

403.740 Domestic violence order -- Restrictions -- Temporary child support -- Expiration and reissuance.

(1) Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:

- (a) Restraining the adverse party from:
 - 1. Committing further acts of domestic violence and abuse;
 - 2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
 - 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
 - 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
 - 5. Disposing of or damaging any of the property of the parties;
- (b) Authorizing, at the request of the petitioner:
 - 1. Limited contact or communication between the parties that the court finds necessary; or
 - 2. The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.

Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;

- (c) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;
 - (d) Directing that either or both of the parties receive counseling services available in the community in domestic violence and abuse cases; and
 - (e) Additionally, if applicable:
 - 1. Directing the adverse party to vacate a residence shared by the parties to the action;
 - 2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822, grant temporary custody, subject to KRS 403.315;
 - 3. Utilizing the criteria set forth in KRS 403.211, 403.212, 403.2121, and 403.213, award temporary child support; and
 - 4. Awarding possession of any shared domestic animal to the petitioner.
- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;

- (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
 - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
 - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) When temporary child support is granted under this section, the court shall enter an order detailing how the child support is to be paid and collected. Child support ordered under this section may be enforced utilizing the same procedures as any other child support order.
- (4) A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 122, sec. 7, effective July, 14, 2022; ch. 143, sec. 1, effective July 14, 2022; and ch. 158, sec. 2, effective July 14, 2022. -- Amended 2018 Ky. Acts ch. 198, sec. 6, effective July 14, 2018. -- Repealed and reenacted 2015 Ky. Acts ch. 102, sec. 6, effective January 1, 2016. -- Amended 2010 Ky. Acts ch. 170, sec. 2, effective July 15, 2010. -- Amended 2004 Ky. Acts ch. 133, sec. 44, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 99, sec. 16, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 172, sec. 6, effective July 14, 1992. -- Created 1984 Ky. Acts ch. 152, sec. 6, effective July 13, 1984.

Legislative Research Commission Note (7/14/2022). This statute was amended by 2022 Ky. Acts chs. 122, 143, and 158, which do not appear to be in conflict and have been codified together.