

### **620.060 Emergency custody orders.**

- (1) The court for the county where the child is present may issue an ex parte emergency custody order when it appears to the court that removal is in the best interest of the child and that there are reasonable grounds to believe, as supported by affidavit or by recorded sworn testimony, that one (1) or more of the following conditions exist and that the parents or other person exercising custodial control or supervision are unable or unwilling to protect the child:
  - (a) The child is in danger of imminent death or serious physical injury or is being sexually abused;
  - (b) The parent has repeatedly inflicted or allowed to be inflicted by other than accidental means physical injury or emotional injury. This condition shall not include reasonable and ordinary discipline recognized in the community where the child lives, as long as reasonable and ordinary discipline does not result in abuse or neglect as defined in KRS 600.020(1); or
  - (c) The child is in immediate danger due to the parent's failure or refusal to provide for the safety or needs of the child.
- (2) Custody may be placed with a relative taking into account the wishes of the custodial parent and child or any other appropriate person or agency including the cabinet.
- (3) An emergency custody order shall be effective no longer than seventy-two (72) hours, exclusive of weekends and holidays, unless there is a temporary removal hearing with oral or other notice to the county attorney and the parent or other person exercising custodial control or supervision of the child, to determine if the child should be held for a longer period. The seventy-two (72) hour period also may be extended or delayed upon the waiver or request of the child's parent or other person exercising custodial control or supervision.
- (4) Any person authorized to serve process shall serve the parent or other person exercising custodial control or supervision with a copy of the emergency custody order. If such person cannot be found, the sheriff shall make a good faith effort to notify the nearest known relative, neighbor, or other person familiar with the child.
- (5) Within seventy-two (72) hours of the taking of a child into custody without the consent of his parent or other person exercising custodial control or supervision, a petition shall be filed pursuant to this chapter.
- (6) Nothing herein shall preclude the issuance of arrest warrants pursuant to the Rules of Criminal Procedure.

**Effective:** March 17, 1998

**History:** Amended 1998 Ky. Acts ch. 57, sec. 4, effective March 17, 1998. -- Amended 1988 Ky. Acts ch. 350, sec. 46, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 67, effective July 1, 1987.