

**HB 8 FORMS TRAINING COPY
CHANGES ARE HIGHLIGHTED IN YELLOW**

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MOTION FOR RELIEF

Case No. _____

- Petitioner **OR** Petitioner, on behalf of minor child, requests that the Court:
- (1) **Issue an emergency or temporary protective order** based on the presence of an immediate and present danger of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault to:
- restrain Respondent** from committing any further acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault
 - restrain Respondent** from any unauthorized contact or communication with Petitioner or other person specified by the Court. If other person(s) are in need of protection, provide name, date of birth, and state why they need protection:

- If you need to list additional names, please attach separate sheet of paper.*
- restrain Respondent** from 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.**
 - ★ *Any address information provided will not be considered confidential and will be available to the Respondent.*
Location: _____
What danger exists?: _____
Location: _____
What danger exists?: _____
If you need to list additional locations, please attach separate sheet of paper.
 - restrain Respondent** from disposing of, or damaging, any property of the parties.
 - direct Respondent to vacate** residence shared by the parties located at (*specify address*): _____;
 - grant temporary custody** of minor child(ren).
 - award temporary child support** in accordance with KY Child Support Guidelines. I will, if possible, document income of both parents at the hearing by producing income tax returns, paystubs or employer statements. If either parent is self-employed I will, if possible, produce receipts and expense statements. I understand Respondent will also be notified by **summons** to produce these documents.
 - grant other relief** which would assist in stopping further violence and abuse, stalking, or sexual assault (*describe*): _____; and,
- (2) **Cause a summons to be issued for Respondent**, setting a date, time and place for a **hearing** to consider all relief to which Petitioner may be entitled, including those matters contained in paragraph (1) on this page of this motion, and as appropriate, **mandatory** counseling for Respondent and other relief as may be authorized by statute.

Petitioner states the allegations contained herein are true on information and belief.

Petitioner's Signature

NOTICE: ISSUANCE OR DENIAL OF AN EMERGENCY OR TEMPORARY PROTECTIVE ORDER DOES NOT PREVENT YOU FROM CONSULTING WITH THE COUNTY ATTORNEY ABOUT FILING CRIMINAL CHARGES AGAINST THE RESPONDENT.

Subscribed and sworn to before me on _____, 2_____.
Date: _____, 2_____. _____ *Name
_____ Title
**Must be signed by circuit clerk or other individual authorized by Court to provide and verify emergency petitions.*

COURT ACTION:

EPO: Issued Denied because:
 Insufficient relationship Fails to state an immediate and present danger of domestic violence and abuse.

Summons for DVO Hearing : Issued Denied because:
 Insufficient relationship Fails to state an act or threat of domestic violence and abuse.

TIPO: Issued Denied because:
 Insufficient relationship Fails to state an immediate and present danger of dating violence and abuse, stalking, or sexual assault.

Summons for IPO Hearing : Issued Denied because:
 Insufficient relationship Fails to state an act or threat of dating violence and abuse, stalking, or sexual assault.

Additional comments: _____

_____, 2_____. _____ **Judge**

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ORDER OF PROTECTION

KRS Chapter 403;
KRS Chapter 456;
FCRPP Part IV

- EMERGENCY PROTECTIVE ORDER (EPO)
 TEMPORARY INTERPERSONAL PROTECTIVE ORDER (TIPO)

Case No.
Court _____
County State
Division _____

PETITIONER/PLAINTIFF

First Middle Last

- Petitioner filing on his/her own behalf, and/or
 Petitioner filing on behalf of minor identified herein.

V.

Persons Protected by this Order:

- Petitioner: _____ DOB: _____
 Minor on whose behalf Petition was filed:
Name: _____ DOB: _____
 Other protected person(s) or protected minor(s):
Name: _____ DOB: _____
Name: _____ DOB: _____
Name: _____ DOB: _____

RESPONDENT/DEFENDANT

First Middle Last

- Relationship to Petitioner: spouse former spouse
 unmarried, child in common unmarried, currently or formerly
living together parent child stepparent grandparent
 grandchild person who lives in the same household as a
child(ren) if the child(ren) is the alleged victim
 currently or previously in a dating relationship
 none of the above relationships apply, but Respondent is alleged
to have committed stalking or sexual assault

Respondent Address: _____

RESPONDENT/DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	Social Security #		
DRIVERS LICENSE #		STATE	EXP. DATE	

Distinguishing Features: _____

CAUTION: Weapon involved Armed and Dangerous Divorce/Custody/Visitation case pending

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Kentucky law providing Respondent notice and opportunity to be heard.

- Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the Respondent be restrained from committing further acts of abuse or threats of abuse, stalking, or sexual assault.
 That the Respondent be restrained from any unauthorized contact with the Petitioner/Plaintiff or other protected person(s) named in this Order.
 Additional terms of this order are as set forth below.

The terms of this order shall expire upon the conclusion of the hearing required by KRS 403.735 or KRS 456.050 unless continued or withdrawn by subsequent order of the Court.

SEE ATTACHED SUMMONS FOR DATE AND TIME OF HEARING. KRS 403.730; 456.040.

Continuance of an **unserved EPO** **TIPO** is limited to six (6) months. If Respondent has not been served with this order and the Court has not otherwise withdrawn it, this order will expire in six (6) months, on KRS 403.735; 456.050.

WARNING TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Only the Court can change this order.

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ADDITIONAL FINDINGS: The Court, having reviewed the petition and being sufficiently advised, finds that the allegations indicate an immediate and present danger of domestic violence and abuse dating violence and abuse stalking sexual assault.

THEREFORE, IT IS FURTHER ORDERED:

- That the Respondent be restrained from any contact or communication with the Petitioner and the following other protected person(s): _____
 except as follows (*the following contact or communication is authorized*): _____
- That the Respondent remain at all times and places at least _____ feet (*not to exceed 500*) away from Petitioner and all other protected person(s) in this Order.
 except as follows: _____
- That, Petitioner having established specific demonstrable danger, the Respondent be restrained from going to or within the distance(s) specified of the location(s) described below:
Location: _____ feet.
Location: _____ feet.
Location: _____ feet.
 except as follows: _____
- That the Respondent be restrained from disposing of, or damaging, any property of the parties.
- That the Respondent vacate the residence shared by the parties located at (*specific address*) _____
- In accordance with the criteria of KRS 403.270, 403.320 and 403.822, temporary custody of _____ be awarded to _____
- In order to assist in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault _____

_____. (*The Court cannot order the Petitioner to take affirmative action. KRS 403.740; KRS 456.060*)

VIOLATION OF THIS ORDER SHALL CONSTITUTE CONTEMPT OF THIS COURT AND MAY RESULT IN CRIMINAL CHARGES. ANY PEACE OFFICER SHALL ARREST THE RESPONDENT WITHOUT A WARRANT UPON PROBABLE CAUSE THAT A VIOLATION OF THIS ORDER HAS OCCURRED. ONLY THE COURT MAY MODIFY THIS ORDER. THE PETITIONER OR RESPONDENT MAY MOVE TO AMEND THE ORDER.

Date Issued

Judge

Copies to:
Court file; Petitioner; Court Clerk in county of Petitioner's usual residence, if different; Law Enforcement Agency/dispatch center responsible for LINK entry; Law Enforcement Agency(ies) designated for service; Local Dept. for Community Based Services (CHFS).
Ensure entries in boxes are complete and legible. Without correct information in each box, Order **MAY NOT** be entered into LINK.

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ORDER OF PROTECTION

- DOMESTIC VIOLENCE ORDER
 AMENDED DOMESTIC VIOLENCE ORDER
 INTERPERSONAL PROTECTIVE ORDER
 AMENDED INTERPERSONAL PROTECTIVE ORDER

Case No.
 Court _____
 County State
 Division _____

PETITIONER/PLAINTIFF

First Middle Last

- Petitioner filing on his/her own behalf, and/or
 Petitioner filing on behalf of minor identified herein.

v.

Persons Protected by this Order:

- Petitioner: _____ DOB: _____
 Minor on whose behalf Petition was filed:
 Name: _____ DOB: _____
 Other protected person(s) or protected minor(s):
 Name: _____ DOB: _____
 Name: _____ DOB: _____
 Name: _____ DOB: _____

RESPONDENT/DEFENDANT

First Middle Last

- Relationship to Petitioner: spouse former spouse
 unmarried, child in common unmarried, currently or formerly living together parent child stepparent grandparent
 grandchild person who lives in the same household as a child(ren) if the child(ren) is the alleged victim

- currently or previously in a dating relationship
 none of the above relationships apply, but Respondent is alleged to have committed stalking or sexual assault

Respondent Address: _____

RESPONDENT/DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	Social Security #		
DRIVERS LICENSE #		STATE	EXP. DATE	

Distinguishing Features: _____

CAUTION: Weapon involved Armed and Dangerous Divorce/Custody/Visitation case pending

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

- Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the Respondent be restrained from committing further acts of abuse or threats of abuse, stalking, or sexual assault.
 That the Respondent be restrained from any unauthorized contact with the Petitioner/Plaintiff or other protected person(s) named in this Order.
 Additional terms of this order are as set forth below.

The terms of this order shall be effective until , .

WARNING TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

Only the Court can change this Order of Protection.

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ADDITIONAL FINDINGS:

- For the Petitioner against the Respondent in that it was established, by a preponderance of the evidence, that an act(s) of domestic violence and abuse, dating violence and abuse, stalking, sexual assault has occurred and may again occur; **or**
- For the Respondent in that it was not established, by a preponderance of the evidence, that an act(s) of domestic violence and abuse, dating violence and abuse, stalking, sexual assault has occurred and may again occur; **or**
- The Petitioner Respondent has filed a motion to amend the Order of Protection dated _____.

ADDITIONAL TERMS OF ORDER:

(DOMESTIC VIOLENCE AND ABUSE ONLY) That the above-named Respondent surrender to the Court, or to the officer serving the order, Respondent's Kentucky license to carry concealed firearms or other deadly weapons pursuant to KRS 237.110(13)(k).

- Kentucky license to carry surrendered to Court.
- That the Petition be Dismissed. (Complete the following only if EPO **TIPO** was issued) With respect to the EPO **TIPO** issued by this Court on _____, 2_____: (check one)
 - The Court hereby WITHDRAWS the EPO **TIPO**. Additional Findings: _____
 - The EPO **TIPO** was not served within six (6) months from the date of its issuance and, in accordance with KRS 403.735 or KRS 456.050 is hereby RESCINDED without prejudice.
- That the Motion to Amend be Denied.
- That the Motion to Amend be Sustained. That the prior order is amended pursuant to a show cause hearing. The prior order is amended and all prior inconsistent provisions of such prior order are superseded as follows: _____
- That the Respondent be restrained from any contact or communication with the Petitioner and the following other protected person(s): _____
 - except as follows (the following contact or communication is authorized): _____
- That Respondent shall remain at all times and places at least _____ feet away (not to exceed 500) from Petitioner, and all other protected person(s) listed in this Order.
 - except as follows: _____
- That, Petitioner having established specific demonstrable danger, the above-named Respondent be restrained from going to or within the distance(s) specified of the location(s) described below:
 - Location: _____ feet.
 - Location: _____ feet.
 - Location: _____ feet.
 - Location: _____ feet.
 - except as follows: _____
- That the Respondent be restrained from disposing of, or damaging, any property of the parties.

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- That the Respondent vacate the residence shared by the parties located at *(specific address)*

- In accordance with the criteria of KRS 403.270, 403.320, and 403.822, the Uniform Child Custody Jurisdiction and Enforcement Act and 28 U.S.C.A. Section 1738A, temporary custody of:

(List names, ages and sex of each child)

be awarded to _____

- That the Respondent is ordered to pay temporary support in the amount of \$ _____ as set forth in form AOC 152 Kentucky Uniform Child Support Order and/or Wage/Benefit Withholding Order for Kentucky Employers.
(AOC 152 shall also be used if child support is ordered.)

- That the Respondent participate in available counseling services, described as _____

- In order to assist in eliminating future acts of domestic violence and abuse, **dating violence and abuse, stalking, or sexual assault**

_____ *(The Court cannot order the Petitioner to take any affirmative action. KRS 403.740; KRS 456.060)*

- That the court finds that the Petitioner has requested mediation, and the Petitioner's request is voluntary and not the result of coercion and that mediation is a realistic and viable alternative to or adjunct to the issuance of this order. therefore, available mediation services are ordered as follows: _____

The terms of this order shall not exceed three (3) years from date of issue pursuant to KRS 403.740 or KRS 456.060. The Petitioner may return to the court, which issued this order, before expiration of this order to request that it be reissued for an additional period not to exceed three (3) years. **This Order may be reissued upon expiration for subsequent periods of up to three (3) years each. KRS 403.740; 456.060.**

Violation of this order shall constitute contempt of this Court and may result in criminal charges and/or imposition of a global positioning monitoring system device. Any peace officer shall arrest the Respondent without a warrant upon probable cause that a violation of this order has occurred. Pursuant to 18 U.S.C. Section 922(g)(8), it may be a federal violation to purchase, receive or possess a firearm or ammunition while subject to this order.

Date

Judge

Notice: If your Order prohibits contact, you can be arrested for having contact with the Petitioner, even if that person agrees to the contact.

Copies to:

- Court file
- Petitioner
- Respondent
- Court clerk in county of Petitioner's usual residence, if different.
- Law enforcement agency/dispatch center responsible for LINK entry.
- Law enforcement agency(cies) designated for service.
- Local Department for Community Based Services, CHFS

Ensure entries in boxes are complete and legible. Without correct information in each box, order MAY NOT be entered into LINK.

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AOC-275 Rev. 1-16 Page 1 of 1 Commonwealth of Kentucky Court of Justice <i>www.courts.ky.gov</i> KRS 403.730; 403.735; 456.040; 456.050	Summons Code: PO		Case No. <input style="width:100%;" type="text"/> Court _____ County <input style="width:100%;" type="text"/> Division _____
PROTECTIVE ORDER SUMMONS			

_____ First Middle Last	PETITIONER VS.
_____ First Middle Last	RESPONDENT

Information about Respondent:

Current Residence: _____

Usual Residence: _____

Occupation: _____

Employer Name: _____

Employer Address: _____

School/Postsecondary Institution (if currently attending): _____

Address: _____

Sex	Race	Birthdate	Height	Weight	Eyes	Hair	Social Security #	Drivers License #	State	Exp. Date

CAUTION: Weapon involved Believed to be armed & dangerous

THE COMMONWEALTH OF KENTUCKY TO THE ABOVE-NAMED RESPONDENT: You are hereby notified a legal action has been filed against you in _____ County District Court or Circuit Court alleging facts and demanding relief as shown in the document(s) delivered to you with this Summons. YOU ARE HEREBY SUMMONED TO APPEAR FOR A HEARING BEFORE THE DISTRICT COURT CIRCUIT COURT as follows:

DATE	TIME	COURT LOCATION

to respond to these allegations. If you and the Petitioner have children, you must produce at the court appearance income tax returns, pay stubs, or employer statements to document your income in the event temporary child support is ordered. If you are self-employed, you must produce receipts and expense statements.

Date: Agency Assigned Service:

Judge or Clerk:

By: _____ D.C.

Copies to:

- Court File
- Petitioner
- Local Department for Community Based Services, CHFS
- Court Clerk in County of Petitioner's usual residence, if different
- Law enforcement agency/dispatch ctr responsible for LINK entry
- Law enforcement agency(ies) designated for service

Ensure all information in BOXES is complete and legible.
Without correct information in each box, summons may not be entered into LINK.

Proof of Service. These documents were:

Served by delivering true copies upon: _____

Not Served (reason): _____

Serving Officer's Signature

Date: _____

Time: _____ a.m. p.m.

Kentucky license to carry surrendered (if applicable)