to the minimum requirements and responsibilities for victim advocates employed by Commonwealth's or county attorneys, to require **training** which includes appropriate intervention with domestic violence victims.
- b. Permit advocates, upon the request of the victim, to **appear with the victim in court proceedings and address the court if requested**, while prohibiting them from engaging in the practice of law, as defined in KRS 524.130. Expand Kentucky Rules of Evidence KRE 506, relating to **counselor-client privilege**, to expand definition of counselor to include victim advocates.
- c. **§§- Fund victim advocacy services** (through spouse abuse centers, law enforcement agencies, prosecutors, community mental health centers, DSS, or other programs) to assist in civil or criminal proceedings, including filing petitions for protective orders, filing criminal charges, developing safety plans, and providing education and advocacy to victims throughout the criminal justice process.

9. **Children.**

- a. **§§ Increase services designed for children who witness parental battering.**
- b. **§§ Increase services for juveniles who offend against parents and dating partners.**

10. **Crimes.** Support efforts to adapt the existing Uniform Offense Report (UOR) form used by law enforcement to collect domestic violence related offenses. This could lead to greater accuracy in determining the extent of domestic violence in Kentucky.

- a. **Terroristic Threatening.** Establish a Class B misdemeanor Terroristic Threatening in the Second Degree, which requires a finding that the person threatened to commit any crime likely to result in "**physical injury**" instead of "**death or serious physical injury**".
- b. **Assault 3rd.**

1. Amend KRS 508.025, relating to the crime of assaulting certain professionals, to include state Department for Social Services family service workers in the category of professionals.
2. Also amend this section to clearly provide for an enhanced penalty for Assault 4th, if the assault was on police officers or other specified persons. The section effectively decreases an Assault 2nd down to an Assault 3rd, if the assault was on these individuals. Correct this by deleting from KRS 508.025 the following: "by means of a deadly weapon or a dangerous instrument".
- c. **Enhancement.** Subsequent convictions for certain offenses should carry an increased penalty.
- d. **Harassment.** Amend KRS 525.070, relating to the crime of harassment, to increase the penalty by making the crime a Class B misdemeanor, instead of a violation, if the offense is committed against a family member or member of an unmarried couple, as defined in KRS 403.720.

#### 11. Warrantless arrest.

- a. **Expand the categories of peace officers** with warrantless arrest authority to include Kentucky Horse Park Police, state park rangers, water patrol officers, part-time deputies, part-time officers, and special deputies, as long as the officers have completed an approved domestic violence training curriculum. This authority is granted for Assault 4th in KRS 431.005(2), and for violation of a protective order in KRS 403.760(2). This would require the Justice Cabinet to document completion of approved training by a peace officer. (See recommendation #16 regarding the certification of peace officers.)
- b. Amend KRS 431.005 to delete the requirement for the peace officer to have probable cause to believe that if the person is not arrested they will **present a danger or threat of danger to others if not immediately restrained.**
- c. **Grant warrantless arrest authority for Terroristic Threatening.**

12. **Misdemeanor information.** KRS 17.150 grants the Justice Cabinet the authority to require the submission of fingerprints and arrest records to a central repository. Should penalty enhancements be enacted, the reporting requirements could be revised to include the information needed. This would ensure that the relevant misdemeanor records are maintained in a manner that is adequate to establish the history of convictions.

#### 13. Alternatives for Courts/Penalties.

- a. **Mediation.** Prohibit the use of mediation as court-ordered alternative in cases involving domestic violence if the victim declines to participate. Require screening prior to initiating mediation. Require the state authority to develop guidelines for the use of mediation for cases in which domestic violence is alleged.

- b. **Mandatory Hold.** Create a presumption that a perpetrator of domestic violence will be subject to a 24-hour hold.
  - c. **Offender Treatment.** Develop a certification program for mental health professionals or agencies engaged in providing court-ordered domestic violence perpetrator treatment programs. Diversion prior to adjudication should be discouraged, perhaps prohibited, for offenders who are to be mandated into treatment. Require offenders to pay for treatment, according to their ability to pay.
  - d. **Restitution.** Encourage courts and prosecutors, through training and protocols, to require convicted perpetrators of domestic violence to repay the costs incurred by the Spouse Abuse Centers or other victim services programs.
  - e. **Diversion.** Discourage courts and prosecutors, through training and protocols, from using diversion prior to the findings of fact and sentencing in criminal proceedings.
14. **Crime Victims Compensation Board.** Assure representation of victims' issues by revising the board membership requirements in KRS 346.030 to include a person who has at least two years' experience in providing direct services to victims of crime, to be appointed by the Governor.

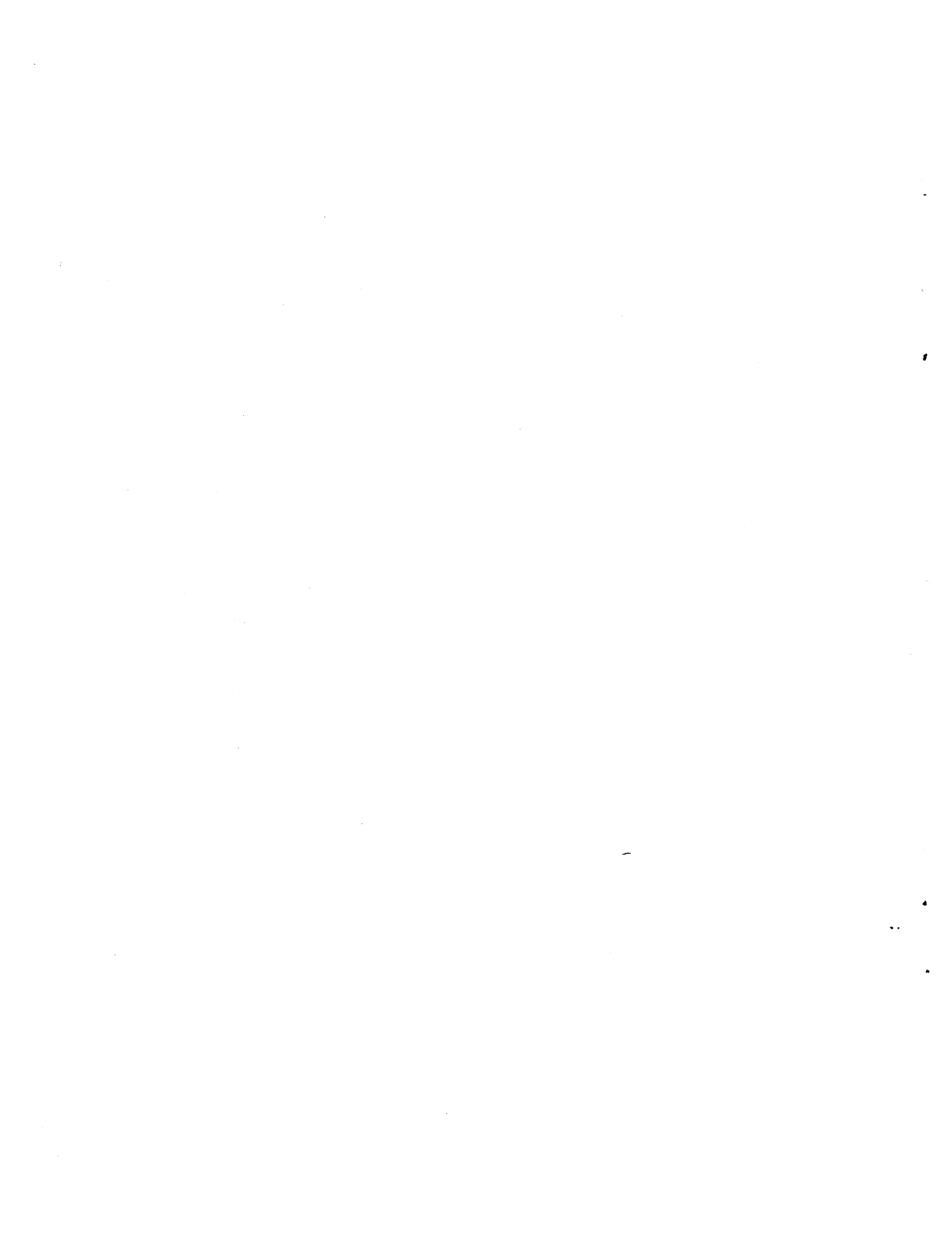
15. **Training.**

- a. **Mandate training.** In a manner similar to that of the current statutes regarding AIDS and child sexual abuse training, mandate continuing education for professionals regarding domestic violence. Professionals required to meet this statutory requirement could include: District and Circuit Court judges; domestic relations commissioners; trial commissioners; court clerks and deputy clerks; Commonwealth's and county attorneys and assistants; law enforcement officers; mental health professionals; victim advocates; health care personnel; shelter staff; and Department for Social Services staff, including supervisory, direct service and district staff involved in the provision of protective services to adults, children, and families.

**Training components** should include but not be limited to the following areas: dynamics of domestic violence, effects of domestic violence on adult and child victims, legal remedies for protection, lethality and risk issues, guidelines for issuance and entry of protective orders into LINK, available community resources and victims services, reporting requirements; statutory requirements for each respective profession; and appropriate enforcement and intervention in domestic violence cases.

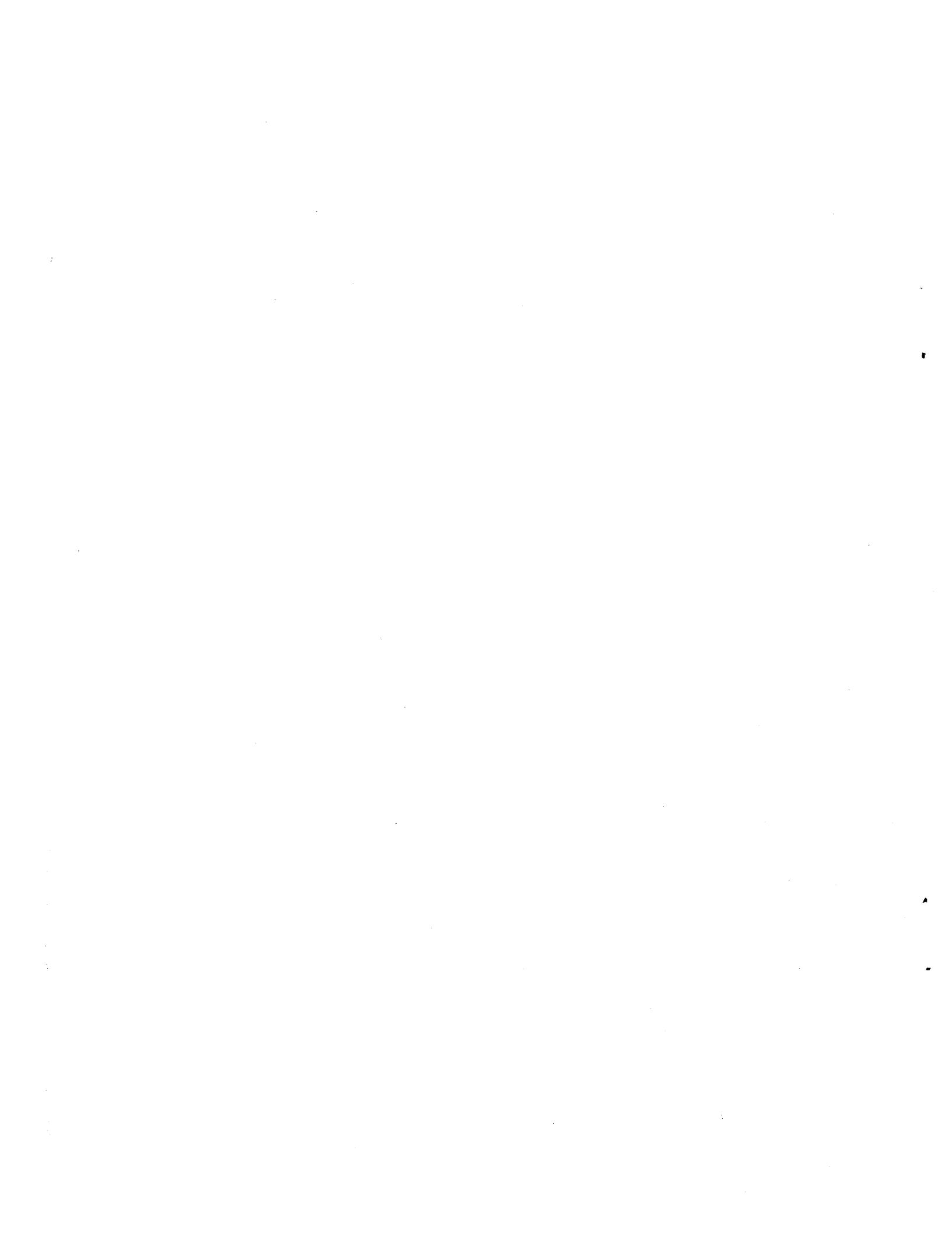
- b. **Establish a process for review by and collaboration with the state authority** for the development of continuing education programs, to ensure that available training is of a high quality. The process would include review of agenda and curriculum vitae of trainers by the state authority.

- c. **Provide funds for an annual meeting for persons who conduct domestic violence training**, to update instructional content, legal issues, community-based intervention strategies, training materials, domestic violence prevention, and other related information.
  
- d. **Encourage the Council on Higher Education to require domestic-violence-related curricula for graduate and undergraduate students** in psychology, social work, counseling, law, and medical programs. Encourage the universities to develop certification programs related to domestic violence treatment. Explore the development of specialized domestic violence internships for graduate students in psychiatry, psychology, and social work that could be established at the specialized treatment programs currently existing in the state.



## APPENDICES

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**APPENDIX A**  
**Work Plan for the**  
**Legislative Task Force on Domestic Violence**

Listed below you will find the proposed order of topics to be discussed in future Task Force meetings with the goal of reviewing and prioritizing compiled recommendations in July and August of 1995. September and October will focus on review of bills drafted in response to the recommendations.

The First 24-Hours  
Law Enforcement  
Court Clerks

Protective Services  
Spouse Abuse Centers  
Adult Protective Services

Medical Intervention

Prosecution

Courts

Mental Health

Probation and Parole

Community Organization

Prevention and Education

**NOTE:** A presentation concerning the results of the survey conducted by the Kentucky Domestic Violence Association (KDVA) will be scheduled as soon as information is available.

**NOTE:** Discussion of the **federal Crime Act** and the **Model Domestic Violence Code** from the National Council of Juvenile and Family Court Judges (NCJFCJ) will be offered at various meetings as relevant topics arise. However, specific consideration of this subject matter will be scheduled as needed.

**NOTE:** Throughout future meetings, a case scenario will be used to illustrate concerns and issues facing implementation of domestic violence laws and policies. The scenario will be presented at the December 1994 meeting of the Task Force.

## AGENDA

### LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO 1

---

**Time:** 11:00 a.m.

**Place:** Willis Room  
Room 149  
Capitol Annex  
Frankfort, Kentucky

**Date:** September 9, 1994

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1. **Call to Order**
2. **Introduction of Task Force Members**
3. **Co-Chairmen's Comments**  
Representative Leonard Gray  
Senator Jeff Green
4. **Overview of the Current Kentucky Laws**
5. **Critical Issues in Kentucky's Response to Domestic Violence**
6. **Next Meeting**  
October 25, 1994  
10:00 a.m.  
Room 131
7. **Adjournment**

## AGENDA

### LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO 2

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**Time:** 10:00 a.m.  
**Place:** Room 131  
Capitol Annex  
Frankfort, Kentucky  
**Date:** October 25, 1994

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1. **Call to Order**
2. **Co-Chairmen's Comments**  
Representative Leonard Gray  
Senator Jeff Green
3. **The Law Information Network of Kentucky: The vital LINK**  
Captain Neal Brittain, Kentucky State Police
4. **The Nature and Extent of Domestic Violence in Kentucky**  
Kathy Frederich, Department for Social Services  
Carol Jordan, Department for Mental Health and Mental Retardation Services
5. **Legal and Community Response to Domestic Violence**  
Travis Fritsch, Office of the Attorney General
6. **Adjournment**

<p><b>Next Meeting:</b> November 22, 1994 10:00 a.m. Room 131</p>
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## AGENDA

### LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO. 3

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**Time:** 10:00 a.m.  
**Place:** Room 131  
Capitol Annex  
Frankfort, Kentucky  
**Date:** November 22, 1994

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1. **Call to Order and Roll Call**
2. **Approve October minutes**
3. **Co-Chairmen's Comments**
4. **Review of Last Task Force Meeting: Comments on the LINK presentation**
5. **Statewide Survey on Domestic Violence Services**

Helen Kinton, President  
Kentucky Domestic Violence Association

6. **The Federal Crime Act of 1994 Requirement for Interstate Recognition of Domestic Violence Protection Orders**

**"The Phone Call for Help from Illinois" Sherry Currens**

**What the federal law requires:**

Explain full faith and credit  
Effective date of provision  
Required compliance?

**Ian Sonogo**

**Assistant Attorney General**

**The National Perspective and  
How Kentucky will comply**

**Discussion by Task Force**

**Next Steps: Can we convene a national or regional meeting to look closer at this issue?**

7. **Next meeting is December 20, 1994, at 10:00 a.m. in Room 131 of the Capitol Annex**
8. **Adjournment**

## AGENDA

### LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO. 4

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**Time:** 10:00 a.m.  
**Place:** Room 131  
Capitol Annex  
Frankfort, Kentucky  
**Date:** December 20, 1994

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1. **Call to Order and Roll Call**
2. **Approve November minutes**
3. **Review of Issues:** Comments on Enforcement of Out-of-State Protective Orders
4. **Co-Chairmen's Comments:** Review of future workplan
5. **The First 24-Hours: The Most Critical and Dangerous Time in Domestic Violence**

**Preliminary Findings of the Kentucky Domestic Homicide-Suicide Task Force**

Robert Walker, L.C.S.W., Center Director, Bluegrass East Comprehensive Care Center  
Carol Jordan, M.S., Department for Mental Health and Mental Retardation Services

**The Cost of Failure**

Pat Quiggins (sister of Pam Fortney, domestic homicide-suicide victim)  
Center for Environmental Health Sciences Research, University of Louisville

**Introduction of the Scenario**

Kathy Frederich, Adult Protective Services Specialist, Department for Social Services

**The First Response from Law Enforcement**

Chuck Sayre, Commissioner, Department of Criminal Justice Training  
Deputy Sheriff Steve Friend, Pike County  
Jerry Wright, former police Lieutenant, Lexington-Fayette Urban County Government

6. **New Business**
7. **Next meeting is January 24, 1995, at 10:00 a.m. in Room 131 of the Capitol Annex**
8. **Adjournment**

# LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO. 5

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**Time:** 10:00 a.m.  
**Place:** Room 131  
Capitol Annex  
Frankfort, Kentucky  
**Date:** January 24, 1995

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1. **Call to Order and Roll Call**
2. **Approve November and December minutes**
3. **Co-Chairs' Comments: Update on Enforcement of Out-of-State Protective Orders**
4. **An Update on the Kentucky Domestic Violence Association Survey**  
Sherry Currens, Executive Director, KDVA
5. **Continued discussion of the role of law enforcement agencies**  
**Victim Access to Protection**  
Marlice Pillow, President, Kentucky Domestic Violence Association  
  
**The Law Enforcement Response to Domestic Violence**  
Commissioner Jerry Lovitt, Kentucky State Police  
Chief Doug Hamilton, Louisville Police Department (invited)  
Detective David Boggs, Lexington-Fayette Urban County Government Division of Police  
  
**Serving Protective Orders**  
Captain Neal Brittain, Kentucky State Police  
Sheriff Ted Collins, Franklin County (invited)  
  
**Warrantless Arrest Authority**  
Sheriff Earl Marshall, Greenup County  
Chief Jerry Powell, Kentucky Horse Park  
Colonel Roy Martin, Kentucky Parks Department, Tourism Cabinet  
Colonel Don Smith, Director, Division of Water Patrol, Dept. for Natural Resources
6. **The Next meeting is February 28, 1995, at 10:00 a.m. in Room 131 of the Capitol Annex**
7. **Adjournment**

## AGENDA

### LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO. 6

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**Time:** 10:00 a.m.  
**Place:** Room 131  
Capitol Annex  
Frankfort, Kentucky  
**Date:** February 28, 1995

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1. **Call to Order and Roll Call**
2. **Approval of January minutes**
3. **Co-Chairmen's Comments**
4. **Sheriffs' response to LINK information concerning service of emergency protective orders**  
Sheriff Tom Scillian, Christian County, President of the Kentucky Sheriff's Association  
Sheriff Brian Roy, Marshall County
5. **Detective Chuck Cooper, Domestic Violence Squad, Louisville Police Department**
6. **Presentation by United States Attorney General Janet Reno**
7. **Remarks by U.S. Attorney, Eastern Kentucky Division, Joseph Famularo**
8. **Presentation of law enforcement issues discovered up to this point.**
9. **Services offered by the Cabinet for Human Resources**  
Commissioner Peggy Wallace, Department for Social Services  
Kathy Frederich, Adult Protection Specialist  
Vicki Doucette, Family Services Officer Supervisor, Magoffin County
10. **Services offered by spouse abuse shelters throughout the Commonwealth**  
Marlice Pillow, President, Kentucky Domestic Violence Association  
Becky Hagan, Executive Director, Owensboro Oasis
11. **Adjournment**

**NEXT MEETING is Monday March 20, 1995 from 9:00 a.m. to 4:00 p.m.**

**DRAFT AGENDA**

**LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE**

MEETING NO. 7

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**Time:** 9:00 a.m. to 4:00 p.m.

**Place:** Room 131  
Capitol Annex

**Date:** March 20, 1995

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1. Call to Order and Roll Call
2. Approval of February minutes
3. Co-Chairmen's Comments
4. **Discussion of recommendations relating to Law Enforcement.**
5. **Discussion of issues relating to victim's services.**
6. **The role of local Prosecutors in cases of domestic violence**

**Jerry Bowles**  
Director of the Domestic Violence Unit  
Jefferson County Attorney's Office
7. **Comments from Kentucky prosecutors**

**Paul Cowden**, Montgomery County Attorney  
President, County Attorneys Association

**Lloyd Spear**, Commonwealth's Attorney  
Greenup and Lewis Counties  
President, Commonwealth's Attorneys Association
8. **The Prosecutors' Advisory Council**

**Matt Grimes**, Director  
Prosecutors' Advisory Council Services Division  
Office of the Attorney General
9. **The Court Program for Battered Women in Quincy, Massachusetts:  
Video Presentation**
10. **Teleconference with Sara Buell, Prosecutor in Quincy, Massachusetts**
11. **Adjournment**

<b>NEXT MEETING is April 25, 1995 from 10:00 a.m. until 4:00 p.m.</b>
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# LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO. 8

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**Time:** 10:00 a.m. to 4:00 p.m.

**Place:** Room 131  
Capitol Annex

**Date:** April 25, 1995

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1. Call to Order and Roll Call
2. Approval of March minutes
3. Co-Chairmen's Comments

## 4. Introduction to the role of the court in domestic violence cases.

**Don Cetrulo**, Director, Administrative Office of the Courts

## 5. The role of Circuit Court Clerks in domestic violence cases.

**Diane Thompson**, Nelson Circuit Clerk  
President-Elect, Circuit Clerks Association

One woman's experience: **Paula Robinson**

## 6. The role of District and Circuit Court Judges in domestic violence cases.

**Campbell District Judge Daniel T. Guidugli**, President  
District Judges Association

**Fayette Circuit Judge Lewis Paisley**

## 7. Introduction of Special Guest by Attorney General Chris Gorman

**Bonnie J. Campbell**, Director  
Violence Against Women Office  
U.S. Department of Justice

## 8. The role of community corrections agencies in domestic violence cases.

**Ann Crowe**, Council on State Governments

**Andy Klein**, Chief Probation Officer, Quincy, Massachusetts

**Hazel Combs**, Division of Probation & Parole, KY Dept. of Corrections, Justice Cabinet

## 9. Automated Victim Notification Systems: Experience, demonstration, and proposal.

*Introduction:*

**Marcia Roth**, Director, Jefferson County Office for Women

*Presentation & Demonstration*

**Stephen Hedgepeth**, Vice President of Operations, Interactive Systems Incorporated

## 10. Adjournment

4:00 p.m. RECEPTION FOR MS. CAMPBELL in Room 149 of the Capitol Annex

**NEXT MEETING: May 16, 1995 from 9:00 a.m. to noon in Room 149, Capitol Annex**

# LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO. 9

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**Time:** 9:00 a.m. to noon  
**Place:** Room 131  
Capitol Annex  
**Date:** May 16, 1995

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1. Call to Order and Roll Call
2. Approval of April minutes
3. Co-Chairmen's Comments:
  - Update on ad hoc workgroup
  - Action by AOC on form suggestions
  - Information from Crime Victims' Compensation Board
4. **Discussion of prosecution recommendations.**
5. **Automated Victim Notification Systems: Presentation of statewide proposal.**

**Stephen Hedgepeth**  
Vice President of Operations  
Interactive Systems Incorporated

6. **Continued discussion of the role of the court in domestic violence cases:**

**The National Council of Juvenile and Family Court Judges**  
**Model Code on Domestic and Family Violence**

**Ted Wedel**  
Attorney and Research Analyst  
for the Missouri House of Representatives

7. **Preliminary results of the law enforcement survey on training and policy.**
8. **Adjournment**

**NEXT MEETING: June 27, 1995 from 10:00 a.m. to 4:00 p.m. in Room 131, Capitol Annex**

# LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO. 10

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**Time:** 10:00 a.m. to 4:00 p.m.

**Place:** Room 131  
Capitol Annex

**Date:** June 27, 1995

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1. Call to Order and Roll Call
2. Approval of May minutes
3. Co-Chairmen's Comments
  
4. Discussion of recommendations relating to the role of the court.
  
5. The role of medical personnel in domestic violence cases.

**Baretta Casey, MD, Chairperson**  
Subcommittee on Domestic Violence  
Kentucky Medical Association

6. Mental health issues in domestic violence cases.

**Carol Jordan, M.S.**  
Administrator of the Sexual & Domestic Violence Program  
Department for Mental Health and Mental Retardation Services  
Cabinet for Human Resources

**Marcia Roth, Executive Director**  
Jefferson County Office for Women

**Lee Williams**

7. Teleconference with Dr. Ann Ganley from Seattle, Washington regarding the certification of providers of court ordered treatment for domestic violence offenders.
  
8. Overview of the Kentucky Crime Victims Compensation Board.

**Sheila Tharpe, Clerk to the Board**  
**Adele Brown, Attorney for the Board**

9. Adjournment

<b>NEXT MEETING DATE TO BE ANNOUNCED</b>
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# LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO. 11

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**Time:** 10:00 a.m. to 12:00 p.m.

**Place:** Room 131  
Capitol Annex

**Date:** August 1, 1995

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1. Call to Order and Roll Call
2. Approval of June minutes
3. Status of "laboratory" funding request sent to U.S. Attorney General Janet Reno.
4. Discussion of Task Force recommendations relating to Social Services, Spouse Abuse Shelters, Mental Health, and Medical Services.
5. Update on the rate of service for protective orders in Kentucky counties.

**Major Dennis Goss**  
Kentucky State Police

6. Adjournment

**NEXT MEETING DATE TO BE ANNOUNCED**

# LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE

MEETING NO. 12

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**Time:** 9:30 a.m. to 4:00 p.m.

**Place:** Room 131  
Capitol Annex

**Date:** August 22, 1995

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1. Call to Order and Roll Call
2. Approval of minutes from August 1, 1995
3. **Battered Women As Defendants.**

**Helen Howard Hughes, Chair**  
Kentucky Parole Board

**Chandra McElroy, Offender Rehabilitation Specialist**  
Kentucky Corrections Institution for Women

**Karen Stout**

**Connie Conway**

## **LUNCH BREAK**

4. **Results of the Survey conducted by the Kentucky Domestic Violence Association**

**Dr. Byron Johnson**

**Dr. Neil Websdale**

5. **Task Force Recommendations and Topics Which Remain to be Discussed.**
6. **Adjournment**

<b>NEXT MEETING DATE TO BE ANNOUNCED</b>
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**DRAFT**

**LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE**  
MEETING NO. 13

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**Time:** 9:00 a.m. to 4:00 p.m.  
**Place:** Room 131  
Capitol Annex  
**Date:** September 26, 1995

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1. Call to Order and Roll Call
2. Approval of minutes from August 22, 1995
3. **Probation: The Misdemeanant Intensive Probation (MIP) program in Jefferson County**

**Hazel Combs, Assistant Director**  
Division of Probation & Parole  
Department of Corrections

**Barbara Hay, District Supervisor**  
Misdemeanant Intensive Probation Program

4. **The impact of domestic violence on children: One Family's Story.**

**Lee Williams**

5. **Consideration of Draft Task Force Recommendations.**
6. **Old Business/New Business**
7. **Adjournment.**

**NEXT MEETING DATE TO BE ANNOUNCED**

## APPENDIX B

Prepared by Legislative Research Commission  
Analyst Susan Lewis Warfield for the  
Legislative Task Force on Domestic Violence

### Narrative of Key Provisions of Kentucky Revised Statutes Relating to Domestic Violence

The Domestic Violence and Abuse Act was enacted by the 1984 Kentucky General Assembly and was amended in both the 88 and 92 Regular Sessions. The legislation provides civil protective relief to adult and child victims experiencing or in fear of experiencing physical injury, serious physical injury, sexual abuse, or assault from a family member or member of an unmarried couple (403.720).

The definition of "family member" includes a spouse, former spouse, a parent, a grandparent, a child, a stepchild, or any other person related by blood or marriage within the second degree. "Members of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common and any children of that couple. It also includes a member of an unmarried couple who are living together or have formerly lived together (403.720).

Domestic violence petitions are filed and orders issued through the district court. The Circuit Court is authorized to issue protective orders when the district judge is not available and when a family member files an action for dissolution of marriage or child custody (403.725).

There is no state or local residency requirement for filing a petition for a protective order (403.725). The domestic violence victim may file a verified petition in the District Court of the county in which they reside, or if they have left their usual residence within the state in order to avoid domestic violence, the petition may be filed and proceedings held in the District Court in the county of their usual residence or in the county of current residence (403.725). A person's right to apply for relief under these provisions is not affected if that person leaves the residence of the parties to avoid domestic violence (403.775).

The district court is required by statute to ensure 24-hour accessibility to emergency protective orders (403.735). Petitions to initiate an action are provided to the victim by the circuit court clerk, however, another individual can be authorized by the court to provide and verify petitions in emergency situations, such as law enforcement officers and county or Commonwealth's attorneys (403.730).

A protective order may be issued by the Court in the form of an Emergency Protective Order (EPO) or a Domestic Violence Order (DVO). These tools can be used to provide immediate short-term protection to victims.

All petitions requested, completed and signed by a person seeking relief under the Domestic Violence and Abuse Act shall be accepted and filed (403.730). If an emergency protective

order is NOT issued, the court is required to note on the petition for the record, any action taken or denied and the reason (403.730). Upon the filing and review of the petition and determination that domestic violence and abuse exists, the court is required to either:

- 1) issue the emergency protective order and a summons for full hearing; OR
- 2) issue a summons for a full hearing (403.735)

If the allegations indicate "immediate and present danger", the court shall issue an emergency protective order (EPO). This type of order is valid for a period of time fixed by the court, but is not to exceed 14 days (403.740). The order may be reissued for up to 14 days if service of the court documents has not been made and if protection is still necessary for the victims (403.740 and 403.745).

Terms of the EPO (per KRS 403.740) may include one or more of the following conditions:

1. Restrain the adverse party from committing further acts of domestic violence and abuse;
2. Restrain the adverse party from disposing of or damaging any the property of the parties;
3. Direct the adverse party to vacate the residence shared by the parties;
4. Restrain the adverse party from any contact or communication with the petitioner except as directed by the court;
5. Grant temporary custody of any minor children; and
6. Enter other orders the court believes will be of assistance in eliminating future acts of domestic violence. This can include confiscation of weapons, supervised visitation arrangements, provisions for either party to obtain belongings, payment for medical costs, etc.)

In January 1991, the Kentucky Supreme Court issued an order that domestic violence hearings are open to the public. Hearings involving protection in child physical or sexual abuse cases may be closed at the discretion of the court.

The full hearing of the petition by the court, which is held within 14 days, provides an opportunity for both parties to present their information and evidence to the court. If the court finds from a preponderance of the evidence presented that an act or acts of domestic violence and abuse have occurred and may occur again, it may issue a Domestic Violence Order (DVO). This order can set forth all of the conditions or terms available in the EPO, but may also include provisions for court-ordered counseling for one or both parties and include an order of temporary child support (403.750). The DVO remains in effect for a period of time not to exceed one year, and may be reissued on an annual basis (403.750).

Both the EPO and DVO become effective and binding on the respondent at the time of personal service or when he or she is told of the existence and terms of the order by a peace officer or the court. After this notice is given, a peace officer of the court may enforce the terms of the order, and act immediately upon any violation of the order.



**The DVO may be amended by the court. Otherwise the order as issued by the court, will be enforced by law enforcement officers and the court until the expiration of the order. EPOs and DVOs are to be enforced in any county of the Commonwealth (403.755). Unless the Circuit Court issues and serves an order pertaining to the same subject matter of any existing domestic violence order, the orders of the District Court remain in effect and are enforced in either District or Circuit Court (403.765).**

**Notice of the existence, terms and status of all protective orders, and any modifications, is required to be made by the circuit court clerk by sending a copy within 24 hours to the appropriate agency designated for entry of domestic violence records in the Law Information Network of Kentucky (LINK) - Domestic Violence File and to the agency required to serve the papers on the respondent (403.770). This computer system is intended to provide 24-hour, statewide access to orders by all law enforcement personnel.**

**Violation of the terms or conditions of an order constitutes contempt of court (403.760). Violation of a protective order was criminalized by the 1992 General Assembly as a Class A misdemeanor (punishable by up to 12 months in jail and/or a \$500 fine) if the order is violated after service of or notice to the party (403.763). Any peace officer having probable cause to believe a violation of an order has occurred is required to arrest the respondent for the violation without a warrant (403.760). Following a hearing, the district court in the county in which the officer made the arrest has jurisdiction of the violation (403.760).**

**Nothing in this section, however, precludes the prosecution and conviction of the respondent of criminal offenses other than the misdemeanor violation of a protective order (403.760). Since the statute provides both civil (contempt of court) and criminal (misdemeanor for violation) avenues of punishment for one particular act, the statute specifically states that civil proceedings and criminal proceedings for the same violation shall be mutually exclusive. However, once either proceeding has been initiated the other shall NOT be undertaken regardless of the outcome of the original proceeding (403.760).**

**Peace officers are granted the authority under 431.005 to make a warrantless arrest of an alleged perpetrator of domestic violence for a misdemeanor charge of Assault 4th, even if the act is committed out of the officer's presence. If the officer has probable cause to believe that if the person is NOT arrested, there exists a danger or threat of danger to others if the person is not immediately restrained; and that the person has intentionally or wantonly caused physical injury to a family member or member of an unmarried couple, then the officer can make the arrest with out a warrant.**

**Each law enforcement agency is mandated to establish written policy and procedures for complying with the provisions of the Domestic Violence and Abuse Act (403.785). Law enforcement personnel are required to report all incidents of known or suspected domestic violence and abuse to the Cabinet for Human Resources within 48 hours of learning of the known or suspected incident. All law enforcement agencies are required to provide all officers they employ with a Kentucky Law Enforcement Council (KLEC) approved**

**training program on domestic violence. Law enforcement is also required to use all reasonable means to prevent further abuse including but not limited to the following:**

- remaining at the location as long as danger is present;**
- assisting the victim in obtaining medical treatment, including providing transportation to the nearest medical facility; and**
- advising the victim of his or her rights.**

**In a divorce proceeding where domestic violence is alleged, the party filing for dissolution is required to certify the existence and status of any protective orders. The party alleging the abuse may substitute their attorney's address for their own (403.150). In determining child custody issues, the court is required to make the decision in accordance with the best interest of the child and is required to give equal consideration to each parent. However, the statute also requires the court to consider "all relevant factors", one of which is the information, records, and evidence of domestic violence. If domestic violence is alleged, the court must determine the extent to which the abuse has affected the child and the relationship to both parents (403.270).**

**In matters of establishing child visitation orders in dissolution cases, if domestic violence is alleged, the court must hold a hearing and determine whether visitation should occur. If so, the court establishes arrangements that will not endanger seriously the child's or the custodial parent's physical, mental, or emotional health (403.320).**

**Other criminal and civil provisions will be discussed in further detail by the Task Force as the occasion arises.**

## APPENDIX C

### Domestic Violence Protection and Support Services in Kentucky: 1970-1994

Researched and prepared by:  
Kathy W. Frederich, M. S.  
Adult Protection Specialist  
Department for Social Services  
July, 1994

#### **1970**

- Kentucky Commission on Women established by General Assembly (KRS 344.520).

#### **1972**

- Child Abuse and Neglect Act (KRS 199) enacted requiring mandatory reporting of known or suspected child maltreatment to the Bureau of Social Services (now Department for Social Services) and provision of child protective services, when indicated.
- Kentucky Law Enforcement Foundation Program Fund (KLEFPF) established by General Assembly pertaining to law enforcement training pay incentive (KRS 15.510); Kentucky Law Enforcement Council established in 1968 but requirement mandating training *did not pass*.

#### **1974**

- Enactment by the General Assembly of the Kentucky Penal Code.

#### **1975**

- Implementation of the Kentucky Penal Code.

#### **1976**

- Unified State Court System (Circuit and District Court) instituted with enactment of the Kentucky Penal Code.
- Crime Victims Compensation Board created by General Assembly.
- Adult Protection Act (KRS 209) enacted requiring mandatory reporting of known or suspected adult abuse, neglect and exploitation to the Bureau of Social Services (now DSS) and provision of voluntary adult protective services, if indicated and requested.

#### **1977**

- First spouse abuse shelter opens in Louisville (Dec.) under YWCA with seed money from Comprehensive Education and Training Act (CETA).
- Domestic Abuse Support and Housing Project (DASH) founded in Eastern Kentucky.

#### **1978**

- Protective order legislation (H.B. 499) introduced by Rep. Gerta Bendl (D-Louisville) supported by Kentucky Commission on Women; included relationships of spouse, former spouse and currently or formerly cohabiting partners. Provisions also included mandatory probable cause arrest by law enforcement for a misdemeanor assault and violation of a protection order not committed in the officer's presence. *Bill did not pass*.
- Bill creating a Governor's Commission on Domestic Violence (H.B. 750) introduced by Rep. Gerta Bendl; provisions included the establishment of: 1) a centralized statewide system of shelter facilities through grants or contracts, 2) statewide program for education of the public regarding the problem, 3) system for collection and analyzing data on domestic violence and,

- 4) an office for coordinating and insuring the availability of existing services of all public and private agencies to victims, including law enforcement agencies and the judiciary for the prevention and treatment of domestic violence. *Bill did not pass.*
- Adult Protection Act (KRS 209) amendments introduced by Rep. Gerta Bendl and enacted; expanded the statute to require the mandatory reporting of spouse abuse victims to adult protective services, however, adult protective services could only be provided if the abused spouse agreed to sign a statement to prosecute the spouse. Supported by the Commission on Women but not by the Louisville spouse abuse shelter.
  - Uniform Reporting Form legislation (KRS 15A.190) enacted which required development of form to gather statistical information relating to specific crimes involving domestic violence, child abuse, and victimization of the elderly. Form to be distributed to all law enforcement agencies in Kentucky.
  - Law Enforcement Assistance Administration (LEAA) provided federal seed money for spouse abuse shelters to be developed in Kentucky.

### 1979

- Second spouse abuse shelter opens in Lexington (May) with LEAA seed money under YWCA.
- Louis Harris and Associates Survey findings released in July detailing nature and extent of Spousal Violence in Kentucky; random sample study spearheaded by Kentucky Commission on Women received national recognition.
- Marriage license fee proposal for funding of spouse abuse shelters (LRC Bill 82/H.B. 33) pre-filed by Rep. Gerta Bendl during Interim. Included amendments to KRS 209 citing the deletion of the requirement that the spouse abuse victim sign a statement to prosecute the spouse prior to receiving adult protective services and added "law enforcement" as a category of professionals required to report known or suspected adult maltreatment.
- LRC Bill 116 pre-filed by Rep. Gerta Bendl establishing Governor's Commission on Domestic Violence. Included proposed revisions to KRS 209 which revised the statutory definition of "spouse" to include any person to whom the victim is or was married or with whom the victim is or was cohabiting.
- Creation of Dispute Mediation Project under Administrative Office of the Courts (AOC) in Lexington for the purpose of having informal hearings in an attempt to resolve "interpersonal disputes" where a crime was alleged to have occurred.

### 1980

- Governor John Y. Brown publicly endorses funding for development of statewide system of spouse abuse shelters (one in each area development district) and support for domestic violence legislation to be included in his legislative package.
- H.B. 86, warrantless arrest by a peace officer for misdemeanor domestic assault introduced by Rep. Gerta Bendl, co-sponsored by Rep. Jim Lemaster (D-Bourbon/Fayette) and enacted. Compromise provision required victim statement to be requested by the peace officer stating that the person arrested was the party who abused the individual; charges would be summarily dismissed if the statement was not signed (KRS 431.005(2)). Provisions in the bill repealing the exemption of the marital privilege in testimony concerning domestic abuse cases *did not pass.*
- Civil protective orders (H.B.87) introduced by Rep. Gerta Bendl, co-sponsored by Rep. Jim Lemaster and enacted.
- Marriage license fee for spouse abuse shelter funding (H.B. 33) sponsored by Rep. Gerta Bendl *did not pass.*

- Adult Protection Act (KRS 209) amendments enacted by provisions set forth in H.B. 799 sponsored by Rep. Gerta Bendl which deleted the requirement citing spouse abuse victims to sign a statement to prosecute prior to receiving adult protective services. Also included "law enforcement" as a category of professionals required by law to report known or suspected adult maltreatment to the Bureau of Social Services (now DSS).
- Enactment by the General Assembly of provisions under KRS 403.270 related to child custody issues and abandonment of a child by a spouse due to physical harm or threat of physical by his or spouse; statute provides that *abandonment shall not be considered* in child custody decisions when the harm or threat of harm was causally related to the abandonment.
- Kentucky State Police informs all law enforcement agencies that they do *not* have the personnel nor related materials to process data submitted to KSP on the UOR-1, the form chosen to incorporate data related to family violence crime to comply with KRS 15A.190. No reporting form is implemented.
- General fund dollars appropriated by General Assembly to expand spouse abuse centers across the state. With loss of federal dollars, Cabinet for Human Resources assumes partial year funding in the fall for six of the former LEAA funded spouse abuse shelter/crisis center programs.
- Protocol between Lexington Spouse Abuse Center and Fayette County Department for Social Services re: adult and child abuse reporting and coordination of services between the two agencies, established as the model for state implementation.
- First statewide interagency conference on Rape and Family Violence held in Lexington sponsored by Lexington Spouse Abuse Center.
- First Victim Services networking conference held in Louisville sponsored by the Victim Assistance Network (VAN).
- University of Kentucky Medical Center initiates Family Violence Clinic counseling services with focus on 'couples counseling'.

### **1981**

- Founding of the Kentucky Domestic Violence Association (KDVA) by the coalition of six existing spouse abuse centers.
- Seven Counties Services (Community Mental Health Center) begins to provide domestic violence perpetrator treatment services with emphasis on group format.

### **1982**

- Increase of marriage license fee legislation (H.B. 141) for the establishment of Trust and Agency dollars to help in the funding of spouse abuse shelters introduced by Rep. Gerta Bendl and enacted.
- First 40.0 hour law enforcement in-service training session conducted at Bureau of Training (now Department of Criminal Justice Training) on Rape and Spouse Abuse using a multidisciplinary training team approach.

### **1983**

- Administrative Office of the Courts (AOC) District Court Judicial College includes domestic violence training track.
- Kentucky State Police Academy provides multidisciplinary team instruction on spouse abuse and rape/sexual assault for recruits.

## **1984**

- Creation of Governor's Liaison for Family Violence Prevention and Services position by Governor Martha Layne Collins for the purpose of coordinating the statewide service delivery system to domestic violence victims.
- Repeal of 1980 civil protective order legislation utilizing circuit court and enactment of S. B. 17 - Domestic Violence and Abuse Act (KRS 403.715-.785) sponsored by Sen. Michael R. Moloney (D-Fayette); landmark legislation provided access to the district court for protection and required *mandatory training on domestic violence* for all law enforcement officers employed by a law enforcement agency constituting the only required law enforcement training in Kentucky statute. Legislation passed with only one dissenting vote in the full House and Senate.
- Child protective service system criticized by children's advocates prompted by a highly publicized case in Kentucky's foster care system resulting in Governor Collins convening the Child Protective Services Advisory Committee to review the current system and make recommendations for child welfare services reform.
- DSS Adult Services Task Force convened by DSS Commissioner Anna Grace Day to review department policy and procedures related to adult services, including spouse/partner abuse victims.
- Development of JC-3 Form (Child Abuse, Adult Abuse and Domestic Abuse Standard Report Form) in response to passage of the 1978 legislative requirement for a unified reporting form on family violence (KRS 15A.190).

## **1985**

- Cabinet for Human Resources, Department for Social Services renews commitment to domestic violence program initiative and hires program specialist with expertise in adult protection/domestic violence in Frankfort Central Office.
- Cabinet for Human Resources, Department for Mental Health and Mental Retardation Services establishes domestic violence victims and perpetrators as a priority population to be served by the Community Mental Health Centers and hires domestic violence and sexual assault program specialist in Frankfort Central Office.
- First three-day domestic violence multidisciplinary training seminars sponsored by Department for Social Services and convened statewide at five regional sites (Family Violence: The Paradox - 700 participants).
- Development of Family Violence Prevention Curriculum by Kentucky Department of Education and Louisville-Jefferson County Board of Education; curriculum wins national awards and recognition.
- Report of the Child Protective Services Advisory Committee presented to Governor Collins.
- Special legislative session appropriates \$8.3 million to the Cabinet for Human Resources to support Family Based Services.
- National Crime Prevention Institute, University of Louisville offers the first course on Prevention of Family Violence.
- Administrative Office of the Courts sponsors District Court Judicial College and includes major track/emphasis on domestic violence.
- Jefferson County (Louisville) DSS initiates a specialized Domestic Violence Team.
- Statewide Toll-free Child Abuse Hotline expanded to include reporting of Adult Abuse i.e. Adult/Child Abuse Reporting Hotline.
- Revision of JC-3 law enforcement reporting form.

- Governor Collins and Illinois Governor Thompson spearhead regionalized Interstate Council on Missing and Exploited Children with focus on child custody and parental abduction in domestic violence cases.
- Kentucky reaches goal of funding one spouse abuse center/program in each of the fifteen Area Development Districts which provide comprehensive residential and non-residential services to battered women. All services are also provided to male victims but they are not housed at shelter facilities.
- Constitutionality of the statute governing the issuance of protective orders in cases of domestic violence, i.e. Domestic Violence and Abuse Act (1984), is challenged in Rowan County by Northeast Kentucky Legal Services. Rowan District Court Judge James E. Clay refused to consider cases filed under the state's emergency protective order statute contending that the statute was unconstitutional. Special appointed Circuit Judge Ellen Ewing of Louisville overturns Judge Clay's ruling and upholds the constitutionality of the statute.
- Victims Advocacy Division established in Office of the Attorney General.
- Beginning of multidisciplinary Domestic Violence Coordinated Community Response Trainings for law enforcement, social services, prosecutors, judges, shelters, mental health, health and education at request of local officials or specific provider.
- Beginning of audience-specific training by state and victim service providers on the identification, intervention, treatment and prevention of domestic violence.

#### **1986**

- Kentucky Unified Juvenile Code codified (KRS 600-645).
- First statewide mental health conference convened on Family Violence and a Community Mental Health Perspective.
- Department for Social Services awarded three-year federal Family Violence Prevention and Services Act grant funding for spouse abuse shelters (Note: Department continues to receive federal funding to date).
- Update and revision by Department of Criminal Justice Training of law enforcement training curricula on family violence.
- Creation of the Louisville-Jefferson County Domestic Violence Task Force and Fifth District Project Study (i.e. pro-arrest and recidivism rates).
- Lexington-Fayette County Domestic Violence Prevention Board, a community interagency council, founded upon recommendation of the Bluegrass United Way Domestic Violence Study Group.
- Development and distribution by the Kentucky Medical Association, in cooperation with DSS and the Governor's Office, of brochures to alert physicians to indicators of adult and spouse/partner abuse.
- Kentucky Sheriff's Academy founded by the Kentucky Sheriff's Association at Western Kentucky University; domestic violence and child abuse designated for one day of instruction.
- Marital rape legislation introduced in General Assembly to remove the spousal exemption to rape, remove the term "earnest resistance" in the definition of "forcible compulsion", and to include in the definition of rape the penetration of any object into the genital, mouth or anal openings without consent of the party; the *bill did not pass*. However, H.B. 311 passed and allowed prosecution for rape committed by a victim's spouse under certain conditions set forth and the parties were living apart, a first step perceived as a victory by advocates for the complete repeal.
- Enactment of the Crime Victims Bill of Rights (KRS 421.500).

- Amendment to Adult Protection Act (KRS 209) making failure to report known or suspected adult maltreatment per the statute a class B misdemeanor (90 days in jail, \$500 fine or both) versus a violation (\$250 maximum fine).
- Kentucky Administrative Regulations promulgated in relation to spouse abuse centers; includes, among other items, the establishment of criteria for designation of primary and secondary service providers within the ADD's.
- Cabinet for Human Resources, Office of Counsel opines that DSS should receive reports of abuse of adult cohabiting partners and offer adult protective services accordingly.
- Enactment of legislation which provides that the Department for Social Services social workers maintain an average caseload in the area of foster care, child protection, juvenile services or adult protection not to exceed 25 cases in an effort to meet the intent of Family Based Services.
- First state funding appropriated by General Assembly for Kentucky's Rape Crisis Centers; administrative responsibility for the RCC's given to the Department for Mental Health and Mental Retardation Services.
- General Assembly appropriates first funding to the Department for Mental Health and Mental Retardation Services for domestic violence training and program development.
- Statewide interagency agreement on domestic violence signed by the Department for Social Services and the Department for Mental Health and Mental Retardation Services.

#### **1987**

- First inclusion of domestic violence track in Kentucky Alcohol and Drug Studies School.
- Development of DSS Staff Development Plan for new and veteran social workers, including Core and Adult Services Competency Based Curriculum components on domestic violence.
- Creation of the first police specialized Domestic Violence Unit in the state at the Lexington-Fayette Division of Police using pro-arrest policy and subsequent prosecution.
- Creation of the first prosecutor-based Domestic Violence Diversion Program in the state within the Fayette County Attorney's Office requiring a guilty plea prior to court-ordered perpetrator treatment. Perpetrator treatment services provided by the local community mental health center, Bluegrass Comprehensive Care.
- Kentucky Domestic Violence Association (KDVA) hires Executive Director.
- Domestic Violence Prevention and Services State Plan for mental health services published by the Department for Mental Health and Mental Retardation Services.

#### **1988**

- Revision of JC-3 law enforcement reporting form as a result of legislative changes.
- Department for Social Services distributes information on reporting of adult abuse/spouse abuse to 40,000 Kentucky licensed physicians, nurses, emergency medical technician's and attorneys.
- Kentucky Hospital Association distributes Risk Management Advisory to KHA members regarding the reporting of adult/spouse abuse to the Department for Social Services.
- Update and revision of law enforcement training curricula on family violence by Department of Criminal Justice Training.
- Domestic Violence and Abuse Act (KRS 403.715-.785) amended to expand the provisions of protective orders to include a former spouse or member of an unmarried couple with a child in common.
- Warrantless arrest statute (KRS 431.005(2)) amended to concurrently give peace officers the ability to arrest without a warrant a former spouse or member of an unmarried couple with a



child in common in cases of domestic abuse. Amendments also permitted University Police to make arrests in domestic abuse situations.

- Marital rape legislation (H.B. 309) was introduced again by Rep. Marshall Long, however, removal of the requirement of “earnest resistance” on the part of the victim of sexual assault was the only successful portion of the Rape and Sexual Assault Coalition’s legislative package which was enacted (H.B. 288).
- Legislation introduced by Rep. Jon Ackerson (R-Jeffersontown) including hands and feet and their appendages and parts as “dangerous instruments” when they are used in a manner which causes serious physical injury or death to the victim. H.B. 328 *did not pass*.
- Family Court Feasibility Task Force established by House Concurrent Resolution 30.
- Enactment of H.B. 345, mandated age-appropriate prevention education instruction in all state certified K-12 schools in Parenting Education and Family Life Skills which included all components of the Family Violence Prevention Curriculum.

### **1989**

- Gender Fairness in the Courts Task Force created by Chief Justice Robert F. Stephens.
- Development of the Sexual Assault/Abuse: A Hospital/Community Protocol for Forensic and Medical Examination and conduct of seven regional multidisciplinary training programs for health care providers on utilization of the protocol.
- Family Violence Prevention Curriculum for the schools updated (K-12).
- Family Court Feasibility Task Force Report completed.
- Kentucky Domestic Violence Association (KDVA) receives \$500,000 federal grant from the U. S. Department of Labor, Stewart B. McKinney Homeless Assistance Act’s Job Training for the Homeless Demonstration Program to operate an employment program in six of the state-funded shelters.
- Kentucky Domestic Violence Association (KDVA) receives \$65,000 federal grant from the U. S. Department of Justice for the development of model law enforcement training in response to domestic violence crime; Kentucky is one of six states to receive initial funding. KDVA Law Enforcement Training Project Advisory Committee, an 18 member multidisciplinary panel of criminal justice and victim service providers, established to carry out the activities of the grant.
- Class action lawsuit filed by six spouse abuse victims in U.S. District Court against Louisville Police Department and Jefferson County Police Department for failing to enforce Kentucky’s laws on domestic violence.
- Marital Rape conference convened by Department for Mental Health and Mental Retardation Services, first conference in the country specifically devoted to this issue.
- Multidisciplinary Adult Services Conference sponsored by Department for Social Services with emphasis on domestic violence.

### **1990**

- Enactment of Kentucky Education Reform Act (KERA) with repeal of all mandated curriculum, including Parenting Education and Family Life Skills (Family Violence Prevention Curriculum).
- Kentucky Domestic Violence Association releases findings of a 1989 12-month survey which provided data on marital rape victims in Kentucky who had entered spouse abuse centers; the survey found that 45% of the 666 women interviewed had been forced by their husbands to have sex.

- Questions raised by the Department of Mental Health and Mental Retardation Services to its sister agency, the Department for Social Services, regarding Family Based Services intervention and treatment in domestic violence cases.
- Morehead Police Department receives \$10,000 federal grant, 1/4 of the total federal funds, from U. S. Department of Justice to conduct family violence public awareness and information dissemination in the Rowan County area.
- Kentucky passes Marital Rape legislation sponsored by Rep. Marshall Long (H.B. 38).
- Kentucky's spouse abuse centers and rape crisis centers conduct joint training on marital rape to prepare for implementation of marital rape law.
- Series of domestic violence homicides followed by suicides occur across the state prompts the Kentucky Domestic Violence Association to establish a Homicide/Suicide Task Force.
- First public service announcement produced and *aired statewide* aimed towards educating battered women in the Commonwealth about protection and support services available; cooperative effort between the Office of the Attorney General and Lexington-Fayette Division of Police.
- Lexington Herald-Leader editorial writer Maria Henson begins "To Have and To Harm" investigative editorial series on Kentucky's failure to protect women from the men who beat them focusing on the failure of the criminal justice system and recommendations for reform.
- KDVA carries out activities of U. S. Department of Justice federal grant; Kentucky Law Enforcement Training Project (LETP) conducts seven regional seminars designed for police administrators and management. Seminar agenda included: history of police response to domestic violence crime, dynamics of domestic violence, victim/survivor panel, individual, agency and municipal liability, model law enforcement response, model domestic violence policy, and the establishment of interagency councils and the importance of a coordinated community response. Work products included development and dissemination of: 1) law enforcement response training video; 2) training video study guide; 3) model law enforcement training curriculum; 4) model law enforcement training curriculum lesson plans; and 5) model domestic violence law enforcement policy.
- Department for Social Services develops Domestic Violence Skills and Intervention Advanced Training for DSS social workers.

## 1991

- Lexington Herald-Leader editorial writer Maria Henson continues "To Have and To Harm" editorial series.
- Louisville Courier-Journal writer Mary O'Doherty begins "Violence Against Women" investigative series of reports on domestic violence in Kentucky focusing on the failure of police, courts, and prosecutors in many jurisdictions throughout Kentucky to protect battered women and their children.
- Chief Justice Robert Stephens orders Kentucky courts to open all hearings and records on domestic violence cases while simultaneously urging the courts to provide 24-hour access to emergency protective orders.
- Appointment of 38-member multidisciplinary Task Force on Domestic Violence Crime by Attorney General Fred Cowan to review Kentucky's response to domestic violence crime including recommendations for legislative changes; series of hearings conducted with oral and written testimony heard from over 90 victims and service providers.
- Release of ten (10) Emergency Recommendations by the Attorney General's Task Force on Domestic Violence Crime which called for immediate implementation of existing laws in an effort to curb domestic violence and protect victims.

- Kentucky notified that Charles “Buck” Thurman, ex-husband of Tracey Thurman of Torrington, Connecticut, was to be released from a Connecticut prison contingent upon parole placement in Frankfort with relatives. The case had received national attention as the landmark court decision for battered women in the failure to protect lawsuit finding a violation of the U.S. Constitution’s equal protection clause. Attorney General’s Task Force forwards a resolution to Governor Wallace Wilkinson requesting parole be barred in Kentucky due to the lack of available appropriate treatment resources in Kentucky upon release and implications for Kentucky if parole supervision was not adequate since he had vowed repeatedly to “finish the job” on Tracey. Resolution acted upon by the Governor and petition for interstate release to Kentucky was withdrawn by Connecticut officials.
- Attorney General’s Task Force on Domestic Violence Crime conducts statewide survey to determine the perceptions and attitudes of service providers about spousal/partner abuse cases and the relationship of these attitudes in influencing their response to domestic violence crime (Wilson & Wilson, 1991).
- LINK-Domestic Violence File, first state centralized computer database for protective orders in the country, created by Kentucky State Police, with cooperation from the Administrative Office of the Courts, in response to Task Force testimony and recommendations; database enables the terms and conditions of protective orders issued by the courts to be accessible to all law enforcement agencies for the purpose of enforcement.
- First specialized training on prosecution of domestic violence cases conducted for prosecutors at Annual Kentucky Prosecutors Conference by Candace Heisler of San Francisco District Attorney’s Office.
- First family court in the state established, Louisville-Jefferson Family Court, which handles all civil actions, including domestic violence protective order cases brought before the court; criminal cases are *not* heard in Louisville-Jefferson’s Family Court Project.
- Bluegrass State Poll random sample telephone survey conducted by Louisville Courier-Journal finding that more than half (59%) of Kentuckians thought their police and court officials did not treat the problem of domestic violence seriously enough in their community.
- Attorney General’s Task Force on Domestic Violence Crime releases Comprehensive Recommendations and Legislative Package for 1992 General Assembly.
- Domestic violence double homicide-suicide results in Henderson Police Department Death Investigation, Report and Recommendations conducted by Attorney General’s Task Force on Domestic Violence Crime at request of the city of Henderson; findings released which implicated failure within “the community system” to respond appropriately which possibly could have prevented the deaths.
- Development of nationally recognized work products released by the Attorney General’s Task Force on Domestic Violence Crime which includes: 1) Prosecutor’s Manual on Domestic Violence Crime; 2) Model Community Response to Domestic Violence Crime: Interagency Protocol; and 3) Adult Abuse, Neglect and Exploitation: Medical Protocol for Health Care Providers and Community Services Agencies.
- Establishment of Kentucky Victims’ Coalition.
- Candidates running for the offices of governor, lieutenant governor, attorney general, local prosecutorial and judicial races for the first time in Kentucky history include platforms on their views of the criminal justice system’s response to domestic violence crime and victim services in Kentucky.
- Fayette County Domestic Violence Protocol (Lexington) adopted by police, perpetrator treatment provider, and county attorney’s office.

- Implementation of Domestic Violence and Sexual Assault Unit in the Jefferson County Attorney's Office (Louisville) with "no drop policy". Unit documented an 87% conviction rate for domestic violence crime in its first year of operation, one of the best in the nation.
- Prosecutor-based victim advocates continue to be developed in select county and commonwealth attorney's offices.
- Louisville Police Department adopts "pro-arrest" response to domestic violence and assigns officer to serve as the Domestic Violence Liaison to community agencies.
- Jefferson County Office for Women established by Jefferson County Judge Executive to address women's issues in Jefferson County, advocate for justice for women, and take active role in community resource development. Violence against women identified to be the first project for primary focus.
- Standards of Care for domestic violence perpetrator treatment programs developed by Department for Mental Health and Mental Retardation Services.
- Kentucky Women Advocates, a statewide coalition of women's organizations and individuals representing more than 10,000 Kentucky women, creates the Annual "Justice and Injustice" awards to honor those who have made significant contributions to issues of domestic violence, child support, and programs to help women and children in Kentucky. Award recipients are named in October prior to election day with 'Injustice' represented by a plaque of a brass horse's posterior and 'Justice' represented by a plaque with a gold gavel.
- Kentucky's Plan for Healthy People 2000 National Health Promotion and Disease Prevention Objectives released with a specific objective related to Violent Behavior (domestic violence and child abuse).
- Centers for Disease Control releases findings nationally of five year study (1985-1990) of homicide followed by suicide in Kentucky; 74% of the homicide-suicide clusters were domestic violence related.
- First training focus on domestic violence for Family Preservation workers at statewide retreat.

## **1992**

- Staff position of Governor's Liaison for Family Violence abolished.
- Governor Brereton C. Jones includes issue of domestic violence in "State of the Commonwealth" speech to joint session of General Assembly, a first in the history of Kentucky.
- Spouse abuse shelters and rape crisis centers receive increased funding.
- General Assembly enacts **all** bills in the comprehensive, controversial legislative package of the Attorney General's Task Force on Domestic Violence Crime; all bills supported by the Governor's Office and signed into law.
- 5,000 calls received in the Governor's Office in support of the domestic violence legislation during the final three days of the legislative session, a number claimed to be the most calls ever received in response to legislative efforts.
- S. B. 80 sponsored by Sen. David Karem (D-Louisville) requires judges deciding child custody issues to consider evidence of domestic violence in making their decision, determine the extent to which the abuse has affected the child(ren) and the child(ren)'s relationship to both parents, and requires the certification of any protective orders upon the filing of a petition under KRS 403.
- H.B. 115 sponsored by Rep. Marshall Long (D-Shelbyville), the omnibus bill related to reform of the Domestic Violence and Abuse Act and warrantless statute. Includes provisions which: 1) extends domestic violence laws to couples who currently or formerly lived together, 2) expands the definition of domestic violence to include "sexual abuse", 3)

requires police officers to make an arrest if they have probable cause to believe a protective order has been violated, 4) requires all protective orders to be entered into the LINK-Domestic Violence File, 5) establishes 24-hour accessibility to the courts for emergency protective orders, 6) requires written law enforcement policy and procedures relating to domestic violence, 7) prohibits the issuance of mutual protective orders without a separate petition being filed and a separate hearing being held, 8) expands the provisions of emergency protective orders to include no contact/communication and emergency temporary custody; full domestic violence orders also expands provision to include no contact/communication, 9) requires no service fee to the petitioner, 10) requires enforcement of protective orders in every county of the Commonwealth, 11) requires the court to note for the record what action was taken or denied on the domestic violence petition, 12) deletes the residency requirement of the petitioner, 13) increases protections to members of an unmarried couple currently or formerly living together in misdemeanor warrantless arrest situation (assault 4th) and deletes the victim statement from the warrantless statute; and 14) clarifies issue of contempt of court in protective order statute.

- H.B. 256 sponsored by Rep. Richard Lewis (D-Benton) requires the courts to take a history of domestic violence into consideration to determine if the defendant is entitled to the defense of self-protection while creating the new definition of “imminent” to mean impending danger with specific reference to domestic violence; legislation also requires that if the defendant is convicted, the court consider if the defendant would be exempt, as a domestic violence victim, under the ‘violent offender’ statutory restrictions to probation, shock probation, conditional discharge, or parole. Legislation provided provisions for current persons who are victims of domestic violence convicted and serving time for domestic violence related serious physical injury or death to petition the court for review to determine if ‘self-protection’ defense could be used.
- H.B. 445 sponsored by Rep. Richard Lewis (D-Benton) creates the new crime of “stalking”, which applies to those who engage in an intentional course of conduct which serves no legitimate purpose and places the individual in substantial fear of physical injury or death. Constitutionally protected activity is exempt from being defined as stalking. The crime of stalking constitutes a Class A misdemeanor or Class D felony, dependent upon the conditions. Kentucky is one of the first states to enact stalking legislation; statute as written complies with national model legislation.
- S.B. 160 sponsored by Sen. Michael R. Moloney (D-Fayette) amended the sex offenses statute to include rape with a foreign object in the definition of “sexual intercourse”.
- S.B. 103 had implications for domestic violence victims in cases of child custody and visitation even though it was not a Task Force bill. Requires that the court, at the request of either party, issue detailed orders related to visitation; establish violation of a visitation or child support order as contempt of court and requires the court to remedy the failure to comply, ‘good cause’ not to comply was defined and factors to consider in determining whether a child’s present environment seriously endangered the child was expanded.
- Passage of the new Kentucky Rules of Evidence which deleted the marital privilege to testify in cases of violence/assault of one party toward the other.
- Conduct of seven regional multidisciplinary Domestic Violence Legislation In-service Training sessions sponsored by the Department for Social Services in conjunction with Kentucky State Police, Office of the Attorney General, and Kentucky Domestic Violence Association (600 participants).
- Revision of LETP model policy to incorporate 1992 legislative changes; Attorney General’s Task Force on Domestic Violence Crime disseminates model policy to all law enforcement agencies in the Commonwealth.

- Gender Fairness Task Force (Kentucky Bar Association and Kentucky Supreme Court) releases findings of study which notes that female victims of domestic violence were perceived by Kentucky attorneys to be unfairly treated with Kentucky's court system pertaining to protection and support needs. Gender bias against women was determined to exist in Kentucky' legal system according to the 206 female attorneys and 579 male attorneys surveyed in the study. Chief Justice established standing committee for implementation.
- "Successful Prosecution of Domestic Violence Crime" training conducted at Annual Kentucky Prosecutors Conference by Casey Gwinn from San Diego City Attorney's Office.
- Lexington Herald-Leader editorial writer Maria Henson wins 1992 Pulitzer Prize for her domestic violence editorial series "To Have and To Harm-Kentucky's Failure to Protect Women from the Men Who Beat Them".
- Administrative Office of the Courts develops brochure to inform domestic violence victims of the provisions of protective orders and the court process.
- Courier-Journal reports content of training sponsored by Administrative Office of the Courts for the District and Circuit Judges Judicial College which includes '90 minutes' set on the four-day agenda to discuss all new laws enacted by the 1992 General Assembly, including the new Rules of Evidence, for the district judges and '30 minutes' on the agenda pertaining to the same subject matter for the circuit judges. It is noted in the press that 3 hours was slated on the district court agenda on "How to be Wise to the Media" and 3 1/2 hours on the circuit court agenda on "auto insurance". Advocates across the state publicly criticize the agenda given recent findings of the Attorney General's Task Force on Domestic Violence Crime, Gender Fairness in the Courts, and newly enacted comprehensive legislation related to domestic violence.
- Kentucky Bar Association conducts legislative review sessions statewide; newly enacted domestic violence legislation addressed in "Domestic Relations."
- Attorney General Chris Gorman continues Domestic Violence Task Force and begins Domestic Violence Homicide Research Initiative starting from the period of calendar year 1991.
- Jefferson County Medical Society and University of Louisville Medical School conducts survey to practicing physicians, residents and medical students to determine physician knowledge and response to domestic violence.
- Kentucky Hospital Association devotes full edition of Winter Kentucky Hospitals Magazine to domestic violence.
- Jefferson County Office for Women institutes public awareness campaign to educate the community on the pervasiveness of domestic violence.
- Jefferson County Department for Social Services develops Family Violence Team to address protective service reports where there is a concurrent child and spouse/partner abuse report.
- Cabinet for Human Resources, Department of Law reaffirms legal opinion of December, 1986 which mandates DSS to receive reports of abuse of adult cohabiting partners and offer adult protective services.
- Representatives from the National Council of Juvenile and Family Court Judges (NCJFCJ) select Kentucky as one of five model states to conduct on-site visits and review implementation of domestic violence legislation and service delivery system to victims for purpose of drafting the Model Legislative Code on Domestic Violence.
- Jefferson County Office for Women establishes Domestic Violence Perpetrator Treatment Provider Standards of Care (modeled after DMHMR Standards of Care) and Advisory Committee to screen potential perpetrator treatment providers used by the Jefferson County

Family and District Court; sponsors domestic violence training for private practice mental health providers/counselors.

- Crime Victim Compensation Board receives first training on domestic violence/sexual assault and its impact on victims.

### **1993**

- Two day training-of-trainers session conducted by Department for Social Services staff for Department of Criminal Justice Training staff on domestic violence, child sexual abuse, and elder abuse; 40.0 hour Family Violence In-Service Training established and implemented by DOCJT in Fall '93.
- Kentucky Medical Association establishes Domestic Violence Subcommittee with multidisciplinary membership representative of the health, justice, and victim services community.
- Attorney General's Task Force releases preliminary findings of the Domestic Violence Homicide Research Initiative; 1993 statistics indicate a domestic violence related homicide occurred in Kentucky *every 5 days*.
- Child Fatality Review Teams handbook and guidelines released by Department for Social Services in conjunction with representatives from the Kentucky State Police and Coroners.
- Establishment of Child Custody and Visitation Guidelines Work Group by Office of Kentucky Legal Services as a result of passage of S.B. 103 during the 1992 General Assembly to develop guidelines/manual for judges, attorneys, and domestic relation commissioners.
- Development of Department for Social Services computer interfacing with KSP's LINK-Domestic Violence File - first social services/law enforcement computer interface in the country which provides critical information to adult and child protective service workers regarding the status and existence of civil protective orders issued by the court. Information critical for victim and worker safety.
- Conduct by DSS and KSP of LINK-Domestic Violence Training for DSS workers to familiarize social services on how to access the computer system and interpret the information on the LINK-Domestic Violence File.
- Family Abuse-Chemical Dependency Manual published by the Department for Mental Health and Mental Retardation Services.
- KDVA develops Victim Services Standards for Kentucky Spouse Abuse Programs which affirms a commitment to the provision of quality services to battered women and their children in Kentucky.
- Kentucky Medical Association (KMA) House of Delegates adopts resolution to urge Kentucky medical schools (University of Louisville, University of Kentucky) to include training on identification and intervention in domestic violence cases.
- Litigation against two Kentucky police departments (Georgetown, Louisville) finds the agencies liable for 'failure to protect' in reference to police response to cases of domestic violence.

### **1994**

- Victim notification legislation passed by General Assembly in Governor's Crime Bill (H.B. 390) sponsored by Representative Gregory Stumbo.
- Prosecutor-based Victim Advocates legislation (H.B. 95) sponsored by Representative Paul Mason and passed by General Assembly in response to Child Sexual Abuse Task Force.
- KMA forwards letter to Deans of Medical Schools urging them to adapt curriculum to include training on domestic violence.

- Domestic violence related legislation introduced but *did not pass* pertaining to: 1) definition of "living together" in the Domestic Violence and Abuse Act; 2) parenting education in divorce cases; 3) child custody issues and treatment provisions for perpetrators of domestic violence and child sexual abuse cases; and 4) requirement that prosecutors assist in the filing of petitions for protective orders.
- Conduct of training for coroners/deputy coroners at Kentucky Coroner's Conference with major focus on domestic violence (i.e. effects on children, battered women who kill, domestic violence homicide in Kentucky)
- Conduct of training segment on supervision of domestic violence offenders for Kentucky Probation and Parole Officers' Regional 40.0 hour in-service training.
- Conduct of domestic violence training for Kentucky Dental Association (KDA) and adoption of resolution to participate in the prevention of abuse and neglect through dental awareness.
- National publication of article "Guidelines for Handling Domestic Violence Cases in Community Mental Health Centers" in Hospital and Community Psychiatry authored by Department for Mental Health and Mental Retardation Services in conjunction with Bluegrass Comprehensive Care.
- Kentucky selected as one of seven model states by the Urban Institute, Washington, DC to conduct on-site visit and interview selected agency representatives from law enforcement, the courts, and victim services to evaluate the effectiveness of the U. S. Department of Justice Law Enforcement Training Project completed in 1992.
- Fayette County Prevention Board sponsors first Mini-Course for private practice mental health providers/counselors on domestic violence perpetrator treatment and court-ordered counseling.
- Kentucky serving as Host for the first National Teleconference on Family Preservation Services and Domestic Violence sponsored by the national Intensive Family Preservation Services Networking Association. Representatives from DSS and Seven Counties Services work in conjunction with Susan Schechter and the National Resource Center on Domestic Violence in the planning, development and implementation of the teleconference
- Spouse Abuse Centers and KDVA launch public awareness campaign on domestic violence (posters, public service announcements).

**AUTHOR'S NOTE:**

The intent of this document was to denote key events/activities over the period of time indicated in an effort to reflect on past accomplishments, trends and current/future challenges. It is understood that this document is by no means all inclusive, therefore the exclusion of a perceived event or activity by an agency/service provider in a respective part of the state is not intentional. Documentation is available for all items listed.



**APPENDIX D**  
**Cabinet for Human Resources**  
**Adult Protective Services**  
**Spouse Abuse Reports**  
**FY '93**

**Sex of Adult Reported**

Sex	Reports	Percentage
Male	1,778	10%
Female	16,701	90%
Unknown	7	0
<b>Total</b>	<b>18,486</b>	<b>100%</b>

**Marital Status of Adult Reported**

Marital Status	Reports	Percentage
Single	34	0%
Married	15,836	86%
Widowed	3	0%
Separated	2,378	13%
Divorced	40	0%
Unknown	195	1%
<b>Total</b>	<b>18,486</b>	<b>100%</b>

**Initial Reporting Source of Adult Reported**

Initial Reporting Source	Reports	Percentage
Relative	322	2%
Non-Relative	129	1%
Department of Social Service	268	1%
Other Public Social Services	259	1%
Home Health Agency	597	1%
Hospital Personnel	597	3%
Law Enforcement	10,820	59%
Community MH/MR Center	140	1%
Private Social Services Agency	123	1%
County/District Health Department	12	0%
Physician	45	0%
Long Term Care Staff	7	0%
Self	1,643	9%
Spouse Abuse Shelter	2,241	12%
Anonymous	1,613	9%
<b>Total</b>	<b>18,486</b>	<b>100%</b>

### Living Arrangements of Adult Reported

Living Arrangement	Reports	Percentage
Alone	924	5%
Own home with others	3,476	19%
With spouse	10,992	59%
With children	823	4%
With parents	491	3%
With other relatives	284	2%
Caretaker home	13	0%
Boarding home	4	0%
Family care home	2	0%
Personal care home	4	0%
Intermediate care facility	5	0%
Skilled nursing facility	0	0%
Hospitals NH/MR	8	0%
Homeless	42	0%
Unknown	1,191	6%
<b>Total</b>	<b>18,486</b>	<b>100%</b>

### Age of Adult Reported

Age	Reports	Percentage
29 & under	8,692	47%
30 - 39	6,283	34%
40 - 49	2,385	13%
50 - 59	622	3%
60 - 69	247	1%
70-79	135	1%
80 - 89	49	0%
90 +	69	0%
Unknown	4	0%
<b>Total</b>	<b>18,486</b>	<b>100%</b>

### Race of Adult Reported

Race	Reports	Percentage
Caucasian	15,346	83%
Hispanic	53	0%
African-American	1,932	10%
Asian/Pacific Islander	77	0%
American Indian/Alaskan	10	0%
Biracial	7	0%
Not reported	1,061	6%
<b>Total</b>	<b>18,486</b>	<b>100%</b>

**ADULT PROTECTIVE SERVICES Spouse Abuse Reports: District By Counties Summary FY '93**

**STATE TOTAL**

FY '93	Spouse Abuse
State Total	18,486

**DISTRICT 01 - PURCHASE**

Ballard	16
Calloway	106
Carlisle	4
Fulton	32
Graves	111
Hickman	26
McCracken	442
Marshall	71
District Total	808

**DISTRICT 02-PENNYRILE**

Caldwell	13
Christian	342
Crittenden	19
Hopkins	158
Livingston	15
Lyon	0
Muhlenberg	132
Todd	43
Trigg	1
District Total	723

**DISTRICT 03 - GREEN RIVER**

Daviess	521
Hancock	34
Henderson	300
McLean	27
Ohio	103
Union	58
Webster	37
District Total	1,080

**District 04 - Barren River**

Allen	34
Barren	189
Butler	43
Edmonson	8
Hart	51
Logan	64
Metcalfe	34
Monroe	17
Simpson	85

Warren	613
District Total	1,138

**DISTRICT 05 - Lincoln Trail**

Breckinridge	19
Grayson	78
Hardin	609
Larue	45
Marion	23
Meade	23
Nelson	121
Washington	29
District Total	977

**District 06 - Jefferson**

Jefferson	3,748
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**District 07 - Northern Kentucky**

Boone	248
Campbell	424
Carroll	23
Gallatin	8
Grant	73
Kenton	892
Owen	35
Pendleton	44
District Total	1,747

**District 08 - Buffalo Trace**

Bracken	30
Fleming	27
Lewis	70
Mason	78
Robertson	9
District Total	214

**District 09 - Gateway**

Bath	44
Menifee	24
Morgan	66
Rowan	148
District Total	377

**District 10 - FIVCO**

Boyd	287
Carter	111
Elliott	16
Greenup	72

Lawrence	69
District Total	555

**District 11 - Big Sandy**

Floyd	417
Johnson	201
Magoffin	109
Martin	112
Pike	371
District Total	1,210

**District 12 - Kentucky River**

Breathitt	43
Knott	93
Lee	21
Leslie	2
Letcher	76
Owsley	21
Perry	211
Wolfe	19
District Total	486

**District 13 - Cumberland Valley**

Bell	206
Clay	36
Harlan	30
Jackson	32
Laurel	145
Rockcastle	103
Whitley	109
District Total	774

**District 14 - Lake Cumberland**

Adair	6
Casey	14
Clinton	16
Cumberland	8
Green	7
McCreary	10
Pulaski	210
Russell	25
Taylor	59
Wayne	57
District Total	412

**District 15 - Bluegrass**

Anderson	117
Bourbon	134
Boyle	152
Clark	150
Estill	59
Fayette	1,586
Franklin	270
Garrard	62
Harrison	56
Jessamine	248
Lincoln	104
Madison	267
Mercer	106
Nicholas	17
Powell	36
Scott	139
Woodford	87
District Total	3,590

**District 16 - Salt River**

Bullitt	216
Henry	52
Oldham	155
Shelby	168
Spencer	17
Trimble	21
District Total	642

**OUT OF STATE**

Out of State	5
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## APPENDIX E

### THE VIOLENCE CONTINUUM

<b>Expressive Violence</b>	<b>Instrumental Violence</b>
Violence that is primarily an expression of emotion (anger, jealousy, etc.)	Violence that is used primarily as an instrument to achieve a goal.
Absence of exposure to severe prior violence	History of exposure to severe violence
Mutual and reciprocal violence; victim and perpetrator roles not fixed	Unilateral violence; victim and perpetrator roles fixed
Violence in context of escalating conflict	Violence as deliberate effort to punish or control
Sequential, gradual, predictable progression to violence	Relatively sudden and rapid progression to violence
Mutual conflict, stress, frustration, and anger precede violence incident	Low provocation for violent incident
Genuine remorse and sorrow; violence inconsistent with values, brief that violence will be controlled	Shallow, manipulative remorse; violence consistent with values, resignation and hopelessness
Unpredictable, high potential for escalation and "accidental" injury	Potential for violent retaliation, homicide, or suicide
Relatively benign psychological consequences	Serious psychological consequences; helplessness, depression, low self-esteem, external locus of control
Brief, skill-building therapy with couples	Long-term therapy with individuals, separation, legal sanctions
Termed mutual combat, spouse abuse, or domestic violence	Termed battering

From Neidig & Friedman, (1984)





APPENDIX F



COMMONWEALTH OF KENTUCKY  
KENTUCKY STATE POLICE  
919 VERSAILLES ROAD  
FRANKFORT 40601

BRERETON C. JONES  
GOVERNOR

PAUL F. ISAACS  
COMMISSIONER  
AND  
SECRETARY OF JUSTICE

July 26, 1995

Ms. Susan Warfield  
Legislative Research Commission  
700 Capitol Avenue  
Frankfort, Kentucky 40601

Dear Ms. Warfield:

Enclosed are listings of the LINK Domestic Violence File statistics related to the service of Emergency Protective Orders. The listing reflect the percentage (rounded to the nearest whole number) of each county's Emergency Protective Orders which cleared the LINK system without showing a service date, as well as the total number of orders that were issued and entered into LINK.

The first two columns (FY94 and the first half of FY95) contain data that have been presented previously to the task force. The third column contain those data (second half of FY95) that were requested at the June task force meeting. Also enclosed for review is a comparison of the first and second half of FY95.

Should there be any questions, please contact me at your convenience.

Sincerely,

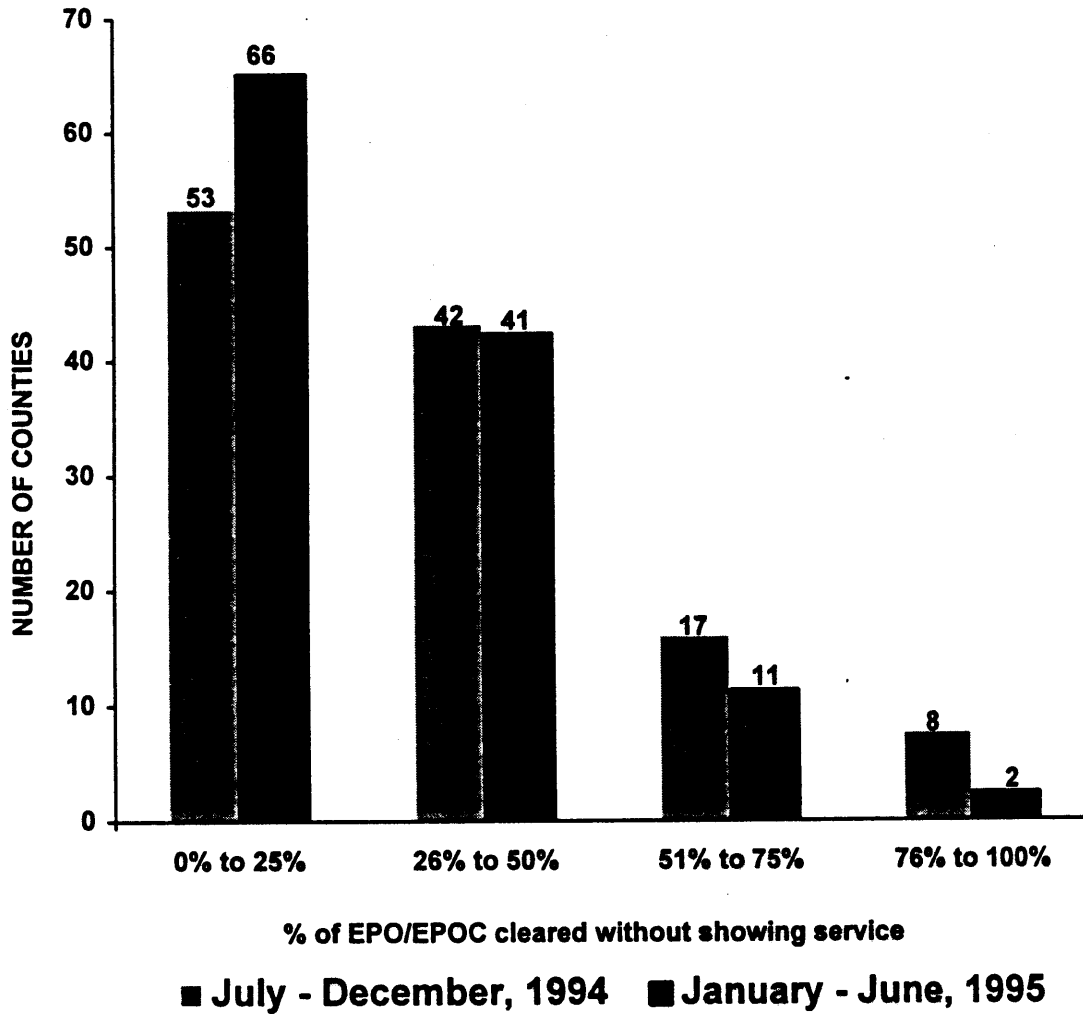
A handwritten signature in black ink, appearing to read "Major Dennis L. Goss".

Major Dennis L. Goss, Commander  
Information Services Branch

DLG/llm

enclosures

**EPO/EPOC COMPARTATIVE DATA**  
 (Jul. - Dec., 1994 -v- Jan. - June, 1995)



- 80 COUNTIES REFLECT A LOWER % AGE  
 (14 with a decrease of 5% or less)
- 36 COUNTIES REFLECT A HIGHER % AGE  
 (16 with an increase of 5% or less)
- 4 COUNTIES REFLECT NO CHANGE

PERCENTAGE OF EMERGENCY PROTECTIVE ORDERS  
CLEARED FROM THE LINK DOMESTIC VIOLENCE  
FILE WITHOUT REFLECTING SERVICE

COUNTY	FY94 (12 mos.)		FY95 (Jul - Dec)		FY95 (Jan - Jun)	
	*	**	*	**	*	**
ADAIR	44%	-- 41	38%	-- 37	52%	-- 33
ALLEN	35%	-- 98	17%	-- 52	30%	-- 56
ANDERSON	50%	-- 130	66%	-- 38	29%	-- 48
BALLARD	29%	-- 24	42%	-- 36	28%	-- 25
BARREN	20%	-- 191	24%	-- 143	27%	-- 158
BATH	67%	-- 27	42%	-- 19	30%	-- 20
BELL	36%	-- 226	39%	-- 135	43%	-- 115
BOONE	24%	-- 292	30%	-- 162	25%	-- 162
BOURBON	38%	-- 101	29%	-- 90	16%	-- 94
BOYD	20%	-- 287	25%	-- 169	24%	-- 178
BOYLE	20%	-- 226	21%	-- 104	21%	-- 102
BRACKEN	33%	-- 21	40%	-- 5	25%	-- 8
BREATHITT	49%	-- 101	51%	-- 88	43%	-- 76
BRECKINRIDGE	4%	-- 70	14%	-- 64	19%	-- 48
BULLITT	31%	-- 261	22%	-- 98	29%	-- 161
BUTLER	47%	-- 45	49%	-- 39	53%	-- 40
CALDWELL	2%	-- 63	6%	-- 36	0%	-- 27
CALLOWAY	67%	-- 137	72%	-- 81	21%	-- 83
CAMPBELL	44%	-- 528	38%	-- 319	41%	-- 326
CARLISLE	25%	-- 4	48%	-- 25	60%	-- 10
CARROLL	15%	-- 143	22%	-- 55	9%	-- 45
CARTER	29%	-- 111	40%	-- 77	26%	-- 78
CASEY	32%	-- 90	27%	-- 66	24%	-- 70
CHRISTIAN	16%	-- 423	24%	-- 225	14%	-- 221
CLARK	20%	-- 115	12%	-- 68	17%	-- 97
CLAY	11%	-- 9	38%	-- 8	26%	-- 57
CLINTON	61%	-- 33	69%	-- 16	59%	-- 34
CRITTENDEN	12%	-- 43	21%	-- 28	5%	-- 21
CUMBERLAND	39%	-- 33	25%	-- 16	12%	-- 25
DAVISS	21%	-- 426	20%	-- 296	21%	-- 289
EDMONSON	53%	-- 47	62%	-- 13	90%	-- 20
ELLIOTT	56%	-- 9	0%	-- 2	38%	-- 16
ESTILL	48%	-- 84	66%	-- 56	55%	-- 76
FAYETTE	12%	-- 1367	12%	-- 790	10%	-- 786
FLEMING	57%	-- 14	60%	-- 10	40%	-- 20
FLOYD	77%	-- 332	84%	-- 240	47%	-- 223
FRANKLIN	21%	-- 455	30%	-- 217	17%	-- 183
FULTON	24%	-- 46	18%	-- 22	11%	-- 18
GALLATIN	50%	-- 22	32%	-- 22	20%	-- 15
GARRARD	55%	-- 55	33%	-- 27	21%	-- 34
GRANT	9%	-- 87	11%	-- 72	18%	-- 73
GRAVES	9%	-- 129	7%	-- 86	17%	-- 77
GRAYSON	22%	-- 125	25%	-- 69	38%	-- 90
GREEN	35%	-- 40	32%	-- 28	42%	-- 31
GREENUP	41%	-- 126	35%	-- 100	26%	-- 99
HANCOCK	17%	-- 29	13%	-- 8	14%	-- 21

LINK DOMESTIC VIOLENCE FILE  
 COUNTY LISTING -- SERVICE OF EPO's  
 PAGE 2

HARDIN	28%	--	703	28%	--	337	22%	--	299
HARLAN	31%	--	141	26%	--	84	22%	--	99
HARRISON	26%	--	85	21%	--	39	25%	--	65
HART	45%	--	78	31%	--	61	18%	--	84
HENDERSON	18%	--	398	16%	--	224	18%	--	223
HENRY	8%	--	115	8%	--	64	7%	--	46
HICKMAN	21%	--	14	46%	--	13	14%	--	21
HOPKINS	48%	--	127	15%	--	69	16%	--	86
JACKSON	41%	--	68	51%	--	43	45%	--	40
JEFFERSON	14%	--	4180	14%	--	2232	13%	--	2017
JESSAMINE	38%	--	258	48%	--	128	42%	--	135
JOHNSON	49%	--	159	68%	--	115	58%	--	120
KENTON	31%	--	960	33%	--	553	27%	--	486
KNOTT	95%	--	73	98%	--	50	38%	--	71
KNOX	53%	--	178	18%	--	152	13%	--	186
LARUE	59%	--	22	13%	--	24	19%	--	37
LAUREL	32%	--	378	43%	--	226	41%	--	245
LAWRENCE	13%	--	70	17%	--	54	27%	--	33
LEE	60%	--	52	71%	--	24	86%	--	21
LESLIE	92%	--	50	93%	--	30	40%	--	47
LETCHER	70%	--	273	73%	--	175	51%	--	150
LEWIS	78%	--	32	84%	--	25	74%	--	39
LINCOLN	21%	--	84	44%	--	45	34%	--	59
LIVINGSTON	14%	--	29	50%	--	18	15%	--	13
LOGAN	3%	--	35	12%	--	26	17%	--	23
LYON	16%	--	19	23%	--	22	11%	--	9
MCCRACKEN	24%	--	474	30%	--	245	21%	--	280
MCCREARY	49%	--	97	59%	--	82	65%	--	93
MCLEAN	15%	--	60	11%	--	18	39%	--	26
MADISON	34%	--	375	39%	--	200	28%	--	192
MAGOFFIN	85%	--	74	94%	--	63	52%	--	104
MARION	30%	--	80	23%	--	35	15%	--	55
MARSHALL	36%	--	120	46%	--	85	32%	--	117
MARTIN	49%	--	90	51%	--	84	38%	--	58
MASON	26%	--	62	21%	--	38	18%	--	45
MEADE	6%	--	108	9%	--	58	10%	--	68
MENIFEE	63%	--	8	50%	--	8	22%	--	9
MERCER	13%	--	171	20%	--	82	12%	--	94
METCALFE	36%	--	44	36%	--	22	21%	--	14
MONROE	15%	--	60	17%	--	29	39%	--	64
MONTGOMERY	23%	--	145	22%	--	96	40%	--	92
MORGAN	66%	--	83	83%	--	54	23%	--	66
MUHLENBURG	13%	--	119	15%	--	78	17%	--	101
NELSON	19%	--	209	22%	--	99	22%	--	113
NICHOLAS	17%	--	29	7%	--	15	0%	--	9
OHIO	12%	--	154	28%	--	91	25%	--	88
OLDHAM	6%	--	101	9%	--	53	14%	--	29
OWEN	31%	--	61	19%	--	31	4%	--	28
OWSLEY	47%	--	19	63%	--	8	17%	--	18
PENDLETON	30%	--	71	18%	--	50	18%	--	39
PERRY	26%	--	307	21%	--	147	14%	--	141
PIKE	36%	--	498	39%	--	293	28%	--	247
POWELL	94%	--	93	90%	--	41	41%	--	44
PULASKI	42%	--	373	49%	--	215	40%	--	183

COUNTY LISTING -- SERVICE OF EPO's  
PAGE 3

ROBERTSON	13%	--	8	25%	--	4	0%	--	1
ROCKCASTLE	50%	--	151	74%	--	91	35%	--	94
ROWAN	52%	--	135	52%	--	82	27%	--	70
RUSSELL	71%	--	35	76%	--	49	35%	--	66
SCOTT	41%	--	156	31%	--	141	18%	--	146
SHELBY	23%	--	214	35%	--	132	21%	--	90
SIMPSON	3%	--	74	15%	--	53	7%	--	55
SPENCER	7%	--	43	29%	--	17	15%	--	20
TAYLOR	53%	--	115	27%	--	103	27%	--	101
TODD	41%	--	27	35%	--	17	26%	--	19
TRIGG	7%	--	29	24%	--	17	0%	--	10
TRIMBLE	22%	--	37	13%	--	15	20%	--	10
UNION	3%	--	63	16%	--	19	3%	--	37
WARREN	25%	--	513	25%	--	322	20%	--	308
WASHINGTON	9%	--	23	6%	--	16	20%	--	20
WAYNE	26%	--	144	27%	--	85	62%	--	94
WEBSTER	17%	--	91	7%	--	45	12%	--	57
WHITLEY	55%	--	354	47%	--	179	45%	--	207
WOLFE	22%	--	23	58%	--	12	37%	--	27
WOODFORD	17%	--	54	11%	--	37	8%	--	51
STATEWIDE	28%	--	22,221	30%	--	12,955	25%	--	13,043

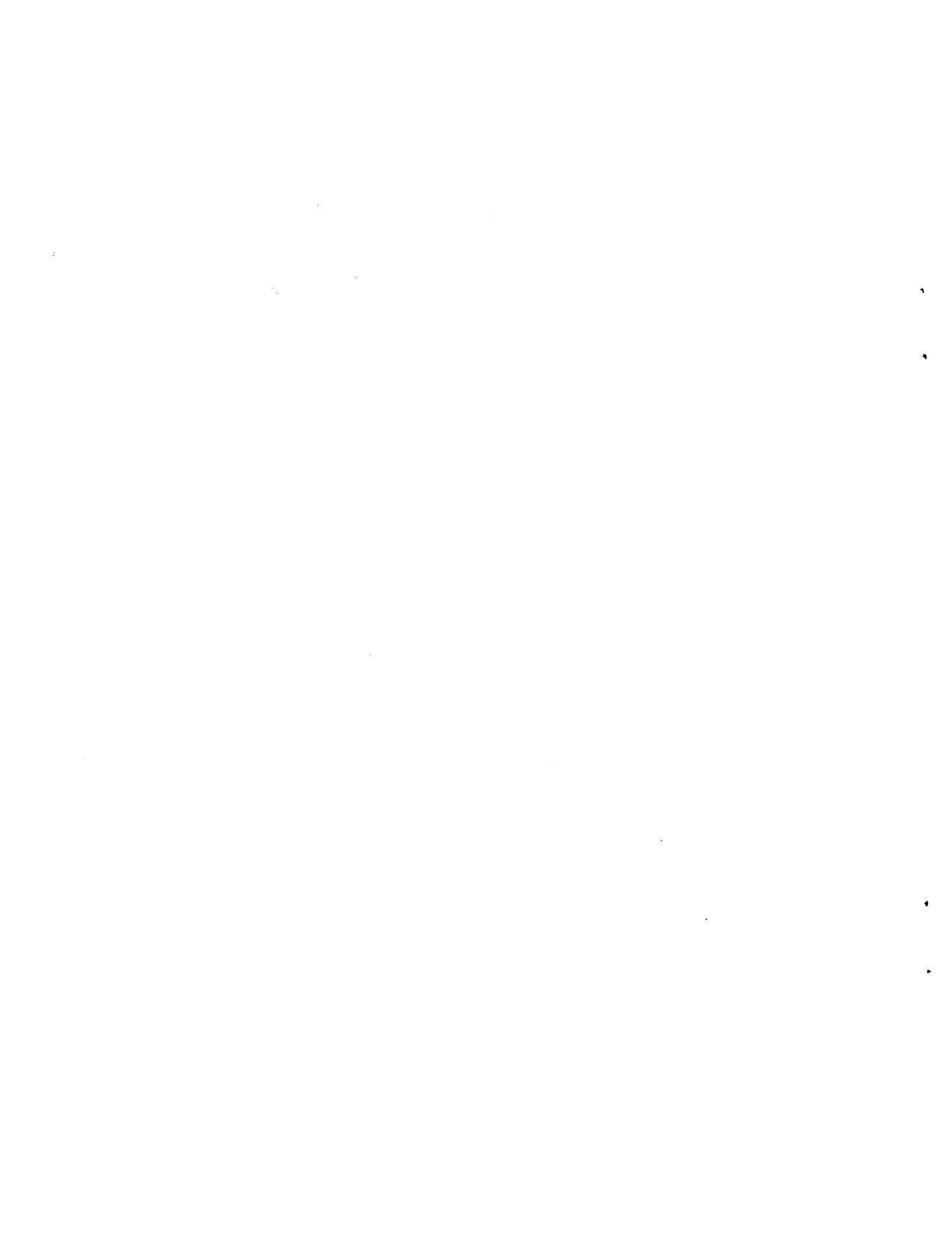
\* Percentage of EOP's Cleared Without Showing Service

\*\* Denotes Total Number of EPO's Entered in LINK

NOTE: Emergency Protective Orders cleared from LINK not showing service may occur due to several reasons.

Some of these reasons include:

1. Order is not served.
2. Order is served, but notice of service is not received by the entering LINK agency.
3. Entering agency received notice of service but fails to modify the record to show service.
4. Order is sent to an agency in another jurisdiction (county or state) for service and prompt service is delayed or notification of service to the entering LINK agency is delayed.



**LAW ENFORCEMENT AGENCY  
SURVEY ON DOMESTIC VIOLENCE  
POLICIES AND TRAINING  
FROM THE  
KENTUCKY LEGISLATIVE TASK FORCE  
ON DOMESTIC VIOLENCE**

**LAW ENFORCEMENT AGENCY SURVEY ON  
DOMESTIC VIOLENCE POLICIES AND TRAINING FROM THE  
KENTUCKY LEGISLATIVE TASK FORCE ON DOMESTIC VIOLENCE**

**Law Enforcement Agency:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Contact Person:** \_\_\_\_\_

**Jurisdiction (e.g. Third Class City, County, Park, etc.)** \_\_\_\_\_

**1. Does your agency have a written policy on domestic violence?**

\_\_\_\_\_ YES (please enclose a copy) \_\_\_\_\_ NO

**2. Since, July 1, 1992, have your officers received domestic violence training in addition to that which was included in their basic training?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

**3. If yes, which of the following agencies provided the additional training?**

_____ Department of Criminal Justice Training	_____ Combination of Cabinet for Human Resources, Attorney General, and Justice Cabinet
_____ KY Sheriff's Academy	_____ Your Own Staff Training
_____ Attorney General's Office	_____ Other (please specify) _____

**4. Please provide the following estimates regarding your agency's personnel:**

Number of Full-time Sworn Personnel _____	Number Received Additional Domestic Violence Training _____
Number of Part-time Sworn Personnel _____	Number Received Additional Domestic Violence Training _____
Number of Civilian Personnel _____ (include dispatchers)	Number Received Additional Domestic Violence Training _____

Please return completed survey and, if applicable, a copy of your agency's written domestic violence policies, to the following address:

**Legislative Task Force on Domestic Violence  
ATTN: Susan Lewis Warfield  
Legislative Research Commission  
Frankfort, KY 40601**



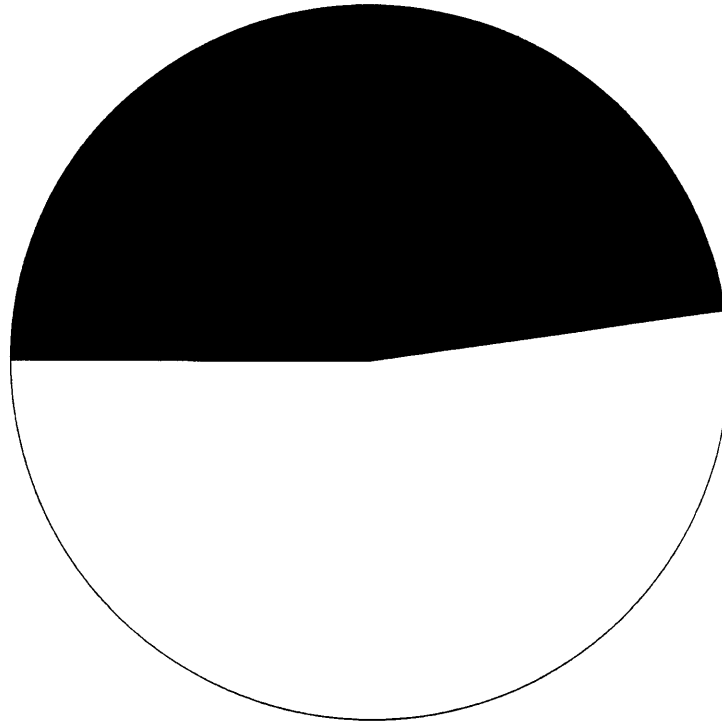
**420 Surveys sent on February 23, 1995**

**272 Surveys re-sent on April 7, 1995**

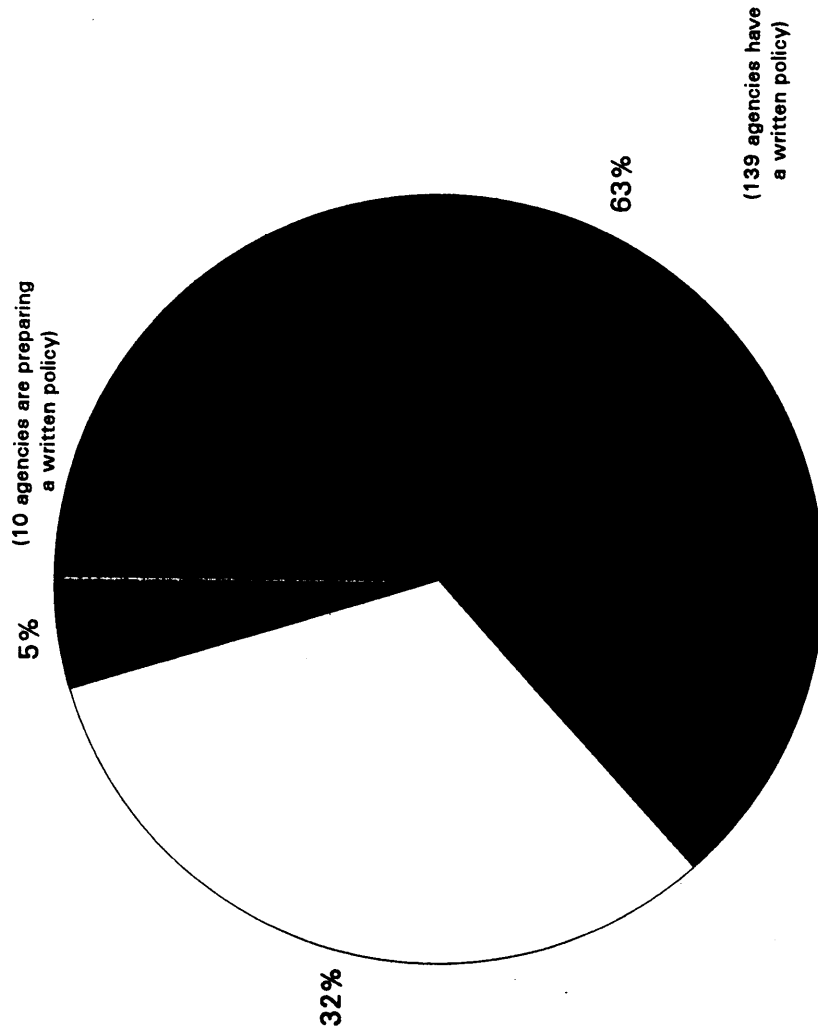
<b>Total Number Responding</b>	<b>219</b>
<b>Total Number of Sheriffs Responding</b>	<b>54</b>
<b>Total Number of Police Departments Responding</b>	<b>157</b>
<b>Total Number of Universities &amp; Colleges Responding</b>	<b>6</b>
<b>Total Number of Housing Authorities Responding</b>	<b>1</b>
<b>Total Number of Airports Responding</b>	<b>1</b>

**420 AGENCIES SURVEYED**

**219-Agencies Responded**

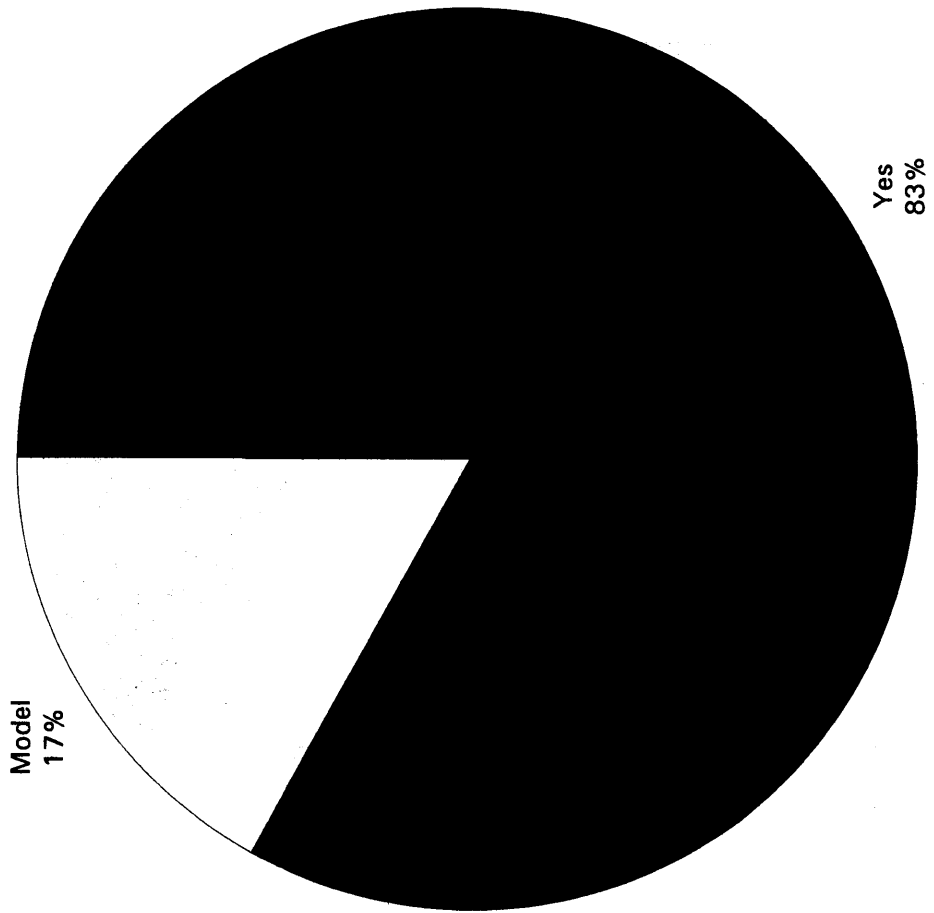


1. Does your agency have a written policy on domestic violence?

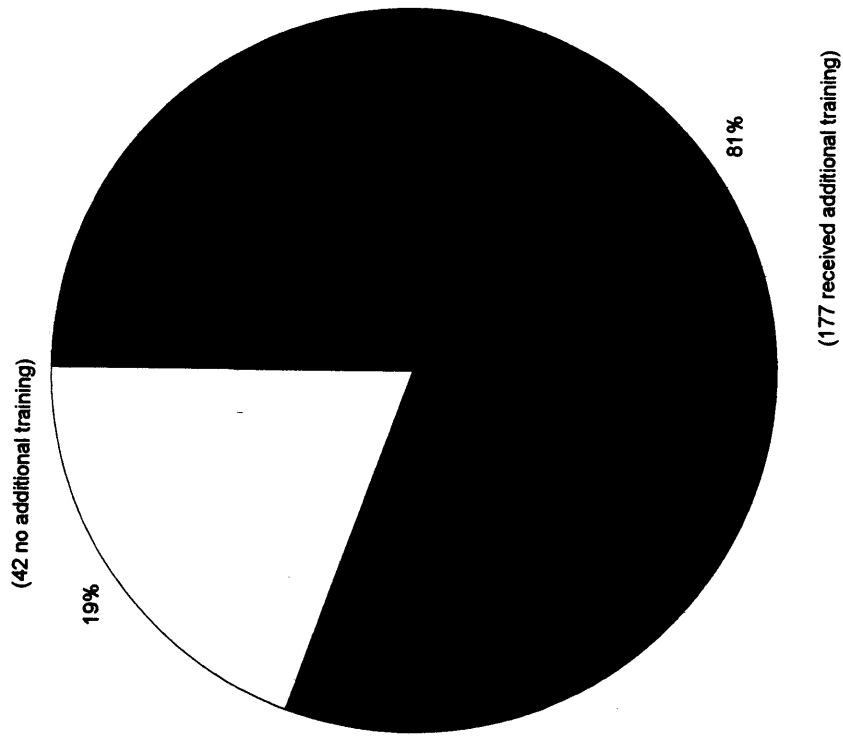


(70 agencies do not have a written policy)

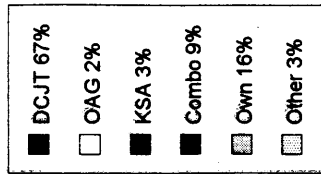
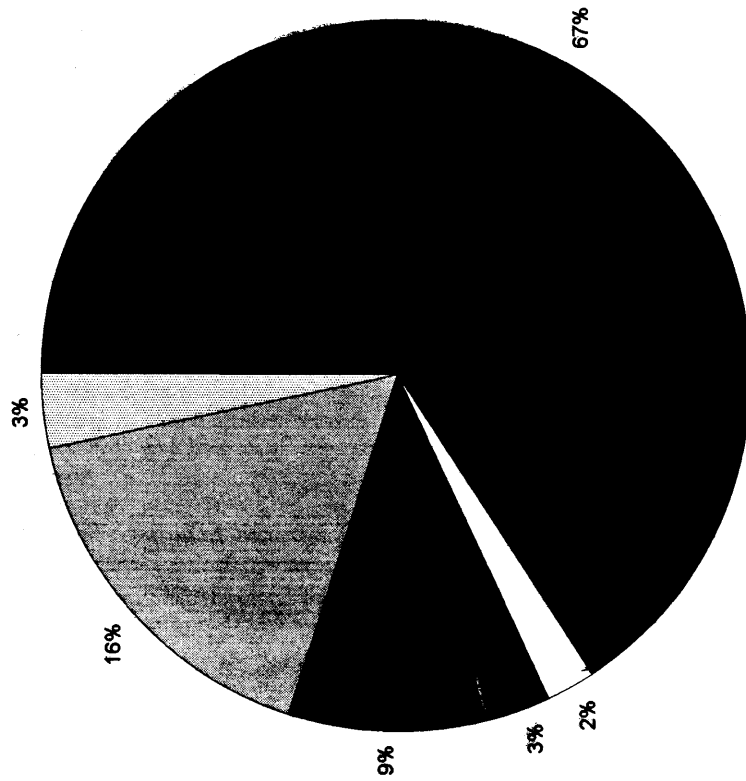
**1. Written Policy using the Model**



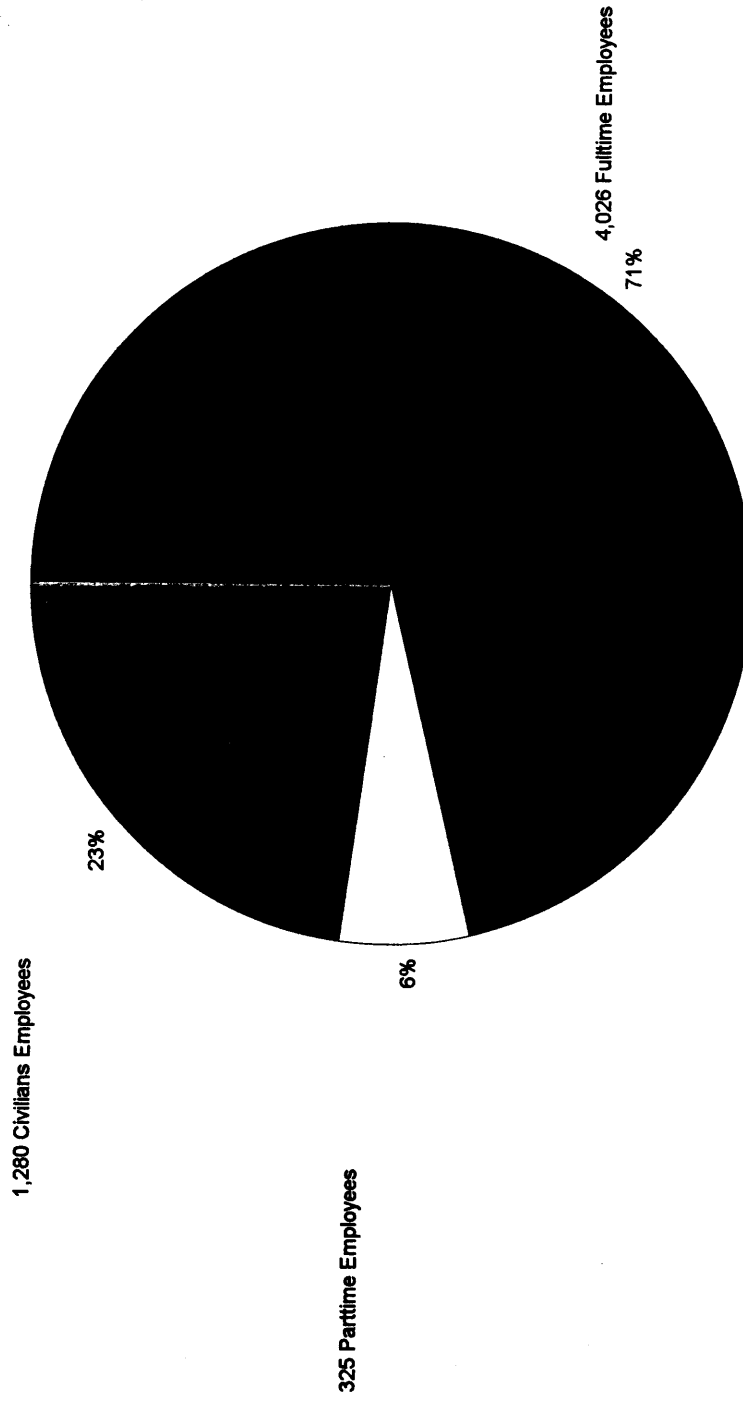
**2. Since 7/1/92, have your officers received domestic violence training in addition to that which was included in their basic training?**



3. If yes, which of the following agencies provided the additional training?

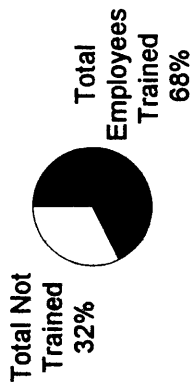


The 219 agencies that responded to the survey have 6,631 total employees

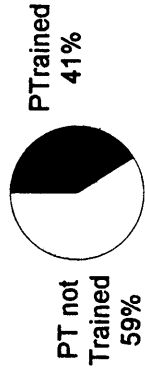


# Employees Trained for All Agencies Responding

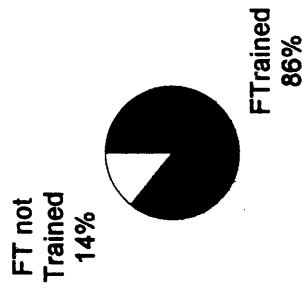
Of the Total Employees for Responding Agencies



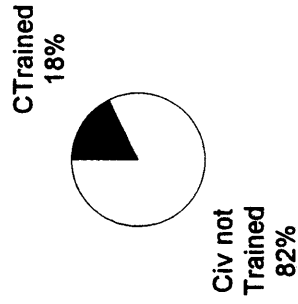
Parttime Employees



Fulltime Employees



Civilian Employees

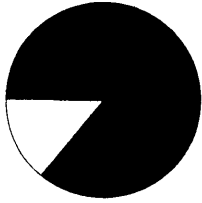




# Fulltime Employees

## Fulltime Employees

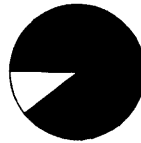
FT not Trained  
14%



FT Trained  
86%

## Police Depts (Fulltime Employees)

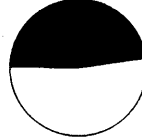
FT Not  
Trained  
11%



FT Trained  
89%

## Sheriff's Offices (Fulltime Employees)

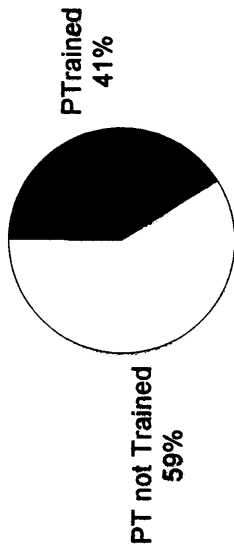
FT Not  
Trained  
52%



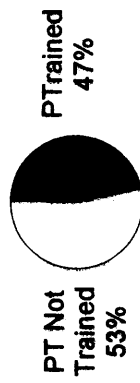
FT Trained  
48%

# Parttime Employees

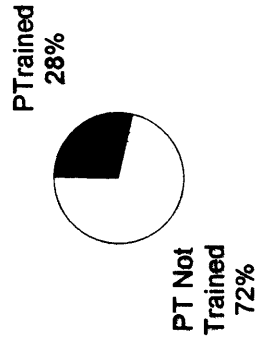
Parttime Employees



Police Depts (Parttime Employees)



Sheriff's Office (Parttime Employees)



APPENDIX H

Date of Approval for "24-hour Access Policies" listed by Judicial District.

Judicial District	Countries by Judicial District	Date 24 hr access policy approved by the Chief Justice
1	Fulton	9-1-92
2	Hickman	9-3-92
3	McCracken	10-22-92
4	Christian	9-29-92
5	Hopkins	7-30-92
6	Crittenden	11-2-92
7	Union	9-2-92
8	Webster	9-3-92
9	Davies	(amended 2-28-95)
10	Hardin	9-3-92
11	Hart	9-3-92
12	Larue	8-6-92
13	Marion	8-6-92
14	Washington	8-6-92
15	Green	(amended 9-22-94)
16	Taylor	8-7-92
17	Henry	9-2-92
18	Oldham	9-15-92
19	Trimble	10-27-92
20	Jessamine	9-2-92
21	Garrard	9-15-92
22	Lincoln	10-27-92
23	Scott	9-2-92
24	Woodford	9-2-92
25	Bourbon	9-15-92
26	Carroll	10-27-92
27	Grant	9-2-92
28	Owen	9-2-92
29	Kenton	9-2-92
30	Campbell	9-2-92
31	Harrison	9-2-92
32	Nicholas	9-2-92
33	Pendleton	9-2-92
34	Robertson	9-2-92
35	Bracken	8-6-92
36	Fleming	8-6-92
37	Mason	8-6-92

Judicial District	Countries by Judicial District	Date 24 hr access policy approved by the Chief Justice
20	Greenup	9-17-92
21	Lewis	8-3-92
22	Bath	(amended 10-7-93)
23	Montgomery	9-3-92
24	Menifee	1-15-93
25	Rowan	10-22-92
26	Fayette	8-13-92
27	Estill	(amended 11-16-92)
28	Lee	8-6-92
29	Owsley	7-27-92
30	Johnson	(amended 10-30-92)
31	Lawrence	8-3-92
32	Martin	9-17-92
33	Clark	9-28-92
34	Madison	3-4-93
35	Harlan	3-4-93
36	Knox	8-6-92
37	Laurel	11-17-92
38	Pulaski	8-6-92
39	Rockcastle	8-6-92
40	Adair	11-17-92
41	Casey	8-6-92
42	Cumberland	11-17-92
43	Monroe	8-6-92
44	Jefferson	11-17-92
45	Floyd	8-6-92
46	Boyd	8-6-92
47	Perry	8-6-92
48	McCreary	8-6-92
49	Whitley	8-6-92
50	Pike	8-6-92
51	Knott	8-6-92
52	Magoffin	8-6-92
53	Carter	1-12-93
54	Elliott	9-16-92
55	Morgan	9-16-92
56	Butler	8-17-92
57	Edmonson	(amended 1-11-93)
58	Hancock	8-17-92
59	Ohio	(amended 1-11-93)

Judicial District	Countries by Judicial District	Date 24 hr access policy approved by the Chief Justice
39	Breathitt	7-30-92
40	Powell	9-2-92
41	Wolfe	9-2-92
42	Clinton	10-19-92
43	Wayne	9-29-92
44	Russell	10-7-92
45	Clay	10-22-92
46	Jackson	9-1-92
47	Leslie	9-23-92
48	Calloway	3-5-93
49	Barren	7-9-92
50	Metcalfe	10-22-92
51	Bell	10-22-92
52	McLean	9-23-92
53	Muhlenberg	9-23-92
54	Breckinridge	9-23-92
55	Grayson	9-23-92
56	Meade	9-23-92
57	Letcher	9-23-92
58	Franklin	9-23-92
59	Allen	9-23-92
60	Simpson	9-23-92
61	Boyle	9-23-92
62	Mercer	9-23-92
63	Henderson	9-23-92
64	Graves	9-23-92
65	Anderson	9-23-92
66	Shelby	9-23-92
67	Spencer	9-23-92
68	Boone	9-23-92
69	Gallatin	9-23-92
70	Bullitt	9-23-92
71	Caldwell	9-23-92
72	Livingston	9-23-92
73	Lyon	9-23-92
74	Trigg	9-23-92
75	Nelson	9-23-92
76	Marshall	9-23-92
77	Ballard	9-23-92
78	Carlisle	9-23-92

# Number of Emergency Protective Orders issued in FY95 and Judges assigned to District. Listed by Judicial District.

Judicial District	Countries in the Judicial District (# of EPOs issued for county)	# of District Judges	FY95 EPOs Issued
1	Fulton (40)	1	74
2	Hickman (34)	2	525
3	McCracken	2	446
4	Christian	2	155
5	Hopkins	1	207
6	Crittenden (49) Union (56) Webster (102)	2	585
7	Daviess	1	85
8	Logan (49) Todd (36)	2	630
9	Warren	2	636
10	Hardin	1	206
11	Hart (145) Larue (61)	2	389
12	Marion (90) Washington (36) Green (59) Taylor (204)	2	217
13	Henry (110) Oldham (82) Trimble (25)	2	428
14	Jessamine (263) Garrard (61) Lincoln (104)	2	559
15	Scott (287) Woodford (88) Bourbon (184)	2	304
16	Carroll (100) Grant (145) Owen (59)	4	1039
17	Kenton	3	645
18	Campbell	2	222
19	Harrison (104) Nicholas (24) Pendleton (89) Robertson (5)	1	126
	Bracken (13) Fleming (30) Mason (83)		

Judicial District	Countries in the Judicial District (# of EPOs issued for county)	# of District Judges	FY95 EPOs Issued
20	Greenup (199) Lewis (64)	1	263
21	Bath (39) Montgomery (188) Menifee (17) Rowan (152)	2	396
22	Fayette	6	1576
23	Estill (132) Lee (45)	1	203
24	Owsley (26) Johnson (235) Lawrence (87) Martin (142)	2	464
25	Clark (165) Madison (392)	3	557
26	Harlan	1	183
27	Knox (338) Laurel (471)	2	809
28	Pulaski (398) Rockcastle (185)	2	583
29	Adair (70) Casey (136) Cumberland (41) Monroe (93)	2	340
30	Jefferson	23	4249
31	Floyd	1	463
32	Boyd	2	347
33	Perry	1	288
34	McCreary (175) Whitley (386)	2	561
35	Pike	2	540
36	Knott (121) Magoffin (167)	1	288
37	Carter (155) Elliott (18) Morgan (120)	1	293
38	Butler (79) Edmonson (33) Hancock (29) Ohio (179)	2	320

Judicial District	Countries in the Judicial District (# of EPOs issued for county)	# of District Judges	FY95 EPOs Issued
39	Breathitt (164) Powell (85) Wolfe (39)	1	288
40	Clinton (50) Wayne (179) Russell (115)	2	344
41	Clay (65) Jackson (83) Leslie (77)	2	225
42	Calloway	1	164
43	Barren (301) Metcalfe (36)	1	337
44	Bell	1	250
45	McLean (44) Muhlenberg (179)	1	223
46	Breckinridge (112) Grayson (159) Meade (126)	2	397
47	Letcher	1	325
48	Franklin	2	400
49	Allen (108) Simpson (108)	1	216
50	Boyle (206) Mercer (176)	2	382
51	Henderson	2	447
52	Graves	1	163
53	Anderson (86) Shelby (222) Spencer (37)	2	345
54	Boone (324) Gallatin (37)	2	361
55	Bullitt	2	259
56	Caldwell (63) Livingston (31) Lyon (31) Trigg (27)	2	152
57	Nelson	1	212
58	Marshall	1	202
59	Ballard (61) Carlisle (35)	1	96

## APPENDIX I



**V.I.N.E.**

**Victim Information & Notification Everyday**  
**JEFFERSON COUNTY CORRECTIONS DEPARTMENT**  
**(502)574-8463**

### **What is VINE?**

VINE stands for Victim Information and Notification Everyday. It is a service of Jefferson County government that allows anyone to retrieve information about the status of an inmate in the Jefferson County Corrections system via telephone. It also allows anyone to register to be notified upon the release or a change in status of any inmate within the Jefferson County Corrections system.

### **When can I call VINE?**

You may call (502)574-8463 at any time, day or night...and everyday of the week. VINE is answered by a state of the art computer system, but is staffed by people in the Corrections Department every day from 8:00 a.m. to 10:30 p.m.

### **Why would I call VINE?**

You can register to be notified by VINE when an inmate is released or his/her status changes. Do remember: if you are in fear of your safety, please do not wait until the release of an individual to take precautionary measures.

Whether or not you register, VINE can give you the following information:

- ◆ Inmate status
- ◆ Inmate location
- ◆ Inmate's next court date, time and location
- ◆ Inmate's identification, and/or arrest number(s)

### **How do I use VINE?**

If you are calling from a rotary phone, dial (502)574-VINE [574-8463], and wait to speak to an operator.

If you are calling from a touch tone phone, please listen for instructions. You will be asked to identify the inmate by number or by name. If you do not know the arrest, case or inmate number, you will be asked to spell the inmate's name, one letter at a time. You will actually say the letters into the phone, and VINE will understand them. The computer listens to your voice and verifies the letters you say. It is important to *speak slowly, clearly, and listen for instructions* from VINE.



**V.I.N.E.**  
**Victim Information & Notification Everyday**  
**JEFFERSON COUNTY CORRECTIONS DEPARTMENT**  
**(502)574-8463**

**HELPFUL HINTS:**

1. You will be spelling your name and/or the inmate's name letter by letter. VINE will beep before each letter. The beep is not very loud, so please listen carefully.
2. The pound sign that VINE asks for looks like this #. It is located on the bottom right corner of the number pad on a touch tone phone. If you are calling from a rotary phone, please wait for an operator.
3. To register, you must give VINE one or two phone numbers where you can be reached, or where someone you trust to contact you can be reached. The system will continue to call until it gets the correct 4-digit code that you have used when you registered. **Be sure to remember the code number.**
4. **YOU MUST COMPLETE THE REGISTRATION OR YOU WILL NOT BE CONTACTED.** VINE cannot take only phone numbers, as it sends a follow-up letter in case no phone contact is made. Wait until you hear VINE tell you your registration has been completed.
5. Once you have looked up an inmate, keep track of that inmate's number. The inmate number stays with the inmate no matter how many charges or whether the inmate enters the corrections system on more than one occasion.
6. Once you have been notified that an inmate's location has changed, you do not need to re-register to be notified of that inmate's release. The system will still automatically notify you of the release.

**NUMBERS YOU SHOULD KEEP BY THE PHONE:**

- ⇒ VINE: (502)574-8463
- ⇒ Inmate's ID number \_\_\_\_\_
- ⇒ Inmate's Arrest number \_\_\_\_\_
- ⇒ 4-digit code for your registration \_\_\_\_\_

**NOTE:** VINE cannot give out information regarding juveniles in the Juvenile Detention Center. VINE provides information only for those inmates within the supervision of the Jefferson County Corrections Department.

## APPENDIX J

Summary of remarks by  
**United States Attorney General Janet Reno**  
**to the Kentucky General Assembly**  
**Legislative Task Force on Domestic Violence**  
February 28, 1995

**Senator Jeff Green, Co-Chair of the Task Force:** It is now my privilege to welcome the Honorable Janet Reno, Attorney General of the United States. Attorney General Reno, this is state senator Jeff Green, welcoming you to this meeting of the Kentucky Legislative Task Force on Domestic Violence.

**Attorney General Janet Reno:** I am delighted to be with you this morning, Senator and also, Representative Gray and the United States Attorneys Troop and Famularo, and all the members of the Task Force.

I just want to commend you for the effort that you have undertaken in Kentucky. As a prosecutor in Miami, 17 years ago, I went to our medical examiner to research why people had been killed in the county for the 20 years previously and the figures were startling. Forty percent (40%) of the homicides related to domestic violence, and at the time they initiated a domestic intervention program to focus on the problem.

It has taken so many years for this issue to become important to law enforcement throughout the country. Kentucky's leadership in this effort has just been magnificent. As I understand it in 1992, you enacted comprehensive legislation which has really served as a model for the nation. I know, however, from my experience in Miami, that funding is a problem and your vision for what you can do in Kentucky won't be a reality without money. I am particularly pleased to tell you that the Violence Against Women Act signed into law by President Clinton in 1994 provides funding for your programs. And this money will be well spent.

By committing significant federal resources and attention to issues of violence against women, the Violence Against Women Act can assist the nation's criminal justice system in responding to the needs and concerns of women who have been, or potentially could be victimized by violence. Programs, which as everybody knows, are under attack. On Wednesday, a subcommittee of the House of Representatives voted to rescind funds which were appropriated in the last Congress for a domestic violence hotline. This means that a singularly useful project which could have saved the lives of abused women is at risk. This concerns me and I know it will concern you.

I encourage you all to work with my office to put together a truly outstanding grant application, because there are many other programs which remain and which we must proceed to work with to insure that we use the resources Congress has provided in the best way possible.

Violence Against Woman Act provides four other remedies which are particularly important:

First, it requires that each state give full faith and credit to domestic violence orders of all other states. This will permit abused individuals to move from state to state without the need to return to court and revisit the horror which they fled. They left the previous state. I recognize that this poses legal issues for many states and that you are particularly interested in how we implement these provisions. With that in mind I have directed the formation of a working group to deal with issues such as this and I will assure you that the working group will consult with groups such as yours before making any recommendations. I think it is very important to hear from people around the country who are on the cutting edge of this issue to make sure that we hear from the experts in the field and develop a response and a plan of implementation that can truly serve your best interest. I'll be particularly interested to learn your views on this subject.

Second, the act permits an individual to bring a federal civil rights suit against the abuser in federal court, and to recover attorney fees if they prevail. We don't have a system any longer where an abused individual is going to have to wait on anybody else. They are empowered and they may act alone.

Third, it is now a federal crime to travel across state lines with the intent to commit an act of domestic violence. Though I do not anticipate that the department of Justice will routinely prosecute cases under this statute, it is an avenue available. When the interest of the case dictate a federal prosecution. But as in everything that we are trying to do with state and local government, we want to be a partnership, and we would work with local prosecutors, work with your attorney general in making sure that any federal prosecution was in accord with what the state thought was the best way to proceed.

Fourth and finally, the Violence Against Women Act makes it a federal felony for an individual subject to certain types of domestic violence protection from abuse orders to possess a firearm. This will not prevent all violence but it will mean that at least guns will not be involved. The solution to these problems are not easy. Nor will we find them on one level of government alone. Rather I think the solutions are going to be found through partnerships such as the one that you formed, and such as the efforts that we have undertaken with the state Attorney General's and local prosecutors and we will be meeting next weekend in the executive working group in Washington on issues of mutual concern.

You have my gratitude for your willingness to focus on this issue because I think its one of the critical crime problems in America. I have long said how can we begin to stop violence if we don't first stop violence in the home. The child who sees his father beat his mother comes too often to accept violence as a way of life. You are taking the lead and focusing America's attention on this and I thank you so much for all your efforts.

**Co-Chairman Green:** General Reno, thank you very much. Before I get into the questions, you mentioned, and I want to make sure that we recognized, some of our special guests that are here in attendance. You mentioned U.S. Attorney Michael Troop and U.S. Attorney Joe Famularo and we are pleased to have them with us. We also are pleased to have in attendance our Chief Justice of our Kentucky Supreme Court.



**General Reno:** Mr. Chief Justice. Everyone is in this together. I think it just speaks volumes for what Kentucky is undertaking.

**Chairman Green:** We also have our Attorney General, Chris Gorman who was instrumental in the revisions in 1992 which lead to the changes in Kentucky statutes. Justice Secretary Paul Isaacs, Judge Mary Noble who is the chairperson of the Chief Justice's Gender Fairness committee, and I believe we also have U.S. Marshall Charles Lawson. So we have a distinguished group of people here in attendance today.

Along the lines of the funding that you made reference to and the fact that it is coming over some strict scrutiny and is now under attack. How vulnerable is this funding in light of this and is there bipartisan support for this funding. How can we here in the Commonwealth assist your efforts to maintain this funding level?

**General Reno:** There is an anti-lobbying act that says that I cannot tell you how to assist us. I can tell you that there has always been bipartisan support for this effort, and I think that support continues. The President and I are fully dedicated to doing everything we can to maintain this whole program and we intend to work as hard as we can to maintain all the funding. I think it is an issue that people all across America understand is not a partisan issue and I think it will prevail.

**Chairman Green:** There has been much discussion here in the Commonwealth and specifically concerning the intent behind the full faith and credit provision. Under the direction of the Kentucky Supreme Court Chief Justice Robert Stephens efforts are currently under way in Kentucky to create an interim procedure to implement this part of the bill. You stated that the intent really is to provide protection without returning to court. Can you expand a little bit on this issue?

**General Reno:** What we would like, as I have mentioned, we have formed a working group to consider all the issues pertinent to this particular problem. I think this is going to be one of the key issue to the working group. The sooner we can provide guidance, I think, the better.

**Chairman Green:** One of the things that we were wondering here is would it be possible for the Commonwealth of Kentucky to assist you in this effort by serving as a laboratory for development of a model procedure for full faith and credit?

**General Reno:** I think that would be an excellent undertaking and I will ask Nick Guess to follow up with you and Joe and Mike to make sure that we do that. I really appreciate that suggestion.

**Chairman Green:** In our deliberations, we have come to recognize the need for a multidisciplinary coordinated approach to addressing domestic violence. Would you share with us your vision for making this a reality?

**General Reno:** I think you have taken giant steps towards achieving what I had always hoped I would see in Florida before I left. And I think its important that we work with you and I know

that Mike and Joe are fully committed to this effort. And what I would suggest is that working with Mike and Joe and Chris working through the Association of Attorneys General, local prosecutors working with us, we again use Kentucky as a laboratory to develop the best system possible. With the recognition that Washington does not always know the answers, you understand the needs and resources there far better than we do, and we should be your partner in trying to fill in the gaps.

**Chairman Green:** General Reno, do you see a need for preventive efforts to finally eradicate the crimes involved in domestic violence laws? Particularly an approach that would focus on children growing up in violence.

**General Reno:** Well, I have been saying that for a long time. Some people say that I am more of a social worker than I am a prosecutor or an Attorney General. But after being a prosecutor for fifteen years and looking at how these situations develop it is imperative that we start very, very early. You can see it as you look at small children and the way that they have been raised. I think that we can do so much in terms of conflict resolution programs in these schools. I think that we have to go to develop an alliance, a true alliance between the medical community and the criminal justice community to recognize domestic violence as probably one of the great public health problems in America. And using public health concepts to focus on prevention programs. I think linking doctors with criminal justice personnel, and giving emergency room doctors and others far better understanding of what can be done up front, before the situation spins totally out of control. But my whole position, after having read pre-sentence investigations and looking at how people got into violence is that we have to start very, very young and provide a comprehensive national agenda that will give our children a chance to grow in a constructive way.

**Chairman Green:** Do you have an idea right now, or a guestimate as to when your work group will finish its work, and be able to provide recommendations? The Kentucky General Assembly will go back into session in January of 1996, and as soon as the recommendations will be forthcoming it will certainly benefit us here in the Commonwealth.

**General Reno:** One of the things that I used to fuss at the federal government about was that it would study something to death and it wouldn't be available for us who really needed it at legislative sessions or at commission meetings. So we have tried to make the work that we do here as current as possible and I will keep that deadline in mind. What's a good time? My recollection is that in Florida you really needed legislation two or three months before hand to make sure that you had a chance of getting it passed. Is that about right for Kentucky?

**Chairman Green:** That certainly is and that is our goal at this point in time to try to wrap up our efforts some time in October to give the Legislative Research Commission staff sufficient time to actually draft legislation.

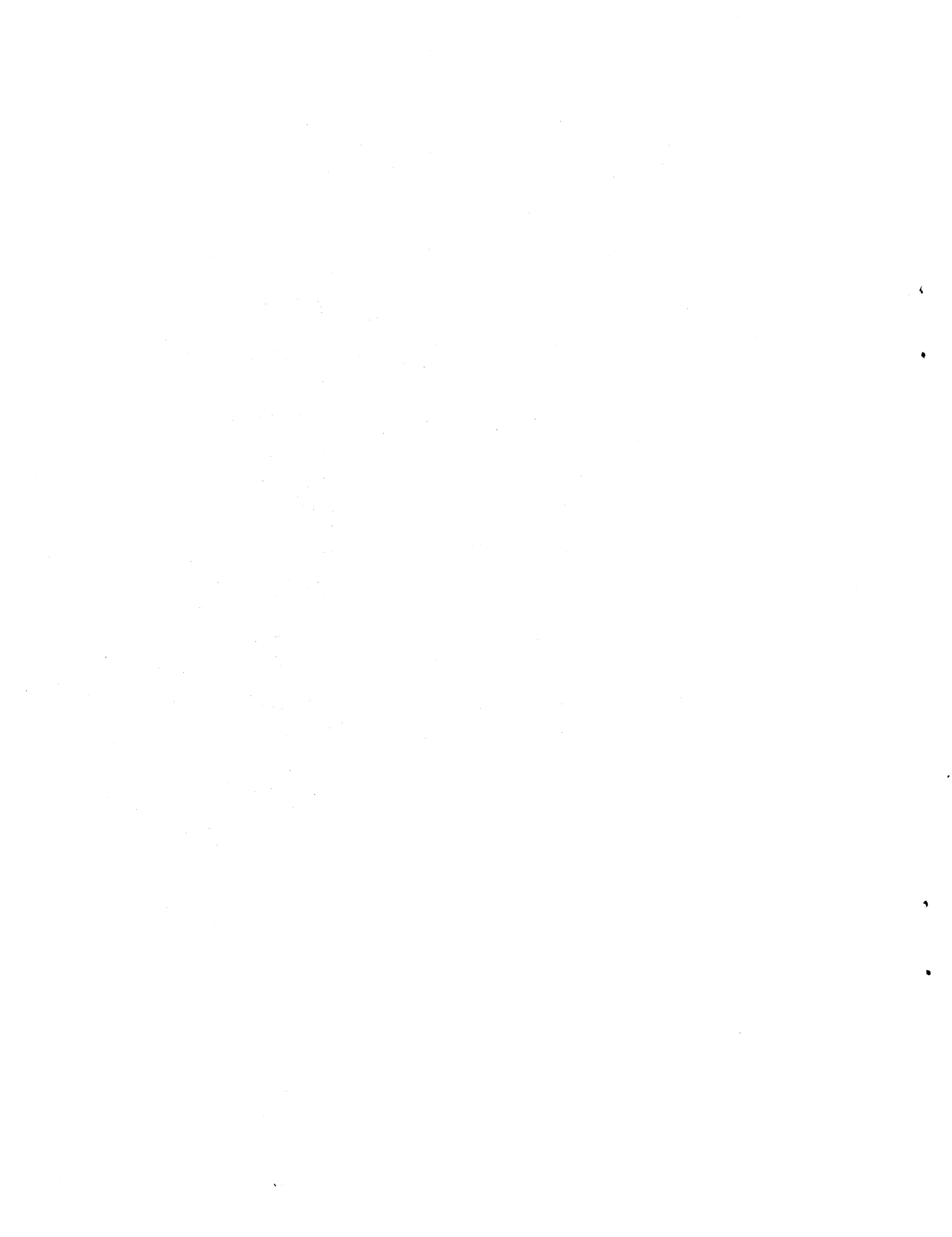
**General Reno:** Here's what I would propose. That in the spirit of using Kentucky as the great laboratory, let us work with you and make sure that we proceed at least with interim proposals that are well thought out and keep your time schedule in mind.

**Chairman Green:** Great. We really appreciate that very much.

**General Reno:** Well, I have really appreciated the opportunity to visit with you this morning. Again, I commend you. When the Chief Justice and the State Attorney General is involved it is a great sign of what importance you attach to what I think I indicated is one of the great criminal justice problems in this country so. . .many, many thanks for your leadership.

**Chairman Green:** General Reno you have honored us with your presence here today. Bye.

**General Reno:** Thank you. Bye now.



APPENDIX K

COMMONWEALTH OF KENTUCKY  
CRIME VICTIMS COMPENSATION BOARD

REPORT FOR THE DOMESTIC VIOLENCE TASK FORCE  
JUNE 27, 1995

In 1993, the Crime Victims Compensation Board received 596 claims. Of these claims, 92 were related to Domestic Violence. However, 15 of these 92 claims were consolidated with the original claim since they were filed by multiple claimants for the same incident. The 92 claims represented 15.4% of the total claims filed for 1993.

The Board awarded a total of \$1,080,863.46 to victims of violent crimes throughout the Commonwealth in 1993. Of this amount, \$183,909.81 was awarded to victims of Domestic Violence which represented 17% of the total amount award. There were approximately 39 original claims awarded with an average claim amount of \$4,715.64 or 50.1% of the total number of original Domestic Violence claims were awarded.

Of the 38 claims that were not awarded by the Board, 10 were denied due to the fact that not enough information was supplied to process the claim, 15 were denied because all expenses had been paid by other sources, three claims were withdrawn, one claim was a duplicate of a claim that had already been paid, and the other nine were denied due to violations of the statute.

**SYNOPSIS OF DOMESTIC VIOLENCE CLAIMS:**

A thirty-seven year old female was found dead with her throat cut in Christian County. Her home had been burglarized and she had several stab wounds. Her husband and his friend were charged with her murder. The Board awarded \$3,500.00 in funeral expenses to her father.

A thirty-six year old female was stabbed by her husband during an argument in Kenton County. Her husband pled guilty to Attempted Murder. The Board awarded \$960.00 for medical expenses.

**Domestic Violence Task Force**

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**A thirty-nine year old female and her eighteen year old son were assaulted by her live-in ex-boyfriend in Fayette County. The female had an EPO against the ex-boyfriend. The ex-boyfriend was found guilty of Assault Second Degree and Persistent Felony Offender and received a ten year prison sentence. The Board awarded \$5,406.99 for medical expenses and lost wages to the female and \$909.01 in medical expenses for her son.**

**A twenty-one year old female was assaulted by her live-in boyfriend in Jefferson County. The boyfriend was found guilty of Assault Fourth Degree and was sentenced to twelve months in jail which was discharged if he made restitution to the victim. The restitution was not paid and the Board awarded \$3,914.13 for medical expenses and lost wages.**

**A twenty year old male was assaulted by his live-in girlfriend's brother after he had gotten into an argument with her in Larue County. Both his girlfriend and her brother were found guilty of Assault Second Degree. The Board awarded \$16,275.09 in medical expenses and lost wages.**

**A twenty year old male was shot by the husband of the girl he was living with in Daviess County. The husband, also, kidnapped and shot his wife at the same time. The husband was found guilty of Criminal Attempt to Commit Murder (two counts), Burglary (three counts), and Kidnapping. The Board awarded \$25,000.00 in medical expenses.**

**A thirty-two year old male got into an argument with his ex-wife over their children in Pulaski County. His ex-wife got her current boyfriend to shoot him. The boyfriend pled guilty to Assault First Degree. The Board awarded \$25,000.00 in medical expenses.**

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**A forty-three year old male was stabbed to death during an attempt to break up a domestic dispute between his daughter and her husband in Graves County. No award was made in this case due to the fact that all expenses had been paid by insurance.**

**A twenty-seven year old female was attempting to persuade her friend's boyfriend to take a gun away from her friend's head when she was shot in Clark County. Her friend and her boyfriend had been in an domestic dispute. The boyfriend was found guilty of First Degree Assault and Wanton Endangerment and received a sentence of six years. No award was made in this claim because all of the medical expenses had been paid by Medicaid.**

**A thirty-four year old female was shot and killed at work by her estranged husband in McCracken County. The husband was indicted for Murder. The Board awarded \$3,500.00 in funeral expenses. Three claims were filed by different people relating to the death of the victim.**

**A thirty-two year old female was shot and killed by her ex-husband as she was leaving work. No award was made in the claim due to the fact that all expenses had been paid by other sources. Two claims were filed by different people relating to the death of the victim.**

**A forty-two year old female had been abused for several years by her common law husband in Meade County. The assailant was ordered to make complete restitution for the medical expenses and the couple are still living together. No award was made in this case due to the fact that all expenses were paid by the assailant.**

**A twenty-two year old female was shot and killed by her husband in Anderson County. The Board awarded \$3,500.00 for funeral expenses.**

**A thirty-one year old female was assaulted by her husband in Trimble County. No award was made in this case due to the fact that the claimant failed to respond to all attempts by the Board to obtain enough information to process her claim.**

**A forty-five year old female was shot and killed by her husband in Pike County. After the shooting, the husband committed suicide. The Board awarded \$2,677.00 in funeral expenses.**

**A twenty-nine year old male's wife hired her brother to kill him because of marital problems in Christian County. Both the wife and her brother have been charged with Murder. No award was made in this claim due to the fact that all expenses had been paid by insurance. Two claims were filed by different people relating to the death of the victim.**

**A thirty-two year old male was shot by his ex-girlfriend during an argument over his current girlfriend in Hardin County. No award was made in this case because the victim testified in court that the shooting was an accident and his girlfriend was found not guilty.**

**A fifteen year old female was killed by her boyfriend during an argument in Oldham County. The assailant did not inform police where her body was until several months later. He was charged with Murder, however, the charges were dropped due to a technicality. The Board awarded \$2,097.00 for counseling expenses and lost wages to the victim's mother.**



**Domestic Violence Task Force**

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**A twenty-nine year old female was assaulted by her husband who was on work release at the time in Shelby County. The work release was revoked and a one year EPO was imposed. The Board awarded \$415.20 in lost wages to the victim.**

**A thirty-eight year old female and her live-in boyfriend had been drinking heavily for several days and got into a fight at which time she was stabbed in the buttocks in Fayette County. It was several days before she sobered up enough to realize she had been stabbed. No award was made in this claim due to the conduct of the victim.**

**A thirty-five year old male was shot and killed by his wife in McCracken County. The two had a history of domestic violence. The wife was found guilty of Manslaughter Second Degree and received a prison sentence of five years. The Board awarded \$2,520.00 in funeral expenses.**

**A nineteen year old male was stabbed during an argument with his live-in girlfriend in Fayette County. No award was made in the case due to the fact that the claimant failed to respond to all attempts by the Board to obtain enough information to process the claim.**

**A forty-two year old female was kidnapped and assaulted by her ex-boyfriend in Daviess County. No award was made in this case due to the fact that the claimant failed to respond to all attempts by the Board to obtain enough information to process the claim.**

**A forty-five year old male was assaulted during a fight with his ex-wife's boyfriend when he went to his ex-wife's home to pick up his children in Hopkins County. No award was made in this case due to the fact that the claimant failed to respond to all attempts by the Board to obtain enough information to process the claim.**

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**A twenty-five year old female was shot and killed by her estranged husband in Knott County. The husband then committed suicide. An award of \$3,500.00 was made for funeral expenses.**

**A thirty-seven year old female was assaulted by her estranged boyfriend in Fayette County. No award was made in this case due to the fact that the claimant and her boyfriend reconciled and moved to Tennessee and the claimant withdrew the claim.**

**A twenty-two year old female was stabbed by her husband while she was sleeping in Warren County. Her husband was indicted for Attempted Murder and Assault First Degree. The Board awarded \$2,140.10 for medical expenses.**

**A thirty-four year old female got her jaw broken during a fight with her husband in Greenup County. The Board awarded \$5,731.30 in medical expenses and lost wages.**

**A twenty-one year old female was raped and beaten by her estranged husband in Pulaski County. The Board awarded \$222.00 in medical expenses.**

**A twenty-five year old female was shot and killed by her boyfriend over her refusal to have sex with two of his friends in Boone County. The boyfriend was indicted for Murder. No award was made in this case due to the fact that all expenses had been paid by other sources. Three claims were filed by different people relating to the death of the victim.**

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**A thirty-six year old female was assaulted with a baseball bat by her live-in boyfriend in Hardin County. There had been ongoing domestic violence between the two for several years. The boyfriend was indicted for Assault First Degree and Terroristic Threatening. The Board made an award of \$218.75 for medical expenses.**

**A thirty-nine year old female was shot and killed by her live-in boyfriend in Fayette County. There had been a seven year history of domestic violence between the two. The boyfriend pled guilty to Manslaughter First Degree and received an twenty year prison sentence. No award was made in this case due to the fact that all expenses had been paid by other sources.**

**A forty-one year old female was assaulted by her husband in Nelson County. The claimant refused to file charges against her husband and they have since reconciled. No award was made in this claim due to the fact that the claimant withdrew her claim.**

**A thirty-two year old male was assaulted during a fight with his estranged wife in Fleming County. No award was made in this case due to the fact that all expenses have been paid by other sources.**

**A twenty-four year old male was stabbed during an attempt to stop his girlfriend's ex-boyfriend from assaulting her in Jefferson County. The ex-boyfriend pled guilty to Assault Fourth Degree and received a conditional discharge for two years. The Board awarded \$1,737.19 in medical expenses.**

**A forty-seven year old female died when her live-in boyfriend poured kerosene on her and set her on fire in Laurel County. There was an ongoing history of domestic violence between the two. The Board awarded \$3,500.00 in funeral expenses. Two claims were filed by different people relating to the death of the victim.**

**Domestic Violence Task Force**

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**A twenty-four year old male was shot and killed by his live-in girlfriend's ex-boyfriend in Boyle County. The ex-boyfriend who had a child with the girlfriend was upset over the breakup of the relationship. He was indicted for Murder. The Board awarded \$3,500.00 in funeral expenses.**

**A twenty-nine year old male was assaulted by a man hired by his estranged wife in Clay County. The Board awarded \$15,120.26 for medical expenses and lost wages.**

**A forty year old man, while drinking all day with is live-in girlfriend, was shot and killed by her in Jefferson County. No award was made in this case due to the fact that it was a duplicate claim of one that was filed and paid in 1992.**

**A fifty-three year old male was shot while attempting to stop a man from shooting the man's wife in Estill County. The bullet passed through the claimant and killed the man's wife. The Board awarded \$23,932.70 for medical and funeral expenses.**

**A twenty-four year old female was assaulted by her ex-husband when he broke into her home in an attempt to take their children in Meade County. The husband was indicted for Assault Second Degree, prosecution was deferred for six months. The Board awarded \$451.00 in medical expenses.**

**A twenty-two year old female was shot by her live-in boyfriend during an argument in Whitley Count. The boyfriend pled guilty to Murder Under Extreme Emotional Disturbance and received a sentence of fifteen years. The Board awarded \$1,159.00 in funeral expenses.**

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**A thirty-six year old male was stabbed to death by his live-in girlfriend during an argument in Whitley County. There had been an ongoing history of domestic violence between the two. The girlfriend pled guilty to Reckless Homicide and received a sentence of five years. The Board awarded \$2,600.00 in funeral expenses.**

**A thirty-four year old male was assaulted by his live-in girlfriend's ex-husband during an argument in Jefferson County. The ex-husband pled guilty to Assault Fourth Degree and received a conditional discharge for two years. The Board awarded \$1,104.57 in medical expenses.**

**A nineteen year old female was assaulted by her live-in boyfriend during an argument in Larue County. No award was made in this case due to the fact that the claimant failed to respond to several attempts by the Board to obtain necessary information to process the claim.**

**A thirty-two year old female was assaulted by her husband in Hardin County. No award was made in this case due to the fact that the claimant failed to respond to several attempts by the Board to obtain necessary information to process the claim.**

**A thirty year old female was assaulted numerous time over a period of several years by her live-in boyfriend in Jefferson County. No award was made in this case due to the fact that all expenses had been paid by other sources.**

**A thirty-two year old female was abducted at gunpoint from work by her ex-husband in McCracken County. The ex-husband pled guilty to several amended charges and received a twenty year prison sentence. No award was made in this case due to the fact that all expenses had been paid by other sources.**

**A thirty-five year old female was stabbed in the foot by her husband during an argument in Bell County. The husband pled guilty to Assault Fourth Degree and was sentenced to seventy-five days in jail and probation of three years. The Board awarded \$635.96 for medical expenses.**

**A twenty-seven year old female was raped and abused by her husband in Jefferson County. The female had a Domestic Violence Order against her husband. The husband was found guilty of Sexual Misconduct, Terroristic Threatening, and Unlawful Imprisonment. He received two years probation and was ordered to make full restitution to his wife for her expenses. No award was made in this case due to the fact that the claimant had received full restitution.**

**A forty-one year old female and her live-in boyfriend was shot and killed by her estranged husband in Floyd County. The husband was found guilty of Murder (two counts) and received two life terms. The Board awarded \$3,500.00 in funeral expenses for the female. No claim was filed for the other death.**

**A thirty-six year old male was stabbed by his live-in girlfriend in Jefferson County. The girlfriend pled guilty to Assault Fourth Degree. No award was made in this case due to the fact that the claimant failed to respond to several attempts by the Board to obtain necessary information to process the claim.**

**A twenty-four year old female was shot and killed by her live-in boyfriend during an argument in Larue County. Four claims were filed by different people due to the death of the victim. No award was made in this claim due to the fact that all expenses had been paid by other sources.**

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**A forty-two year old female and her two year old daughter were shot and killed by her husband in Barren County. The husband committed suicide after the shooting. No award was made in this case due to the fact that all expenses had been paid by other sources. Two claims were filed by the same person relating to the two deaths.**

**A fifty-nine year old female went to a bar with her ex-husband and got into a fight in Daviess County. The two had been living together on and off over a period of years and had a history of domestic violence. The ex-husband pled guilty to Assault Fourth Degree and received a two year probated sentence and was ordered to make complete restitution to the claimant for her expenses. No award was made in this case due to the fact that restitution was ordered.**

**A forty-two year old female was assaulted by her husband during an argument in Hardin County. No award was made in this case due to the fact that the claimant withdrew her claim because she and her husband had reconciled.**

**A twenty-nine year old female was shot by her ex-boyfriend during an argument in Logan County. The boyfriend committed suicide after the shooting. The Board awarded \$298.38 in medical expenses.**

**A twenty-six year old female was assaulted, raped and sodomized by her ex-boyfriend who had been harassing her over their break-up in Fayette County. The boyfriend pled guilty to Sexual Abuse First Degree and received a five year prison sentence. The Board awarded \$275.00 for medical expenses.**

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**An eighteen year old female was assaulted by her brother-in-law as she attempted to stop him from assaulting her sister, his wife, in Hickman County. No award was made in this case due to the fact that the claimant failed to respond to several request from the Board for information necessary to process the claim.**

**A forty-two year old male was stabbed in the back by his live-in girlfriend's daughter because he was assaulting her mother in Jefferson County. No award was made in this case due to the conduct of the victim.**

**A forty-six year old male was shot by his wife because she did not want a divorce in Lawrence County. He had an EPO against her at the time of the shooting. No award was made in this case due to the fact that all expenses had been paid by other sources.**

**A twenty-four year old female was assaulted by her ex-boyfriend outside her home in Fayette County. The boyfriend was upset because she had broken off the relationship. The boyfriend pled guilty to Assault Under Extreme Emotional Disturbance Second Degree and Persistent Felony Offender Second Degree and received a sentence of six years. The Board awarded \$722.40 in medical expenses.**

**A twenty-five year old male was shot and killed by his estranged wife's boyfriend after the victim had been stalking and harassing his estranged wife for a long period of time in Knott County. No award was made in this case due to the conduct of the victim.**

**A thirty-one year old female was assaulted by her ex-boyfriend in Kenton County. She refused to file any charges against him and requested the EPO against him be dropped. They have now reconciled and are living together. No award was made in this case due to the claimant's lack of cooperation with law enforcement.**



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**A thirty-seven year old male was asleep with his girlfriend when her ex-husband broke into the house and stabbed him in Fayette County. The ex-husband pled guilty to Burglary First Degree and received a twelve year prison sentence. The Board awarded \$13,251.53 for medical expenses.**

**A thirty-five year old female was shot with a twelve gauge shotgun by her ex-boyfriend who was upset over the break-up of their relationship in Lincoln County. The Board awarded \$1,365.00 for medical expenses.**

**A twenty-four year old male was shot and killed by his live-in girlfriend's ex-boyfriend in Jefferson County. The Board awarded \$2,191.00 for funeral expenses.**

**A twenty year old male was stabbed by the mother of his son during an argument between them in Jefferson County. No award was made in this case due to the fact that the claimant failed to respond to several attempts by the Board to obtain the necessary information to process the claim.**

**A sixty-five year old female was shot by her husband during an argument in Franklin County. No award was made in this case due to the fact that the claimant requested her claim be withdrawn.**

**A thirty-six year old female was raped and assaulted by her ex-boyfriend in Carroll County. The ex-boyfriend was found guilty of Sexual Abuse First Degree, Kidnapping First Degree, Burglary First Degree and Arson Second Degree and received a prison sentence of twenty-five years. The Board awarded \$389.25 for medical expenses.**

**A forty-one year old female was struck in the back of the head with a bar stool by the father of her daughter in Kenton County. No award was made in this case due to the fact that the claimant failed to respond to several attempts made by the Board to obtain the necessary information to process the claim.**

**A thirty-two year old female was assaulted by her ex-boyfriend in Campbell County. The ex-boyfriend committed suicide a few days later. The Board awarded \$90.00 for medical expenses.**

**A twenty-seven year old female was assaulted by her ex-boyfriend while she was at a motel with another man in Daviess County. No award was made in this case due to the fact that all expenses had been paid by the ex-boyfriend.**

**A twenty-seven year old female was assaulted by her ex-boyfriend, the father of her child, during an argument in Jefferson County. No award was made in this case due to the fact that all expenses had been paid by other sources.**

**A fifty-two year old female was assaulted by her husband in Hardin County. No award was made in this case due to the fact that all expenses were paid by other sources.**

**A twenty-six year old female was stabbed to death by her live-in boyfriend in Hardin County. The Board awarded \$600.00 to her sister for counseling due to the fact that she witnessed the stabbing. Four other claims were filed by different people relating to the death of the victim, however, none were paid due to the fact that all other expenses had been paid by other sources.**

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**A twenty-one year old male went to his ex-wife's house and started a fight with her boyfriend in Henderson County. No award was made in this case due to the fact that the claimant's conduct contributed to his injury.**



**APPENDIX L**

**LEGISLATIVE DOMESTIC VIOLENCE TASK FORCE**  
*Working Draft*  
 January 15, 1996

<b>Bill Number</b>	<b>Topic/Title</b>	<b>Provisions</b>	<b>Sponsor</b>
HB	Domestic Violence Policy, Procedure and Training	Establish model policies/manuals for law enforcement/ prosecutors; certification of offender tx providers; CVCB membership; professional training	Rep. Steve Nunn
SB	Domestic Violence Protective Orders	full faith and credit; use of AOC forms; renewal and reissuance; court rules and policies; mediation	Sen. Jeff Green
HB	Criminal Justice	assault 3rd; penalty enhancement; harassment; warrantless arrest (expansion of peace officers); warrantless arrest (probable cause); bond conditions	Rep. Mike Bowling
SB	Victim Notification	statewide expansion of a computerized victim notification system (VINE System)	Sen. Jeff Green
HB	Victim Advocates	role of victim advocates in court; privileged communication between victims and advocates	Rep. Paul Mason
HB	Service of Domestic Violence Orders	allow the reimbursement of peace officers for the service of protective orders	Rep. Steve Nunn
SR	Council on Higher Education Resolution	encourage the Council on Higher Education to ensure that domestic violence and child sexual abuse are addressed in relevant graduate and undergraduatel programs	Sen. Jeff Green

# HB 309

Legislative Task Force on Domestic Violence  
Representative Steve Nunn

- Requires the Cabinet for Human Resources to establish certification standards for mental health professionals providing court-mandated domestic violence perpetrator treatment services. The Cabinet shall maintain a list of certified providers and submit the list to the Administrative Office of the Courts.
- Requires key professionals (DSS staff, law enforcement officers, judges, prosecutors, court clerks, spouse abuse shelter staff) who intervene in domestic violence cases to receive initial training and continuing education courses. Also requires specific health and mental health professionals to complete a three-hour training course on domestic violence. Identifies specific agencies responsible for developing training courses for each of the above.
- Requires the Attorney General to develop and distribute a manual for Commonwealth and County Attorneys establishing policies and procedures for the prosecution of domestic violence-related crime.
- Requires the Justice Cabinet to develop and distribute a manual for law enforcement agencies establishing model policy and procedures related to domestic violence. Requires all law enforcement agencies to submit a copy of the agency's domestic violence policy to the Justice Cabinet.
- Revises KRS 346.030, Crime Victims Compensation Board membership, to require the appointment by the Governor of a person who has at least two years experience in providing direct services to crime victims.

AN ACT relating to domestic violence.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1 SECTION 1. A NEW SECTION OF KRS 403.715 TO 403.785 IS CREATED TO  
2 READ AS FOLLOWS:

3 (1) The Cabinet for Human Resources shall, by administrative regulations  
4 promulgated pursuant to KRS Chapter 13A, establish certification standards for  
5 mental health professionals providing court-mandated treatment services for  
6 domestic violence offenders.

7 (2) The standards created by the cabinet shall be based on the following principles:

8 (a) Domestic violence is a pattern of coercive control which includes physical,  
9 sexual, psychological, and environmental abuse, and is considered to be  
10 criminal conduct;

11 (b) The primary goal of treatment programs for domestic violence offenders  
12 shall be the cessation of violence which will provide for the safety of victims  
13 and their children; and

14 (c) Domestic violence offenders are responsible and shall be held accountable  
15 for the violence which they choose to perpetrate.

16 (3) The standards created by the cabinet shall address the following:

17 (a) Qualifications of providers of court-mandated domestic violence offender  
18 treatment services which shall include appropriate requirements for degree,  
19 experience, training, and continuing education;

20 (b) Procedures for application by providers to receive certification which shall  
21 include methods of appeal if certification is denied, and sanctions for  
22 noncompliance with the standards which may include revocation of  
23 certification;

24 (c) Admittance and discharge criteria for domestic violence offenders to enter  
25 court-mandated treatment services provided pursuant to this section;

- 1        (d) Written protocols for referral by a court to certified providers and for  
 2        progress reports to be made to the court by providers;
- 3        (e) Contracts for domestic violence offenders to sign prior to entering court-  
 4        ordered treatment services provided pursuant to this section. The contract  
 5        shall specify that certified providers may contact the victims of the offender  
 6        if the victim chooses to be contacted. The contract shall authorize the  
 7        provider to release information regarding the offender's progress in  
 8        treatment to the court, victims, probation and parole officers, and other  
 9        individuals authorized by the court to receive the information;
- 10       (f) Written procedures in compliance with KRS 620.030, 209.030, and  
 11       202A.400;
- 12       (g) Payment protocols which require the offender to pay the actual cost for any  
 13       court-mandated evaluation or treatment pursuant to this section, subject to  
 14       the offender's ability to pay; and
- 15       (h) Other provisions which shall further the availability and quality of court-  
 16       mandated domestic violence offender services.
- 17       (4) The cabinet shall:
- 18       (a) Maintain a list of providers certified pursuant to this section and regularly  
 19       submit the list to the Administrative Office of the Courts; and
- 20       (b) Collect data from certified providers, which shall include the number of  
 21       domestic violence offenders served by the certified providers, to be compiled  
 22       annually and submitted to the Governor, the Chief Justice of the Kentucky  
 23       Supreme Court, and the Legislative Research Commission.

24       SECTION 2. A NEW SECTION OF KRS CHAPTER 194 IS CREATED TO  
 25       READ AS FOLLOWS:

- 26       (1) The secretary for human resources shall develop an initial training course and  
 27       continuing education courses for employees of the Department for Social



1 Services concerning the dynamics of domestic violence, effects of domestic  
 2 violence on adult and child victims, legal remedies for protection, lethality and  
 3 risk issues, model protocols for addressing domestic violence, available  
 4 community resources and victims services, and reporting requirements. The  
 5 training shall be developed in consultation with legal, victims services, victim  
 6 advocacy, and mental health professionals with an expertise in domestic violence.

7 (2) Each person employed by the Department for Social Services who provides  
 8 supervisory or direct service at the local, district, or state level shall successfully  
 9 complete the initial training course and, at least once every two (2) years, the  
 10 continuing education course developed pursuant to subsection (1) of this section.

11 SECTION 3. A NEW SECTION OF KRS CHAPTER 194 IS CREATED TO  
 12 READ AS FOLLOWS:

13 (1) The secretary for human resources shall promulgate administrative regulations  
 14 pursuant to KRS Chapter 13A setting forth the requirements for initial training  
 15 courses and continuing education courses for staff of agencies providing  
 16 protective shelter services for victims of domestic violence. The components of the  
 17 training shall include the dynamics of domestic violence, effects of domestic  
 18 violence on adult and child victims, legal remedies for protection, lethality and  
 19 risk issues, model protocols for addressing domestic violence, available  
 20 community resources and victims services, and reporting requirements. The  
 21 training shall be developed in consultation with legal, victims services, victim  
 22 advocacy, and mental health professionals with an expertise in domestic violence.

23 (2) Each agency providing protective shelter services for victims of domestic violence  
 24 shall develop and provide initial training courses and, at least once every two (2)  
 25 years, continuing education courses which comply with the requirements  
 26 developed pursuant to subsection (1) of this section for staff of the agency

27 SECTION 4. A NEW SECTION OF KRS CHAPTER 194 IS CREATED TO

1 READ AS FOLLOWS:

- 2 (1) The secretary for human resources shall develop training courses concerning  
 3 domestic violence which are appropriate for the following professions:  
 4 (a) Mental health professionals licensed or certified pursuant to KRS Chapters  
 5 319, 335, and 309;  
 6 (b) Physicians licensed pursuant to KRS Chapter 311; and  
 7 (c) Nurses licensed pursuant to KRS Chapter 414.  
 8 (2) The courses shall include the dynamics of domestic violence, effects of domestic  
 9 violence on adult and child victims, legal remedies for protection, lethality and  
 10 risk issues, model protocols for addressing domestic violence, available  
 11 community resources and victims services, and reporting requirements. The  
 12 training shall be developed in consultation with legal, victims services, victim  
 13 advocacy, and mental health professionals with an expertise in domestic violence.  
 14 (3) No later than June 30, 1999, every health care or mental health professional  
 15 licensed or certified pursuant to KRS Chapters 309, 311, 319, 335, or 314 shall  
 16 successfully complete a three (3) hour training course which meets the  
 17 requirements of subsection (2) of this section.

18 Section 5. KRS 346.030 is amended to read as follows:

- 19 (1) There is hereby created a board, to be known as the Crime Victims Compensation  
 20 Board. Such board shall consist of five (5) members; not all of whom shall be  
 21 engaged in the same occupation or profession and at least one (1) of whom shall  
 22 have at least two (2) years experience in providing direct services to crime victims.  
 23 The[~~said~~] board shall be appointed by the Governor.  
 24 (2) The term of office of each such member shall be four (4) years, except that of the  
 25 members first appointed two (2) shall serve for terms of four (4) years, two (2) shall  
 26 serve for terms of three (3) years and one (1) shall serve for a term of two (2) years,  
 27 respectively. Any member appointed to fill a vacancy occurring otherwise than by

1 expiration of a term shall be appointed for the remainder of the unexpired term.

2 (3) The Governor shall designate one (1) member of the board as chairman thereof, to  
3 serve as such at the pleasure of the Governor.

4 (4) The Governor shall establish the compensation of the members of the board pursuant  
5 to the provisions of KRS 64.640.

6 SECTION 6. A NEW SECTION OF KRS CHAPTER 15.700 TO 15.770 IS  
7 CREATED TO READ AS FOLLOWS:

8 *The Attorney General, in consultation with legal, victims services, victim advocacy,*  
9 *and mental health professionals with an expertise in domestic violence, shall develop a*  
10 *prosecutor's manual for Commonwealth's Attorneys and county attorneys establishing*  
11 *the policies and procedures for the prosecution of domestic violence related crime. The*  
12 *manual shall be completed no later than January 1 after the effective date of this Act*  
13 *and revised by July 31 of every even numbered year which follows. The Attorney*  
14 *General shall distribute a copy of the manual to every Commonwealth's Attorney and*  
15 *county attorney.*

16 SECTION 7. A NEW SECTION OF KRS CHAPTER 15.700 TO 15.770 IS  
17 CREATED TO READ AS FOLLOWS:

18 *(1) The Attorney General shall provide initial training courses and, at least once*  
19 *every two (2) years, continuing education courses for Commonwealth's attorneys*  
20 *and county attorneys and their staffs concerning the dynamics of domestic*  
21 *violence, effects of domestic violence on adult and child victims, legal remedies*  
22 *for protection, lethality and risk issues, model protocols for addressing domestic*  
23 *violence, available community resources and victims services, and reporting*  
24 *requirements. The training shall be developed in consultation with legal, victims*  
25 *services, victim advocacy, and mental health professionals with an expertise in*  
26 *domestic violence.*

27 *(2) Each Commonwealth's Attorney, assistant Commonwealth's Attorney, county*

1 attorney, and assistant county attorney shall successfully complete the training.

2 SECTION 8. A NEW SECTION OF KRS CHAPTER 403.715 TO 403.785 IS  
3 CREATED TO READ AS FOLLOWS:

4 (1) For the purposes of Sections 8 to 10 of this Act, "law enforcement agency"  
5 means any agency of state, county, city, or metropolitan government, or a  
6 combination of these, responsible for employing and directing the action of peace  
7 officers, including sheriffs and their deputies, sworn police officers, sworn  
8 enforcement officers of the Kentucky State Police or other duly authorized state  
9 law enforcement agency whose officers are persons with authority to make  
10 arrests under the provisions of KRS 403.760(2).

11 (2) The secretary of the Justice Cabinet, or a designee, in consultation with legal,  
12 victims services, victim advocacy, and mental professionals with an expertise in  
13 domestic violence, shall develop a written model policy and procedures manual  
14 related to domestic violence for law enforcement agencies. The model policy shall  
15 set forth the core elements required to be addressed in each law enforcement  
16 agency's policy. The model policy shall also recommend procedures which may  
17 be included in local policies. The model policy shall be developed to comply with  
18 the provisions of KRS 403.715 to 403.785. The policy shall include purpose  
19 statements; definitions; supervisory responsibilities; procedures for twenty-four  
20 (24) hour access to protective orders; procedures for enforcement of court orders  
21 or relief when protective orders are violated; procedures for timely and  
22 contemporaneous reporting of adult abuse and domestic violence to the Cabinet  
23 for Human Resources, Department for Social Services; victim rights, assistance  
24 and service responsibilities; and duties related to timely completion of records.  
25 The model policy shall be completed no later than four (4) months after the  
26 effective date of this Act. The cabinet shall distribute a copy of the model policy  
27 to each law enforcement agency in the Commonwealth.

1 (3) No later than January 1 after the effective date of this Act and July 31 of every  
 2 even numbered year which follows, every law enforcement agency shall submit a  
 3 copy of the agency's written domestic violence policy to the Justice Cabinet.

4 (4) If a law enforcement agency fails to submit a copy of the agency's written  
 5 domestic violence policy in a timely manner, the secretary shall promptly notify  
 6 the law enforcement agency in writing of the requirements contained in this  
 7 section.

8 (5) If the secretary determines that a law enforcement agency has submitted a  
 9 domestic violence policy which is inadequate, the secretary shall reject the policy  
 10 and provide assistance to the agency in developing an adequate domestic violence  
 11 policy.

12 SECTION 9. A NEW SECTION OF KRS CHAPTER 403.715 TO 403.785 IS  
 13 CREATED TO READ AS FOLLOWS:

14 (1) The Justice Cabinet shall develop initial training courses and continuing  
 15 education courses, designed to be provided at least once every two (2) years, for  
 16 law enforcement officers concerning the dynamics of domestic violence, effects  
 17 of domestic violence on adult and child victims, legal remedies for protection,  
 18 lethality and risk issues, model protocols for addressing domestic violence,  
 19 available community resources and victims services, and reporting requirements.  
 20 The training shall be developed in consultation with legal, victims services, victim  
 21 advocacy, and mental health professionals with an expertise in domestic violence.

22 (2) All law enforcement agencies shall provide initial training and, at least once  
 23 every two (2) years, continuing education courses, developed by the Justice  
 24 Cabinet pursuant to subsection (1), to all officers employed by them.

25 Section 10. KRS 403.785 is amended to read as follows:

26 (1) Each law enforcement agency shall report all incidents of actual or suspected  
 27 domestic violence and abuse within their knowledge to the Cabinet for Human

1 Resources, Department for Social Services, within forty-eight (48) hours of learning  
2 of the incident or of the suspected incident.

3 ~~(2) Law enforcement agencies shall provide all officers employed by them with a~~  
4 ~~Kentucky law enforcement council approved education and training program~~  
5 ~~designed to inform the officers of:~~

6 ~~(a) The problems of domestic violence and abuse;~~

7 ~~(b) The manner with which to deal with domestic violence and abuse;~~

8 ~~(c) The services and facilities available to victims of domestic violence and abuse;~~

9 ~~and~~

10 ~~(d) The provisions of KRS 403.715 to 403.785.~~

11 ~~(3)~~ When a law enforcement officer has reason to suspect that a family member,  
12 member of an unmarried couple, or household member has been the victim of  
13 domestic violence and abuse, the officer shall use all reasonable means to prevent  
14 further abuse, including but not limited to:

15 (a) Remaining at the location of the domestic violence and abuse so long as the  
16 officer reasonably suspects there is danger to the physical safety of individuals  
17 present without the presence of a law enforcement officer;

18 (b) Assisting the victim of domestic violence and abuse in obtaining medical  
19 treatment, including transporting the victim to the nearest medical facility  
20 capable of providing the necessary treatment; and

21 (c) Advising the victim immediately of the rights available to them, including the  
22 provisions of KRS 403.715 to 403.785.

23 ~~((4) Each law enforcement agency shall establish written policy and procedures for~~  
24 ~~complying with provisions of KRS 403.715 to 403.785. The policy shall include~~  
25 ~~purpose statements; definitions; supervisory responsibilities; procedures for twenty-~~  
26 ~~four (24) hour access to protective orders; procedures for enforcement of court~~  
27 ~~orders or relief when protective orders are violated; procedures for timely and~~

~~contemporaneous reporting of adult abuse and domestic violence to the Cabinet for Human Resources, Department for Social Services; victim rights, assistance and service responsibilities; and duties related to timely completion of records.]~~

Section 11. KRS 21A.170 is amended to read as follows:

The Supreme Court shall provide, at least once every two (2) years, in-service training programs for Circuit Judges, District Judges, and domestic relations and trial commissioners in:

(1) Child development, the dynamics of physical and sexual abuse, the impact of violence on child development, the treatment of offenders, and related issues; and

(2) Dynamics of domestic violence, effects of domestic violence on adult and child victims, legal remedies for protection, lethality and risk issues, model protocols for addressing domestic violence, available community resources and victims services, and reporting requirements.

Each Circuit Judge, District Judge, and trial and domestic relations commissioner shall successfully complete the training prescribed by the Supreme Court by rule.

SECTION 12. A NEW SECTION OF KRS CHAPTER 30A IS CREATED TO READ AS FOLLOWS:

(1) The Administrative Office of the Courts, under the direction of the Supreme Court, shall provide initial training courses and, at least once every two (2) years, continuing education courses for circuit clerks and deputy clerks concerning the dynamics of domestic violence, effects of domestic violence on adult and child victims, legal remedies for protection, lethality and risk issues, model protocols for addressing domestic violence, available community resources and victims services, and reporting requirements. The training shall be developed in consultation with legal, victims services, victim advocacy, and mental health professionals with an expertise in domestic violence.

(2) Each clerk and deputy clerk shall successfully complete the training prescribed

1 *by the Supreme Court by rule.*



# SB 105

Legislative Task Force on Domestic Violence  
Senator Jeff Green

- Prohibits the Court from ordering or referring parties to mediation for resolution of the issues alleged in a domestic violence petition, either upon issuance of an emergency protective order or at a full hearing for a protective order. Also prohibits the use of mediation in Circuit Court proceedings unless requested by the victim of the alleged domestic violence.
- Amends the statute to provide that protective orders may be valid for up to three years and may be renewed upon expiration for an additional period of up to three years at the discretion of the court. The court may reissue a protective order for an unlimited number of times without a finding of continued violence or abuse prior to the reissuance.
- Creates the authority and procedures for local officials to honor and enforce out-of-state protective orders pursuant to the “full faith and credit” provisions of the federal Violence Against Women Act contained in the 1994 federal Crime Control Act.
- Requires all orders issued pursuant to KRS 403.715 to 403.785 (EPOs, DVOs, and protective provisions of Circuit Court orders) requiring entry into the Law Information Network of Kentucky (LINK) to be entered on forms prescribed by the Administrative Office of the Courts.
- Requires each court to establish a local protocol and written procedures pertaining to 24 hour accessibility to emergency protective orders and joint jurisdiction domestic violence issues between district and circuit courts.

AN ACT relating to domestic violence.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

- 1 Section 1. KRS 403.750 is amended to read as follows:
- 2 (1) Following the hearing provided for under KRS 403.740 and 403.745, the court, if it  
3 finds from a preponderance of the evidence that an act or acts of domestic violence  
4 and abuse have occurred and may again occur, may:
- 5 (a) Restrain the adverse party from any contact or communication with the  
6 petitioner except as directed by the court;
- 7 (b) Restrain the adverse party from committing further acts of domestic violence  
8 and abuse;
- 9 (c) Restrain the adverse party from disposing of or damaging any of the property  
10 of the parties;
- 11 (d) Direct the adverse party to vacate the residence shared by the parties to the  
12 action;
- 13 (e) Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.420 award  
14 temporary custody;
- 15 (f) Utilizing the criteria set forth in KRS 403.211, 403.212 and 403.213, award  
16 temporary support;
- 17 (g) Direct that either or both parties receive counseling services available in the  
18 community, except that the court shall not order or refer the parties to  
19 participate in mediation for resolution of the issues alleged in the petition  
20 filed pursuant to KRS 403.715 to 403.785; or
- 21 (h) Enter other orders the court believes will be of assistance in eliminating future  
22 acts of domestic violence and abuse.
- 23 (2) Any order entered pursuant to this section shall be effective for a period of time,  
24 fixed by the court, not to exceed three (3) years~~one (1) year~~ and may be reissued  
25 upon expiration for an additional period of up to three (3) years. The number of

1 times an order may be reissued shall not be limited. The reissuance of an order  
 2 shall not be contingent on a finding of continued violence or abuse. The fact that  
 3 acts of domestic violence and abuse have not occurred during the pendency of an  
 4 order shall not constitute sufficient grounds for denying or failing to reissue an  
 5 order~~[on an annual basis].~~

6 (3) Upon proper filing of a motion, either party may seek to amend a domestic violence  
 7 order.

8 (4) When temporary child support is granted under the provisions of this section, the  
 9 court shall enter an order detailing how the child support is to be paid and collected.  
 10 The enforcement procedures for child support orders, entered pursuant to KRS  
 11 403.211, 403.212, and 403.213, including but not limited to 403.215, shall be  
 12 available to temporary child support orders issued under KRS 403.715 to 403.785.

13 (5) Any order entered pursuant to this section restraining a party or parties to an action  
 14 shall be issued without bond being required of the petitioner.

15 SECTION 2. A NEW SECTION OF KRS CHAPTER 403.715 TO 403.785 IS  
 16 CREATED TO READ AS FOLLOWS:

17 All emergency protective orders, domestic violence orders, orders amending an existing  
 18 protective order, or other orders issued pursuant to KRS 403.715 to 403.785 which  
 19 require entry into the Law Information Network of Kentucky shall be entered on forms  
 20 prescribed by the Administrative Office of the Courts. If the provisions of the order  
 21 duplicates that which is contained in a separate order which is narrative in nature, the  
 22 prescribed form shall be used in addition to the narrative order.

23 SECTION 3. A NEW SECTION OF KRS CHAPTER 403.715 TO 403.785 IS  
 24 CREATED TO READ AS FOLLOWS:

25 (1) In KRS 403.715 to 403.785, "foreign protective order" means any judgment,  
 26 decree, or order of protection issued by a court of a state of the United States or  
 27 of any other court which is entitled to full faith and credit in this state pursuant

1 to 18 U.S.C.A. § 2265.

2 (2) A copy of any foreign protective order entitled to full faith and credit in this state  
3 in accordance with the act of Congress or the statutes of this state may be filed in  
4 the office of the clerk of any court of competent jurisdiction of this state. A  
5 foreign protective order so filed has the same effect and may be enforced in the  
6 same manner as an emergency protective order issued by a court of this state.

7 (3) At the time of the filing of the foreign protective order, the person filing the order  
8 shall file with the clerk of the court an affidavit on a form prescribed and  
9 provided by the Administrative Office of the Courts. The affidavit shall set forth  
10 the name and last known address and phone number of the issuing court. The  
11 person shall certify in the affidavit the validity and status of the foreign protective  
12 order, and attest to the person's belief that the order has not been amended,  
13 rescinded, or superseded by any orders from a court of competent jurisdiction. All  
14 foreign protective orders presented with a completed and signed affidavit shall be  
15 accepted and filed.

16 (4) The clerk of each Circuit Court shall maintain a registry in which the copies of  
17 foreign protective orders received for filing shall be entered. The clerk shall treat  
18 the foreign protective order in the same manner as an emergency protective order  
19 of this state issued pursuant to Section 12 of this Act, except that no service on  
20 the adverse party shall be required pursuant to 18 U.S.C.A. § 2265.

21 (5) Upon the filing of the foreign protective order and the affidavit, and within  
22 fourteen (14) days, including weekends and holidays, the clerk shall contact the  
23 issuing court to verify the validity and status of the order. The clerk shall note on  
24 the affidavit the information conveyed by the issuing court and any delays  
25 encountered in securing the information.

26 (6) Notwithstanding any provision to the contrary, a person filing a foreign  
27 protective order shall not be required to pay a fee or other costs in conjunction

1 with the filing.

2 (7) The right of a person filing a foreign protective order to bring an action-to  
 3 enforce the order instead of proceeding under KRS 403.715 to 403.785 remains  
 4 unimpaired.

5 SECTION 4. A NEW SECTION OF KRS CHAPTER 403.715 TO 403.785 IS  
 6 CREATED TO READ AS FOLLOWS:

7 (1) If, upon ex parte review of the foreign protective order and the affidavit filed  
 8 pursuant to Section 1 of this Act, and after determining the order is entitled to  
 9 full faith and credit in this Commonwealth pursuant to 18 U.S.C.A. § 2265, the  
 10 court shall declare the order to be authenticated and record the finding on the  
 11 affidavit.

12 (2) If the court declares the order to be authenticated, the court shall direct  
 13 appropriate law enforcement agency to assist the petitioner in having the  
 14 provisions of the order complied with, if applicable.

15 (3) If the court declares the order to be authenticated, the order shall be enforced in  
 16 any county of the Commonwealth in the same manner as a domestic violence  
 17 order of this state issued pursuant to Section 1 of this Act. Officers acting in good  
 18 faith shall be immune from criminal and civil liability.

19 (4) The clerk shall notify the person who filed the foreign protective order of the  
 20 decision of the court and provide the person a certified copy of the affidavit  
 21 declaring the authentication of the order.

22 SECTION 5. A NEW SECTION OF KRS CHAPTER 403.715 TO 403.785 IS  
 23 CREATED TO READ AS FOLLOWS:

24 A court of this state shall enforce a foreign protective order filed and authenticated  
 25 pursuant to Sections 3 and 4 of this Act, including an order which grants relief to a  
 26 person who is not eligible for a protective order in this state. A court of this state shall  
 27 enforce all provisions of a foreign protective order including provisions which grant

1 relief that is not available in this state. Any foreign protective order authenticated  
 2 pursuant to Section 4 of this Act shall be effective for the period of time fixed by the  
 3 issuing court.

4 SECTION 6. A NEW SECTION OF KRS CHAPTER 403.715 TO 403.785 IS  
 5 CREATED TO READ AS FOLLOWS:

6 (1) A person is guilty of a violation of a foreign protective order when the person  
 7 intentionally violates the provisions of an order filed and authenticated pursuant  
 8 to Sections 3 to 5 of this Act.

9 (2) Violation of a foreign protective order is a Class A misdemeanor.

10 Section 7. KRS 403.765 is amended to read as follows:

11 If, following the entry of an order authorized by KRS 403.740 or 403.750, or the  
 12 authentication of a foreign protective order pursuant to Sections 3 to 5 of this Act, the  
 13 petitioner or the adverse party initiate an action in the Circuit Court under the provisions  
 14 of this chapter, the party filing the petition shall certify the existence and status of any  
 15 domestic violence protective orders. Unless the Circuit Court issues and serves an order  
 16 pertaining to the same subject matter of any existing domestic violence order, orders of  
 17 the District Court or the issuing court shall remain in effect and shall be enforced in either  
 18 District or Circuit Court.

19 Section 8. KRS 403.770 is amended to read as follows:

20 (1) The court, when issuing an emergency protective order, when authenticating a  
 21 foreign protective order, or when causing the issuance of a summons, shall order the  
 22 omission or deletion of the petitioner's address, and the address of any minor  
 23 children from any documents to be made available to the public, or to the person or  
 24 persons who engaged in the alleged act or acts of domestic violence and abuse.

25 (2) The circuit clerk, in cooperation with the court shall cause a copy of each summons  
 26 or order issued pursuant to KRS 403.740, 403.745, or 403.750, or foreign  
 27 protective order authenticated pursuant to Sections 3 to 5 of this Act, to be

1 forwarded, by the most expedient means reasonably available and within twenty-four  
 2 (24) hours following its filing with the clerk, to the appropriate agency designated  
 3 for entry of domestic violence records into the Law Information Network of  
 4 Kentucky and to the agency assigned service. Any order or court record  
 5 superseding, modifying, or otherwise affecting the status of an earlier summons or  
 6 order shall likewise be forwarded by the circuit clerk to the appropriate Law  
 7 Information Network of Kentucky entering agency and to the agency assigned  
 8 service if service is required. The clerk and the court shall comply with all provisions  
 9 and guidelines of the Law Information Network of Kentucky for entry of the  
 10 records.

11 (3) Each agency designated for entry of summonses and orders issued pursuant to the  
 12 provisions of KRS 403.740, 403.745, or 403.750, or foreign protective order  
 13 authenticated pursuant to Sections 3 to 5 of this Act, into the Law Information  
 14 Network of Kentucky shall, consistent with the provisions and guidelines of the Law  
 15 Information Network of Kentucky, enter the records immediately upon receipt of  
 16 copies forwarded to the agency in accordance with subsection (2) of this section.

17 (4) A copy of the petition and each order issued pursuant to KRS 403.740 and 403.750  
 18 shall be certified and forwarded by the circuit clerk, within twenty-four (24) hours to  
 19 the circuit clerk in the usual county of residence and county where the petitioner and  
 20 minor children, if any, currently reside.

21 SECTION 9. A NEW SECTION OF KRS CHAPTER 403.715 TO 403.785 IS  
 22 CREATED TO READ AS FOLLOWS:

23 In order to assist a court of another state in determining whether a protective order  
 24 issued in this state is entitled to full faith and credit pursuant to 18 U.S.C.A. § 2265, all  
 25 protective orders issued pursuant to KRS 403.715 to 403.785 shall include a statement  
 26 certifying that the issuing court had jurisdiction over the parties and the matter, and  
 27 that reasonable notice and opportunity to be heard has been given to the person

1 against whom the order is sought sufficient to protect that person's right to due  
 2 process. In the case of ex parte emergency protective orders issued pursuant to Section  
 3 12 of this Act, the statement shall certify that notice and opportunity to be heard has  
 4 been provided within the time required by state law, and in any event within a  
 5 reasonable time after the order is issued, sufficient to protect the respondent's due  
 6 process rights. The Administrative Office of the Courts shall prescribe the form to be  
 7 used for this purpose.

8 Section 10. KRS 403.735 is amended to read as follows:

- 9 (1) Upon the filing of a petition, as provided for in KRS 403.725, the court, after review  
 10 of the petition and determining that domestic violence and abuse exists, without a  
 11 jury, shall utilize one (1) of the alternatives provided for in KRS 403.740 or  
 12 403.745.
- 13 (2) A court may issue mutual protective orders only if a separate petition is filed by the  
 14 respondent. Pursuant to KRS 403.740 and 403.750, the court shall then provide  
 15 orders, sufficiently specific to apprise any peace officer as to which party has  
 16 violated the order if there is probable cause to believe a violation of the order has  
 17 occurred.
- 18 (3) (a) All courts shall provide~~Written procedures shall be established by each court~~  
 19 ~~by July 30, 1992, to ensure~~ twenty-four (24) hour access~~[accessibility]~~ to  
 20 emergency protective orders.
- 21 (b) Each court shall submit written~~[These]~~ procedures for twenty-four (24)  
 22 hour accessibility to~~[shall]~~ be reviewed and approved~~[annually thereafter]~~ by  
 23 the Kentucky Supreme Court.
- 24 (c) Each court shall establish the local protocol in domestic violence matters in  
 25 which there may be joint jurisdiction between District and Circuit Court.  
 26 Each court shall submit the written procedures to be reviewed and approved  
 27 by the Kentucky Supreme Court.



1        (d) All amendments or revisions to the local procedures required pursuant to  
 2        this section shall be submitted to the Kentucky Supreme Court for review  
 3        and approval.

4        (4) If an emergency protective order is not issued, the court shall note on the petition,  
 5        for the record, any action taken or denied and the reason for it.

6        (5) An order of protection issued under the provisions of KRS 403.715 to 403.785 shall  
 7        become effective and binding on the respondent at the time of personal service or  
 8        when the respondent is given notice of the existence and terms of the order by a  
 9        peace officer or the court, whichever is earlier. After notice of the existence and  
 10       terms of the order is given to the respondent, a peace officer or the court may  
 11       enforce the terms of the order, and act immediately upon any violation of the order.  
 12       After notice of the order, all reasonable efforts shall be made by the peace officer or  
 13       the court to arrange for personal service of the order upon the respondent.

14       SECTION 11. A NEW SECTION OF KRS CHAPTER 403.010 TO 403.350 IS  
 15       CREATED TO READ AS FOLLOWS:

16       In any court proceeding conducted pursuant to KRS 403.010 to 403.350, if there is a  
 17       finding of domestic violence and abuse, as defined in KRS 403.720, the court shall not  
 18       order mediation unless requested by the victim of the alleged domestic violence and  
 19       abuse.

20       Section 12. KRS 403.740 is amended to read as follows:

21       (1) If, upon review of the petition, as provided for in KRS 403.735, the court  
 22       determines that the allegations contained therein indicate the presence of an  
 23       immediate and present danger of domestic violence and abuse, the court shall issue,  
 24       upon proper motion, ex parte, an emergency protective order:

25       (a) Restraining the adverse party from any contact or communication with the  
 26       petitioner except as directed by the court;

27       (b) Restraining the adverse party from committing further acts of domestic

- 1 violence and abuse;
- 2 (c) Restraining the adverse party from disposing of or damaging any of the
- 3 property of the parties;
- 4 (d) Directing the adverse party to vacate the residence shared by the parties to the
- 5 action;
- 6 (e) Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.420, grant
- 7 temporary custody; or
- 8 (f) Enter other orders the court believes will be of assistance in eliminating future
- 9 acts of domestic violence and abuse; or any combination thereof.
- 10 (2) *If the court issues an emergency protective order pursuant to subsection (1) of*
- 11 *this section, the court shall not order or refer the parties to mediation for*
- 12 *resolution of the issues alleged in the petition filed pursuant to Section 10 of this*
- 13 *Act.*
- 14 (3) An emergency protective order issued in accordance with this section shall be issued
- 15 without bond being required of the petitioner.
- 16 ~~(4)~~(3) An emergency protective order issued in accordance with this section shall be
- 17 effective for a period of time fixed in the order, but not to exceed fourteen (14) days.
- 18 Upon the issuance of an emergency protective order, a date for a full hearing, as
- 19 provided for in KRS 403.745, shall be fixed not later than the expiration date of the
- 20 emergency protective order. An emergency protective order shall be reissued for a
- 21 period not to exceed fourteen (14) days if service has not been made on the adverse
- 22 party by the fixed court date and time or as the court determines is necessary for the
- 23 protection of the petitioner.
- 24 ~~(5)~~(4) The adverse party shall be personally served with a copy of the emergency
- 25 protective order, a copy of the notice setting the full hearing, and a copy of the
- 26 petition. Service may be made in the manner and by the persons authorized to serve
- 27 subpoenas under the provisions of Rule 45.03 of the Rules of Civil Procedure. No

1 service fee shall be assessed to the petitioner.

# HB 310

Legislative Task Force on Domestic Violence  
Representative Mike Bowling

- Amends KRS 508.025 (pertaining to the assault of certain categories of professionals) to make it a felony when a Department for Social Services social worker is assaulted while in the performance of job duties.
- Creates an enhanced penalty for a second or subsequent Fourth Degree Assault conviction within five years, if the victim in each of the offenses meets the definition of “family member” or “member of an unmarried couple” as defined in KRS 403.720.
- Amends KRS 525.070 relating to the crime of harassment to increase the penalty to a Class B misdemeanor instead of a violation if, with the intent to harass, annoy, or alarm another person, a party strikes, shoves, kicks or otherwise subjects an individual to physical contact or attempts or threatens to do the same.
- Amends KRS 431.005 to expand the categories of peace officers with warrantless arrest authority in domestic assault situations to include Kentucky Horse Park, State Park Rangers, and full-time Water Patrol Officers. This arrest authority is also given to part-time paid law enforcement officers or special paid deputies contingent upon completion of a KLEC domestic violence training program.
- Deletes the requirement that peace officers “predict” or determine whether or not the alleged perpetrator will present a danger or threat of danger to others if not immediately arrested before making a probable cause warrantless arrest for domestic assault.
- Allows the Court to establish conditions of bond and pre-trial release for alleged perpetrators of domestic violence and sexual assault. These conditions can be imposed by the Court to protect the victim and ensure the defendant’s appearance at court proceedings while affording due process.

AN ACT relating to crimes and punishment.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 508.025 is amended to read as follows:

(1) A person is guilty of assault in the third degree when the actor:

(a) Intentionally or recklessly~~[With recklessness he]~~ causes or attempts to cause physical injury to:

1. A state, county, city, or federal peace officer;~~;~~

2. An employee of a detention facility, or state residential treatment facility or state secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender;~~;~~

3. An employee of the Department of Social Services employed as a social worker to provide direct client services, if the event occurs while the worker is performing job related duties; or

4. A probation and parole officer~~[by means of a deadly weapon or a dangerous instrument];~~ or

(b) Being a person confined in a detention facility, or state residential treatment facility or state secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender,~~he~~ inflicts physical injury upon or throws or causes feces or urine to be thrown upon an employee of the facility.

(2) Assault in the third degree is a Class D felony.

SECTION 2. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

(1) If an individual is found guilty or pleads guilty to a second or subsequent offense of assault in the fourth degree pursuant to KRS 508.030 within five (5) years, and

1 the relationship between the perpetrator and the victim in each of the offenses  
 2 meets the definition of family member or member of an unmarried couple, as  
 3 defined in KRS 403.720, the penalty shall be enhanced by one (1) degree above  
 4 the penalty otherwise provided for the offense. The victim in the second or  
 5 subsequent offense is not required to be the same person who was assaulted in  
 6 the prior offenses in order for the provisions of this section to apply.

7 (2) In determining the five (5) year period under this section, the period shall be  
 8 measured from the dates on which the offenses occurred for which the judgments  
 9 of conviction were entered by a court of competent jurisdiction.

10 Section 3. KRS 525.070 is amended to read as follows:

- 11 (1) A person is guilty of harassment when with intent to harass, annoy or alarm another  
 12 person he:
- 13 (a) Strikes, shoves, kicks, or otherwise subjects him to physical contact or  
 14 attempts or threatens to do the same; or
  - 15 (b) In a public place, makes an offensively coarse utterance, gesture, or display, or  
 16 addresses abusive language to any person present; or
  - 17 (c) Follows a person in or about a public place or places; or
  - 18 (d) Engages in a course of conduct or repeatedly commits acts which alarm or  
 19 seriously annoy such other person and which serve no legitimate purpose.

- 20 (2) (a) Except as provided in paragraph (a) of subsection (1) of this section,  
 21 harassment is a violation.
- 22 (b) Harassment, as defined in paragraph (a) of subsection (1) of this section, is  
 23 a Class B misdemeanor.

24 Section 4. KRS 431.005 is amended to read as follows:

- 25 (1) A peace officer may make an arrest:
- 26 (a) In obedience to a warrant; or
  - 27 (b) Without a warrant when a felony is committed in his presence; or

- 1 (c) Without a warrant when he has probable cause to believe that the person being  
 2 arrested has committed a felony; or
- 3 (d) Without a warrant when a misdemeanor, as defined in KRS 431.060, has been  
 4 committed in his presence; or
- 5 (e) Without a warrant when a violation of KRS 189.290, 189.393, 189.520,  
 6 189.580, 511.080, or 525.070 has been committed in his presence, except that  
 7 a violation of KRS 189A.010 or KRS 281A.210 need not be committed in his  
 8 presence in order to make an arrest without a warrant if the officer has  
 9 probable cause to believe that the person has violated KRS 189A.010 or KRS  
 10 281A.210.
- 11 (2) (a) Any peace officer may arrest a person without warrant when the peace officer  
 12 has probable cause to believe~~[ that if the person is not arrested the person will~~  
 13 ~~present a danger or threat of danger to others if not immediately restrained and~~  
 14 ~~in addition the peace officer has probable cause for believing]~~ that the person  
 15 has intentionally or wantonly caused physical injury to a family member or  
 16 member of an unmarried couple.
- 17 (b) For the purposes of this subsection, the term "family member" means a spouse,  
 18 including a former spouse, a parent, a grandparent, a child, a stepchild, or any  
 19 other person related by consanguinity or affinity within the second degree.
- 20 (c) For the purpose of this subsection, the term "member of an unmarried couple"  
 21 means each member of an unmarried couple which allegedly has a child in  
 22 common, any children of that couple, or a member of an unmarried couple  
 23 who are living together or have formerly lived together.
- 24 (3) For purposes of subsection (2) of this section, a "peace officer" is:
- 25 (a) A full-time sworn officer of the Kentucky State Police, a full-time sworn  
 26 officer of the Kentucky Horse Park, a commissioned full-time state park  
 27 ranger, a full-time state water patrol officer, a full-time city policeman, a full-

1 time county policeman, a full-time university safety and security officer  
 2 appointed pursuant to KRS 164.950 to 164.970, a full-time city-county  
 3 policeman, a duly elected sheriff, or a full-time paid deputy sheriff; or

4 (b) A part-time paid law enforcement officer, or a special paid deputy, who has  
 5 completed a Kentucky law enforcement council approved education and  
 6 training program referred to in KRS 403.785(2).

7 (4) If a law enforcement officer has probable cause to believe that a person has  
 8 violated a condition of release imposed in accordance with section 5 of this Act  
 9 and verifies that the alleged violator has notice of the conditions, the officer  
 10 shall, without a warrant, arrest the alleged violator whether the violation was  
 11 committed in or outside the presence of the officer.

12 (5) A private person may make an arrest when a felony has been committed in fact and  
 13 he has probable cause to believe that the person being arrested has committed it.

14 SECTION 5. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO  
 15 READ AS FOLLOWS:

16 (1) In making a decision concerning pretrial release of a person who is arrested for a  
 17 violation of KRS Chapters 508 or 510, or charged with a crime involving a  
 18 violation of a protective order issued pursuant to KRS 403.740 or 403.750, the  
 19 court or agency having authority to make a decision concerning pretrial release  
 20 shall review the facts of the arrest and detention of the person and determine  
 21 whether the person:

22 (a) Is a threat to the alleged victim or other family or household member; and

23 (b) Is reasonably likely to appear in court.

24 (2) Before releasing a person arrested for or charged with a crime specified in  
 25 subsection (1) of this section, the court shall make findings, on the record if  
 26 possible, concerning the determination made in accordance with subsection (1).  
 27 and may impose conditions of release or bail on the person to protect the alleged



- 1 victim of domestic violence or abuse and to ensure the appearance of the person  
2 at a subsequent court proceeding. The conditions may include:
- 3 (a) An order enjoining the person from threatening to commit or committing  
4 acts of domestic violence or abuse against the alleged victim or other family  
5 or household member;
- 6 (b) An order prohibiting the person from harassing, annoying, telephoning,  
7 contacting, or otherwise communicating with the alleged victim, either  
8 directly or indirectly;
- 9 (c) An order directing the person to vacate or stay away from the home of the  
10 alleged victim and to stay away from any other location where the victim is  
11 likely to be;
- 12 (d) An order prohibiting the person from using or possessing a firearm or other  
13 weapon specified by the court;
- 14 (e) An order prohibiting the person from possession or consumption of alcohol  
15 or controlled substances;
- 16 (f) Any other order required to protect the safety of the alleged victim and to  
17 ensure the appearance of the person in court; or
- 18 (g) Any combination of the orders set out in paragraphs (a) to (f).
- 19 (3) If conditions of release are imposed, the court imposing the conditions on the  
20 arrested or charged person shall:
- 21 (a) Issue a written order for conditional release; and  
22 (b) Immediately distribute a copy of the order to pretrial services.
- 23 (4) The court shall provide a copy of the conditions to the arrested or charged person  
24 upon release. Failure to provide the person with a copy of the conditions of  
25 release does not invalidate the conditions if the arrested or charged person has  
26 notice of the conditions.
- 27 (5) If conditions of release are imposed without a hearing, the arrested or charged

1 person may request a prompt hearing before the court to review the conditions.

2 Upon request, the court shall hold a prompt hearing to review the conditions.

3 (6) Any person who violates any condition of an order issued pursuant to this section

4 is guilty of a Class A misdemeanor.

# SB 108

Legislative Task Force on Domestic Violence  
Senator Jeff Green

- Requires the Department of Corrections to set up a centralized victim notification system to provide for public notification of the release of an incarcerated person from a regional or county jail or juvenile detention facility.
- Requires jailers to provide necessary information to accomplish this task to the Department of Corrections.
- Amends the Crime Victim Bill of Rights to add the right to be notified of the release of the offenders.

AN ACT relating to confinement release notification.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1 SECTION 1. A NEW SECTION OF KRS CHAPTER 196 IS CREATED TO  
2 READ AS FOLLOWS:

3 (1) The Department of Corrections shall provide or contract with a private entity to  
4 provide public notification of the release of an incarcerated person from a  
5 regional jail, county jail, or juvenile detention facility. The jailer or chief  
6 administrator, or a person designated by the jailer or chief administrator, of a  
7 regional jail, county jail, or juvenile detention facility, shall make available to the  
8 Department of Corrections, or any private entity under contract with the  
9 Department of Corrections, the information necessary to implement this section  
10 in a timely manner. The Department of Corrections or the private entity under  
11 contract with the Department of Corrections shall be responsible for retrieving  
12 the information and notifying the public in accordance with administrative  
13 regulations promulgated by the Department of Corrections.

14 (2) The Department of Corrections shall promulgate administrative regulations for  
15 the implementation of this section.

16 (3) This section shall not be construed to permit the release of information relating  
17 to children who have been detained unless the release of the information is  
18 specifically authorized by statute.

19 Section 2. KRS 15.245 is amended to read as follows:

20 (1) The Attorney General shall prepare a pamphlet of not more than two (2) pages  
21 explaining to victims and witnesses of crime:

22 (a) How the criminal justice system functions from the point of the complaint  
23 through the trial;

24 (b) The role of the attorney for the Commonwealth;

25 (c) The role of the defense attorney and whether the victim or witness must talk to

1 the defense attorney and under what conditions;

2 (d) The process for applying for crime victim compensation money; —

3 (e) The duties of the attorney for the Commonwealth under KRS 421.500;

4 (f) How the victim or witness can be notified of the release of a person from a  
5 jail or prison;

6 (g) General information on how the victim or witness can protect himself from  
7 intimidation; and

8 ~~(h)(g)}~~ Such other information as the Attorney General deems relevant.

9 (2) The Attorney General shall provide the pamphlet to each Commonwealth's and  
10 county attorney in sufficient quantity to distribute to victims of crime and to  
11 witnesses for the Commonwealth.

12 (3) Each Commonwealth's and county attorney shall distribute the pamphlet to crime  
13 victims and witnesses and may distribute the pamphlet to other interested persons.  
14 No charge shall be made for the pamphlet.

15 Section 3. KRS 421.500 is amended to read as follows:

16 (1) As used in KRS 421.510 to 421.550, "victim" means an individual who suffers direct  
17 or threatened physical, financial, or emotional harm as a result of the commission of  
18 a crime classified as criminal homicide, robbery, rape, assault, sodomy, kidnapping,  
19 burglary in the first or second degree, sexual abuse, wanton endangerment, criminal  
20 abuse, or incest. If the victim is a minor or legally incapacitated, "victim" means a  
21 parent, guardian, custodian or court-appointed special advocate. If the victim is  
22 deceased and the relation is not the defendant, the following relations shall be  
23 designated as "victim" for the purpose of exercising those rights contained in KRS  
24 421.510 to 421.540:

25 (a) The spouse;

26 (b) An adult child if paragraph (a) of this subsection does not apply;

27 (c) A parent if paragraphs (a) and (b) of this subsection do not apply;

- 1 (d) A sibling if paragraphs (a) through (c) of this subsection do not apply; and
- 2 (e) A grandparent if paragraphs (a) through (d) of this subsection do not apply. —
- 3 (2) If any court believes that the health, safety, or welfare of a victim who is a minor or
- 4 is legally incapacitated would not otherwise adequately be protected, the court may
- 5 appoint a special advocate to represent the interest of the victim and to exercise
- 6 those rights provided for by KRS 421.510 to 421.540. Communication between the
- 7 victim and the special advocate shall be privileged.
- 8 (3) Law enforcement personnel shall ensure that victims receive information on available
- 9 emergency social, and medical services upon initial contact with the victim and are
- 10 given information on the following as soon as possible:
- 11 (a) Availability of crime victim compensation where applicable;
- 12 (b) Community based treatment programs;
- 13 (c) The criminal justice process as it involves the participation of the victim or
- 14 witness;~~and~~
- 15 (d) The arrest of the accused; *and*
- 16 *(e) How to find out if a person has been released from jail.*
- 17 (4) Law enforcement officers and attorneys for the Commonwealth shall provide
- 18 information to victims and witnesses on how they may be protected from
- 19 intimidation, harassment, and retaliation as defined in KRS 524.040, 524.045 or
- 20 524.055.
- 21 (5) Attorneys for the Commonwealth shall make a reasonable effort to insure that:
- 22 (a) All victims and witnesses who are required to attend criminal justice
- 23 proceedings are notified promptly of any scheduling changes that affect their
- 24 appearances;~~and~~
- 25 (b) If victims so desire and if they provide the attorney for the Commonwealth
- 26 with a current address and telephone number, they shall receive prompt
- 27 notification, if possible, of judicial proceedings relating to their case, including

1 the defendant's release on bond; of the charges against the defendant, the  
2 defendant's pleading to the charges, and the date set for the trial; of notification  
3 of changes in the custody of the defendant and changes in trial dates; of the  
4 verdict, the victim's right to make an impact statement for consideration by the  
5 court at the time of sentencing of the defendant, the date of sentencing, the  
6 victim's right to receive notice of any parole board hearing held for the  
7 defendant, and that the office of Attorney General will notify the victim if an  
8 appeal of the conviction is pursued by the defendant; and

9 (c) The victim knows how to find out if a person has been released from jail.

- 10 (6) The victim shall be consulted by the attorney for the Commonwealth on the  
11 disposition of the case including dismissal, release of the defendant pending judicial  
12 proceedings, a negotiated plea, and entry into a pretrial diversion program.
- 13 (7) In prosecution for offenses listed in this section for the purpose of defining "victim,"  
14 law enforcement agencies and attorneys for the Commonwealth shall promptly  
15 return a victim's property held for evidentiary purposes unless there is a compelling  
16 reason for retaining it. Photographs of such property shall be received by the court  
17 as competent evidence in accordance with the provisions of KRS 422.350.
- 18 (8) A victim or witness who so requests shall be assisted by law enforcement agencies  
19 and attorneys for the Commonwealth in informing employers that the need for victim  
20 or witness cooperation in the prosecution of the case may necessitate absence of that  
21 victim or witness from work.
- 22 (9) The Attorney General, where possible, shall provide technical assistance to law  
23 enforcement agencies and attorneys for the Commonwealth if such assistance is  
24 requested for establishing a victim assistance program.
- 25 (10) If a defendant seeks appellate review of a conviction and the Commonwealth is  
26 represented by the Attorney General, the Attorney General shall make a reasonable  
27 effort to notify victims promptly of the appeal, the status of the case, and the

1 decision of the appellate court.

2 Section 4. KRS 421.550 is amended to read as follows:

- 3 (1) Nothing in KRS 421.510 to 421.540 or Sections 1, 2, or 3 of this Act<sup>[15-245]</sup>  
4 creates a cause of action for money damages against the state, a county, a  
5 municipality or any of their agencies, public officials or employees.
- 6 (2) The jailer or chief administrator of a regional jail, county jail, or juvenile  
7 detention facility, or any of their respective designees who acts in good faith in  
8 making available the release information required by Section 1 of this Act, or in  
9 good faith fails or is unable to provide the release information required by  
10 Section 1 of this Act, shall be immune from any criminal liability.
- 11 (3) The jailer or chief administrator of a regional jail, county jail, or juvenile  
12 detention facility, or any of their respective designees, who acts in good faith in  
13 making available the release information required by Section 1 of this Act, or in  
14 good faith fails or is unable to provide the release information required by  
15 Section 1 of this Act, and who is sued for any act or omission in relation to  
16 Section 1 of this Act and who has a judgment rendered against him and who  
17 personally suffers actual financial loss, unreimbursed from any source, by the  
18 enforcement and satisfaction of the judgment, including any costs or attorney's  
19 fees awarded pursuant thereto, shall be indemnified by the Commonwealth from  
20 funds appropriated to the Finance and Administration Cabinet for the payment  
21 of judgments, to the extent of his actual financial loss. The indemnification shall  
22 not be construed to abrogate or limit any privilege, immunity, or matter of  
23 defense otherwise available to the person claiming indemnification and shall not  
24 constitute a waiver of any privilege, immunity, or matter or defense including the  
25 sovereign immunity of the Commonwealth.
- 26 (4) The Attorney General shall defend the jailer, chief administrator, or designee  
27 upon request, in any suit related to the provision of information under Section 1



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of this Act.

# VICTIM ADVOCATES

Legislative Task Force on Domestic Violence  
Representative Paul Mason

- Authorizes County Attorneys to either individually or jointly employ victim advocates. Establishes qualifications for employment as a victim advocate and training requirements. (Similar language is already in statute pertaining to advocates employed by Commonwealth Attorneys.)
- Requires training on domestic violence for victim advocates employed by Commonwealth or County Attorneys.
- Creates a definition of a “victim advocate” which may be a volunteer for or employed by a public or private agency.
- Amends KRE 506 related to “confidentiality and privilege” to include victim advocates as newly defined in statute.
- Allows victim advocates to accompany victims in court proceedings, confer with the victim in a reasonable manner and address the court as directed by the court. Prohibits victim advocates from engaging in the practice of law.

AN ACT relating to victim advocates.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

- 1 Section 1. KRS 15.760 is amended to read as follows:
- 2 (1) Each Commonwealth's attorney shall, during the calendar year 1977 and through  
3 June 30, 1978, be entitled to at least the number of assistant Commonwealth's  
4 attorney positions, stenographic, secretarial and clerical staff positions, investigative  
5 and other personnel positions, which he had or was entitled to at the number and  
6 salary level in effect on December 1, 1976.
- 7 (2) The number of assistant Commonwealth's attorney positions, stenographic,  
8 secretarial and clerical staff positions, investigative and other personnel positions,  
9 shall be based on real need to be determined with the advice and consent of the  
10 Prosecutors Advisory Council.
- 11 (3) All assistant Commonwealth's attorneys shall be licensed practicing attorneys. The  
12 full-time assistant Commonwealth's attorneys shall not be allowed to engage in the  
13 private practice of law.
- 14 (4) All salaries paid to personnel appointed hereunder shall be paid from the State  
15 Treasury. The salaries shall be commensurate with the appointee's education,  
16 experience, training and responsibility, and be based upon the guidelines established  
17 by the Prosecutors Advisory Council, which guidelines shall be comparable with the  
18 classification and compensation plan for comparable positions maintained by the  
19 state Department of Personnel, pursuant to KRS 64.640.
- 20 (5) The fiscal court or urban-county government in the county or counties that comprise  
21 the judicial circuit shall be responsible for providing the office of the  
22 Commonwealth's attorney with an adequate grand jury room and witness rooms.
- 23 (6) (a) Each Commonwealth's attorney shall be authorized to employ individually or  
24 jointly with one or more other Commonwealth's attorneys at least one (1)  
25 victim advocate to counsel and assist crime victims as defined in KRS 421.500.

1 (b) An individual employed as a victim advocate shall be a person who by a  
 2 combination of education, professional qualification, training, and experience is  
 3 qualified to perform the duties of this position. The victim advocate shall be an  
 4 individual at least eighteen (18) years of age, of good moral character, with at  
 5 least two (2) years of experience working in the human services field in a  
 6 position requiring professional contact with children or adults, who has:

- 7 1. Received a baccalaureate degree in social work, sociology, psychology,  
 8 guidance and counseling, education, religion, criminal justice, or other  
 9 human service field; or
- 10 2. Received a high school diploma or equivalency certificate, and, in  
 11 addition to the experience required in this subsection, has at least four (4)  
 12 years' experience working in the human services field.

13 (c) Each Commonwealth's attorney who employs an individual to serve as a victim  
 14 advocate shall develop a written job description which describes the duties of  
 15 the position and shall ensure the victim advocate completes training relating  
 16 to the appropriate intervention with crime victims, including victims of  
 17 domestic violence. Each victim advocate shall perform those duties necessary  
 18 to insure compliance with the crime victim's bill of rights contained in KRS  
 19 421.500 to 421.530. No victim advocate shall engage in political activities  
 20 while in the course of performing his duties as victim advocate or the practice  
 21 of law as defined in KRS 524.130. The creation and funding of any new  
 22 personnel position shall be reviewed and approved by the Prosecutors  
 23 Advisory Council.

24 SECTION 2. A NEW SECTION OF KRS CHAPTER 69 IS CREATED TO  
 25 READ AS FOLLOWS:

26 (1) Each county attorney shall be authorized to employ individually or jointly with  
 27 one (1) or more other county attorneys at least one (1) victim advocate to counsel

1 and assist crime victims as defined in KRS 421.500.

2 (2) An individual employed as a victim advocate shall be a person who by a  
 3 combination of education, professional qualification, training, and experience is  
 4 qualified to perform the duties of this position. The victim advocate shall be an  
 5 individual at least eighteen (18) years of age, of good moral character, with at  
 6 least two (2) years of experience working in the human services field in a position  
 7 requiring professional contact with children or adults, who has:

8 (a) Received a baccalaureate degree in social work, sociology, psychology,  
 9 guidance and counseling, education, religion, criminal justice, or other  
 10 human service field; or

11 (b) Received a high school diploma or equivalency certificate, and, in addition  
 12 to the experience required in this subsection, has at least four (4) years'  
 13 experience working in the human services field.

14 (3) Each county attorney who employs an individual to serve as a victim advocate  
 15 shall develop a written job description which describes the duties of the position  
 16 and shall ensure the victim advocate completes training relating to the  
 17 appropriate intervention with crime victims, including victims of domestic  
 18 violence. Each victim advocate shall perform those duties necessary to insure  
 19 compliance with the crime victim's bill of rights contained in KRS 421.500 to  
 20 421.530. No victim advocate shall engage in political activities while in the  
 21 course of performing duties as victim advocate or the practice of law as defined  
 22 in KRS 524.130. The creation and funding of any new personnel position shall  
 23 be reviewed and approved by the Prosecutors Advisory Council.

24 Section 3. KRE 506 is amended to read as follows:

25 (a) Definitions. As used in this rule:

26 (1) A "counselor" includes:

27 (A) A certified school counselor who meets the requirements of the

- 1 Kentucky Board of Education and who is duly appointed and regularly  
 2 employed for the purpose of counseling in a public or private school of  
 3 this state;
- 4 (B) A sexual assault counselor, who is a person engaged in a rape crisis  
 5 center, as defined in KRS Chapter 421, who has undergone forty (40)  
 6 hours of training and is under the control of a direct services supervisor  
 7 of a rape crisis center, whose primary purpose is the rendering of advice,  
 8 counseling, or assistance to victims of sexual assault;
- 9 (C) A drug abuse counselor, who is a person employed by a drug abuse and  
 10 education center licensed by the Kentucky Cabinet for Human Resources  
 11 pursuant to KRS Chapter 210;
- 12 (D) An alcohol abuse counselor, who is a person employed by a licensed  
 13 hospital, or treatment facility licensed by the Kentucky Cabinet for  
 14 Human Resources pursuant to KRS Chapter 222;
- 15 (E) A certified professional art therapist who is engaged to conduct art  
 16 therapy pursuant to KRS 309.130 to 309.1399; ~~and~~
- 17 (F) A certified marriage and family therapist as defined in KRS 335.300 who  
 18 is engaged to conduct marriage and family therapy pursuant to KRS  
 19 335.300 to 335.399; *and*
- 20 (G) A victim advocate as defined in Section 4 of this Act or employed by a  
 21 Commonwealth's attorney pursuant to Section 1 of this Act or a  
 22 county attorney pursuant to Section 2 of this Act.
- 23 (2) A "client" is a person who consults or is interviewed by a counselor for the  
 24 purpose of obtaining professional services from the counselor.
- 25 (3) A communication is "confidential" if not intended to be disclosed to third  
 26 persons, except persons present to further the interest of the client in the  
 27 consultation or interview, persons reasonably necessary for the transmission of

1           the communication, or persons present during the communication at the  
2           direction of the counselor, including members of the client's family.

3 (b) General rule of privilege. A client has a privilege to refuse to disclose and to prevent  
4 any other person from disclosing confidential communications made for the purpose  
5 of counseling the client, between himself, his counselor, and persons present at the  
6 direction of the counselor, including members of the client's family.

7 (c) Who may claim the privilege. The privilege may be claimed by the client, his  
8 guardian or conservator, or the personal representative of a deceased client. The  
9 person who was the counselor (or that person's employer) may claim the privilege in  
10 the absence of the client, but only on behalf of the client.

11 (d) Exceptions. There is no privilege under this rule for any relevant communication:

12 (1) If the client is asserting his physical, mental, or emotional condition as an  
13 element of a claim or defense; or, after the client's death, in any proceeding in  
14 which any party relies upon the condition as an element of a claim or defense.

15 (2) If the judge finds:

16 (A) That the substance of the communication is relevant to an essential issue  
17 in the case;

18 (B) That there are no available alternate means to obtain the substantial  
19 equivalent of the communication; and

20 (C) That the need for the information outweighs the interest protected by the  
21 privilege. The court may receive evidence in camera to make findings  
22 under this rule.

23           SECTION 4. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO  
24 READ AS FOLLOWS:

25 (1) For the purposes of Sections 4 and 5 of this Act, "victim advocate" means an  
26 individual at least eighteen (18) years of age and of good moral character, who is  
27 employed by, or serves as a volunteer for, a public or private agency.

1 organization, or official to counsel and assist crime victims as defined in KRS  
2 421.500, and includes a victim advocate employed by a Commonwealth's attorney  
3 pursuant to Section 1 of this Act and a victim advocate employed by a county  
4 attorney pursuant to Section 2 of this Act.

5 (2) Each victim advocate shall complete training which shall include information  
6 concerning the difference between advocacy and the practice of law, and the  
7 appropriate intervention with crime victims, including victims of domestic  
8 violence.

9 (3) A victim advocate shall not engage in the practice of law as defined in KRS  
10 524.130.

11 SECTION 5. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO  
12 READ AS FOLLOWS:

13 In all court proceedings, a victim advocate, upon the request of the victim, shall be  
14 allowed to accompany the victim during the proceeding to provide moral and  
15 emotional support. The victim advocate shall be allowed to confer orally and in writing  
16 with the victim in a reasonable manner. However, the victim advocate shall not provide  
17 legal advice or legal counsel to the crime victim in violation of KRS 524.130 and  
18 Section 4 of this Act. The victim advocate may address the court as directed by the  
19 court.



# HB 288

Legislative Task Force on Domestic Violence  
Representative Steve Nunn

- Amends KRS 64.060 to permit a sheriff or police department to be paid three dollars for servicing an emergency protective order.
- Deletes the subsection permitting fiscal court to approve increased reimbursement of funds from the State Treasury. (This provision was determined to be unconstitutional.)
- Amends KRS 64.090 to establish a fee of ten dollars for a sheriff for serving a civil summons in a nonsupport case.

AN ACT relating to peace officers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1 Section 1. KRS 64.060 is amended to read as follows:

2 (1) ~~{Except as provided in subsection (2) of this section,}~~ Sheriffs, constables, coroners,  
3 marshals, and policemen shall be paid out of the State Treasury for the following  
4 services the following fees:

- 5 (a) Apprehending a person on charge of felony, or a fugitive  
6 from justice charged with a felony in this state ..... \$3.00
- 7 (b) Executing a process of contempt in a criminal  
8 case when the court excuses the contempt ..... 1.60
- 9 (c) Executing a summons upon a witness in behalf  
10 of the Commonwealth in a felony case ..... 0.75
- 11 (d) Summoning a jury, on order of a court, in a county other than that in which the  
12 action is pending, a reasonable allowance to be fixed by the court.
- 13 (e) Summoning and attending a jury in a case of felony ..... 2.50
- 14 **(f) Serving a domestic violence emergency protective order ..... 3.00**

15 (2) ~~{A sheriff shall, if he requests and receives approval from the fiscal court of his~~  
16 ~~county, be paid out of the State Treasury for the following services the following~~  
17 ~~fees:~~

- 18 ~~(a) Apprehending a person on charge of felony, or a fugitive from~~  
19 ~~\_\_\_\_\_ justice charged with a felony in this state ..... \$10.00~~
- 20 ~~(b) Executing a summons upon a witness in behalf of the~~  
21 ~~\_\_\_\_\_ Commonwealth in a felony case ..... 3.00~~
- 22 ~~(c) Serving a domestic violence emergency protective order ..... 3.00~~
- 23 ~~(d) Serving a civil summons in a nonsupport case ..... 10.00~~

24 ~~(3) }~~ Except when required by subsection ~~(1)(f)(2)(c)~~ of this section, no claim for  
25 services incidental to examining courts shall be allowed to any sheriff, deputy sheriff,

1 constable, marshal, policeman, or other officer authorized to execute process in  
 2 felony cases until the grand jury has returned an indictment for a felony. —

3 Section 2. KRS 64.090 is amended to read as follows:

4 Sheriffs may charge and collect for the following services the following fees:

5 Executing and returning process ..... \$10.00

6 Serving an order of court and return ..... 3.00

7 Summoning each witness ..... 2.00

8 Summoning an appraiser or reviewer ..... 2.00

9 Attending a surveyor, when ordered by a  
 10 court, per deputy or sheriff assigned ..... 20.00

11 Taking any bond that he is authorized or  
 12 required to take in any action ..... 5.00

13 Collecting money under execution or distress warrant, if the debt is paid or the  
 14 property sold, or a delivery bond given and not complied with, six percent  
 15 (6%) on the first three hundred dollars (\$300) and three percent (3%) on the  
 16 residue; when he levies an execution or distress warrant, and the defendant  
 17 replevies the debt, or the writ is stayed by legal proceedings or by the order of  
 18 the plaintiff, half of the above commissions, to be charged to the plaintiff and  
 19 collected as costs in the case.

20 Taking a recognizance of a witness ..... 3.00

21 Levying an attachment ..... 5.00

22 When property attached is sold by an officer other than the officer levying the  
 23 attachment, the court shall, in the judgment, make the officer an additional and  
 24 reasonable allowance for levying the attachment, and the fee of the officer  
 25 selling the property shall be lessened by that sum. Reasonable charges for  
 26 removing and taking care of attached property shall be allowed by order of  
 27 court.

1        Summoning a garnishee ..... 3.00

2        Summoning a jury in a misdemeanor case, attending the trial, and

3                conducting the defendant to jail, to be paid by the party

4                convicted ..... 8.00

5        Serving process or arresting the party in

6                misdemeanor cases, to be paid by the plaintiff ..... 10.00

7        Serving an order or process of revivor ..... 3.00

8        Executing a writ of possession against each tenant or defendant ..... 7.00

9        Executing a capias ad satisfaciendum, the same commission as collecting money on

10                execution. If the debt is not paid, but stayed or secured, half commission.

11        Summoning and attending a jury in a case of forcible entry and

12                detainer, besides fees for summoning witnesses ..... 8.00

13        Collecting militia fines and fee-bills, ten percent (10%), to be deducted out of the

14                fee-bill or fine.

15        Levying for a fee-bill ..... 3.00

16        Serving a notice ..... 2.00

17        Serving summons, warrants or process of arrest in cases of

18                children born out of wedlock ..... 6.00

19        **Serving a civil summons in a nonsupport case..... 10.00**

20        Serving each order appointing surveyors of

21                roads, to be paid out of the county levy ..... 5.00

22        Serving each summons or order of court in applications concerning

23                roads, to be paid out of the county levy if the road is established,

24                and in all other cases to be paid by the applicant ..... 5.00

25        Like services in cases of private passways to

26                be paid by the applicant ..... 5.00

27        Executing each writ of habeas corpus, to be

1           paid by the petitioner ..... 3.00  
2       All services under a writ issued under  
3           KRS 381.460 to 381.570 ..... 10.00  
4       For services in summoning grand and petit jurors and performing his duties under  
5           KRS Chapter 29A the sheriff shall be allowed, for each person so summoned,  
6           and paid out of the State Treasury for constructive service the sum of \$1.50  
7           and for personal service the sum of \$3.00.

A RESOLUTION urging the public universities to include curricula addressing domestic violence and child sexual abuse for graduate and undergraduate students in psychology, social work, counseling, law, and medical programs.

WHEREAS, clinical studies underscore the prevalence of domestic violence and child sexual abuse in the histories of inpatient and outpatient client populations; and

WHEREAS, research indicates that fully twenty percent of child sexual victims will suffer long-term mental health problems; and

WHEREAS, the most common reason for a woman to seek emergency room care is for injuries sustained during a domestic violence assault; and

WHEREAS, increasing professional awareness of the cycle of violence is critical to ending its continuation and its impact on clients and patients; and

WHEREAS, most medical professionals, attorneys, social workers, and mental health providers will encounter cases of domestic abuse and child sexual abuse in their practices and must be aware of their professional obligation to report these cases, as well as the potential liability for failing to diagnose and report domestic violence or child sexual abuse;

NOW, THEREFORE,

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

- 1 Section 1. The public universities are urged to include successful completion of
- 2 curricula addressing domestic violence and child sexual abuse as a condition of graduation
- 3 for graduate and undergraduate students in psychology, social work, counseling, law, and
- 4 medical programs. The courses should include instruction on the dynamics of domestic
- 5 violence and child sexual abuse, effects of victimization on adult and child victims, legal
- 6 remedies for protection, lethality and risk issues, model protocols for addressing domestic
- 7 violence and child sexual abuse, available community resources and victims services, and
- 8 reporting requirements for these crimes.

1           Section 2.     The Council on Higher Education is urged to monitor the  
2   implementation of curricula addressing child sexual abuse and domestic violence.







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