

403.7521 Foreign protective orders -- Filing -- Affidavit certifying validity -- Uncertified orders.

- (1) In KRS 403.715 to 403.785, "foreign protective order" means any judgment, decree, or order of protection issued by a court of a state of the United States or of any other court which is entitled to full faith and credit in this state pursuant to 18 U.S.C. sec. 2265.
- (2) A copy of any foreign protective order entitled to full faith and credit in this state in accordance with the Act of Congress or the statutes of this state may be filed in the office of the clerk of any court of competent jurisdiction of this state. A foreign protective order so filed shall have the same effect and shall be enforced in the same manner as an emergency protective order issued by a court of this state.
- (3)
 - (a) At the time of the filing of the foreign protective order, the person filing the order shall file with the clerk of the court an affidavit on a form prescribed and provided by the Administrative Office of the Courts. The affidavit shall set forth the name, city, county, and state or other jurisdiction of the issuing court. The person shall certify in the affidavit the validity and status of the foreign protective order, and attest to the person's belief that the order has not been amended, rescinded, or superseded by any orders from a court of competent jurisdiction. All foreign protective orders presented with a completed and signed affidavit shall be accepted and filed. Knowingly making a false statement in an affidavit required by this subsection shall be a violation of KRS 523.030.
 - (b) The affidavit signed by the applicant shall have space where the reviewing judge shall place information necessary to allow the order's entry into the Law Information Network of Kentucky in the same manner as a Kentucky order.
- (4)
 - (a) If the person seeking to file the order presents a copy of the foreign order which is current by the terms of the order and has been certified by the clerk or other authorized officer of the court which issued it, the circuit clerk shall present it to the District Judge or Circuit Judge, who shall read the order and enter on the affidavit the information necessary to allow the order's entry into the Law Information Network of Kentucky. The order shall not be subject to further verification and shall be accepted as authentic, current, and subject to full faith and credit.
 - (b) If the order presented is current by the terms of the order but is not certified in the manner specified in paragraph (a) of this subsection, the circuit clerk shall present the order and the affidavit to the District or Circuit Judge, who shall read the order and enter on the affidavit the information necessary to allow the order's entry into the Law Information Network of Kentucky. The order shall be subject to full faith and credit in the same manner as a Kentucky emergency protective order but shall be subject to verification by the circuit clerk. The order shall be valid for a period of fourteen (14) days and may be renewed once for a period of fourteen (14) days if the circuit clerk has not received a certified copy of the order from the issuing jurisdiction. The clerk shall treat the foreign protective order in the same manner as an emergency protective order of

this state issued pursuant to KRS 403.740, except that no service on the adverse party shall be required pursuant to 18 U.S.C. sec. 2265.

- (c) Upon the filing of an uncertified protective order the circuit clerk shall, within two (2) business days, contact the issuing court to request a certified copy of the order. If the certified copy of the order is received by the circuit clerk within the initial fourteen (14) day period, the clerk shall cause the information that certification has been received to be entered into the Law Information Network of Kentucky and shall notify the applicant for the order of the fact of its certification. A facsimile copy of a certified foreign order shall be grounds for the issuance of a domestic violence order.
 - (d) If the clerk has not received a certified copy of the foreign order within ten (10) days, the clerk shall notify the court and the applicant that the order has not been received. The notice to the applicant, on a form prepared by the Administrative Office of the Courts, shall state that the order will be extended for another fourteen (14) days, but will be dismissed at that time. If the clerk informs the judge in writing that the certified foreign order has been requested but has not yet been received, the judge shall extend the emergency protective order for a period of fourteen (14) days. If certification of the foreign order is not received within twenty-eight (28) days, the emergency protective order shall expire and shall not be reissued. If the applicant meets the qualifications for the issuance of a Kentucky emergency protective order or a Kentucky domestic violence order, the court may, upon proper application and showing of evidence, be issued a Kentucky order in accordance with the provisions of KRS 403.715 to 403.785.
- (5) Notwithstanding any provision to the contrary, a person filing a foreign protective order shall not be required to pay a fee or other costs in conjunction with the filing or other matters associated with the authentication of the order.
 - (6) The right of a person filing a foreign protective order to bring an action to enforce the order instead of proceeding under KRS 403.715 to 403.785 remains unimpaired.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 99, sec. 4, effective July 15, 1996.