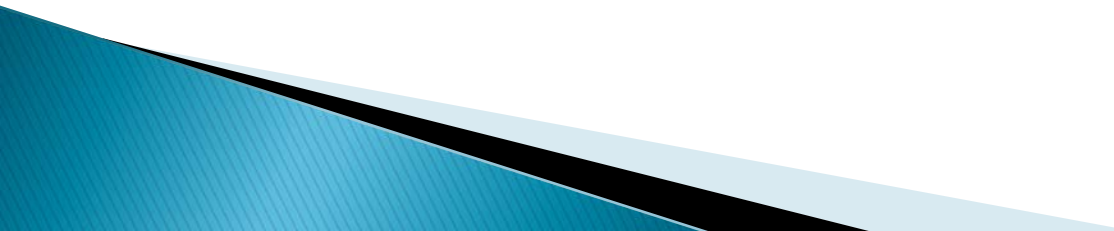


# 2017 Domestic Violence and Elder Abuse Awareness Conference

Key Note: Community Panel

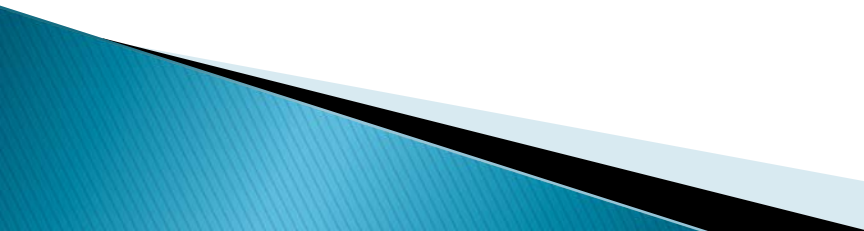
# PANEL BIOGRAPHIES

# Dale Hamilton

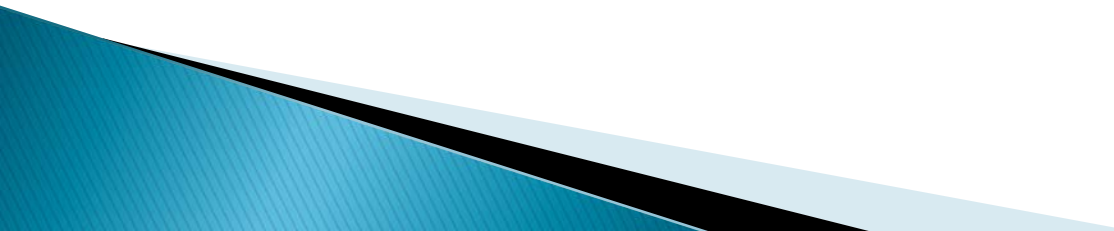
- ▶ Christian Appalachian Project Family Life Counseling Services provides individual, group and family counseling, with particular outreach to people and families involved with Family Court and Child Protective Services. This often includes victims and perpetrators of domestic violence. FLCS also provides a Batterer Intervention Program (BIP) Services in Prestonsburg. Counselors are also pursuing certification in Trauma Focused Cognitive Behavioral Therapy.
- 

# JJ Ferran

## Department of Protection and Permanency Case Manager

- Served as Ongoing Treatment
  - Served on R&C Team/Adoption Foster Care
  - Served as Safety Net Specialist
  - CPS Supervision
  - Adult Protective Services Investigator
  - Served numerous special assignments throughout career
- 

# Rich Pinson

- ▶ I am a healthcare Leader with 30 years experience in healthcare. I have experience in EMS, emergency department, critical care, cardiac cath lab, and cardiovascular service line management. My background includes implementing innovative programs, project leadership, nursing education, discovering cost-saving measures without compromising patient care, data collection and policy and procedure writing. My goal is to continue my education endeavors and to establish excellent nursing care while maintaining sound business principles, clinical standards, and patient satisfaction.
- 

# Beverly Shea

Beverly Shea

Directing Attorney, Somerset Office

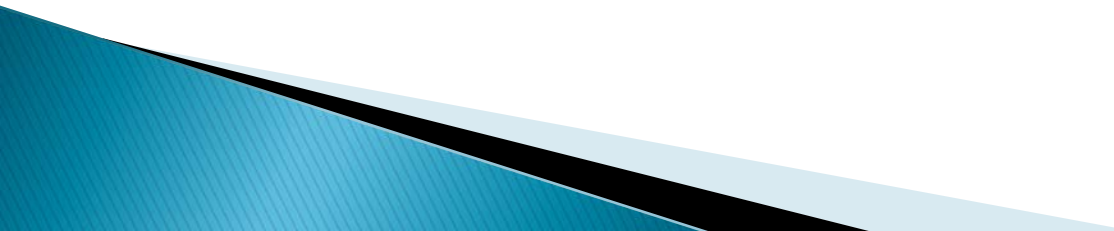
[beverlys@ardfky.org](mailto:beverlys@ardfky.org)

AppalReD Legal Aid

108 College Street

Somerset, KY 42501

606-679-7313



# KRS 209.020

## ADULT

- ▶ "Adult" means a person eighteen (18) years of age or older who, because of mental or physical dysfunctioning, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services;

# KRS 209.020

## DEFINITION

### PROTECTIVE SERVICES

"Protective services" means agency services undertaken with or on behalf of an adult in need of protective services who is being abused, neglected, or exploited. These services may include but are not limited to conducting investigations of complaints of possible abuse, neglect, or exploitation to ascertain whether or not the situation and condition of the adult in need of protective services warrants further action; social services aimed at preventing and remedying abuse, neglect, and exploitation; and services directed toward seeking legal determination of whether or not the adult in need of protective services has been abused, neglected, or exploited and to ensure that he or she obtains suitable care in or out of his or her home;



# KRS 209.020 CARETAKER

"Caretaker" means an individual or institution who has been entrusted with or who has the responsibility for the care of the adult as a result of family relationship, or who has assumed the responsibility for the care of the adult person voluntarily or by contract, employment, legal duty, or agreement;

# General Adult Services

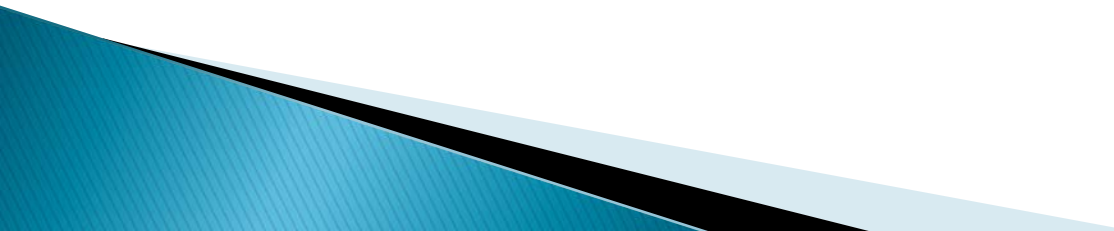
Adult protective services also provides general adult services which are voluntary, preventive services aimed at assisting an adult in attaining and functioning at their highest level of self-sufficiency and autonomy; and in maintaining the adult in the community. General adult services may be requested by the adult or at the direction of an adult, who is in need of services.

General Adult includes:

Court ordered services/guardianship assessments

Court ordered home evaluations

65 years and older



# Investigations

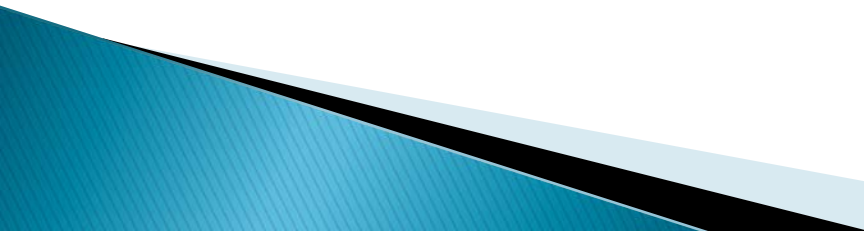
"Investigation" shall include but is not limited to:

- (a) A personal interview with the individual reported to be abused, neglected, or exploited. When abuse or neglect is allegedly the cause of death, a coroner's or doctor's report shall be examined as part of the investigation;
- (b) An assessment of individual and environmental risk and safety factors;
- (c) Identification of the perpetrator, if possible; and
- (d) Identification by the Office of Inspector General of instances of failure by an administrator or management personnel of a regulated or licensed facility to adopt or enforce appropriate policies and procedures, if that failure

# What is a protective order?

- ▶ A protective order is a court order that orders a person to have no contact or communication with the person requesting the order.
- ▶ Two Types:
  - ▶ Emergency Protective Order (EPO)
  - ▶ Domestic Violence Order (DVO) [KRS 403](#)
  - ▶ Temporary Interpersonal Protective Order (TIPO)
  - ▶ Interpersonal Protective Order (IPO) [KRS 456](#)

# What is a protective order?

- ▶ EPOs and TIPOs are temporary, ex parte orders
  - ▶ In effect until a hearing is held
  - ▶ Hearing must be held within 14 days of issuance
  - ▶ Respondent must be served with the petition and order and have an opportunity to defend themselves in court
  - ▶ EPO/TIPO must be reset for hearing every 14 days until service is made on the Respondent
  - ▶ EPO/TIPO may stay in effect for 6 months if the Respondent can't be served and may then be reissued
- 

# Who can get a protective order?

## ▶ Family Members

- Spouse/ex
- Grandparent/grandchild
- Parent/child/step
- Any child if the Respondent lives in the same house

## ▶ Member of an Unmarried Couple

- Live/have lived together
- Child in common

EPO/DVO

EPO/DVO

# Who can get a protective order?

## ▶ Dating Relationship

- Have or have had romantic or intimate relationship
- Does not include casual acquaintances or ordinary social or business associates

## ▶ Victim of Stalking or Sexual Assault

- No relationship required

TIPO/IPO

TIPO/IPO

# What is a dating relationship?

## ▶ Six Factors

- Declarations of romantic interest
- Relationship was characterized by the expectation of affection
- Attendance at social outings together as a couple
- Frequency and type of interaction
  - Over time/continuous basis
- Length and Recency
- Other indications of substantial connection that would lead a reasonable person to understand that a dating relationship existed



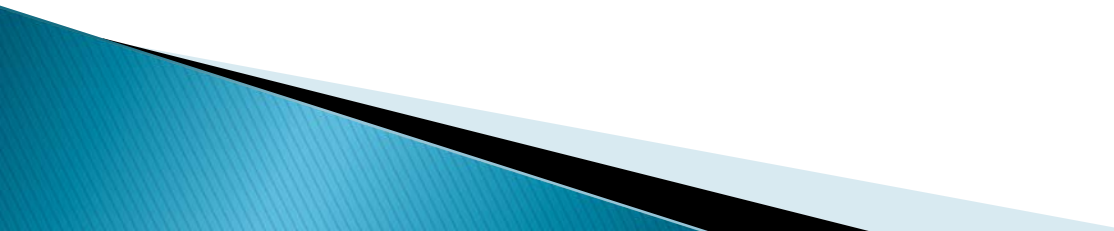
# What if the Respondent goes to my school?

- ▶ IPO – if either party is a minor, the court shall inquire whether parties attend school in the same school system. If they do, the court shall impose conditions having the least disruption in the administration of education to the parties while providing appropriate protection to the Petitioner

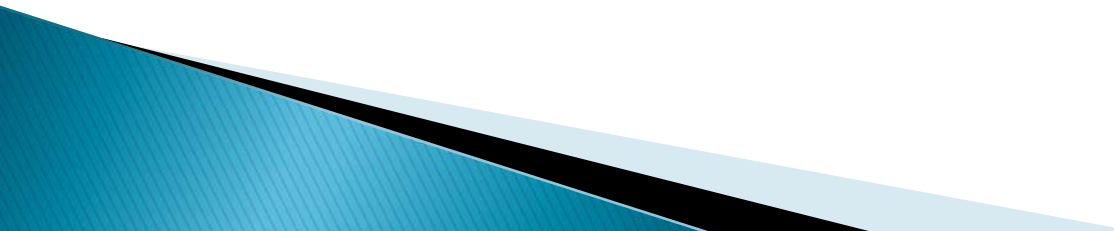
# Where do I go to get an EPO/TIPO?

- ▶ County of your usual residence
- ▶ County to which you fled to escape abuse and violence
- ▶ Local protocol in each county gives specific instructions
  - <http://courts.ky.gov/Pages/localrules.aspx>
- ▶ Each county is required to provide 24 hour access to people seeking a protective order
- ▶ No cost to Petitioner to file petition or have petition served on Respondent

# Which judge will hear my case?

- ▶ Family Court judges hear EPO cases
  - ▶ In counties with no family court, District Court judges hear EPO cases unless there is a divorce/custody case which transfers jurisdiction to Circuit Court
  - ▶ TIPO cases may be heard by District Court or Family Court, depending on local protocol
- 

# Is my order valid outside Kentucky?

- ▶ Both EPO/DVOs and TIPO/IPOs are covered by VAWA full faith and credit
  - ▶ Presumed valid and are to be enforced by law enforcement without authentication
- 

# Do I need a lawyer for my hearing?

- ▶ You do not *have* to have a lawyer at your hearing, but either party *may* bring a lawyer with them
- ▶ If you want a lawyer to help you, you should contact them as soon as possible after filing your petition
- ▶ Free legal help:
  - <http://www.ardfky.org/node/6/legal-assistance-applications>
  - 1-866-277-5733
  - Call your local office



# AppalReD Offices:

- ▶ Barbourville (serves Bell, Clay, Harlan, Knox, Laurel & Whitley Counties) – (606) 546-5115
- ▶ Hazard (serves Breathitt, Lee, Leslie, Letcher, Owsley, Perry & Wolfe Counties) – (606) 439-2315
- ▶ Pikeville and Prestonsburg (serve Floyd, Johnson, Knott, Lawrence, Magoffin, Martin & Pike Counties) – (606) 886-3876
- ▶ Richmond (serves Clark, Estill, Garrard, Jackson, Madison & Powell Counties) – (859) 624-1394
- ▶ Somerset (serves Adair, Casey, Clinton, Cumberland, Green, Lincoln, McCreary, Monroe, Pulaski, Rockcastle, Russell, Taylor & Wayne Counties) – (606) 679-7313

- ▶ Special thanks to Catherine DeFlorio of Legal Aid of the Bluegrass and Mary Savage of Kentucky Coalition Against Domestic Violence as well as Melissa Tidwell of AppalReD Legal Aid (Barbourville) for use of their slides and resources in preparing parts of this presentation
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