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FAYETTE COUNTY DOMESTIC VIOLENCE RESOURCE GUIDE

Everything you need to know about:

- ◆ CRIMINAL COURT
- ◆ PROTECTIVE ORDERS
- ◆ COMMUNITY RESOURCES

EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN EXPOSED TO BATTERERS

- Approximately 3.3 million children in the U.S. are exposed to domestic violence each year.
- Even though many victims of domestic violence think their children are not aware of the abuse, children often report they are aware of the violence directed at their mothers.
- Children can be injured as a result of domestic violence. Assaults may occur while the mother is holding the child. Older children are often injured when they attempt to intervene to protect their mother.
- Children who live in homes where a parent is battered often experience high levels of anxiety and fear that the victimized parent will be seriously injured or killed.
- 50% - 70% of children whose mothers are abused are also victims of abuse or neglect. Approximately half of the men who batter their wives also abuse their children.
- Two to three out of every ten teens experience violence within dating relationships.
- For more information, go to: <http://www.endabuse.org/resources/facts/>

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If you have been assaulted, threatened, stalked or forced sexually by your partner, you may feel embarrassed, afraid, or overwhelmed. You may have many doubts about what to do and how to get help.

This booklet shows how many people are available in our community to help you. It explains the court process. We encourage you to read it slowly, a little at a time, and keep it with you to reread and use as a reference in the days ahead.

Domestic violence is a serious crime. No one has the right to assault you, threaten you, stalk you, or force you to have unwanted sexual contact. You have the right to be protected. If you are abused or threatened by a family member, partner, or former partner, or you are sexually assaulted or stalked by anyone you can get help from the Fayette County criminal justice system and community agencies (such as GreenHouse17 @ 1-800-544-2022 or the Bluegrass Rape Crisis Center @ 1-800-656-4673).

The two primary legal options for victims are criminal charges and protective orders, both of which are described in this booklet. Victims of domestic violence can use one or both options.

WHAT IS HUMAN TRAFFICKING?

At the most basic level, human trafficking is a denial of basic human rights and it is against the law. Human trafficking is forcing, tricking, or manipulating someone to work in the labor or sex industries. Sometimes perpetrators use manipulation against someone until the victim feels there is no way out.

The following questions can help you determine whether your situation could be a situation of human trafficking.

- Are you not free to leave your job or situation if you want?
- Are you not free to come and go as you please?
- Have you been threatened if you try to leave?
- Were you told you would have a legitimate job, and then later found out you must do work in a job you do not feel is legitimate?
- Are you working off a debt that never seems to go away?
- Have you been threatened that you will be turned over to police or immigration officials?
- Has anyone threatened your family?
- Have you been abused physically or sexually?
- Does someone prohibit you from socializing or attending religious services?
- Are you working in the sex industry and feel trapped?

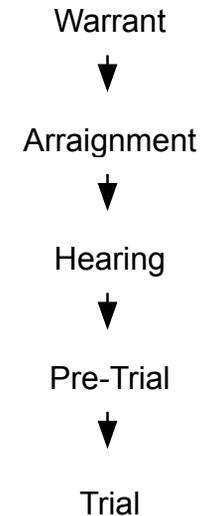
If you answered yes to some of these questions, it is possible that you have experienced human trafficking. Human trafficking is not your fault and there are resources available to help you.

If you need someone to talk to or would like information about ways to leave a dangerous situation, consider calling the Bluegrass Rape Crisis Center's 24-hour crisis line at 1-800-656-4673, or the National Human Trafficking Hotline at 1-888-373-7888. Services are available regardless of your language or immigration status. It is possible to get back on your feet and be safe again.

FACTS ABOUT DOMESTIC VIOLENCE AND SEXUAL ASSAULT

- Domestic violence, or partner abuse, is the mistreatment of a man or woman by his or her partner. It is a pattern of controlling behavior that can involve physical, emotional, verbal, sexual, and financial abuse. Abusers often use and abuse children, other family members and pets to hurt the other person. They often destroy the other person's property too.
- Each year in Kentucky, approximately 25,000 emergency protective orders are issued and over 4,000 women and children take shelter in a domestic violence center.
- Kentucky has the highest rate of stalking in the nation. One in four women in Kentucky are stalked during their lifetime, compared to one in six nationally.
- Domestic violence and sexual assault cut across all social, economic, racial, cultural, and religious barriers. Approximately 85% of victims are female; 15% are male. Most rape victims know their attacker.
- Abused pregnant women are at risk of maternal stress, miscarriages, stillbirths and injuries to the fetus.
- Many abusers blame their violence on alcohol and drugs. Although an abuser may have only been violent while intoxicated, substance abuse and domestic violence are two different problems. Alcohol and drugs do not cause violence, but they may make it worse.
- Abusers are unlikely to stop the abuse without intervention. They must accept responsibility for their actions and seek resources to help them change. Even then, it is difficult to make permanent changes.
- Contrary to what most people believe, most domestic violence victims do get out of violent relationships. Getting out, however, does not guarantee safety. Some women are injured or killed trying to leave. Ask any agency in the brochure for help with safety planning.
- For more information, see the National Intimate Partner and Sexual Violence Survey at www.cdc.gov/violenceprevention/nisvs

DISTRICT COURT CRIMINAL PROCEDURE



FAMILY COURT CIVIL PROCEDURE



CRIMINAL CHARGES

Why file a criminal complaint?

A criminal complaint is a request for the judge to issue criminal charges against the person accused of committing the crime (known as the defendant once charges are filed). The purpose of a criminal charge is to stop the abusive behavior by punishing the defendant. A criminal charge lets the defendant know that violence is unacceptable and illegal. If convicted, the defendant may receive jail, probation, and/or a fine as punishment for the crime committed. The defendant may also be ordered to a batterer intervention program and/or substance abuse treatment.

Who can file a criminal complaint?

If the police are called at the time of the abuse, they may make an arrest or file charges. Otherwise, you will need to file a criminal complaint as the victim of the crime, or the parent/guardian of the victim.

What happens if the police are called?

When the police arrive, they may arrest the defendant if there is evidence that a crime has occurred. They have an obligation to protect, so they may make an arrest even if that is not what you request. Even if the police officer cannot make an arrest, he/she will usually take a report and may file for a warrant and continue to pursue the defendant. The police report will be given to the Domestic Violence Unit of the Division of Police and someone will attempt to contact you about your options and to answer questions you might have. If the police do not make an arrest or file for a warrant, you can file a criminal complaint (see below for further information).

Where do I file a criminal complaint?

Complaints can be filed M-F 8:00 am to 4:30 p.m. in the County Attorney's Office on the third floor of the District Courthouse at 150 N. Limestone St., and from 4:30 p.m. until 8:00 p.m. in the Clerk's Office on the first floor (where protective orders are filed). After 8:00 p.m. and on weekends and holidays:

- 1) Go to the 1st floor and ask the clerk if a representative from the Fayette County Attorney's Office is available.
- 2) If no representative is available, call the Police at 258-3600 or 911.
- 3) Ask the police to come to the 1st floor of District Court to take a Domestic Violence Report.
- 4) If the police cannot come, ask the clerk to call a representative from the County Attorney's Office.

For more help, call the GreenHouse17 crisis line at 1-800-544-2022.

How do I file a criminal complaint?

Probation - a conditional release of a person convicted of a crime by the court. Conditions are attached to the release and the court may impose the original sentence if the probationer is found in violation of those conditions.

Respondent - a person accused of threatening or abusive behavior on a protective order.

Subpoena - a court order requiring a person to be in court at a certain time.

Verdict - the decision of the judge or jury at the end of a trial that the accused defendant is either guilty or not guilty, beyond a reasonable doubt, of the crime for which he or she has been tried.

COMMON CHARGES PLACED IN DOMESTIC VIOLENCE CASES

- ◆ Assault
- ◆ Criminal mischief
- ◆ Criminal trespass
- ◆ Endangering the welfare of a minor
- ◆ Harassment
- ◆ Harassing communications
- ◆ Menacing
- ◆ Sexual offenses (several different charges)
- ◆ Stalking
- ◆ Terroristic threatening
- ◆ Theft
- ◆ Unlawful imprisonment
- ◆ Violation of a protective order
- ◆ Wanton endangerment



LEGAL TERMS

Accused - a person formally charged but not yet tried for committing a crime.

Acquittal - a judgment of a court, based on the decision of either a jury or a judge, that a person accused is not guilty, beyond a reasonable doubt, of the crime for which he/she has been tried.

Appeal - a request by either the defense or the prosecution that the results of a decision on certain motions, or of a trial, be reviewed by a higher court.

Assault - an illegal physical attack by one person against another.

Conviction - a judgment of the court, based either on the decision of a jury or a judge or on the guilty plea of the accused, that the accused is guilty of a crime.

Defendant - a person who has been formally charged with committing a crime.

Defense Attorney - the lawyer who represents the defendant in a legal proceeding.

Felony - a crime for which the punishment can be imprisonment in a state prison, usually for one year or more.

Guilty Plea - a formal response by a person accused of committing a specific crime in which the accused says the charges are true and he/she did commit the crime.

Misdemeanor - a crime for which the punishment can be imprisonment for up to twelve months in a jail and/or a fine of up to \$500.

Parole - a conditional release of a person from a prison. Conditions are attached to the release and the parolee may be returned to prison if found in violation of those conditions.

Plea Bargain - an agreement between the prosecutor and the defense attorney that the defendant will plead guilty to a crime. The defendant agrees to the penalty recommended by the prosecutor. The agreement may be that the defendant will plead guilty to a lesser charge or there may be a dismissal of some charges in exchange for the guilty plea.

1) A criminal complaint must be filed in the county where the crime occurred.

2) You must be 18 years old and have a photo ID. People under 18 must have a parent or guardian accompany them to file, unless they are married.

3) You will need to bring a copy of the police report or the case number of the report to file a complaint. If you don't have one, you may contact the police at 258-3600 for further investigation. You should also take the names and addresses of witnesses with you.

What happens after a complaint is filed?

After a complaint is filed, a judge will review it and may do one of the following:

- Issue a summons for the defendant to appear in court without being arrested. The first court date will be set when the defendant is served with the summons.

OR

- Issue a warrant for the defendant's arrest. If arrested, the defendant will appear in District Court the following business day for arraignment. You do not have to appear in court unless you are subpoenaed.

It may be a few days after the complaint is filed before a warrant or a summons is issued and served. If you feel this puts you in danger, you may contact a victim advocate in the Division of Police or one of the agencies listed in the Community Resources section (See pages 15-20).

What should I do after the defendant is arrested?

Anyone who is arrested may be able to post bond or get some other kind of release from jail. Because a release from jail is always possible, you should plan for your safety even if the defendant is arrested. You may want to register with VINE, a computer operated notification system, to be notified of the defendant's release from jail. You will only be notified if you register. You can also get the defendant's custody status, criminal case information or protective order information by calling VINE without being required to register (See below).

Will I be notified if the defendant is released from jail?

You can be notified of an offender's release from jail or prison, a transfer to another jail or prison, or an escape by registering with the VINE system. You will not be notified of work releases or furloughs. The VINE system covers inmates in all Kentucky jails and prisons. You will be instructed on how to register (free-of-charge) when you call. The defendant will not be notified that you have registered. Once you have been notified of a release, transfer, or escape you must register again if you want to be notified of a future release, transfer, or escape. CALL

1-800-511-1670 (toll free) to register.

Should I have my injuries photographed?

If you have visible injuries, you should have photographs taken for use as evidence in court. Some injuries, such as bruises, might become more visible one to several days after the incident, in which case you will want to have them photographed again. You can request that photographs be taken by the Office of the Fayette County Sheriff or the Division of Police. If photographs of your injuries exist, always make sure the court is aware. If you receive medical treatment for your injuries, you may request that your physician take photographs.

What other types of documentation or evidence might be helpful?

It is important to keep all documentation and evidence you might have related to the abuse or threats of harm that you have experienced, such as:

- Threatening voice and text messages, emails, cards, notes, social media posts, etc. (including messages sent through a third party)
- Photos or video documentation
- Medical documentation
- Witness(es) names and contact information
- Written documentation you have kept, such as a journal or diary

If the police are involved, make them aware of the documentation and evidence that you have or that may be available. They may help preserve evidence for you. If the police aren't involved, it is still important to keep all evidence and documentation, even if it seems small or insignificant. These items may help the criminal justice system understand what you have experienced and/or make a difference in how the court views your case. Documentation is particularly critical if you are being stalked. Ask a victim advocate or go to www.outrageus.org for more information on documenting stalking.

What happens when this goes to court?

You are only required to appear in court when subpoenaed. A *subpoena* is a court order requiring you to be in court at a certain time. It is extremely important to be on time!

A defendant can plead guilty at any stage of the court process, following arraignment. This, and several other things, will determine how far through the court process the case will go, and how long it will take. The step-by-step court process is as follows:

Arraignment: The defendant's first court date is to notify him/her of the

ADDITIONAL COMMUNITY RESOURCES

In addition to the community resources listed on pages 15-20, you may also want to contact the following organizations for more information:

Kentucky Cabinet for Health and Family Services

245-5414 or 1-800-752-6200 (nights and weekends)

chfs.ky.gov

The Cabinet investigates all reports of abuse, neglect, and exploitation of older and disabled adults. Cabinet social workers provide general adult services including: information and referral, protection, and assistance in securing health, financial, legal, and housing services.

Lexington Senior Citizens Center

278-6072

On-site social workers are available to provide services and support to elderly residents in the community. In addition, many programs that serve the elderly are available at the Center.

Nursing Home Ombudsman Agency of the Bluegrass

277-9215 or 1-877-787-0077

www.ombuddy.org

Ombudsmen advocate on behalf of residents in nursing homes, personal care homes, and family care homes. Their primary objectives are to protect the rights of residents, work to resolve residents' concerns, and empower residents to make informed choices. Ombudsmen work directly with residents to ensure their safety and care needs are being met. The agency also provides support to families and educational materials on long-term care.

Office of Aging Services and Disability Support

Lexington-Fayette Urban County Government

258-3806

Provides information and assistance for individuals age 60 and older or those with disabilities.

FACTS ABOUT OLDER/DISABLED ADULT ABUSE

- Nationally, there are approximately 500,000 cases of domestic and institutional abuse of older adults every year.
- In Kentucky, approximately 30,000 reports of adult abuse (including spouse abuse) are investigated by the Cabinet for Health and Family Services each year.
- Neglect is the most common form of abuse of older and disabled adults in domestic settings, followed by physical abuse and financial exploitation.
- More than two-thirds of the perpetrators of abuse of older and disabled adults are family members of the victims.

ABUSE OF OLDER OR DISABLED ADULTS

Abuse of older people and people with disabilities is a serious problem that affects thousands of individuals across the country. It includes physical abuse, sexual abuse, emotional abuse, financial exploitation, neglect, abandonment and self-neglect. The abuser may be a spouse, adult child, sibling, friend, or caregiver. The abuse may occur in the home or in an institutional setting, such as a nursing home.

What are the signs and symptoms of abuse of older or disabled adults?

The signs of abuse vary according to the situation and the type of abuse perpetrated. Following are some of the common symptoms of abuse, neglect and exploitation:

- Broken bones
- Cuts, burns, or bruises (multiple or patterned)
- Untreated wounds or injuries
- Weight loss or malnutrition
- Dehydration
- Confinement or restraint
- Misuse of medication
- Threats of harm
- Abandonment or isolation
- Improper clothing or shelter
- Misuse of assets, credit cards, or personal belongings
- Lack of medical care
- Fear of spouse or caregiver

What should I do if I suspect abuse, neglect or exploitation?

Report it! KRS 209 requires anyone who knows or suspects that a vulnerable adult is the victim of abuse, neglect or exploitation to report it to the Kentucky Cabinet for Health and Family Services (see page 27). If the person is in immediate danger, you should call the police. If you are reporting suspected institutional abuse or neglect, you can also call the Nursing Home Ombudsman Agency of the Bluegrass (see page 27).

When you make a report, tell the social workers as much as you can about the situation. They will want to know the victim's name, age, address, and the extent of abuse, neglect or exploitation. Give them as much background information as you can, such as how and when it happened, and the identity of the perpetrator, if known. Complaints may be reported anonymously.

charges. You do not have to appear since no testimony is taken, but you may attend if you choose. The judge will appoint a Legal Aid attorney for the defendant if needed, set a hearing date, and review the bond if the defendant is still in jail. If the defendant is released, conditions of release will be determined by the judge.

Hearing: Despite the name, testimony is generally not taken at this stage of the court process. However, you may be subpoenaed to appear. A victim advocate will try to contact you before court, or you may contact an advocate by calling the County Attorney's Office at 254-4941. An advocate will also be present in court. The defendant may plead guilty. If the defendant pleads not guilty, there will be additional court dates.

Pretrial: This is a time of investigation and plea bargaining. You may be subpoenaed to appear. The case is assigned to a judge who will hear it if it goes to trial.

Trial: This is a formal hearing of the case in front of a judge and/or a jury. All witnesses testify and evidence, such as photographs or medical records, is shown. The defendant may or may not testify, and you may be subpoenaed to appear. The defendant will be found guilty or not guilty, provided the case is not dismissed.

What if I want to drop charges?

You are **not** able to drop charges in Fayette County. Once a charge has been filed by you or the police, it becomes the responsibility of the County Attorney's Office to prosecute. You can discuss any concerns you have regarding prosecution and sentencing options with a victim advocate at 254-4941.

EMERGENCY PROTECTIVE ORDERS

Why file for an emergency protective order (EPO)?

The purpose of a protective order is future protection. The person the order is filed against, known as the "**respondent**" in court, will not go to jail unless the order is broken. The order can help protect you whether or not you want to remain in the relationship.

Who may file for an EPO?

You can file for an EPO in your county of residence or in the county to which you flee to escape the abuse. **There is no filing fee nor is an attorney needed to file a petition.**

To be eligible for an EPO, the respondent must have either:

- 1) physically injured or assaulted you;
- 2) sexually abused or assaulted you;
- 3) threatened to physically injure or assault you; or,
- 4) done something to place you in fear of injury, abuse, or assault.

Destruction of property alone is not grounds for an EPO, although if the destruction is coupled with threats to your safety, you may be eligible for an EPO. A petition may be filed by a family member or member of an unmarried couple seeking relief or by an adult family member or member of an unmarried couple on behalf of a minor family member.

The relationship between you, as the petitioner, and the respondent must be:

- 1) spouse or former spouse
- 2) unmarried couple, currently or formerly living together, or with a child in common
- 3) parent or grandparent
- 4) child or stepchild
- 5) a petition may be filed against any person living in the same household as a minor child (under the age of 18) if the child is the alleged victim.

Where do I get an EPO in Lexington-Fayette County?

When	Where
Monday - Friday 8:00 a.m. to 4:00 p.m.	Domestic Violence Office Fourth Floor, Office D-466 Fayette District Court Building 150 N. Limestone St. 246-2248
Monday - Friday 4:00 p.m. to 8:00 a.m. Weekends and Holidays	Clerk's Office, Front Lobby Fayette District Court Building 150 N. Limestone St. 246-2228

***YOU HAVE A RIGHT TO FILE AN EPO 24 HOURS A DAY,
SEVEN DAYS A WEEK!***

How do I file for an EPO?

1) A clerk will give you a blank petition to fill out. You should describe the most recent act(s) of abusive or threatening behavior and any history of such behavior. Describe any injuries in detail and whether or not weapons were involved. Your statements will be made under oath before a clerk.

If you are in a hospital, nursing home, or are physically unable to come to

**VINE:
VICTIM INFORMATION AND
NOTIFICATION EVERYDAY**

Notification of an Offender's Release from Jail or Prison:

You can be notified of an offender's release from a jail or prison, a transfer to another jail or prison, or an escape by registering with the VINE system. You will not be notified of work releases or furloughs. The VINE system covers inmates in all Kentucky jails and prisons. You will be instructed how to register (free-of-charge) when you call. Once you have been notified of a release, transfer, or escape you must register again if you want to be notified of a future release, transfer, or escape.

CALL 1-800-511-1670 (toll free)

Notification when a Protective Order has been served:

Call VINE Protective Order to register to be notified when the respondent has been served with the protective order so you can take extra safety precautions if needed. You will also be notified of upcoming court dates, expiration dates, and any amendments that are filed.

CALL 1-800-511-1670 (toll free)

CRIME VICTIM COMPENSATION

If you are a victim of a crime who has suffered injuries, you may be eligible for crime victim compensation. The Crime Victim Compensation Board may be able to provide financial assistance if you lost wages, or have medical bills or other expenses that are a result of the crime.

To find out if you are eligible for compensation, ask a victim advocate for assistance or contact the Crime Victim Assistance Program for a claim form:

**Crime Victims Compensation Board
130 Brighton Park Blvd.
Frankfort, Kentucky 40601
(502) 573-2290**

Language Line Services
1-800-528-5888 (immediate assistance) or
1-877-886-3885
www.languageline.com

Cyracom
1-800-713-4950
www.cyracom.com

Pacific Interpreters
1-800-311-1232
www.pacificinterpreters.com

Accipio Language Services
533-4313 (local)
www.accipioservices.com

Ameri-Lingua Language Services
509-4195 (local)
www.ameri-lingua.com

IF YOU ARE A VICTIM OF DOMESTIC VIOLENCE:

SEE THAT YOU AND YOUR CHILDREN ARE SAFE!

- **Call the police for protection.** The abuser may be arrested without a warrant.
- Ask any of the agencies listed in this booklet for assistance with **safety planning.** (See **Community Resources, pages 15-20**)
- Call the **Office of the Fayette County Sheriff** for **safety planning assistance in your home.**
- **Ask any of the agencies listed in this booklet for information about:**



The Cell Phone Program

(which may be able to provide you with a cell phone for emergencies)

It is your responsibility to ask about this program if you are interested.

- Call **GreenHouse17** for **shelter** and information.
- Contact the Kentucky Cabinet for Health and Family Services to assist you and your family in obtaining protective and support services.
- Get medical attention, records, and photos of your injuries.
- File a criminal complaint and/or a Petition for a Protective Order.

the courthouse to file a petition, a sheriff's deputy is available to come to you to assist you in filing for your emergency protective order.

- 2) On the petition you may ask for any of the following:
- **no contact** - an order to stop the respondent from making any contact with you including calls, letters, messages, etc. (see page 13);
 - **no violent contact** - an order to stop the respondent from abusing or threatening you (see page 13);
 - **vacate** - an order for the respondent to vacate the residence you share;
 - **no property damage** - an order for the respondent not to sell or destroy any family property;
 - **custody** - an order for temporary child custody;
 - **other relief or assistance needed to stop the abuse** - you have to be specific. For example, you might ask that child support be addressed at the hearing, or that the respondent be ordered to a certified batterer intervention program for a domestic violence assessment (see page 21).

3) A judge will review your petition and decide which, if any, of the requests will be granted. The clerk will give you a copy of the judge's decision. If an EPO is issued, **keep a copy of it with you at all times.** Once the respondent is served with a copy of the EPO, it is effective until a court hearing is held (within 14 days). If the respondent has not been served with a copy of the order by the court date, you may request that the court reissue the EPO and a summons for the respondent to appear in court. **If the hearing date is not on your paperwork, call the clerk's office at 246-2248.**

The judge may issue a court summons instead of a protective order if he/she feels there is no immediate danger. If this happens, you will be given a date for a hearing to decide if a protective order will be issued.

What if my EPO is denied?

If you are denied an Emergency Protective Order and/or Summons, it is **very important** that you speak to an attorney and/or an advocate as soon as possible to explore your legal options and to put in place a safety plan for your protection.

What happens after an EPO is issued?

If the judge grants you an EPO, the Sheriff's deputy will immediately try to serve the respondent with a copy and notice of the hearing. **The EPO is not in effect until the respondent has been served. Call VINE Protective Order (1-800-511-1670) to register to be notified when the respondent has been served and of upcoming court dates, expiration dates, and any amendments that are filed. You may need to take extra safety**

precautions when the order is served if you think the respondent might try to harm you after being served with the order.

If the respondent violates one of the conditions of the EPO you must call the police or return to the court to file a complaint on the violation. This is VERY important. The EPO will only work if everyone involved takes it seriously.

It is also important that you attend court on the scheduled hearing date for your case. If the respondent has not been served by the court date, you still need to appear at the hearing to let the judge know whether or not protection is still needed. If you fail to appear, the judge may summons you or take action against you. When you appear in court at the first hearing, if the respondent has not been served, you can ask the Judge for permission to be excused from returning to court until the respondent has been served. If your request is granted, you will be notified by the Domestic Violence Clerk's Office when it is time for you to return to court. It is extremely important that you maintain your current address and phone number with the Domestic Violence Clerk's Office so that they can contact you when it is time for you to appear in court. Your contact information will be protected. It is also important that you stay in touch with the Office of the Fayette County Sheriff at (859) 252-1771 to assist in their efforts to serve the respondent, and to address any questions you may have regarding service. If you are represented by an attorney, you should maintain contact with him/her during this time.

Who can help me with the EPO?

An advocate can help you prepare for the hearing and be available at the court hearing. One of the victim advocates from the County Attorney's Office will try to contact you before the hearing date, or you can contact them at 254-4941. Victim advocates are also available in other Lexington agencies. See the section on Community Resources, pages 15-20, to determine which agency can best meet your needs. In addition, you can contact Legal Aid of the Bluegrass (253-8620) to request legal representation through their Domestic Violence Advocacy Program. If accepted, they will assign a staff attorney or volunteer attorney to represent you at your domestic violence hearing free-of-charge or provide you with counsel and advice regarding your hearing. The Office of the Fayette County Sheriff (252-1771) has an officer available to help you with safety planning before or after your hearing.

Do I need an attorney at the hearing?

While it is not required, you may want to consider bringing an attorney with you to your civil Domestic Violence Order hearing. Having legal representation can often help to present your case more effectively and assist you with obtaining the relief you are seeking. It is especially important to have legal representation if you think the respondent will be represented

National Network to End Violence Against Immigrant Women
www.immigrantwomennetwork.org

OutrageUs
www.outrageus.org

Women's Law Information
www.WomensLaw.org

Workplaces Respond to Domestic and Sexual Violence
www.workplacesrespond.org

LANGUAGE ACCESS

If you have difficulty reading, writing, speaking or understanding English, you have the right to an interpreter in certain situations. All agencies that receive federal assistance (e.g., hospitals, public benefits offices, many community agencies) must provide services that are accessible to persons with limited English proficiency. Kentucky courts must also provide interpreters during court proceedings when needed. You or your victim advocate can notify agencies of your need for interpretation services. **Not providing a timely interpreter or a translation constitutes national origin discrimination. If you have questions or feel your rights have been violated, you may contact the U.S. Department of Justice Civil Rights Division at 1-888-848-5306.**

Language Resources

National Domestic Violence Hotline (Multiple Languages Available for Victims):

1-800-799-7233 (SAFE) and 1-800-787-3224 (TTY)

Help is available to callers 24 hours a day, 365 days a year. Hotline advocates are available for victims and anyone calling on their behalf to provide crisis intervention, safety planning, information and referrals to agencies in all 50 states, Puerto Rico and the U.S. Virgin Islands. Assistance is available in English and Spanish with access to more than 140 languages through interpreter services. Services are free.

Telecommunications Device for Hearing/Speech Impaired (TTY or TDD) Long Distance 1-800-855-2881 and Local 711

Telephone Interpretation:

Telephone interpretation is available in many different languages through a variety of services. Many agencies utilize telephone interpretation services to communicate with clients who are not proficient in English. For agencies receiving federal funds, directly or indirectly, there should be no charge to the client for use of the service.

NATIONAL HELPLINES

National Domestic Violence Hotline

1-800-799-SAFE (7233) • 1-800-787-3224 (TTY)

www.thehotline.org

Hotline advocates are available 24/7 for victims and anyone calling on their behalf to provide crisis intervention, safety planning, information and referrals to agencies in all 50 states and U.S. territories. Assistance is available in English and Spanish with access to more than 170 languages through interpreter services.

National Suicide Prevention Lifeline

1-800-273-TALK (8255) • 1-888-628-9454 (Spanish)

1-800-799-4889 (TTY)

<http://www.suicidepreventionlifeline.org/>

No matter what problems you are dealing with, we want to help you find a reason to keep living. By calling 1-800-273-TALK (8255) you'll be connected to a skilled, trained counselor at a crisis center in your area, anytime 24/7.

National Teen Dating Abuse Helpline

1-866-331-9474 • 1-866-331-8453 TTY

www.loveisrespect.org

Information on dating abuse available at the website, including online messaging. Peer advocates available from 4 p.m. to 2 a.m. daily.

Rape, Abuse & Incest National Network (RAINN)

1-800-656-HOPE (4673)

www.rainn.org

A free national, confidential service for crisis intervention and referral. Live support is available via online messaging at the National Sexual Assault Online Hotline.

ADDITIONAL WEBSITES

Battered Women's Justice Project

www.bwjp.org

Futures Without Violence

www.futureswithoutviolence.org

Kentucky Association of Sexual Assault Programs

www.kasap.org

Kentucky Domestic Violence Association

www.kdva.org

Kentucky Suicide Prevention Group

www.kentuckysuicideprevention.org

National Coalition Against Domestic Violence

<http://www.ncadv.org>

by an attorney. However, if you are a victim of a crime and the abuser is being criminally prosecuted, you do not need to hire an attorney to represent you in criminal court. The County or Commonwealth's Attorney will handle the prosecution of the abuser, work with you to address your concerns, and provide you with victim advocacy services.

Should I have my injuries photographed?

If you have visible injuries, you should have photographs taken for use as evidence in court. Some injuries, such as bruises, might become more visible one to several days after the incident, in which case you will want to have them photographed again. You can request that photographs be taken by the Office of the Fayette County Sheriff or the Division of Police. If you receive medical treatment for your injuries, you may request that your physician take photographs. If photographs of your injuries exist, always make sure the court is aware.

What other types of documentation or evidence might be helpful?

It is important to keep all documentation and evidence you might have related to the abuse or threats of harm that you have experienced, such as:

- Threatening voice and text messages, emails, cards, notes, social media posts, etc. (including messages sent through a third party)
- Photos or video documentation
- Medical documentation
- Witness(es) names and contact information
- Written documentation you have kept, such as a journal or diary

If the police are involved, make them aware of the documentation and evidence that you have or that may be available. They may help preserve evidence for you. If the police aren't involved, it is still important to keep all evidence and documentation, even if it seems small or insignificant. These items may help the criminal justice system understand what you have experienced and/or make a difference in how the court views your case. Documentation is particularly critical if you are being stalked. Ask a victim advocate or go to www.outrageous.org for more information on documenting stalking.

What happens at the hearing?

This is your opportunity to tell the court about the abusive or threatening incident(s) and to present any evidence you have. You should inform the court of any safety needs that you and your child(ren) have, of any child support or child custody issues, and of any alcohol, drug, or domestic violence treatment that may be needed.

You need to bring any witnesses that you may have or any documents that

may be evidence of the abuse (medical records, police reports, photos, etc.). The clerk can assist you in obtaining subpoenas for any witnesses. If you don't have any physical evidence, the judge will have to decide the case based on your testimony. The abuser will be allowed to speak and present evidence as well. There will just be one court date so you should be prepared.

At the hearing, if the judge believes that abuse has occurred and may occur again, a long-term protective order can be issued. This is called a **Domestic Violence Order (DVO)**. In addition to the protection you can get on the EPO (see page 8), you can ask that a DVO include treatment for the respondent, temporary child support, visitation, removal of firearms by the Office of Sheriff, or other assistance needed to stop the abuse.

Sometimes the judge also orders the respondent not to follow or stalk you as a part of a "no violent contact" order. Make sure you understand the conditions of your order before you leave court. You can direct questions to the judge or the victim advocate.

For how long will the order be in effect?

The judge will decide how long your protective order will be in effect. It can be issued for up to three years. If you wish to have the DVO extended for a longer period of time, you must file a motion with the court **before it expires** giving your reason(s) for the request. You may request that it be renewed for up to three years at a time. Call VINE Protective Order (1-800-511-1670) to register to be notified when the respondent has been served and of upcoming court dates, expiration dates, and any amendments that are filed.

What if things change after the hearing?

If you need to change any portion of the order, you must return to court to have the order amended. It is important to recognize that, although the order was issued at your request, it was issued by the court and the conditions of the order can only be changed by a judge. If the order states "no contact," then there should be no contact between the parties. If the respondent initiates contact, call the police or file a complaint in District Court as soon as possible. If your DVO is for "no contact" and you want to have contact with the respondent, you will first need to request that the court amend the order to "no violent contact." If you have an order for "no violent contact" and there are further problems, you can return to court to ask for a "no contact" order.

What do "no contact" and "no violent contact" mean?

Judges often specify what "no contact" means on the order. It is up to the judge to decide, but "no contact" usually includes:

CERTIFIED BATTERER INTERVENTION PROGRAMS (BIPs) IN FAYETTE COUNTY

BIPs focus on reducing violence and other behaviors that are associated with violence. No matter which intervention program someone chooses to attend, his or her attendance and successful completion of the program will be monitored by the Office of the Fayette County Sheriff's Court Order Monitoring Program (252-1771) and reported back to the court.

You can find a current list of state certified Batterer Intervention Providers at: <http://chfs.ky.gov/dcbs/dpp/battererintervention.htm> Click on the link for Certified Batterer Intervention Providers (on the right side of the page), then scroll down to Lexington, where all local certified providers and their contact information is listed. Contact them for program fees and length, days and times of sessions, and services offered.

Victims of domestic violence should know that:

- Batterer Intervention is not a quick "fix".
- Attending Batterer Intervention does not guarantee change. Many batterers continue to abuse/control their partners during and after the program. If there are any new incidents of abuse, victims should report them to the police.
- Victims have a right to contact BIP providers to inquire about the abuser's attendance or to report any concerns they may have. All calls will be held strictly confidential.
- BIPs may make contact with victims and invite them to stay in touch (confidentially) while the abuser is in the program. They can also provide information on community resources victims may need.
- "Anger Management" is not an appropriate referral for batterers. Domestic Violence is not an anger problem. It is a problem of one person wanting power and control over another.
- Substance abuse problems need to be treated separately or in conjunction with batterer intervention. Treatment of one will not take care of the other.
- The victim is not responsible for the batterer's attendance in batterer intervention. The batterer is responsible.

available for parents and child(ren) who have experienced separation, divorce, removal of child(ren), and/or alienation of child(ren). Temporary and long-term supervisory services are available.

**UK Police Department
257-1616**

Responds to all reported incidents of dating and domestic violence occurring at the University of Kentucky. Arrest is the preferred response, however, when a probable cause arrest cannot be made, officers assist victims with criminal complaint procedures. Victims may also receive assistance with obtaining protective orders. The Criminal Investigations Unit will follow up with the victim and document any necessary evidence including photographs of injuries and victim statements. Referrals to social service agencies and counseling centers are available as needed.

**UK Targeted Assessment Program (TAP)
245-5109**

Provides free individualized services to families with children who have low incomes and are experiencing barriers to self-sufficiency such as domestic violence, substance abuse, mental health issues and learning problems. Services available to domestic violence victims include assessments, safety plans, assistance with obtaining protective orders and filing criminal charges, and information and referrals to other agencies for assistance with counseling, shelter, housing, employment and other supportive services.

**UK Violence Intervention and Prevention (VIP) Program
University of Kentucky, Lower Level of Frazee Hall
257-3574**

www.uky.edu/studentaffairs/vipcenter

Provides support and advocacy services to UK students, faculty and staff who have been impacted by violence. VIP is home of the Green Dot violence prevention strategy and provides prevention and educational activities across campus. The Green Dot strategy emphasizes the role all community members play by recognizing and intervening in potentially violent situations and helping to change the culture which sustains violent behavior.

- no face-to-face contact
- no contact by phone, mail, email, cell phone, internet, etc.
- no written correspondence
- no gifts, flowers, etc.
- no third party contact

Sometimes the judge will order the respondent to remain a specific distance away from you at all times and places, not to exceed 500 feet. You can also request that the respondent remain up to 500 feet away from a specific location such as your residence, your workplace, your children's day care or school, or anywhere you feel is necessary to maintain your safety. It is **very important** that you be aware, if you request in your petition that the respondent stay a certain distance away from a specific location such as your residence or your workplace, etc., **they will receive notice of that address**. If the respondent does not already know the address, it is often safer to simply request a 500 feet general restriction from you at all times and places, so that you do not have to disclose a protected address.

Judges may also specify what "no violent contact" means on the order. It usually includes:

- no abusive physical contact
- no physical restraining or holding against will
- no threats or harassment

Sometimes the judge also orders the respondent not to follow or stalk you as a part of a "no violent contact" order. Make sure you understand the conditions of your order before you leave court. You can direct questions to the judge or the victim advocate.

NOTE: Any person who has a protective order against him/her is not allowed to own, purchase, or possess a firearm.

What if the respondent violates the order?

If the respondent violates the protective order (EPO or DVO) in any way call the police immediately, or file a complaint. If the police are called, they can arrest the respondent for violation of the protective order. If they cannot find the respondent, or if the police were not called at the time of the violation, you can go to the County Attorney's Office (see page 8) in the District Courthouse, Third Floor at 150 North Limestone and file an affidavit (a sworn statement) or a complaint. Someone at the County Attorney's Office can help you determine whether you need to file an affidavit or a complaint based on the type of violation. A judge will review the affidavit or complaint and decide what action to take.

What if I go to another state?

Your DVO can be enforced in every state in the United States, and on tribal

lands and U.S. Territories. Law enforcement officers should enforce an active order that contains both parties' names whether or not it is certified, however it is preferable to get your order certified. A certified copy has a statement on it which says that it is a true and correct copy of the court document, and is signed or initialed by the court clerk. You can get your DVO certified at the time it is issued, or you can get a certified copy from the clerk of the court that gave you the order. If you no longer live in the area where you got the order, your court clerk, domestic violence victim advocate, or attorney should be able to help you get a certified copy.

States have different rules about how to get out-of-state orders enforced. You can find out how to get your order enforced by calling a domestic violence shelter, court clerk, or local prosecutor in the state to which you go. You can also call the National Domestic Violence Hotline (1-800-799-7233) if you have questions.

What if both a civil complaint (EPO) and a criminal charge are filed?

In many cases, criminal charges are filed and victims file for protective orders. Criminal charges and protective orders are two separate court proceedings which can result in separate orders or consequences. What happens in one does not affect what happens in the other. In an EPO hearing, any available evidence should be presented, but the level of proof needed is lower than in a criminal trial. In a criminal trial, there must be enough evidence to prove beyond a "reasonable doubt" that a crime has been committed.

Protective orders and criminal charges require separate court appearances. A "no contact" or "no violent contact" order may be in place in each court. A change to one order (for example: dismissal, amendment, or termination) does not automatically affect the other.

Legal Aid of the Bluegrass 498 Georgetown Street 253-8620 or 1-800-928-4556 www.kyjustice.org

Provides free civil legal assistance to victims of domestic violence. Services available to victims regardless of income include: assistance in obtaining Domestic Violence Orders (DVOs), including representation at DVO hearings, and with related matters of temporary child custody, support and visitation; assistance with immigration; and general civil legal services for victims 60 years and older. Services available to victims depending on income eligibility include: assistance with divorce, custody and visitation (not related to DVO), housing issues, consumer issues, disability and public benefits denials, employment issues, and bankruptcy.

The Nest (A Center for Women, Children and Families) 530 N. Limestone St. 259-1974

www.thenestlexington.org

Provides at no charge: drop-in crisis day care and age appropriate activities for children under 6, parenting classes, necessary supplies for infants/children and community referrals, adult and child individual and family therapy with a focus on survivors of domestic violence and/or childhood abuse, domestic violence support groups, and general counseling.

Parent's Information Line 1-800-244-5373 (CHILDREN) www.pcaky.org

Toll-free, statewide, 24 hours/day, 7 days/week parent resource and referral help line - offering parents and caregivers a lifeline of support and services.

SANE (Sexual Assault Nurse Examiner) Program, Division of Police, Lexington-Fayette Urban County Government 258-3700

Provides a comprehensive response to victims of sexual assault who are age 14 years and above. Individualized care is provided by a sexual assault response team (SART), which includes a sex crimes detective, a sexual assault nurse examiner, and a rape crisis advocate. There is no charge to victims for the forensic examinations, which are available at the University of Kentucky Hospital 24 hours a day, 7 days a week.

Sunflower Kids Supervised Visitation Center 268-0487 www.sunflowerkids.org

Provides supervised visitation and monitored exchanges in a safe and positive environment when a parent must be monitored while interacting with their child(ren) or to prevent contact between parents during exchanges of children due to safety concerns. Families who have experienced child abuse/neglect, domestic violence, sexual assault, and/or stalking can be court ordered for visitation and exchange services. Services are also

GreenHouse17 (formerly Bluegrass Domestic Violence Program)

800-544-2022 24-hour crisis hotline

Fax 859-519-1938

PO Box 55190, Lexington, KY 40555

www.GreenHouse17.org

GreenHouse17, formerly Bluegrass Domestic Violence Program, is an advocacy agency committed to ending intimate partner abuse in families and the community. The agency's emergency shelter is situated on a 40-acre property in rural Fayette County. From this location and three satellite offices located throughout the agency's 17-county service area, the following services are provided to nurture lives harmed by intimate partner abuse: 24-hour crisis hotline, 32 bed emergency shelter, legal advocacy, transportation advocacy, medical advocacy, individual and group support, parenting support, children's programming, case management, referrals, service coordination, emergency financial assistance, and financial literacy training.

All services are offered free of charge. GreenHouse17 also operates a community-sponsored farm on its emergency shelter property. The farm offers a nature-based healing environment and a source of field-to-table produce for preparation of meals for shelter residents. Further, the farm offers survivors the opportunity to establish a current work reference and learn small-business management skills.

Health and Human Services Information

211

Provides callers with information ranging from where they can find help for critical issues such as food, shelter and safety to when local civic organizations meet, information on volunteering or making a donation.

Kentucky Cabinet for Health and Family Services

245-5258 or 1-800-752-6200

<http://chfs.ky.gov/>

By authority of the Kentucky Adult Protection Act, the Cabinet is mandated to investigate all reports of spousal abuse and will assist in providing protective services to victims and their dependent children. This can include accompaniment to court, crisis counseling, and assistance in securing health, financial, legal, and housing services.

Kentucky Department of Corrections

Division of Probation and Parole

246-2177

Provides supervision of offenders released to the community on probation or parole. Probation and Parole Officers are sworn peace officers and arrest offenders violating the terms of their release. Provides a variety of services, including substance abuse and sex offender treatment, through staff members of the Kentucky Department of Corrections, Division of Mental Health.

FAYETTE COUNTY COMMUNITY RESOURCES

Everyone has the right to be safe from abuse, especially in his/her own home. Fayette County offers a wide variety of services for victims of domestic violence. Some of the primary services available in Lexington are listed below.

Adult Probation Department

Lexington-Fayette Urban County Government

425-2680

www.lexingtonky.gov

Provides supervision of misdemeanor offenders on probation from Fayette District Court and manages a work-release program for felony and misdemeanor offenders from Fayette Circuit and District Courts. Probation officers attempt to contact victims to ask their opinions regarding work release for offenders, and present their opinions to the sentencing judge. If work release is granted, officers attempt to notify victims before it takes effect.

Bluegrass Rape Crisis Center

1-800-656-4673 (HOPE) (toll-free hotline) or 253-2511

www.bluegrassrapecrisis.org

Provides free and confidential counseling and support to victims of sexual violence and to their families and friends. Services include a 24-hour crisis hotline, group and individual counseling, hospital and legal advocacy, information and referral, and professional consultation.

Brenda Cowan Coalition (BCC)

276-4457

www.cowancoalition.org

Provides diversified service programs for women, children and families in the areas of permanent housing, domestic violence legal advocacy and legal representation, supervised visitation, parenting classes and a licensed Early Learning Center and After School Programs.

Chrysalis House, Inc.

243-0972 or 225-9912

www.chrysalishouse.org

Provides long-term residential substance abuse treatment and specialized support services to chemically dependent women admitted to Chrysalis House. Services for Chrysalis House clients include assessments, individual and group counseling, crisis intervention, case management, assistance with obtaining protective orders and filing criminal charges, safety planning, victim advocacy, community referrals, job readiness training, parenting classes, children's services and community education.

Division of Community Corrections (Jail)

Lexington-Fayette Urban County Government

425-2700

Division of Police, Lexington-Fayette Urban County Government
150 East Main Street
258-3600 or 911
www.lexingtonky.gov

The policy of the Division of Police is to view all domestic violence complaints as instances of alleged criminal conduct. Arrest is the preferred response if probable cause exists that an assault has been committed. In such cases, officers can arrest the offender without a warrant or request a warrant for the offender's arrest. The Family Abuse Section has victim advocates and specially trained officers who follow up on all police reports involving family violence. Officers and advocates can help victims initiate criminal proceedings, file for protective orders, and make referrals to appropriate social service agencies. The ID Unit can photographically document injuries and crime scenes upon request, when appropriate.

Domestic Violence Prevention Board
Lexington-Fayette Urban County Government
200 East Main Street, Suite 328
258-3803

The Domestic Violence Prevention Board (DVPB) is a coordinating council that brings together citizens, agencies, and public officials to strengthen Fayette County's response to family violence. The DVPB continually assesses the availability, accessibility, and quality of services to victims of domestic violence and their families, and develops policies and programs in the community to prevent domestic violence and promote effective intervention. The DVPB troubleshoots system level problems and provides information and referral services to victims.

Fayette Commonwealth's Attorney's Office
116 N. Upper Street, Suite 300
246-2060
www.lexingtonprosecutor.com

Prosecutes all felony criminal matters of domestic violence. This office has crime victim assistance staff who help victims access appropriate community resources, keep victims informed as their cases proceed through the criminal justice system, provide accompaniment in court, assist in filing crime victim compensation forms, and help prepare Victim Impact Statements for Circuit Court.

Fayette County Attorney's Office
Criminal Complaints: 150 N. Limestone Street, 3rd Floor
Victim Advocates: 110 W. Vine St., Ste. 500
254-4941
www.fayettecountyattorney.com

Prosecutes all misdemeanor charges involving domestic violence. This office has advocates available to help victims file emergency protective orders (EPOs) and criminal charges. Advocates make referrals to community resources, explain the court process, provide accompaniment to court, and help file crime victim compensation claims. They also provide

crisis counseling, help with safety planning, and can provide educational materials. The advocates keep the prosecutor informed of the victim's needs and expectations. They are also available to discuss court options for those who have not yet filed anything.

Fayette County Sheriff's Office
150 N. Limestone Street, Suite 265
252-1771
www.fayettesheriff.com

Amanda's Center for Local Resources is a central information point that connects victims of domestic violence to services available within the community. Amanda's Center operates within the Office of the Fayette County Sheriff as a collaborative community response to family violence and gives victims access to the resources they need to be safe. Through Amanda's Center, advocates work with victims to guide them through the legal process. The Center also makes referrals and offers counseling sessions with a grant-funded Licensed Clinical Social Worker. Victims who file petitions for protective orders can have any previously undocumented injuries photographed free of charge.

The Office of Sheriff serves all domestic violence process (warrants, summons, etc) in Fayette County and makes arrest without warrants in cases of violation of domestic violence orders. The Office of Sheriff also maintains all domestic violence documents in the Law Enforcement Network of Kentucky (LINK) and the National Crime Information Center (NCIC), state and federal computer systems. LINK and NCIC make information regarding protective orders easily accessible to law enforcement throughout the state and country. A deputy is available at the Office of Sheriff to meet with victims in their homes and assist them in the development of a safety plan to fit their individual needs. A Court Order Monitoring Program is also available to oversee respondents' compliance with domestic violence orders (DVOs).

Friend of the Court
Lexington-Fayette Urban County Government
120 North Limestone Street, 4th Floor
246-2222

The Office of the Friend of the Court (FOC) provides assistance in filing pro se (without legal representation) motions regarding Family Court issues, such as child custody and visitation. The FOC performs custody and timesharing evaluations and facilitates meetings between parties to negotiate agreements regarding timesharing, and supervises timesharing in cases not involving domestic violence. In cases involving domestic violence, stalking, child abuse and sexual assault, Family Court Judges refer cases to the FOC Domestic Violence Specialist for visitation assessments to determine how child exchanges or supervised visits between the non-residential parent and child(ren) can be safely provided.