

Access to Protective Orders

In Kentucky, minors can obtain Protective Orders (POs),¹ but the law does not specify whether POs can be granted against minor abusers. Kentucky's law excludes people in dating relationships from accessing POs.² This results in a automatic failing grade for Kentucky.

Procedure

State law does not specify whether minors can petition for POs on their own behalf. A family member, among others, may petition for a PO on the minor family member's behalf.³ If a minor is able to file on their own behalf, Kentucky law does not specify whether the parent or guardian of the minor will be notified about the PO.

Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.⁴ The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order⁵ the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- participate in a counseling or batterers' intervention program; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Protective Order is modifiable.⁶

Minors' Access to Sensitive Services^{7,8}

All minors can consent to:

- Contraceptive services*
- HIV/STI testing and treatment*
- Prenatal care*
- Adoption
- Medical care for minor child(ren)

*Physicians may inform a minor's parents.

Minors can only access abortion services with parental consent.

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School Response to Dating Violence

Kentucky law does not provide for a school response to dating violence.

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Recommendations for Immediate Policy Change

In order to improve Kentucky's response to teen dating violence, the following changes are recommended:

- Allow individuals in dating relationships to access protective orders.
- Explicitly allow POs to be issued against minor respondents.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment to access POs.

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State Law Report Card



References

¹ KY. REV. STAT. ANN. § 403.725(3) (West 2009).

² *Id.* § 403.720.

³ *Id.* § 403.725(3).

⁴ *Id.* § 403.720(1).

⁵ *Id.* § 403.750(1).

⁶ *Id.* § 403.750(3).

⁷ Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf, accessed December 1, 2009.

⁸ Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf, accessed December 1, 2009.

Break the Cycle

Empowering Youth to End
Domestic Violence

For more information about state law
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