PS PROJECT SAFE

Safety and Accessibility for Everyone

Responding to Crime Victims with Disabilities: A Kentucky Resource Guide

Acknowledgements

Responding to Crime Victims with Disabilities: A Kentucky Resource Guide was created by a community team that received a scholarship to attend the 2011 Responding to Crime Victims with Disabilities National Training Conference. The team, a small committee of Project SAFE *, is comprised of:

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*Project SAFE (Safety and Accessibility for Everyone) is a multi-disciplinary network working to build the capacity of professionals throughout Kentucky to provide safe, accessible and comprehensive person-centered services to individuals with disabilities who have been subjected to sexual assault and/or domestic violence.

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Americans with Disabilities Act 1990

Titles

I Employment

II Public Service (State and Local Governments)

III Public Accommodation

IV Telecommunications

V Miscellaneous Provisions

Americans with Disabilities Amendments Act (ADAA) 2009

Purpose

- "To reinstate a broad scope of protection" by expanding the term "disability."
- The original definition has previously been inappropriately narrowed by court decisions.
- It will now be much easier for individuals seeking the law's protection to demonstrate that they meet the definition of "disability."

ADA applies to over 6 million entities in the U.S. including:

- State and local governments
- Private employers
- Employment agencies
- Labor unions
- Public schools and universities
- Law enforcement

ADA does not apply to:

- Employers with fewer than 15 employees
- Executive branch of the federal government
- Private membership clubs
- Religious organizations
- Indian tribes

Individuals with disabilities:

- (1) An individual with a physical or mental impairment that substantially limits one or more of the major life activities of such individual

- (2) An individual with a record of such a physical or mental impairment

An individual generally meets this criteria when, in the past, although not currently, had an impairment that substantially limited a major life activity; or was once misclassified as having a substantially limited impairment

- (3) Regarded as having a physical or mental impairment

When an entity, or an employer takes an action prohibited by the ADA based on an actual or perceived impairment.

No longer does one have to show that the employer believed the real or perceived impairment substantially limited a major life activity.

Major life activity

- Basic activity that most people in the general population can perform with little or no difficulty

Major life activities recognized by the ADA include but are not limited to:

Major life activities 1990 ADA

walking	seeing	hearing	caring for oneself
breathing	speaking	learning	
working	performing manual tasks		

Major life activities added by the ADA Amendment Act 2009

eating	sleeping	standing	concentrating
lifting	bending	reading	
thinking	communicating		interacting with others

AND

- Major bodily functions:

immune system	normal cell growth	
digestive	bowel	bladder
neurological	brain	endocrine
respiratory	circulatory	reproductive functions

Mitigating Measures

- Eliminate or reduce the symptoms or impact of an impairment
- Should be ignored in determining if an impairment substantially limits an individual in performing a major life activity (example: a prosthesis which allows an individual to walk cannot be considered when determining if a major life activity has been affected)
- Exception: eyeglasses or contact lenses are not included

- ADA allows consideration of the negative effects from the use of a mitigating measure in determining if a disability exists. Example: medication side effects

Mitigating measures include but are not limited to:

Medication medical supplies equipment or appliances low vision devices
prosthetics mobility devices oxygen therapy equipment and supplies
hearing aid(s) and cochlear implant(s) or other implantable hearing devices
use of assistive technology reasonable accommodations
learned behavior behavioral therapy physical therapy

Disabilities that are episodic or in remission

- ADA, as amended, states that an impairment that is episodic or in remission meets the definition of disability if it would substantially limit a major life activity when active

- Examples:

  epilepsy hypertension multiple sclerosis (MS)

  asthma diabetes depression

Title 1: Employment

Qualified individual with a disability must be able to:

1) Satisfy the required skills, experience and education required for the position

2) Perform the essential job functions with or without reasonable accommodations

Essential job functions

- What the employer believes to be necessary for the job
- Tasks that are fundamental for the position

- May not include incidental duties

Items to be considered:

- Amount of time spent on a specific task or duty
- Duties performed by past and current workers in the position
- Position exists to perform function
- Limited number of employees among whom that particular job can be distributed
- Employee has the expertise or ability to perform a particular function
- Update job descriptions when significant changes occur

Employers are responsible for accommodations when the employee declares a disability or if a disability becomes known to the employer (either through observation or a credible third party).

When a disability is not obvious, the employer can request documentation.

Documentation should be:

- Current (within past three years, but no more than 5 years)
- Signed by a qualified professional
- Should include:
  - Description of the disability(s)
  - Impact on essential job functions
  - Current treatments and accommodations
  - Recommendations of proposed work related accommodations

Reasonable accommodations may include but are not limited to:

- Provide or modify equipment
- Make facilities accessible -- remove barriers
- Provide readers or interpreters

Accommodations may include but are not limited to:

policies	phone adaptations	seating	technical assistance
oral instruction	interpreters	audio/video materials	
accessible space	tapes of meetings	light switches	
calculators	extra time for tests	large print material	
note-takers	blocks under desk	flexible schedule	

Reasonable Accommodations

- The employer is not required to provide accommodation requested by employee
- The employer can choose another accommodation
- It MUST be effective

Required Interactive Process

The courts have held that an "interactive process" must be entered into in a good faith effort to find an appropriate accommodation.

- Request for accommodation(s)
- Documentation (if necessary)
- Discussions between employer and employee regarding potential effectiveness
- Accommodate in current position
- Reassign to a vacant position
- Monitor

Undue Hardship

- Size of business
- Financial resources
- Cost of accommodation
- Alteration or change in the delivery of service
- Disruption of other workers

Medical

- An employer cannot require a medical examination prior to a job offer
- A drug test can be required prior to a job offer if required of all applicants. It should only test for drugs not prescribed to the potential employee.
- The cost of health insurance has not increased because more people with disabilities are employed

Title II: Public Services

Title II of the ADA prohibits discrimination against qualified individuals with disabilities by public entities (i.e. state or local government). All departments, agencies of activities, services, programs and facilities must be accessible to people with disabilities

Examples:

employment	government offices open to the public
government meetings	public schools
universities	recreation and parks

Title III: Public Accommodations

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of any company open to the public.

Examples including but not limited to:

- Public gathering places
- Places of lodging
- Stores
- Social service centers
- Restaurants

Title IV: Telecommunications

- Telecommunication relay services

  Voice and TDD

  711
- Closed captioning (Public service announcements)

Title V: Miscellaneous provisions

Covered Activities

- State immunity
- Retaliation
- Attorney's fees
- Coverage of Congress
- Other Federal and State laws

Topics of Frequently-Asked Questions

Service Animals

Under the ADA, a service animal is:

- Individually trained to perform tasks that the individual cannot perform for him/herself such as:
  - Guiding people who are blind

    - Alerting individuals who are deaf or hard of hearing
    - Alerting people with seizures
    - Performing other tasks
- A dog (always) and a miniature horse (on a case-by-case basis)

  No other animal is recognized by the ADA as a service animal
- On a leash, under the control of the owner, and clean
- Permitted in all areas of a facility open to the public including but not limited to:

restaurants	hotels	taxis
buses	shuttles	grocery stores
stores	hospital	theaters
medical offices	zoos	health clubs
parks	etc.	

Mobility Devices

Wheelchairs – are permitted anywhere the public is allowed to go

Other power driven mobility devices

(Segways and other scooters are permitted unless they pose a direct threat, safety hazard or alters service, program or activities)

Effective Communication

The ADA requires effective communication. Methods of achieving effective communication may include:

- Interpreters
- 711 – relay service
- Video Remote Interpreting (VRI)
- Writing can be used to communicate with people who are deaf or hard of hearing in limited situations

Places of lodging – reservations for accessible rooms

- Reservations must be allowed to be made during the same hours as other reservations
- Staff should be able to identify and describe features
- Hold accessible rooms until all others are taken
- Remove accessible rooms from outside reservation systems, such as Priceline, Expedia, etc.

ADA Enforcement - Federal

- Title I : Equal Employment Opportunity Commission
  1-800-669-4000 1-800-669-6820 (TDD)

- Title II and III : Department of Justice
  1-800-514-0301 1-800-514-0383 (TDD)

- Title IV : Federal Communications Commission
  1-888-835-5322 (TTY)

- Office of Civil Rights, Department of Education
  1-800-421-3481

ADA Enforcement – State

- Office of the State ADA Coordinator
  502-564-3850 or 1-877-423-2933
  http://ada.ky.gov/

- Protection and Advocacy
  502-564-2967 or 1-800-372-2988
  www.kypa.net

- Kentucky Commission on Human Rights
  502-595-4024 or 1-800-292-5566
  http://kchr.ky.gov/

Specialized ADA Information for Law Enforcement

When making an arrest consider (for accommodations):

- Does the person have mobility issues – use cane, crutches, wheelchair and/or walker?
- Is the person deaf or hard of hearing?
- Does the person have a visual impairment?
- How can this person be handcuffed?

Transporting a person with a disability:

- Ask the person what type of transportation he/she can use.
- Ask how to lift or assist him/her when transferring in/out of the vehicle.
- Some individuals who use assistive devices like crutches, braces, or even manual wheelchairs can be safely transported in patrol cars.
- Safe transport of other individuals who use manual or power wheelchairs may require departments to make modifications to existing cars or vans.
- Another option is to use lift-equipped vans or buses. Police departments may consider other community resources like accessible taxi services.

Effective Communication

- The ADA requires that the expressed choice of the individual with the disability be given primary consideration in determining which communication aid to provide.
- A person with a disability is in the best position to know his/her needs.
- The ultimate decision re: method of communication is made by the police department.
- The department should honor the individual's choice unless it can demonstrate that another effective method of communication exists.
- Interpreters:
    - Police officers should generally not rely on family members (who are frequently emotionally involved or possible perpetrators) to provide interpreting.
    - Except in emergency situations when an interpreter isn't immediately available.
- Communicating with a person who has a visual impairment:
    - Identify yourself
    - State clearly and completely any directions or instructions – including any information that is posted visually.
    - Officers must read aloud (in full) any documents that the person needs to sign. (The same applies to people who have difficulty with reading)
    - Before taking photos or fingerprints, describe the procedures in advance so that the individual will know what to expect. (The same applies to people who have intellectual disabilities or brain injuries)

Service Animals

- Under the ADA Amendment Act, a service animal is defined as a
    - Dog
    - Miniature horse (on a case-by-case basis, if 38" high or less)
- Under the ADA, a service animal:
    - Is individually trained to perform tasks that the individual cannot perform for him/herself. Such as:
        - Guiding people who are blind
        - Alerting people who are deaf/hard of hearing
        - Alerting & protecting people who have seizures
        - Performing other tasks
    - Is permitted in all areas of a facility open to the public
    - Must be on a leash or harness
    - Cannot be asked to be removed unless:
        - It is out of control and the owner does not take effective action to control
        - It is not housebroken

Detention/Correctional Facilities

- Construction after 1992: the final regulations require 3% of newly constructed or altered cells to be accessible.
- Prior to 1992: make as accessible as possible
- Other things to consider:
    - Security
    - Can the person safely enter the cell?
    - Can the person safely move around the cell?
    - Can the person use the cell's features without assistance?
    - Where is the cell located? This applies to all classification levels.
- Reasonable Accommodations:
    - Medication- must be distributed as it is prescribed.

Accessible Parking

- State law qualifies individuals with disabilities-- not everyone covered by the ADA is eligible. These include a person who:
    - Cannot walk 200 feet without stopping to rest
    - Uses a brace, cane, crutch, prosthetic device, wheelchair or other assistive device
    - Has lung disease, use of portable oxygen
    - Cardiac condition
    - Arthritic, neurological or orthopedic condition

- An individual with a disability must benefit from the parking (either as a vehicle operator or passenger

- KRS 189.459 allows vehicles with displayed placard have 2 additional hours of parking in excess of posted parking time limit

- Fine for illegal usage = $250.00 + Court Cost + Towing

- 10% of the fines shall be returned to the county and distributed equally to all law enforcement agencies in the county KRS 189.990 Sec. 28

U.S. Department of Justice Materials on Police Response to People with Disabilities

- http://www.ada.gov/policevideo/policebroadbandgallery.htm (on-line videos)
- http://www.ada.gov/policeinfo.htm

For more information, please contact:

Kentucky Office of the Americans with Disabilities Act Coordinator
502-564-3850 or 877-423-2933

MANDATORY REPORTING

I. REPORTING REQUIREMENT

Kentucky laws require <u>everyone</u> to report known or suspected (reasonable cause to believe) abuse or neglect of:

- Child (under 18) *[KRS 620]*
- "Spouse" *[KRS 209A]*
- Other 'vulnerable' adult (unable to protect self because of physical or mental disability) *[KRS 209]*

II. CHILD ABUSE

'Abused or neglected child' means person less than 18 years old whose health or welfare is harmed or threatened with harm when:

i. his parent, guardian, person in a position or authority or special trust, or other person exercising custodial control or supervision . . .
ii. inflicts, commits, creates a risk of , or allows physical, emotional injury, or sexual abuse, sexual exploitation, or prostitution . . . OR
iii. fails or refuses to provide essential parental care, protection, adequate care, supervision, food, clothing, shelter, education, or medical care.

OR

<u>A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;</u>

a. Mandatory reporting applies to Child Abuse, Neglect, and Dependency, NOT all crimes against children.

b. Report must be made to:
   - Local law enforcement or the Kentucky State Police
   - The Cabinet for Health and Family Services or its designated representative
   - The Commonwealth's Attorney or County Attorney

c. Professional privileges are not grounds for refusing to report. Only the attorney-client and clergy-penitent privileges are grounds for not reporting.

d. Internal Reporting is not sufficient! KRS 620.040 (4) specifically prohibits internal investigations in lieu of official investigations.

e. The duty to report is an individual legal duty, which can only be fulfilled by reporting to designated authorities. See <u>CW v. Allen</u>, Ky., 980 S.W.2d 278 (1998).

f. Failure to Report – penalty
    - Class B misdemeanor – 1st offense
    - Class A misdemeanor – 2nd offense
    - Class D felony – each subsequent offense

g. Immunity from liability – mandated reporters are legally immune from liability, so long as the report was made in good faith and based on reasonable cause.

III. ABUSE, NEGLECT OR EXPLOITATION OF ADULTS

a. Different laws address abuse of different groups of adults who may be unable to protect themselves
    - KRS 209A – Spouse Abuse
    - KRS 209 – Adults
      (for ease of understanding in this document, we have used the phrasing "(vulnerable) adults")

b. Spouse Abuse
    - KRS 209A.020 (4) (Spouse Abuse) "Adult" means a person without regard to age who is the victim of abuse or neglect inflicted by a spouse
        - Note: this definition is different than "domestic violence" as defined in protection order statutes

    - Services for Victims of Spouse Abuse are Voluntary
        - Protective services for spouse abuse victims are voluntary and may be refused.
            - If the adult chooses to receive services, no other person may interfere.
        - However, a victim of spouse abuse who is also a "vulnerable" adult may be served under that section (KRS 209).
            - Thus, a court would be able to order emergency services without the victim's consent.

    - Additional Duty to Report Spouse Abuse – Law Enforcement
        - Officers must report all incidents of "domestic violence and abuse" (not just spouse abuse) to CHFS within 48 hours of learning of such an incident. (KRS 403.785)

    - Failure to Report
        - Violation – Class B misdemeanor
        - Immunity from liability when reporting in good faith
        - Death of adult does not relieve reporting duty

    - Who does abuse get reported to?

- Local Department of Community Based Services office
  or
- Statewide, 24-hour Hotline: 1-800-752-6200

c. (Vulnerable) Adult
   - "Adult" means
     - a person 18 or older who,
     - because of mental or physical dysfunctioning,
     - is unable to manage his own resources, carry out the activity of daily living, or protect himself from neglect, exploitation, or a hazardous or abusive situation without assistance
     - Note: There is no age defining "elder" abuse, instead related to independence

   - Purpose of Reporting Abuse of Vulnerable Adults
     - To provide protection for adults who are victims of abuse, neglect, or exploitation by a person or a caretaker
     - Definition of abuse includes injury, unreasonable confinement, intimation or punishment resulting in physical or mental harm or pain.

   - Adult Protective Services
     - Emergency protective services may be ordered by the court if the adult lacks capacity to consent, or refuses services and there is no one to give consent.
       - *Court shall only order least restrictive services.*
     - If the Cabinet determines that protective services are required, caretaker cannot refuse services.

   - Failure to Report
     - Violation – Class B misdemeanor
     - Immunity from liability when reporting in good faith
     - Death of adult does not relieve reporting duty

   - Who does abuse get reported to?
     - Local Department of Community Based Services office
       or
     - Statewide, 24-hour Hotline: 1-800-752-6200

IV. HIPAA allows for mandatory reporting 45 CFR 164.512(c)

i. Mandatory reporting is a "permitted disclosure" under HIPAA
   a. However, disclosures must be limited to those actually "required by law"
   b. If not required by law, individual has the right to decide whether the report
      - Need Authorization for Release of Information

ii. Kentucky does NOT require reporting of all crimes or all rapes. Therefore, if you must be HIPAA Compliant, be sure to
   - determine whether reporting is mandatory or
   - get authorization to release information prior to reporting.

V. RESPONDING TO INFORMATION ABOUT ABUSE OR NEGLECT

- Listen and BELIEVE. Do not assume that the information is a manifestation of disability.
- Do not investigate, if it isn't your job to do so.
- Determine if reporting is required by law.
- Make the report immediately, if required by law or requested by the victim.
- Identify resources, for the victim and yourself.
- Continue to interact with the victim as normally as possible and provide support.
- Reporting is often a beginning, not an end!
- Victims often need more support and advocacy after a report is made.

Kentucky Guardianship

Guardianship is a legal tool that grants an adult the legal authority to make decisions for another adult who has been declared as disabled. **Not all individuals with disabilities need a guardian.**

- A disabled person is someone who has been found by a court to be unable to care for personal needs or unable to manage financial resources. For ease of understanding in this section, we will use the phrasing "(wholly) disabled".
- A partially disabled person is someone who has been found by a court to lack the capacity to manage <u>some</u> of his/her personal or financial affairs

When a person has been declared as either legally or partially disabled and appointed a guardian, he/she is called the guardian's "ward". The guardianship process removes the wards' legal authority to make the decisions.

In Kentucky, there are four levels of guardianship:

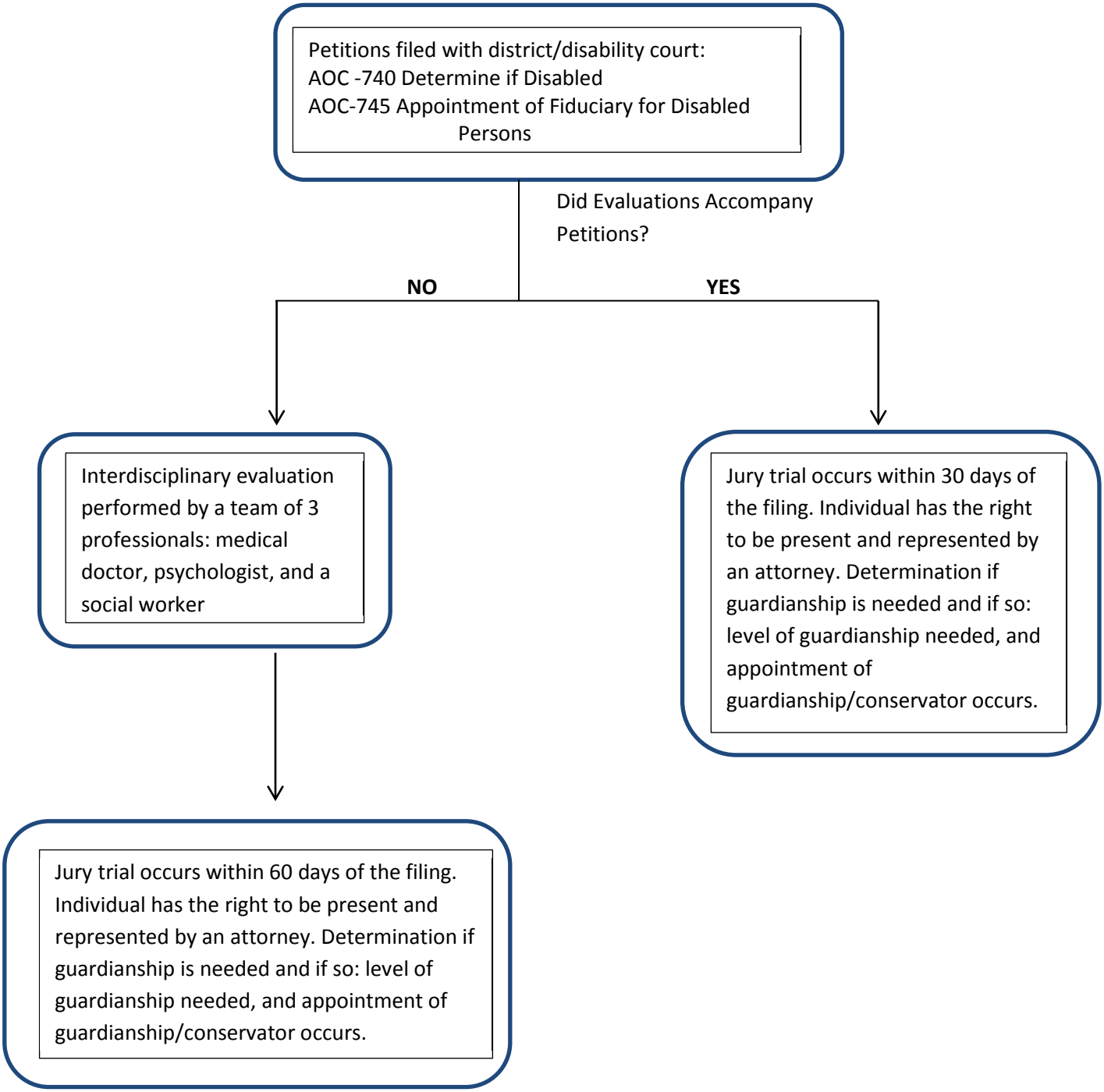
1. **Guardianship** (also called "full guardianship") : The appointed person has complete responsibility for the ward's personal and financial needs.
2. **Limited guardianship**: The appointed person has responsibility for meeting the ward's needs specified by the court.
3. **Conservatorship**: The appointed person has complete responsibility for the ward's financial affairs.
4. **Limited conservatorship**: The appointed person has some responsibility for the ward's financial affairs. These responsibilities are specified by the court.

These are discussed in further detail in the following pages.

<u>Guardianship in other states</u>

Guardianship is different in each state/territory. It may have different names and the judicial processes differ also.

How guardianship proceedings happen, according to KRS 387.500



Emergency Guardianship

There is a state regulation that covers the appointment of an emergency limited guardian/conservator in the event that persons with disabilities experience emergencies.

KRS 387.740 (1) specifies that this type of guardianship may be granted if there is "danger of serious impairment to the health or safety of the respondent or damage or dissipation to his property if immediate action is not taken."

The steps for emergency guardianship are:

1. Filing of AOC-740 and AOC-747 (Petition/Application for Emergency Appointment of Fiduciary for Disabled Persons)
2. A hearing on the emergency petition must take place within 1 week of the filing, with all people involved being notified within 48 hours of the hearing.

Rights of individuals who have been named as the "Respondent" in guardianship

Individuals with disabilities who have guardianship petitions filed on them have these rights:

1. To be represented by an attorney. That attorney shall listen to his/her client's wishes and not do "best interest"
2. To be present at hearings.
3. To request modification or termination of the guardianship.

Want to know the basics of guardianship, conservatorship, power of attorney and representative payee?

The following page has a chart comparing guardianship, conservatorship, power of attorney, and representative payee. It provides basic information only and should not replace attorney advice.

For more information on guardianship and its alternatives contact:

Protection and Advocacy 502-564-2967 or 800-372-2988

	Guardianship	Conservatorship	Power of Attorney (POA)	Representative Payee
Declaration of disability?	Person must be declared by a jury as either (wholly) disabled or partially-disabled. This is not the same as declaration through Social Security, Veterans Affairs, or employer (for disability retirement).	Person must be declared by a jury as either (wholly) disabled or partially-disabled. This is not the same as declaration through Social Security, Veterans Affairs, or employer (for disability retirement).	There is no declaration for a general power of attorney. Durable power of attorney continues or becomes effective when the person becomes incapacitated as outlined in the POA documents.	Social Security, Veterans Affairs, or employer (for disability retirement) makes decision about disability. This is not the same as a legal declaration by court.
How appointed?	Court appoints individual or an agency after a person is declared as (wholly) disabled or partially-disabled.	Court appoints individual or an agency after a person is declared as (wholly) disabled or partially-disabled in managing financial resources.	The individual authorizes someone else to make certain decisions on his/her behalf	Social Security and Veterans Affairs appoints an individual or agency. This may be different than the guardian, conservator, or power of attorney.
Authority?	(Full) Guardian has the complete authority over a person's needs and finances. Limited guardian has authority over court-specified areas.	Conservator has the complete authority over a person's finances placed over supervision. Limited conservator has authority over court-specified areas.	Power of attorney has the authority to make decisions specified in the POA documents.	Representative payee has the authority over the individual's check.
Duties?	(Full) Guardian makes all legal decisions about individual's life – healthcare, place of abode, finances, etc. The guardian (unless someone else appointed) also pays the individual's bills out of the individual's funds. Required to make formal financial reports back to the appointing court.	Conservator makes all legal decisions about the individual's finances placed over supervision. He/she pays the individual's bills out of the individual's funds. Required to make formal financial reports back to the appointing court.	Power of attorney duties are only over the areas specified by the individual.	Representative payee is required to pay the individual's bills out of his/her check and provide spending money to the individual, if there is any left over. Required to do formal accounting of check disbursement back to appointing agency.
Duration?	Courts can appoint guardian for "unlimited duration" but limited guardianship shall not be for more than 5 years. Petitions may be done any time to change or remove guardianship.	Courts can appoint conservator for "unlimited duration" but limited conservator shall not be for more than 5 years. Petitions may be done any time to change or remove conservator.	General power of attorney ends when the individual becomes disabled. Durable power of attorney extends beyond that time.	Representative payee can be changed by appointing agency. Requests for changes may be made directly to appointing agency.

Created by Kentucky Protection and Advocacy. This chart is for general information purposes only and should not be considered legal advice. For assistance with your specific situation, please contact your attorney or Protection and Advocacy.

HIPAA and Law Enforcement

The federal Health Information Portability and Accountability Act (HIPAA) was created to protect individuals' medical information privacy. How much and what type of information may be shared when an individual is a victim of a crime?

The United States Department for Health and Human Services Office of Civil Rights indicated the following in its Summary of the HIPAA Privacy Rule:

> ***Law Enforcement Purposes.*** Covered entities may disclose protected health information to law enforcement officials for law enforcement purposes under the following six circumstances, and subject to specified conditions: (1) as required by law (including court orders, court-ordered warrants, subpoenas) and administrative requests; (2) to identify or locate a suspect, fugitive, material witness, or missing person; (3) in response to a law enforcement official's request for information about a victim or suspected victim of a crime; (4) to alert law enforcement of a person's death, if the covered entity suspects that criminal activity caused the death; (5) when a covered entity believes that protected health information is evidence of a crime that occurred on its premises; and (6) by a covered health care provider in a medical emergency not occurring on its premises, when necessary to inform law enforcement about the commission and nature of a crime, the location of the crime or crime victims, and the perpetrator of the crime.

To view a full copy of this summary, please visit: http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/ .

In each of the circumstances described above, HIPAA outlines very specific criteria that must be met before disclosure of information. Regarding victims of abuse and other crimes, specific requirements are described below:

- Victims of a crime: Covered entities can only disclose information if 1) the individual agrees to disclosure, or 2) the covered entity cannot obtain the individual's agreement because of incapacity or an emergency. In cases of incapacity or emergency, it is necessary that 1) the law enforcement official represents that such information is needed to determine whether a crime was committed by someone other than the individual and will not be used against the victim, 2) the law enforcement official represents that law enforcement activity depends on disclosure and would be materially affected by waiting for the individual's consent, and 3) the covered entity, while exercising professional judgment, determines that disclosure is in the best interest of the individual.

- Victims of abuse, neglect or domestic violence: A covered entity that believes an individual has been the victim of abuse may disclose the individual's protected health information to a government agency that is authorized by law to receive reports of abuse, neglect or domestic violence. Such disclosures are only permitted if at least one of the following applies: 1) the disclosure is required by law, 2) the individual has agreed to the disclosure, 3) the covered entity is expressly authorized by law to disclose such information and the disclosure is necessary to prevent serious harm to someone, and 4) the covered entity is expressly authorized by law to disclose such information and the law enforcement agency represents both that the information will not be used against the individual and that law enforcement activity would be significantly hindered by waiting to get the individual's consent. In these cases, the covered entity must promptly inform the individual that the disclosure was made, unless 1) informing the individual would place the individual at risk of serious harm or 2) the covered entity would be informing the individual's personal representative who is responsible for the abuse, neglect or domestic violence.

More information about specific requirements is available in The National District Attorneys Association's "HIPAA—Exceptions Providing Law Enforcement Officials and Social Service Providers Access to Protected Health Information," available online at: http://www.ndaa.org/ncpca_update_v16_no4.html .

Please note that HIPAA is only one of many laws that govern privacy rights and access to information. Other laws also require health care providers to protect confidential information.

For example, the federal Violence Against Women Act (VAWA) prohibits states from requiring reporting to law enforcement as a condition for performance of a Sexual Assault Medical-Forensic (SAFE) Exams. Therefore, the victim has the legal right to determine whether or not to report to law enforcement. For more information, visit: http://www.kasap.org/images/files/GetInfo/SAFEtoolkitguide.pdf

Etiquette: Tips for Interacting with People with Disabilities

The following information is intended as general tips when interacting with people with disabilities. Since each person and situation is unique, the best advice is to ask the person with a disability the best way you can assist him/her.

Person First Language

- The individual with a disability is a person first
- Person First Language:
  Person with cerebral palsy
  Person with a learning disability
  Person who uses a wheelchair
  Person with schizophrenia

Sensitive Use of Language

- Do not refer to the disability unless it is relevant
- Do not sensationalize a disability by saying "victim of" or "afflicted with," etc.
- Avoid emotional descriptions
  "Uses a wheelchair" not "confined to a wheelchair;"
  "Walks with crutches" not "is crippled"
- People with disabilities use words such as "see", "hear", "run" and "walk."
- When speaking with a person with a speech impairment and you don't understand, feel free to ask him/her to repeat or rephrase the statement.
- Remember that American Sign Language is a language itself. English is considered as a second language for someone whose primary language is ASL.
- Remember: speech impairment doesn't always mean intellectual disability
- While not a protected disability right, Title VI of Civil Rights Act of 1964 requires public service agencies that receive any federal monies to provide equal language access for all non-English speakers.

Mobility Disabilities

- People who use crutches, canes or walkers should never be grabbed, they use their arms for balance
- Do not assume that using a wheelchair is a tragedy. It is a means of independence.
- Do not hang or lean on the wheelchair, it is an extension of the user's personal space.

- Eye level > find somewhere to sit down when having a discussion

Deaf and Hard of Hearing

- People with varying levels of hearing loss who communicate via sign language -- ASL(or another type of sign language) or spoken English.
- Hearing aids may be used. Remember that not all hearing aids allow individuals to hear speech; they may be used to hear loud sounds.
- If needed, a person may use an American Sign Language (ASL) interpreter and also a Certified Deaf Interpreter.
- A Certified Deaf Interpreter is a person whose native language is ASL and have skills/experience in working with individuals who are Deaf and have difficulty with ASL due to language deprivation, psychiatric or cognitive disability.
- When speaking with a person who uses an interpreter, maintain eye contact with the individual, not the interpreter
- To get attention – tap on shoulder or arm
- Keep hands or objects away from mouth
- Use short sentences
- A small percentage of deaf individuals can read lips; the average accuracy of lip reading is about 30%

Visual Impairment

- People who have varying levels of visual functioning; not everyone with visual impairments is considered as "blind". Do not assume level of functioning.
- Announce when you enter or leave a room.
- Do not place new items on the floor that may impede the person's movement about the room.
- Guiding a person who is visually impaired is best accomplished by offering your arm or shoulder.
- Do not pat or play with the guide dog when he/she is working, always ask the owner first.
- Walk on the side opposite the guide dog.
- Read written information, if asked.

Learning Disabilities

- Average or above average intelligence
- Learning disabilities may occur:
  spoken language written language
  arithmetic reasoning
  organizational skills
- People with dyslexia may need verbal instruction.

- Ask how the individual the best way for them to receive information.

Psychological Disability

- Making quick decisions may be difficult, allow time for a response
- Do not assume that the person is dangerous based on diagnosis
- Do not assume that accounts of events are delusions
- People may have different reactions to questions/situations than what you would expect (example: may need extra time to process information)

Intellectual Disability

- The term "mentally retarded" is no longer acceptable.
- Speak in clear, short sentences.
- Do not use baby talk.
- Making quick decisions may be difficult, allow time for a response.
- People with intellectual disabilities rely on familiar situations. A change in their routine may require additional time and patience.

Brain Injury

- People whose brains were injured in accidents, strokes, medication interactions, substance abuse, during military service, etc.
- People may have visible disability (mobility, vision, etc.) that resulted in the injury but not always.
- Speech and decision making may be affected, allow time for a response.
- People with brain injuries rely on familiar situations. A change in their routine may require additional time and patience.
- Memory (short-term or long-term) may be affected. You may need to repeat yourself.
- Depending on where the brain was injured, people may display more emotions (crying, speak angry words, etc.)

Service Animals

- Under the ADA Amendment Act a service animal is defined as a:
  Dog (always) and a Miniature horse (on a case-by-case basis)
- No other animal is recognized by the ADA as a service animal
- Under the ADA a service animal is individually trained to perform tasks that the individual cannot perform for themselves.
- Examples:
  - Guiding people who are blind

    - Alerting people who are deaf
    - Alerting people who have seizures
    - Performing other tasks
- Must be on a leash
- Providing "emotional support" or comfort is not a task. Animals that only do this are not service animals.
- A service animal is permitted in all areas of a facility open to the public, including but not limited to:

restaurants	hotels	taxis
buses	shuttles	grocery stores
stores	hospital	theaters
medical offices	zoos	health clubs
parks	jail	

Additional Information

- Always ask if a person with a disability needs assistance before you help.
- Do not assume there are more disabilities than are obvious.
- Do not speak louder to a person who has a visible disability. Just because someone may have a physical disability, please do not assume there are other disabilities as well.
- Be sensitive about physical contact.

For further information, please contact:
KY Office of the ADA Coordinator
502-564-3850 or 1-877-423-2933

Communication with People who have Disabilities

Communication comes in four main forms – verbal, non-verbal, sign language, and use of augmentative/alternative communication.

Some things to remember:

- Everyone communicates in some way.
- Difficulty in speaking does not equal intellectual disability.
- While not a protected disability right, Title VI of Civil Rights Act of 1964 requires public service agencies that receive any federal monies to provide equal language access for all non-English speakers.
- If a person has an intellectual or developmental disability, this does not mean that he/she cannot tell you what has happened.
- A person's vocabulary may not be the same as "mainstream" vocabulary. He/she may not have been taught formal names of body parts or about human interactions, including sex.
- Patience is needed during interviews.
- When communicating with a person who has a visual impairment, make sure state clearly and completely any directions or instructions. This includes any information that is posted visually.

I. Verbal Communication (also called "oral/vocal communication")

Verbal communication involves the spoken word as well as other audible means. Examples of this include:

- Speech
- Sounds/utterances

II. Non-verbal Communication

Non-verbal communication may be used in conjunction with another form of communication or on its own. Examples of this include:

- Body language/posture/physical range of motion
- Gestures
- Leading by hand
- Eye gaze/blinking
- Squeezing of hands
- Facial Expressions
- Eye Movement

III. Sign Language

- ASL (American Sign Language). While primarily used by individuals who are Deaf/Hard of Hearing , may also be used by individuals with speech impairments.

    - ASL isn't English -- it is its own language
    - When speaking with a person who uses an interpreter, maintain eye contact with the individual, not the interpreter
    - To get attention – tap on shoulder or arm
    - Keep hands or objects away from mouth
    - Use short sentences

    - Certified Deaf Interpreter (CDI): a person whose native language is ASL and have skills/experience in working with individuals who are Deaf and have difficulty with ASL due to language deprivation, psychiatric or cognitive disability

        - CDIs are typically used in conjunction with ASL interpreters

    - Home Sign: non-formal sign language that has been created by a family or group to communicate with a particular person who may not have had access to ASL

IV. Augmentative & Alternative Communication (AAC)

Augmentative & Alternative Communication refers to the use of devices or techniques to assist an individual who has difficulty with language be able to communicate with others.

Assistive Technology (also known as Augmentative Communication devices): Use of devices to assist an individual with communicating.
Can be low tech: Example: Picture Exchange Communication (PEC) booklet
Can be high tech: Examples: Computer Software, I-PAD*, etc

Links for I-PAD and other programs may be found on the following page.

Telecommunication for Individuals who use ASL or Other Type of Sign Language:
For more information on telecommunication, visit: http://www.kcdhh.ky.gov/oea/tddprog.html

- 7-1-1 (Kentucky Relay): a telephone service that allows individuals to talk using text telephones or personal computers. For more information visit: http://www.kyrelay.org/
- Video Relay Service (VRS): a service that allow individuals who use ASL are able to speak via video phone to others who do/do not use ASL. If the phone call is to a hearing person, an ASL interpreter communicates via sign to the individual and verbally to the

hearing person. *This service cannot be used if both people are in the same room. For further information visit: http://www.fcc.gov/guides/video-relay-services ,

- Video Remote Interpreting (VRI): a service that may be used when an on-site ASL interpreter isn't available. Requires high speed internet and has 24-hour availability. For further information visit: www.nad.org/issues.technology/vri and http://deafness.about.com/od/interpreting/qt/videoremoteterp.htm

Other Alternative Communication

Text on cell phones
Instant messaging
Use as a last resort -- pen & paper

For more information on:

ASL interpreting or other communication with Individuals who are Deaf or Hard of Hearing
Contact:
KY Commission on Deaf and Hard of Hearing: http://www.kcdhh.ky.gov/ or 800-372-2907
or
Division of Behavioral Health, Deaf & Hard of Hearing Services: 502- 564-4456 x4521

Augmentative Communication Devices
Kentucky Assistive Technology Service Network: http://www.katsnet.org/ or 800-372-5287

Apps to Assist with Communication

Expressive: http://itunes.apple.com/us/app/expressive/id398345416?mt=8

Prolouquo2Go: http://itunes.apple.com/us/app/proloquo2go/id308368164?mt=8

Tap to Talk: http://itunes.apple.com/us/app/taptotalk/id367083194?mt=8

My Voice: http://itunes.apple.com/ca/app/myvoice-communication-aid/id426135003?mt=8

KENTUCKY COURT SYSTEM

SUPREME COURT

7 Justices

Jurisdiction:

- Direct appeals on judgment of death, life imprisonment, or imprisonment for more than 20 years.
- Motions to transfer from Court of Appeals for causes of great and immediate importance.
- Discretionary review of Court of Appeals decisions.

Court of Last Resort

Judgment of death, life imprisonment, or sentence greater than 20 years imprisonment.

COURT OF APPEALS

14 Judges

Jurisdiction:

- Appeals as a matter of right form judgments of the Circuit Court.
- Review of administrative agency decisions.

Intermediate Appellate Court

CIRCUIT COURT (56 circuits)

93 Judges

Jurisdiction:

- All justiciable causes not vested in some other court
- Civil actions over $4,000
- Original criminal
- Dissolution of marriage, adoption, termination of parental rights.

Court of General Jurisdiction

DISTRICT COURT (59 districts)
125 Judges

DISTRICT COURT

Jurisdiction:

Exclusive jurisdiction in civil cases involving $4,000 or less, provided the case does not involve equity or title to real estate.

Uncontested probate matters.

Misdemeanor cases except where the charge is joined with an indictment for a felony.

Ordinance violations and preliminary hearings.

Juvenile matters, guardianship, conservatorship for disabled persons.

Authorized to adjudicate local administrative cases.

Jury trials.

SMALL CLAIMS DIVISION

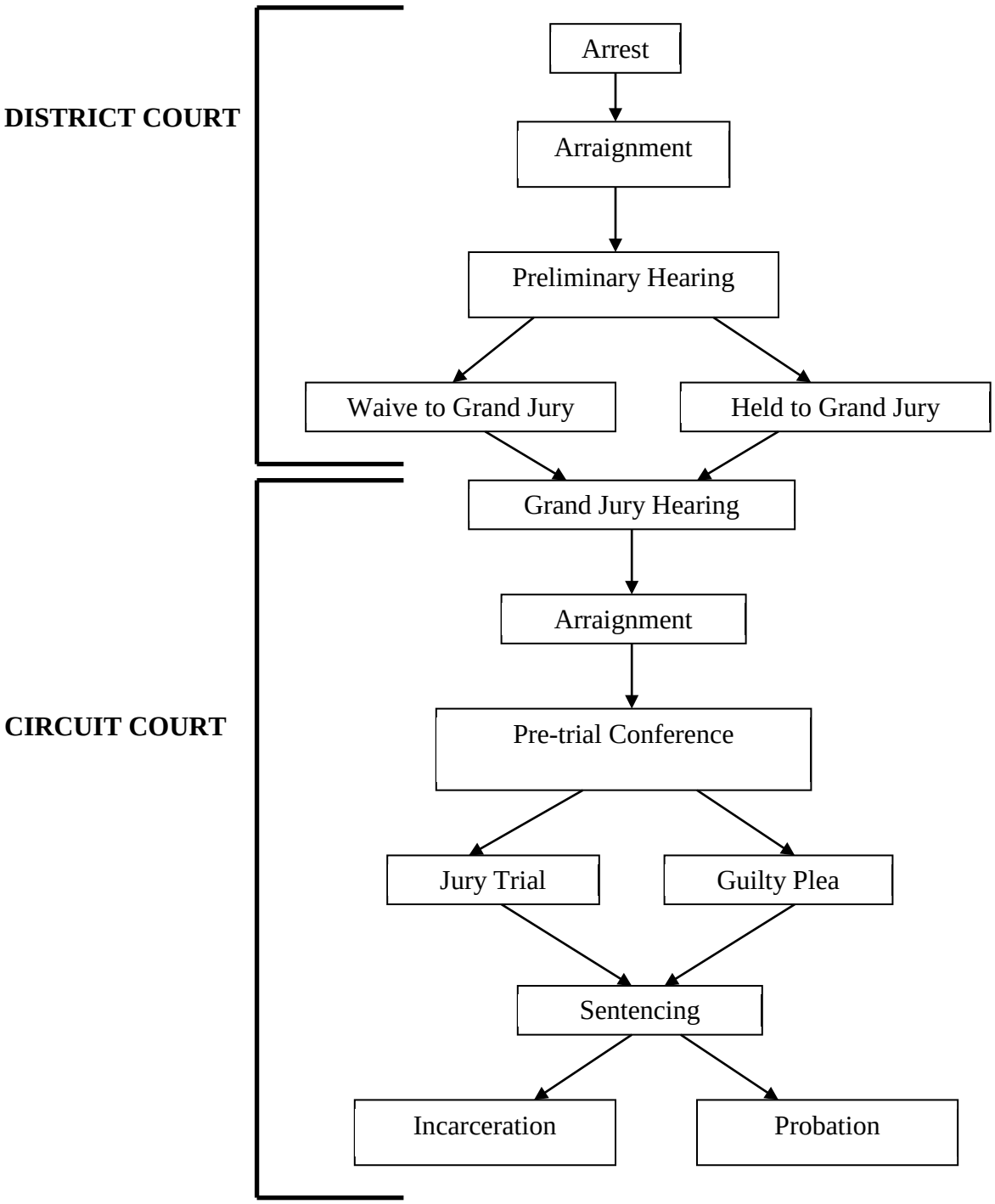
Jurisdiction:

Small claims under $1500, exclusive of interest and costs.

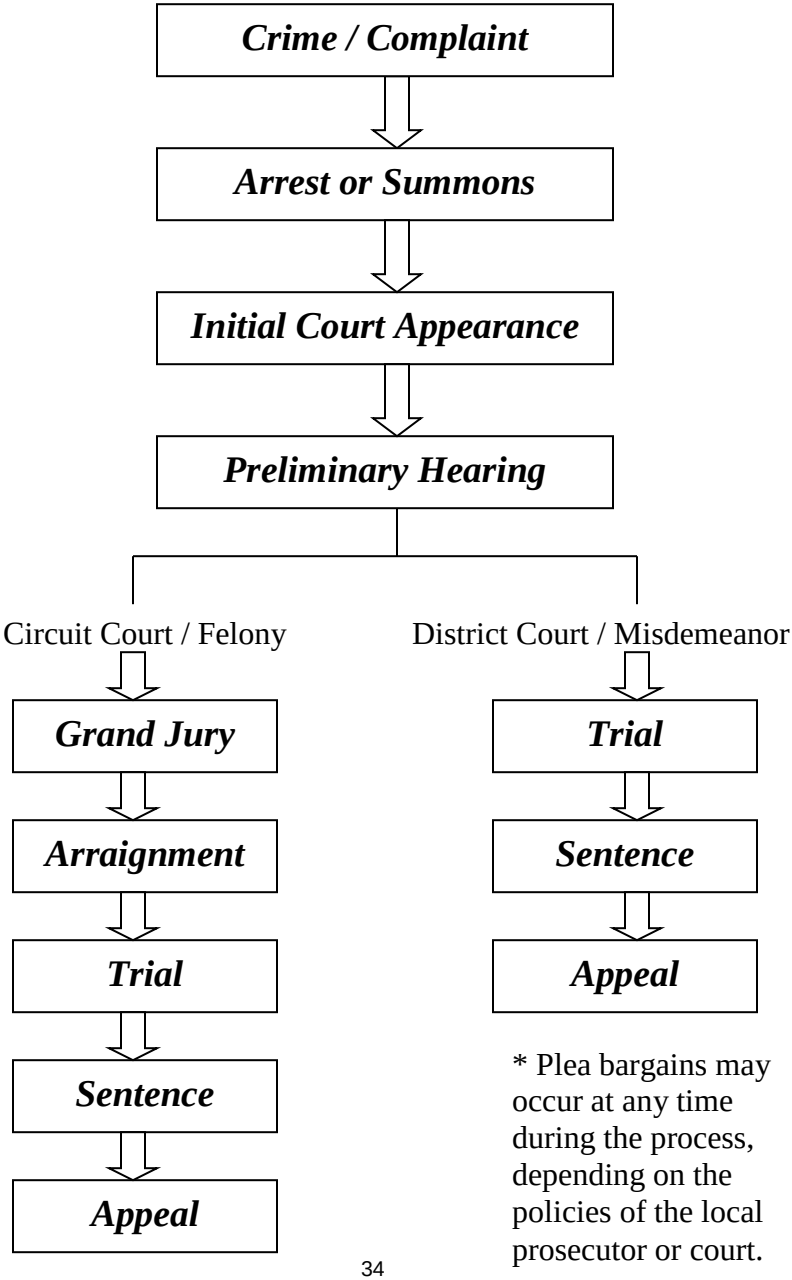
Court of Limited Jurisdiction

DIAGRAM OF THE CRIMINAL COURT PROCESS

There are two types of courts in Kentucky which handle criminal cases: ***Circuit Court*** has jurisdiction of felonies, and ***District Court*** has jurisdiction of felony preliminary hearings, misdemeanors, juvenile matters, and traffic offenses. Felony cases begin in District Court and progress to the Grand Jury, then proceed on to Circuit.



CRIMINAL JUSTICE STEPS *



* Plea bargains may occur at any time during the process, depending on the policies of the local prosecutor or court.

TRIAL BY JURY PROCEDURE

Selection of Jurors

↓

Prosecutor's Opening Statement

↓

Defense's Opening Statement
(May be reserved until later on in the trial)

↓

Presentation of Evidence by Prosecution

↓

Prosecution Rests Its Case

↓

Defense May Introduce Evidence

↓

Possible Rebuttal by Prosecutor

↓

Preparation of Jury Instructions

↓

Reading of Instructions to Jury

↓

Final Argument
1. Defense Attorney
2. Prosecutor

↓

Jury Deliberation

↓

Verdict

Things to Remember about Prosecution of Criminal Cases

- The prosecutor has discretion as to whether to prosecute and case resolution.
- The prosecutor does not represent the Victim.
- Though criminal law punishes a wide range of offenses, it is not necessarily designed to address the victims' needs.
- Prosecution may or may not increase the victim's safety or security.
- Not Guilty does not equal innocent.
- Lack of prosecution or conviction does not mean that a person was not harmed.
- If an adult abuse, neglect, or exploitation case is not prosecuted the prosecutor and victim advocate must make referrals for counseling, private legal services, and other appropriate services to ensure the future protection of the adult. (KRS 209.180)
- If an adult abuse, neglect, or exploitation case is not prosecuted the prosecutor must explain the decision not to prosecute to family or guardian, as appropriate, and to the adult victim. (KRS 209.180)

Protection from Intimidation

Any victim or witness who is subjected to intimidation, harassment or retaliation should promptly notify the prosecutor handling the case for information on potential remedies for protection. If in immediate danger call 911 or a local law enforcement agency.

Crime Victim Compensation

An application for crime victim compensation is available from the Kentucky Crime Victims Compensation Board. To obtain a form or for additional information the Board may be contacted at 502.573.7986 or 800.469.2120. Applications and answers to frequently asked questions can also be found at
http://cvcb.ky.gov/

VINE

Victim Information and Notification Everyday — For information and notifications regarding currently incarcerated offenders you may register by calling 800.511.1670 or on the web at
http://tinyurl.com/6ccyrm

VINE Court Service

For information or notifications regarding upcoming court events you may register by calling 800.511.1670 or on the web at
http://tinyurl.com/3l7a7h
If you need additional assistance in registering for either VINE or VINE Court Service contact the Office of Victims Services at 877.687.6818.

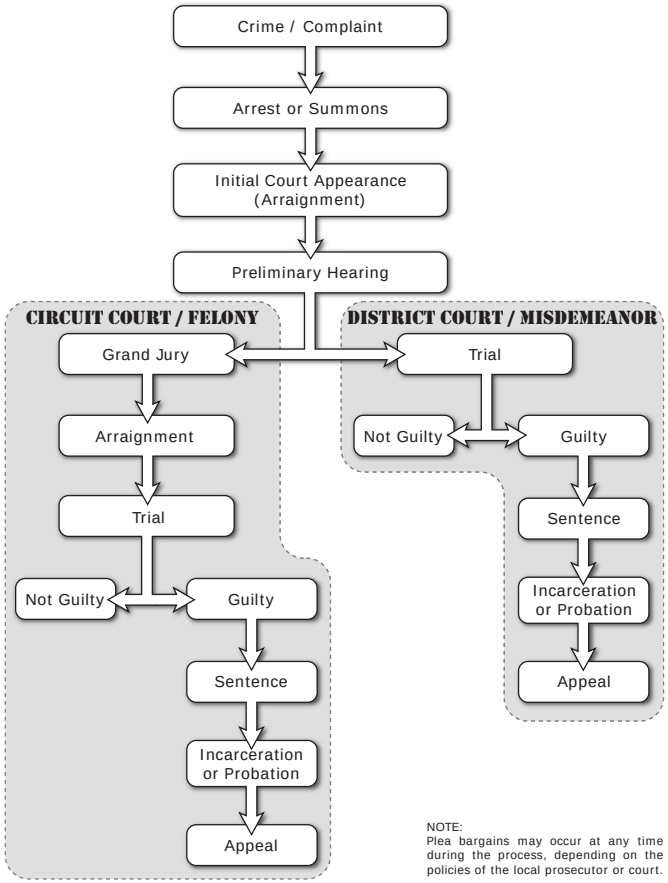
Sex Offender Registry

http://tinyurl.com/cffurn

Sex Offender Alert Line

Up-to-date information regarding the release of registered sex offenders into local communities is available by calling 866.564.5652.

Criminal Justice Steps



NOTE:
Plea bargains may occur at any time during the process, depending on the policies of the local prosecutor or court.

Additional Resources

Kentucky Association of Sexual Assault Programs
502.226.2704

Kentucky Domestic Violence Association
502.209.5382

Kentucky Association of Children's Advocacy Centers
502.223.5117

Kentucky MADD
502.223.4930

Victims Rights

Office of Victims Advocacy

502.696.5312

800.372.2551

ag.ky.gov/victims

Office of the Attorney General
Commonwealth of Kentucky
United We Stand, Divided We Fall

Prosecutors' Role

The Commonwealth's attorney prosecutes all felony crimes (those offenses carrying a penalty of one year or more) committed by persons eighteen years of age or older, which occur in the judicial circuit of that prosecutor. In some specific instances, the Commonwealth's attorney may also prosecute juveniles charged with felony offenses. The Commonwealth's attorney is also responsible for presenting evidence of such crimes to the grand jury (KRS 15.725). The Commonwealth's Attorney represents the Commonwealth, not the crime victim.

The County attorney prosecutes all violations of criminal laws, except KRS Chapter 131, within the jurisdiction of the district court and all proceedings held pursuant to petitions filed under KRS Chapter 610 (the Unified Juvenile Code), which occur in the county of that prosecutor. These cases include felony crimes through preliminary hearing, misdemeanor crimes, crimes committed by juveniles, and dependency, neglect and abuse cases (KRS 15.725; KRS 610). The County Attorney represents the Commonwealth, not the crime victim.

Defense Attorneys' Role

The constitutions of the United States and Kentucky require that all persons accused of a crime have a fair trial. The role of the defense attorney is to provide representation for an accused person and protect his or her right to a fair trial. The defendant, or his attorney, has the right to question all witnesses at trial or in other court proceedings (except grand jury). A victim or witness is not required to discuss the crime outside of court unless served with a court order.

Attorney General's Role

To provide, where possible, notification to the victim of the defendant's initial appeal, status of the case and the decision of the appellate court, if a defendant seeks appellate review of a conviction and the Commonwealth is represented by the Attorney General.

Kentucky Crime Victims Bill of Rights

Prosecutors' Role

Information — Attorneys for the Commonwealth shall insure that victims receive available information on

- protective, emergency, social and medical services;
- obtaining assistance from a victim advocate;
- community-based treatment programs; and
- where applicable, restitution and crime victim compensation.

They shall also provide information to victims and witnesses on

- how to register to be notified when a person has been released from a prison, jail, juvenile detention facility, psychiatric facility or under limited circumstances, a forensic psychiatric facility;
- how to be protected from intimidation, harassment, or retaliation; and
- the Victim, Witness and Family Protection Program.

Notification — If victims so desire and if they provide the prosecutor with a current address and telephone number, they shall receive prompt notification, if possible, of judicial proceedings relating to their case, including but not limited to the following:

- Defendant's release on bond and any special conditions of release,
- charges filed against the defendant,
- the defendant's pleading to the charges,
- trial date,
- a scheduled hearing for shock probation or bail pending appeal and any resulting orders,
- changes in custody of the defendant,
- changes in the trial date,
- trial verdict,
- sentencing date, and
- any parole board hearings held for the defendant.

Prosecutors shall also

- make reasonable efforts to insure that victims and witnesses who are required to attend criminal justice proceedings are notified promptly of any scheduled changes that affect their appearances,
- notify the victim that upon conviction of the defendant that he or she has the right to submit a written victim impact statement, and
- make a reasonable effort to insure that victims receive prompt notification that the Attorney General will notify the victim if an appeal of the conviction is pursued by the defendant.

Consultation — Attorneys for the Commonwealth shall consult victims on case disposition including the following:

- case dismissal,
- release of defendant pending judicial proceedings,
- any conditions of release,
- a negotiated plea, or
- defendant's entry into a pre-trial diversion program.

Other provisions — Attorneys for the Commonwealth shall:

- promptly return a victim's property held for evidentiary purposes unless there is a compelling reason for retaining it,
- provide information on obtaining protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and
- upon request by a victim or witness, assist in informing employers that the need for victim or witness cooperation in the prosecution of the case may necessitate absences from work.

Kentucky Domestic Violence Association

DOMESTIC VIOLENCE ORDER

What you need to know and
how to file for protection

Kentucky Domestic Violence Association
111 Darby Shire Circle
Frankfort, KY 40601
502-209-KDVA (5382)
www.kdva.org

Printed in December 2011

You have come forward

seeking support and protection from the Kentucky court system. Navigating your way through the justice system can be challenging. This booklet can be used as a tool to assist you in filing for a protective order. Telling someone about the abuse takes courage and strength. If you need to talk to someone about the abuse, call your local domestic violence program. A map of the program that serves your area is in the back of this booklet. You can also call the National Domestic Violence Hotline at 1-800-799-SAFE. One in three women are victims of domestic violence and sexual assault; you are not alone and support is available 24 hours a day.

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Definition of Terms

Domestic Violence Order (DVO)—is a type of protective order or restraining order to help protect a victim of domestic violence.

Domestic Violence—the law in Kentucky defines domestic violence as a physical act (like hitting, pushing, shoving, grabbing, pinching), or sexual abuse (like making you have sex or do sex acts when you don't want to), or threatening you or making you afraid that the Respondent will do one of those things (physical act, sexual abuse) to you.

Domestic Violence Petition—is the document a domestic violence victim fills out and files at the clerk's office in the courthouse in order to obtain a Domestic Violence Order (DVO).

Petitioner—is the person who has been a victim of domestic violence who is now asking or "petitioning" the court for protection. By filing the Domestic Violence Petition/Motion for a DVO, YOU are the Petitioner.

Respondent—is the person who allegedly committed the domestic violence. The Petitioner (you) seeks protection from the Respondent by filing to get a DVO.

Emergency Protective Order (EPO)—is a temporary protective order (it lasts no more than 6 months) that is issued to protect the Petitioner until a hearing can be held in court. The EPO is issued after a judge reads the Domestic Violence Petition that the Petitioner has filled out and determines that domestic violence exists. The EPO only becomes effective when the Respondent is served with it by law enforcement.

Victim Advocate—a victim advocate is a person who provides support and assistance for victims of domestic violence.

General Information About a Domestic Violence Order (DVO)

What does a Domestic Violence Order (DVO) do?

A DVO is intended to help prevent further acts of domestic violence. It usually orders someone who has been abusive to do or not do certain things in the future. A DVO can last for up to three years, and you can apply to renew it if you need to continue the protections. You can apply for an extension without any new acts of violence or threats. A DVO can also address issues such as child custody and support.

If the Respondent to the DVO violates the order, he or she may be arrested, jailed and/or fined for disobeying the DVO. If the Respondent violates the DVO, you may have several options. You can call the police who may be able to arrest the Respondent; go back to the court that issued the DVO to ask the court to hold the Respondent in contempt for violating the order (go to the clerk's office); or go to the county attorney's office to see if the Respondent can be charged with a crime for violating the DVO.

Why get a Domestic Violence Order?

- If you are a victim of domestic violence a DVO may help you. Once domestic violence starts in a relationship things often change. The violence may happen more frequently and often gets increasingly severe. A DVO may offer protection from the violence because the Judge orders the Respondent to stop hurting or threatening you and/or your children. A court can use a DVO to order the Respondent to stay away from you for up to three years. A DVO can give you needed time to weigh your options and decide what you want to do next. If your children have seen or experienced the domestic violence, a DVO may give all of you a chance to get some help so that you and your children can be safe.

- Domestic violence is a crime. A DVO may tell the Respondent that it is not okay to be violent toward you and that he or she must stop his or her abusive behavior and not hurt or threaten you again.
- A DVO sets some "rules" that the Respondent is supposed to obey while the DVO is in effect. These rules may require the Respondent to leave the home for awhile, obey the court's order about visitation, and/or pay child support. It is also possible to request other remedies that can assist in keeping you and your children safe.
- A DVO issued by a civil court may last longer than a condition of release issued by a criminal court and can provide more kinds of help for you.
- Remember, a DVO is a piece of paper and not a shield that protects you at all times, it does have limits to what it can do. If you think that the Respondent will not obey the terms of the DVO, you may want to contact your local domestic violence program to discuss options.

Who can get a Domestic Violence Order (DVO)?

In Kentucky there are specific laws that determine who can get a domestic violence order. The law states that only people who are married or were married; who are unmarried and lived together at any time (now or in the past); who are unmarried but have a child with the Respondent (whether or not you ever lived together); who are family members; or who are members of an unmarried couple can get a DVO. "Family member" means a spouse, including a former spouse, a grandparent, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim. "Member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together.

Do I need an attorney to obtain a Domestic Violence Order (DVO)?

No, but you may find an attorney's assistance helpful in obtaining your DVO. Having an attorney represent you is especially helpful when your case involves custody and visitation and/or when the Respondent is represented by an attorney. If you cannot afford an attorney, contact your legal services office or local domestic violence program for information on reduced cost or free representation. Even if you have an attorney, advocates from local DV programs are available to offer you moral and emotional support during the court process. Contact your local shelter and ask to speak with a court advocate for more information.

What is the process to obtain a DVO?

Filing If you decide to obtain a DVO, you may want to begin by contacting your local domestic violence program and/or an attorney for assistance. The first step is to fill out the "Domestic Violence Petition" that is usually obtained from the clerk's office at the courthouse. You should be able to file for a protective order 24 hours a day. This booklet will give you some instructions for how to fill out the form, but a victim advocate or attorney may be able to help you more specifically. After you have filled out the Domestic Violence Petition, you file it with the clerk at the courthouse who will ask you to swear/attest that what you have filed is true to the best of your knowledge and belief.

The clerk will then submit the Domestic Violence Petition to a judge who will read it over. The judge will then determine by reading the Petition whether or not domestic violence has occurred. If the judge finds that it has, he or she will then issue an Emergency Protective

How to obtain a DVO

1. *File a domestic violence petition*
2. *The respondent is served*
3. *Attend the hearing and tell the judge what happened*

Order (EPO). The EPO is a short term order that will last for up to 6 months or until a hearing is held, whichever is sooner. The clerk will give you the EPO and will give you a date to come to court to attend a hearing in order for the DVO to be issued.

Serving the Respondent The clerk will then give the sheriff's office or your local law enforcement department a copy of the EPO and a Summons that tells the Respondent when to come to court for the hearing. The law enforcement department will then attempt to serve the EPO and the Summons on the Respondent. The EPO does not go into effect until the Respondent is served with the copy by law enforcement. Once the EPO is served then the Respondent has to comply with the orders that the judge put in the EPO until you come to court for the hearing. Although the EPO does not usually order you to do anything, if it says that the Respondent is to have no contact with you, it is better for you to not have any contact with the Respondent until you come to court.

The Hearing At the hearing both you and the Respondent will have the opportunity to tell the judge what has happened. You should bring any witnesses to the hearing who can help you support your case. If the Respondent does not show up at the hearing, you may still be able to obtain your DVO. However, if the Respondent was not served with the EPO, the court will usually postpone the hearing until the Respondent gets served with the EPO and the Summons for the hearing.

Kentucky law states that you may have a victim advocate with you during all court proceedings. A victim advocate is a person who provides support and assistance for victims of domestic violence and/or sexual assault. Usually, your local domestic violence program can provide an advocate to go with you to the hearing. Additionally, sometimes the local County or Commonwealth Attorney's offices may have a victim advocate on staff. An advocate can also talk with you prior to the hearing to help you know what to expect and answer questions you may have.

You should bring photos or papers (arrest reports, hospital/doctor records) or any witnesses that will help you prove that the Respondent committed domestic violence or threatened you. It is helpful if you tell the judge why you are fearful of the Respondent. Although you've already filled out the Petition, it may be helpful to tell the judge what you'd like the court to do to help keep you and your family safe. You should tell the judge if you want no contact with the Respondent, or if you do want to be able to have contact, you should ask the judge for a "no unlawful contact" order. A "no unlawful contact" order permits you and the Respondent to have contact with each other, but will order the Respondent not to commit further acts of domestic violence or to make any threats. Since the purpose of the hearing is for the judge to hear from both sides, the Respondent will also have a chance to tell his/her side of the story to the judge, and may be allowed to call witnesses to testify for him/her. After the hearing the judge will make the determination whether or not to issue the DVO, what the terms of the DVO will be, and how long the DVO will remain in effect. Generally, a DVO can be issued to last for up to three years, but sometimes judges issue them for shorter periods of time. The law does provide that you can apply to extend, or re-issue your DVO when it gets close to the time that it is supposed to expire. To renew your order, you must fill out a form at the clerk's office before the old order expires and go to another hearing to tell the judge why you want the DVO to be renewed. If you have any questions about this process, contact an attorney, a victim advocate, or your local domestic violence program.

Protect Yourself

1. *Carry extra copies of your DVO*
2. *Changes to your DVO must be made in court*
3. *If you move to another state your DVO is still enforceable*

After your DVO is Granted Once the DVO is granted, it is a good idea to make some extra copies of it to have with you at all times. You may want to carry a copy in your purse, keep one in the car, at your house, at your child's daycare or school, at work, or any place the Respondent might show up. While the police will still be able to access the information on your DVO if you don't have a copy with you, it will make it a lot easier if you do have a copy to show them.

Changes to your DVO If you later decide you want to change or drop your DVO, you need to go back to the court in order to do this. If you don't go back to court, the original DVO will still be in effect and if the Respondent violates a portion of it, it is possible that he/she will be arrested. It is even possible that you could get arrested for violating the order too, even though generally this isn't supposed to happen. If you want to change your DVO, you need to go to the clerk's office at the courthouse and fill out a form to "Amend" your DVO. On this form you can tell the judge what parts of the order you'd like to change. For example, if the order is for no contact between you and the Respondent, but you would now like to be able to have contact, you can ask the judge to amend (change) the order to a "no unlawful contact" order. That way you can have contact with the Respondent, but he/she will still be prohibited from committing acts of domestic violence.

Moving with a DVO (leaving the state with a DVO) If you decide to go to another state, U.S. territory, or Indian lands, you should know that your DVO should still be enforceable in the new place. If you are just visiting or traveling through, make sure you have a copy of your Kentucky DVO to show an officer if the Respondent comes there and violates it. If you are moving to a new place outside of Kentucky, you may want to talk with an attorney, a victim advocate, or the local domestic violence program here in Kentucky or in the new state to find out information about registering your order in the new place.

How to fill out a Domestic Violence Petition for a Domestic Violence Order (DVO)

These instructions will help you to fill out the Domestic Violence Petition for a Domestic Violence Order (DVO). Throughout the Petition, you will be the Petitioner and the person you are trying to get the order against (the alleged domestic violence perpetrator) is the Respondent.

Some Hints Before You Begin

- When filling out the forms you must print legibly (or type).
- When you write your name on the Petition, use the same name that you use when you sign your legal signature. Also write the Respondent's legal name, not nickname.
- Write your name and the Respondent's name the same way throughout the Petition.
- Fill out the Petition as completely and accurately as possible.

If you have any basic questions about completing the Petition, you can ask the clerk. If you have very specific questions about what to write, you may want to talk with an attorney, a victim advocate, or your local domestic violence program.

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Filling out the petition

Mark each instruction below after you read and complete it.

- In the top right-hand corner, leave the "Case No.", "Court" and "County" BLANK. The clerk's office will complete this section.
- On the top left-hand side of the first page, fill in the top box before the word "Petitioner" with your name, first, middle and last.
- The next box is for the name, first, middle and last, of the "Respondent."
- In the section entitled "Information about the Respondent" fill in as much information as you can. The "current residence" refers to where the Respondent is living right now, and may be a temporary address. "Usual address" may be where the Respondent lived before he/she recently moved. You do not have to fill in both of these, if the "current residence" is all that applies to the Respondent. The Respondent's work address line is there so that the Respondent can be served with the papers at work if law enforcement can't reach him/her at his/her residence.
- The next section are bolded boxes of identifying information for the Respondent. Fill in the ones you know, but leave the ones blank that you don't know. Do not attempt to obtain this information unless it is safe to do so.
- After the word "caution" check the first box if the Respondent used a weapon to threaten or harm you during the domestic violence incident, or check the second box if the Respondent is usually armed and may be dangerous.

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- The next line asks you to check a box if you and the Respondent already have an open or current "custody" or "dissolution" [which means divorce] case in Circuit or Family Court. If you do, fill in the blank with the name of the county where the case is pending.
- The next line has a box before "Petitioner," check that box if you want protection from the Respondent. Check the second box before "Petitioner, on behalf of minor child(ren)" if you want your child(ren) to also be protected from the Respondent. If only the child(ren) need protection, you don't, then only check the second box.
- Continuing on that line, fill in the date that the most recent incident of domestic violence took place, and the county where it took place.
- Use the next ten lines to describe the most recent incident of domestic violence. Remember the judge needs to determine if there was a physical act (like hitting, pushing, shoving, choking, grabbing, pinching), or sexual abuse (like making you have sex or do sex acts when you don't want to), or threatening you or making you afraid that the Respondent will do one of those things (physical act, sexual abuse) to you, so that is the information that the judge needs you to write down. You can also put a brief description of other acts of domestic violence that the Respondent has done in the past. You can explain to the judge why you are afraid of the Respondent too. If you need more space, you can continue to write on a separate piece of blank paper (ask the clerk for one if you don't have one) that will be attached to the Petition. However, remember that the judge wants to read something that is short and to the point, so don't write a novel!
- On page 2, leave the case number in the right-hand corner blank. The clerk will fill in that information.

- On page 2, number 1, fill in the information about you, as the Petitioner. This information will be kept confidential by the clerk's office and the court. The Respondent will not get a copy of the Petition that shows your address or your identifying information.

- Page 2, number 2, check one box that describes your relationship to the Respondent.

- Page 2, number 3, if you have children with the Respondent, or if you are wanting your children to be protected from the Respondent in the DVO, fill in the information about the children, and check the boxes regarding which person (Petitioner or Respondent, or both) is the parent to the child.

- On page 3, leave the case number in the right-hand corner blank. The clerk will fill in that information.

- On page 3 under "Motion for Relief" check the box before "Petitioner" if you are asking that the DVO only protect you, or check both boxes if you are also asking that your children be protected. If you are only seeking protection on behalf of a child, then don't check the box before "Petitioner" and only check the second box before "Petitioner, on behalf of minor child(ren)".

- On page 3 under number 1, check any or all of the 8 boxes that you would like for the court to include in the DVO. Check the first box if you wish to have the Respondent ordered not to commit further acts of violence or abuse. If you want to continue to have contact with the Respondent, check the first box before "restrain the Respondent from committing any further acts of domestic violence and abuse". If you do NOT want to have any contact with the Respondent, also check the second box before "restrain the Respondent from any contact or communication with Petitioner

except as directed by the Court". The third box is optional - you may specify locations that you want the respondent to stay away from but you do not have to. The Court may simply order the respondent to have no contact with you and potentially to stay away from you by so many feet (up to 500 feet). If you are afraid that the Respondent has weapons that he/she might use to harm you or your children, you might want to alert the Court to this concern by checking the last (#8) box before "grant other relief which would assist in stopping further domestic violence (describe)" and writing in something like "order the Respondent to surrender all weapons to local law enforcement for safe-keeping." You could also use these lines to ask the judge for any other kind of order that would help you stay safe from the Respondent.

- After you have checked the boxes that you want, take the Petition up to the clerk's counter. The clerk will ask you to swear that the information you have put in the Petition is true and accurate to the best of your knowledge and then will have you sign the Petition. You will be required to present a valid photo ID when you are sworn to the Petition.

- The Petition will then be submitted to a judge to review. Usually, you will just wait in the clerk's office for the judge to review the Petition and issue the Emergency Protective Order (EPO), but if you have any questions, the clerk will tell you what the process will be.

- When you get the EPO from the clerk, you will also get something that shows you the date and time for the hearing. Do not leave the clerk's office after you have been given a copy of the EPO if you do not know when your hearing is scheduled, ask the clerk to show you where it says the date and time because you MUST come back to court for the scheduled time in order to get your DVO.

Enforcing your DVO

After the EPO is served on the Respondent and the DVO hearing is held, the judge may issue a DVO which will remain in effect for as long a period of time as the judge issued it. You can look on the first page of your DVO and see the expiration date to know how long it will be in effect. Generally, in Kentucky a DVO lasts for three years. Once a DVO is issued, almost all of them are entered into "LINK" (Law Information Network of Kentucky) that is the computer database for police officers. Therefore if the Respondent violates the DVO and you don't have a copy of it with you, a police officer will still be able to get all of the information. If you have received a DVO but the Respondent violates it, you may have several options to get it enforced. Violating a DVO can be a crime. If the Respondent to the DVO violates the order, he or she may be arrested, jailed and/or fined for disobeying the DVO. If the Respondent violates the DVO, your options may include:

1. call the police who may be able to arrest the Respondent;
2. go back to the court that issued the DVO to ask the court to hold the Respondent in contempt for violating the order; or
3. go to the county attorney's office to see if the Respondent can be charged with a crime for violating the DVO.

If you have any problems getting your DVO enforced after the Respondent has violated it, you may want to contact an attorney, a victim advocate, or your local domestic violence program for assistance.

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Points of view in this document are those of the author and do not necessarily represent the official position or policies of the Kentucky Cabinet for Health and Family Services, the U.S. Department of Justice or the Kentucky Justice & Public Safety Cabinet. This document was prepared by KDVA's attorney and advocates.

Resource Contact Information

Legal Services Programs in Kentucky

APPALRED-serving Eastern & Southeastern Kentucky
1-800-556-3876

Legal Aid of the Bluegrass-serving Northern & Central Kentucky
1-800-888-8189

Legal Aid Society-serving Louisville & surrounding counties
1-800-292-1862

Kentucky Legal Aid-serving Western Kentucky
1-800-782-1924

Kentucky's Domestic Violence Programs

A. Ashland
Safe Harbor/FIVCO
1-800-926-2150

B. Bowling Green
Barren River Area Safe Space
1-800-928-1183

C. Elizabethtown
SpringHaven, inc
1-800-767-5838

D. Hazard
LKLP Safe House
1-800-928-3131

E. Hopkinsville
Sanctuary, Inc
1-800-766-0000

F. Lexington
Bluegrass Domestic Violence Program
1-800-544-2022

G. Louisville
The Center for Women and Families
1-877-803-7577

H. Maysville
Women's Crisis Center
1-800-928-6708

I. Morehead
DOVES of Gateway
1-800-221-4361

J. Mount Vernon
Family Life Abuse Center
1-800-755-5348

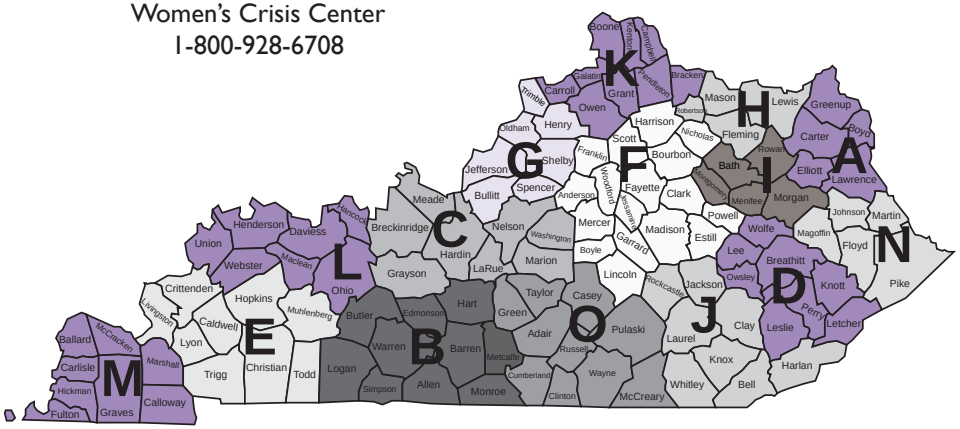
K. Northern Kentucky
Women's Crisis Center
1-800-928-3335

L. Owensboro
OASIS
1-800-882-2873

M. Paducah
Merryman House
1-800-585-2686

N. Prestonsburg
Sandy Valley Abuse Center
1-800-649-6605

O. Somerset
Bethany House Abuse
Shelter, Inc
1-800-755-2017



Offered Trainings

Office of the ADA Coordinator

Topics:

- The Americans with Disabilities Act
- Accessibility
- Disability Etiquette
- Reasonable Accommodations
- Individualized Topics to Fit Needs

Audiences:

- Individuals
- Family Members
- Community Groups
- Professionals
- Governmental agencies

For More Information Contact: 502-564-3850 or 877-423-2933

Arc of Kentucky

Topics:

- Self-Advocacy
- Parent/Family as Advocates
- Future Planning
- Medicaid Waivers
- Consumer Directed Options
- Support Group Creation
- Special Education
- Transition from School to Community
- Microenterprises
- Person-Centered Planning

Audiences:

- Individuals
- Family Members
- Caregivers
- Professionals
- Educators
- Community Groups
- Professionals
- Governmental agencies

For More Information Contact: 502-875-5225 or 800-281-1272

Attorney General's Office, Office of Victims Advocacy

Topics:

- Violence Against Women
- Child Abuse/Child Sexual Abuse
- Victim Advocacy/Rights
- Criminal Laws & Criminal Process
- Can also assist in arranging presentations from staff within other OAG divisions such as appellate process, cyber crimes, identity theft, and others

Audiences:

- Individuals
- Family Members
- Professionals

For More Information Contact: 502-696-5312

Barren River Area Safe Space, Inc. (BRASS)

Topics:

- Substance abuse and domestic violence
- The effects of domestic violence on children
- Safety planning
- Tools for financial freedom

Audience:

- Victims of domestic violence and their children

For More Information Contact: 270- 781-9334

Bethany House

- Trainings on domestic violence awareness is available upon request.

For More Information Contact: 606-679-1533

Center for Accessible Living, Inc.

Topics:

- Customer Service for People with Disabilities
- Disability Etiquette
- Disability Rights/ADA
- Reasonable Accommodations
- Self-advocacy
- Working with Specific Populations (Deaf and Hard of Hearing, Autism, etc.)

Audiences:

- Individuals
- Family members
- Employers
- Professionals
- Community groups

For More Information Contact: 502- 589-6620 – Louisville & surrounding area, Northern KY or 270-753-7676 – Murray and Western KY

Elderserve, Inc.

Topic:

- Financial exploitation of seniors

Audiences:

- Retirement communities
- Banks
- Community groups

For More Information Contact: 502-587-8673

Hope's Place

Topic:

- Child sexual abuse prevention

Audiences:

- Community groups
- Families
- Professionals

For More Information Contact: 606-325-4737

Hope Harbor

Topics:

- Sexual assault / child abuse awareness
- Volunteer training
- Other topic-specific training (by request)

Audiences:

- Professionals
- Volunteers
- Community groups

For More Information Contact: 270-782-5014

Department of Criminal Justice Training (DOCJT)

Topics:

Visit: http://docjt.ky.gov/TrainingSchedule/index.html for listing

Audience:

- Law enforcement professionals

For More Information Visit: http://docjt.ky.gov/2012schedulebook/forms/FAQ.pdf

Kentucky Association of Sexual Assault Programs (KASAP)

Topics:

- Sexual Violence Prevention
- Sexual Violence Response
- Human Trafficking
- Sexual Violence and Individuals with Disabilities
- Sexual Assault Response Team & Sexual Assault Nurse Examiner Training
- Sexual Assault Medical-Forensic Examinations

Audiences:

- Rape Crisis Centers and Allies
- Law enforcement
- Health care providers
- Attorneys

*KASAP & KDVA also present the Annual Ending Sexual Assault and Domestic Violence Conference that offer sessions regarding a wider range of topics to a wider audience range

For More Information Contact: 502-226-2704

* KASAP member programs also provide training on a variety of related topics in their regions. To find the program that serves your area, visit http://www.kasap.org/images/files/GetHelp/2012MapAdministrativeServices.pdf

Department of Behavioral Health, Developmental & Intellectual Disabilities

Division of Behavioral Health and Substance Abuse

Topics:

- Motivational Interviewing
- Dual Diagnosis
- Evidence-Based Practice for Trauma (Seeking Safety)
- Art Therapy
- Trauma-Informed Care
- Mental Health 101
- Substance Abuse 101

Audiences:

- Professionals
- Governmental Agencies

*Local Community Mental Health Centers provide other types of trainings for a wider audience range

For More Information Contact: 502-564-2880

Division of Behavioral Health, Deaf and Hard of Hearing Services

Topics:

- Front Door Accessibility for Individuals who are Deaf or Hard of Hearing, Adapting Treatment
- Working with Interpreters
- Mental Health Interpreting
- Mental Health Topics
- Culturally Affirmative and Linguistically Accessible Care with Deaf and Hard of Hearing Individualized Topics to Fit Needs

Audiences:

- Consumers
- Family Members
- Professionals
- Interpreters
- Community Groups

For More Information Contact: 502-564-4456 x4521 (V) or 502-564-4000 (VP)

Division of Developmental and Intellectual Disabilities

Topics:

- Case Management
- Crisis Prevention/Intervention
- Sexuality and Individuals with Developmental/Intellectual Disabilities

- Supported Employment
- Dignity and Respect
- Medication Administration
- Assessment Tools

Audiences:

- Individuals
- Professionals (primarily service providers)

For More Information Visit: www.train.ky.gov or call 502-564-7702

Kentucky Domestic Violence Association (KDVA)

Topics:

- Domestic violence and faith
- Substance abuse, mental health, reproductive health and domestic violence
- The visibility of violence online
- Service provision for LGBTIQ persons
- Basic DV training that meets the KRS 194A.540 statute.
- Individualized Topics to Fit Needs

Audiences:

- Individuals
- Professionals

*KASAP & KDVA also present the Annual Ending Sexual Assault and Domestic Violence Conference that offer sessions regarding a wider range of topics to a wider audience range

For More Information Contact: 502-209-5382

Kentucky Partnership for Families and Children

Topics:

- Surviving Challenging Behaviors
- Special Education
- Adolescent Issues
- Advocacy
- Self-Advocacy
- Suicide Prevention
- Disability-Specific Trainings

Audiences:

- Individuals
- Family members
- Professionals

For More Information Contact: 502-875-1320 or 800-369-0533

Protection and Advocacy (P&A)

Topics:

- Disability Rights
- Guardianship & Alternatives to Guardianship
- Medicaid Waivers
- Self-advocacy
- Special Education
- Reasonable Accommodations
- Voting
- Individualized Topics to Fit Needs

Audiences:

- Individuals
- Family members
- Community Groups
- Professionals
- Governmental agencies

For More Information Contact: 502-564-2967 or 800-372-2988

Springhaven

Topics:

- How to use life coaching
- How to conduct domestic violence support groups
- Working with domestic violence victims
- Dating relationship awareness
- **Audiences:**
  High schools
- Churches/clergy
- Professionals
  Community members/groups

For More Information Contact: 270-765-4057

Western Kentucky University Office of the EEO, ADA University Services and Student Disability Services

Topics:

- ADA compliance
- Website accessibility
- Equal Opportunity/Affirmative Action
- Sexual harassment

Audiences:

- Professionals
- Community members/groups

For More Information Contact: 270-745-5121

24-Hour Assistance Agencies

Abuse/Neglect Reports, Emergency Guardianship, etc.
Department of Community-Based Services
1-800-752-6200
If assistance is needed between 8:00 a.m. - 4:30 p.m., contact local office:
https://apps.chfs.ky.gov/Office_Phone/index.aspx

American Sign Language Interpreters

Bridges (Bowling Green and surrounding area)
615-244-0979

Community Services for the Deaf (Northern KY)
513-784-2777 OR 513-729-5211

DeafWAY PAW/DHHIRA (Owensboro and points west)
859-583-0800

Rauch Interpreting Services (Louisville and surrounding counties)
502-550-5384

Tri-State Interpreter Referral Service
304-634-6446

Crisis Intervention (Disability Related)
Regional Community Mental Health Centers (Comp Care) Crisis Lines
http://dbhdid.ky.gov/kdbhdid/crisisnos.asp

CRIME VICTIM ASSISTANCE AGENCIES

Information/Referrals/Assistance for Victims of Violent Crime
Office of The Kentucky Attorney General (OAG/OVA)
Office of Victims Advocacy
1024 Capital Center Drive
Frankfort, KY 40601
502-696-5312 or 1-800-372-2551 (toll free)
http://ag.ky.gov/criminal/victims/

Information/Referrals/Assistance for Elderly Victims of Crime
ElderServe
411 East Muhammad Ali Blvd
Louisville, KY 40202
502- 587-8673

Information/Referrals/Assistance for Victims of Child Sexual Abuse
Kentucky Association of Children's Advocacy Centers (KACAC)
649 Charity Court, Suite 12
Frankfort, KY 40604
502-223-5117
http://www.kacac.org/KACAC.ORG/Home.html
list of regional CACs: http://www.kacac.org/KACAC.ORG/Regional_CACs/Regional_CACs.html

Information/Referrals/Assistance for Victims of Sexual Assault
Kentucky Association of Sexual Assault Programs (KASAP)
83 C. Michael Davenport Road
P.O. Box 4028
Frankfort, KY 40604
502-226-2704 or 1-866-375-2727
http://www.kasap.org/
list of regional rape crisis
centers: http://www.kasap.org/images/files/GetHelp/2012MapClientServices.pdf

Information/Referrals/Assistance for Victims of Domestic Violence
Kentucky Domestic Violence Association (KDVA)
111 Darby Shire Circle
Frankfort, KY 40601
502-209-KDVA (5382)
http://www.kdva.org/
list of regional dv shelters/programs: http://www.kdva.org/victim_services/kydvcenter.html

Information/Referrals/Assistance for Victims of Human Trafficking
Catholic Charities of Louisville
2235 West Market Street
Louisville, KY 40212
502-974-4947

Information/Referrals/Assistance for Victims of Federal Crimes
Office of the United States Attorney for the Eastern District of Kentucky
Victim/Witness Specialist
260 West Vine Street Suite 300
Lexington, KY. 40507-1612
859-233-2661
http://www.justice.gov/usao/kye/victims/index.html

Office of the United States Attorney for the Western District of Kentucky
Victim/Witness Specialist
717 West Broadway
Louisville, KY 40202
502-582-5911
http://www.justice.gov/usao/kyw/

FBI Kentucky – Office for Victim Assistance
12401 Sycamore Station Place
Louisville, KY 40299-6198
502-263-6000
http://www.fbi.gov/louisville/

Information/Referrals/Assistance for Victims of DUI and Related Crimes
MADD Kentucky
649 Charity Court, Suite 10
Frankfort, KY 40601
1-800-944-6233
http://www.madd.org/local-offices/ky/

Information/Referrals/Assistance for Victims related to Offender Incarceration and Release
Kentucky Department of Corrections
Office of Victim Services and VINE (Victim Information and Notification Everyday)
P.O. Box 2400, Room G-46
Frankfort, KY 40602
502-564-5061or 1-877-OVS-6818 (toll free)
VINE 1-800-511-1670 (Offender Custody Status Information)
VINE Court Service 81-00-511-1670 (Court Event Information)
http://corrections.ky.gov/victimservices/Pages/default.aspx

Information / Assistance related to Parole
Department of Corrections
Division of Parole and Victim Services / Parole Board
Post Office Box 2400
Frankfort, KY 40602-2400

502-564-3620 or 1-800-221-5991
http://corrections.ky.gov/depts/Probation%20and%20Parole/Pages/default.aspx

Information/Assistance related to Crime Victim Compensation
And Payment for Sexual Assault Examinations
Crime Victims Compensation Board
130 Brighton Park Blvd.
Frankfort, KY 40601
502-573-2290
http://cvcb.ky.gov/Pages/default.aspx

Statewide Disability-Related Assistance Agencies

Information/Assistance Regarding Accommodations and the Americans with Disabilities Act
Office of the ADA Coordinator
500 Mero Street
Capital Plaza Tower, 2nd Floor
Frankfort, KY 40601
502-564-3850 or 1-877-423-2933
http://ada.ky.gov

Information/Assistance Regarding Assistive Technology
Kentucky Assistive Technology Services Network
Charles McDowell Center
8412 Westport Road
Louisville, KY 40242
502-429-4484 or 1-800-327-5287
http://www.katsnet.org/

Information/Assistance Regarding Disability-Related Services for People with Disabilities
Department for Behavioral Health, Developmental & Intellectual Disabilities
100 Fair Oaks Lane, 4E-B
Frankfort, KY 40601
502-564-5427
http://dbhdid.ky.gov/kdbhdid/default.asp

Information/Assistance Regarding Disability Rights and Services
Kentucky Protection and Advocacy
100 Fair Oaks Lane, Third Floor
Frankfort, KY 40601
502-564-2967 or 1-800-372-2988
www.kypa.net

Information/Assistance Regarding Individuals who are Deaf or Hard of Hearing
Kentucky Commission on Deaf and Hard of Hearing
632 Versailles Road
Frankfort, KY 40601
502-573-2604 or 1-800-372-2907
Videophone: 502-416-0607
Videophone IP: 162.114.52.90
http://www.kcdhh.ky.gov/

Information/Assistance Regarding Individuals Diagnosed with Developmental/Intellectual Disabilities

Arc of Kentucky
706 East Main Street, Suite A
Frankfort, Kentucky 40601
502-875-5225 or 1-800-281-1272
http://www.arcofky.org/

Information/Assistance Regarding Individuals Served in Long-Term Care Facilities

Long-Term Care Ombudsman
275 East Main Street, 3E-F
Frankfort, Kentucky 40621
502-564-6930 ext. 3045 or 1-800-372-2991
http://chfs.ky.gov/dail/kltcop.htm
list of district Long-Term Care Ombudsmen: http://chfs.ky.gov/dail/ltcoDistricts/

Information/Assistance Regarding Local Disability-Related Services (Centers for Independent Living)

Center for Accessible Living
981 S Third Street, Suite 102
Louisville KY 40203-2261
502-589-6620 or 1-888-813-8497
502-589-6690 (TDD)
www.calky.org

Pathfinders for Independent Living
105 E Mound Street
Harlan KY 40831
606-573-5777
http://www.pathfindersilc.org/

Independence Place
1093 S. Broadway Suite 1218
Lexington KY 40504
859-266-2807 or 1-877-266-2807
http://www.independenceplaceky.org/

Disability Resource Initiative
624 Eastwood Avenue
Bowling Green KY 42103
270-796-5992
http://dri-ky.org/drupal/

Center for Accessible Living
1051 N 16th Street, Suite C
Murray KY 42071
270-753-7676 or 1-888-261-6194 (Voice)
270-767-0549 (TDD)
www.calky.org

Glossary

Abuse: Actions with or without physical contact that cause harm. To harm or injure by maltreatment or neglect. Improper use of power or resources.

Examples of Abuse:

Economic Abuse - Making or attempting to make a person financially dependent, e.g., maintaining total control over financial resources, withholding access to money, forbidding attendance at school or employment.

Emotional and Verbal Abuse - Undermining a person's sense of self-worth, e.g., constant criticism, belittling one's abilities, name calling, damaging a partner's relationship with the children. Withholding of affection.

Institutional Abuse - May include any form of abuse occurring within an institution when a provider, fellow consumer or framework structure limits the rights of an individual.

Neglect - The deprivation of goods, services, and other forms of support that are necessary to maintain a person's health and welfare. Individuals may be neglected by caretaker/givers or by themselves. See KRS 206.020(16).

Physical Abuse - Grabbing, pinching, shoving, slapping, hitting, hair pulling, biting, etc. Denying medical care or forcing alcohol and/drug use.

Psychological Abuse - Causing fear by intimidation, threatening physical harm to self, partner or children, destruction of pets and property, mind games or forcing isolation from friends, family, school and/or work.

Sexual Abuse - Is committed when a person forces, coerces, or manipulates another person into unwanted or harmful sexual activity.

Systems Abuse - Policies and procedures that limit access to existing services and knowledge.

Accessibility: Process or actions by an agency, group or program that allow for individuals to have full access/utilization, regardless of disability. This includes all areas covered by the Americans with Disabilities Act (ADA) as well as the mindset of the entities involved.

Accommodations: Actions taken that ensure individuals with disabilities are able to fully participate in activities, services, employment, and education. Project SAFE will utilize the ADA rule of what is considered as "reasonable accommodations."

Addiction: Compulsive need for and use of a habit-forming substance (as heroin, nicotine, or alcohol) characterized by tolerance and by well-defined physiological symptoms upon withdrawal. Persistent compulsive use of a substance known by the user to be harmful; a psycho-physical state caused by the interaction of a living organism with a drug, characterized by behavior modification and other reactions, usually because of an irrepressible impulse to consume a drug continuously or regularly, order to experience its psychic effects and sometimes to relieve the discomfort caused by the deprivation of it, i.e. the so-called syndrome.

Adult: Typically refers to a person 18 years of age or older. For purposes of mandatory abuse reporting laws, adult is defined to include both:

(a) a person who may be in need of protective services and is 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, exploitations, or a hazardous or abusive situation without assistance from others [Source: KRS 209.020(4)]; and

(b) a person without regard to age who is the victim of abuse or neglect inflicted by a spouse [Source: KRS 209A.020(4)].

Advocacy: Championing the rights of individuals or communities through direct intervention or through empowerment (Source: Social Work Dictionary). Includes: (a) individual advocacy, which occurs by assisting an individual in accessing services such as housing or financial assistance; (b) systems advocacy, which occurs by changing policies to be more inclusive; (c) legal advocacy which can occur on individual or systems wide basis; and (d) legislative advocacy, which occurs by working towards changes in law."

Disability-Related Advocacy - Empowerment and representation that allows individuals with disabilities to know and understand civil rights laws and access and maintain services (both disability-related and non disability-related) in order for the individuals to accomplish their life goals.

Legal Advocacy – Empowerment of individuals to know and understand their legal rights, stop any ongoing rights violations, and attempt to prevent future violations.

Advocate: A person who acts in support of or on behalf of an individual, in order to ensure that the individual's interests are represented and/or rights are upheld. This term is used to describe individuals who provide various advocacy services, some of which are regulated pursuant to specific authority:

Certified Domestic Violence Advocate – An individual who otherwise meets the definition of a *Victim Advocate* as defined by KRS 421.570 and who has completed the 40-hour certification training provided pursuant KRS 194A.550 by the Kentucky Domestic Violence Association (KDVA). Confidential communications between victims and Certified Domestic Violence Advocates are privileged. This certification is only valid while the advocate is employed by a Domestic Violence Program.

Criminal Justice-Based Advocate – An individual who otherwise meets the definition of *Victim Advocate* as defined by KRS 421.570 who is employed by a prosecutorial, law enforcement or other governmental agency to assist victims of crime. The primary, but not necessarily exclusive, focus of this advocate is to assist the victim through the criminal justice process. The advocate must comply with the standards set forth in KRS 421.570. Pursuant to KRE 506 communications with a victim advocate employed by a county or Commonwealth's attorney are not privileged.

Disability Related Advocate – An individual who provides disability related advocacy who may be associated with service entities or agencies that work with individuals with disabilities.

Hospital Advocate – An individual affiliated with a Domestic Violence program or Rape Crisis Center who provides support and information to victims of physical or sexual abuse who have entered a hospital to seek treatment.

Legal Advocate – An individual affiliated with a Domestic Violence or Rape Crisis program that provides support to victims as they go through the legal system. This individual does not give legal advice or act as an attorney in any way, but is simply there as someone who understands victimization and prevents victims from dealing with the court process alone.

Rape Crisis Advocate – An individual who otherwise meets the definition of *Victim Advocate* as defined by KRS 421.570 and who is affiliated with a regional rape crisis program, which has provided the person 40 hour training related to rape and sexual abuse.

Confidential communications between victims and Rape Crisis Advocates are privileged. May be staff or volunteer.

Victim Advocate – An individual at least eighteen (18) years of age and of good moral character, who is employed by, or serves as a volunteer for, a public or private agency, organization, or official to counsel and assist crime victims (Source: KRS 421.570).

Americans with Disabilities Act (ADA) of 1990: Federal law that prohibits discrimination against "qualified individuals with disabilities" on the basis of disability in employment (Title I), services/programs rendered to the public by state and local governments (Title II), services/programs by businesses that provide public services (Title III), in telecommunications (Title IV), and provides guidance to federal entities charged with enforcement of the Act (Title V). Disability is defined as a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment or is regarded as having such impairment. Major life activities may include but are not limited to: seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Major life activities also include but are not limited to the following major bodily functions: normal cell growth, respiration, brain activity, reproductive functions, circulation, immune system activity, endocrine system activity, digestive functions, neurological activity, and bowel and bladder functions.

Assistive Technology: Devices used that ensure individuals with disabilities are able to fully participate in activities, services, employment, and education. This includes devices ranging from low-tech (i.e. pencil grips) to high-tech (i.e. specialized computer programs).

Autonomy: An individual's ability to make independent choices; self-reliance. A person learns to take responsibility for actions, face consequences of mistakes and failures and continue to try again accepting that making mistakes is alright. (Autonomy versus Shame and Doubt)

Barrier: Physical object, action (or inaction), or lack of adaptive device that blocks, prevents, or hinders movement or access.

Batterer's Intervention: A deliberate and purposeful intervention designed to interrupt the cycle of violence.

Brain Injury: An injury to any portion of the brain caused by various means including but not limited to: accident, abuse, other trauma, stroke, tumors, reaction to medications/other substances, illness, etc.

Caregiver: A person, typically over the age of 18, who is responsible for the direct care, protection, and supervision tending to the needs of a person with disabilities.

Children's Advocacy Center (CAC): An agency that advocates on behalf of children who have been abused that assists in the coordination of the investigation of child abuse by providing a location for forensic interviews and medical examinations, and by promoting the coordination of services for children alleged to have been abuse and that provides, directly or by formalized agreements, services that include, but are not limited to, forensic interviews, medical examinations, mental health and related support services, court advocacy, consultation, training, and staffing of multidisciplinary teams (Source: KRS 620.020). In Kentucky, a CAC has been established in each Area Development District.

Co-Occurring: The simultaneous occurrence of non-related disabilities. Term used to describe the comorbid condition of a person considered to be diagnosed with a mental illness, substance abuse and/or intellectual disability. There is considerable debate surrounding the appropriateness of dual diagnosis being used to describe a heterogeneous group of individuals with complex needs and a varied range of problems. The concept can be used broadly, for example depression and alcoholism, or it can be restricted to specify severe mental illness (e.g. psychosis, schizophrenia) and substance misuse disorder (e.g. cannabis abuse). This term is also used to describe a co-occurring condition in which a person is simultaneously diagnosed with an Axis I and an Axis II psychiatric disorder. Replaces the term "dual diagnosis."

Community Mental Health Centers (CMHCs): Term used to refer to the fourteen (14) regional non-profit mental health/mental retardation boards that provide community-based mental health, developmental disabilities, intellectual disabilities, and substance abuse programs throughout the Commonwealth. See 907 KAR 1:044.

Consent for Sexual Activity: The act of agreeing to sexual activity. KRS 510.020 (3) states:

A person is deemed incapable of consent when he or she is:

(a) Less than sixteen (16) years old;
(b) Mentally retarded* or suffers from a mental illness;
(c) Mentally incapacitated;
(d) Physically helpless; or
(e) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency.

See also *Salsman v. Commonwealth* 565 S.W. 2d 638 (Ky. App. 1978) (interpreting consent for sexual activity). (*editor's note: "mental retardation" is now known as "intellectual disability")

Conservator: Please see *Legal Guardianship*.

Confidentiality: The principle that every individual has the right to determine who knows his/her story. The ethical principle and legal right that a professional will hold all client information, not intended to be disclosed to third parties, in confidence unless the client gives consent permitting disclosure or unless disclosure is required by the law. As used in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the right of an individual to have personal identifiable information kept private.

Cyberstalking: The use of the Internet or other electronic means to stalk or harass a person. This term is generally synonymous with online harassment or online abuse.

Developmental Disability: According to the Developmental Disabilities and Bill of Rights Act, developmental disability is "a severe, chronic disability that: is attributable to a mental or physical impairment or combination of mental and physical impairments; is manifested before the person attains age twenty-two; is likely to continue indefinitely; and results in substantial functional limitations in three or more of the following areas of major life activities: (a) self-care, (b) receptive and expressive language, (c) learning, (d) mobility, (e) self-direction, (f) capacity for independent living, or (g) economic self-sufficiency."

Disability: As defined by the ADA, a physical or mental impairment that substantially limits one or more major life activities. Pursuant to the ADA, "a qualified individual with a disability" also includes an individual with a history of or regarded as having a disability. Impairments may also be sensory, intellectual, or social in nature.

Disclosure: The communication of facts and emotions regarding either event(s) that occurred to self or another individual, or disability.

Discrimination: The act or practice of categorically judging rather than individually judging a group or idea.

Domestic Violence and Abuse: Physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple." [KRS 403.720(1)] KDVA defines

domestic violence more broadly as "a pattern of coercive behaviors used in an intimate relationship to gain and maintain power and control over an intimate partner."

Domestic Violence Order (DVO): Please see *Protective Order*.

Domestic Violence Program: One of 15 non-profit organizations designated by the Cabinet for Health and Family Services to serve as the primary service provider and regional planning authority for domestic violence shelter, crisis and advocacy services in the area development district in which it is located. In addition to providing a safe, secure environment for victims/survivors and their children, programs also offer a variety of support services to residents and non-residents including: Legal/Court advocacy, Case management, Safety planning, Support groups, Individual counseling, Housing assistance, Job search and Children's groups. Programs also work with clients on resume writing, improving basic job skills, parenting, budgeting, and drug and alcohol issues. The programs are also committed to preventing future domestic violence through public awareness and community education efforts. Domestic violence programs work with schools, local professionals, and community groups to increase understanding of domestic violence issues. Governing laws: KRS 209.160 and 922 KAR 5:040.

Dual Diagnosis: Please see *Co-Occurring.*

Dual Program: A Domestic Violence Program, a Rape Crisis Program and/or a Children's Advocacy Center housed within the same agency/organization. Each program provides its own set of services and is governed by its own set of regulations.

Emergency Protective Order (EPO): Please see *Protective Order*.

Empowerment: A social process that is comprehensive and driven by individual issues, defined as important by a person, which promotes capacity for implementing aspects (power) in the individual's life, community and his or her society.

Forensic Interview: An interview method by which a neutral, trained professional (a forensic interviewer, detective, child protective services worker, etc.) gathers factual information from a child/adolescent or vulnerable adult victim through a conversation that utilizes linguistically appropriate language and takes into account the victim's emotional needs and developmental level. The goal is to gather as many facts as possible about the allegation of abuse in an unbiased, non-threatening, non-leading manner that causes no further trauma to the child/adolescent or vulnerable adult victim. This method recognizes the fact that disclosure is a process, not necessarily a single event.

Guardian: One who legally has the responsibility for the care and management of a person, estate, or both, of a child or an adult for whom a guardian has been established by a court. Please also see *Legal Guardianship.*

Housing Types:

Boarding Home - Regulated abode (by regulation can be a home, institution or other place of lodging) which provides room and board for a fee. See 902 KAR 20:350.

Domestic Violence Shelter – Temporary housing providing immediate safety to victims of domestic violence and children at an undisclosed location for what is usually a period of 30 – 90 days. (some shelter programs choose to be a public location).

Family Care Home - Licensed private home that provides supervision and personal care services to individuals who need some help with self-care, but who do not require constant medical care or skilled nursing services. See 902 KAR 20:041

Group Home - Small, licensed facility (no more than 8 beds) that provides residential and supportive services to individuals with intellectual disabilities and/or developmental disabilities. See 902 KAR 20:078

Independent Housing - House or apartment within the community in which an individual resides by self or with family members/friends; personal assistance/home health workers may or may not provide services within home setting.

Intermediate Care Facility for Individuals with Mental Retardation (ICF-MR) - Licensed facilities for individuals who have developmental disabilities and need a nursing facility level of care. See 907 KAR 1:022

Personal Care Home (PCH) - Licensed facility that provides individuals with supervision and basic health, residential (meals and laundry), and recreational services. Individuals must be at least sixteen (16) years old and be able to perform most of their activities of daily living. See 902 KAR 20:036

Nursing Facility - Facilities for individuals who require 24-hour in-patient high-intensity nursing supervision/care. See 902 KAR 20:300

Supports for Community Living (SCL) Staffed Residence - Home within the community staffed by an agency and funded through the Supports for Community Living Medicaid waiver. Waiver recipients must meet eligibility criteria which includes an intellectual disability diagnosis. See 907 KAR 1:145

Transitional Housing - Residency program that includes some support services and is designed as a bridge to self-sufficiency and permanent housing.

Inclusion: Recognition of all persons being "one" in society and acceptance of the civic responsibility of support systems to ensure that all persons receive the supports they need.

Informed Consent: An individual's agreement to participate in and/or allow something to happen, based on accurate and full disclosure of the information needed to make a decision; i.e. knowledge and understanding of risks, alternatives, consequences.

Institutionalization: The act of placing someone in the care of an institution, care facility, or other agency that will be responsible for full care of a person. Historically, many individuals with disabilities were institutionalized against their will and/or have been threatened with being placed in a more restrictive environment.

Intellectual Disability: According to 907 KAR 1:145, is "significantly sub-average intellectual functioning" which is usually typified by a score of 70 or lower in intellectual quotient testing and "concurrent deficits or impairments in present adaptive functioning in at least two of the following areas: communication, self-care, home living, social or interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, or health and safety that occurs before the age of 18." For many years intellectual disability has been commonly known as "mental retardation" but that term is no longer widely accepted.

Involuntary Commitment: A court action in which an individual with mental illness (KRS 202A) or intellectual disability (KRS 202B) has been determined to be: 1) a danger to self/others, 2) can benefit from treatment, and 3) placement in a psychiatric hospital or ICF-MR is the least restrictive environment in which that treatment may be rendered. Involuntary commitment may be sought after an initial assessment period that shall not exceed 72 hours (excluding weekends and holidays).

Legal Guardianship: Refers to the outcome of the civil court process set forth in KRS 387 in which an adult with a disability is determined to meet the legal definition of "disabled" and the court designates another party to make legal decisions that would protect and assist the individual.

Conservator - Court appointed individual/agency who manages an adult's financial assets.

"Full" Guardian - Court appointed individual/agency who makes decisions over all areas of an adult's life, including finances, domicile, healthcare, etc.

Limited Guardian - Court appointed individual/agency who makes decisions in areas specified by the court.

Mandatory Reporting: Requires that abuse, neglect, and exploitation be reported when the victim is a child (under 18), the spouse of the offender, or a vulnerable adult. Governing laws include KRS 209, 209A, 620.

Mental Illness: A psychological or behavioral pattern that occurs in an individual and is thought to cause distress or disability that is not expected as part of normal development or culture.

Orthotic Equipment: Devices used to support, align, maintain or aid an individual's strength and/or mobility.

Perpetrator: An individual who commits criminal behavior, specifically abuse or assault. This person may also be referred to as an assailant, abuser, defendant, primary aggressor or batterer.

Person-Centered Services: Recognition of an individual's preferences and needs during all components of service planning giving individuals the power to use resources in ways that make sense in their lives. Planning recognizes a person's interests, strengths, and talents while targeting assistance to achieve specific results in a person's life, increasing choice and control rather than fitting the individual into a program.

Post-traumatic Stress Disorder (PTSD): An anxiety disorder that can develop after exposure to a terrifying event or ordeal in which grave physical harm occurred or was threatened. Traumatic events that may trigger PTSD include violent personal assaults, natural or human-caused disasters, accidents or military combat (Source: National Institute of Mental Health web

site). Criteria for diagnosis are set forth in the *Diagnostic and Statistical Manual (DSM), Fourth Edition*.

Power of Attorney: An instrument authorizing another to act as one's agent. A Power of Attorney is executed by a competent individual to allow another person to make decisions in specified areas on his or her behalf. The individual retains the right to make his or her own decisions and may rescind at any time. A "durable power of attorney" is an instrument written so that it continues if the individual becomes unable to make decisions.

Privilege: An exception to the general rule that an individual has a duty to testify regarding relevant matters in a legal proceeding. Where privilege exists, "a client has a privilege to refuse to disclose and prevent any other person from disclosing confidential communications…" (Source: KRE 503 and others). Privileges recognized under Kentucky Rules of Evidence (KRE) are: attorney-client (KRE 503), husband-wife (KRE 504), religious (KRE 505), counselor-client, including a sexual assault counselor and certain victim advocates (KRE 506), and Psychotherapist-patient (KRE 507).

Protective Order: A protective order is a civil court order that directs one party (the "respondent") to have "no contact" or "no violent contact" with the other party (the "petitioner") and/or his or her children. An Emergency Protective Orders (EPO) can be issued by a court based solely on the petition of one party, i.e. the victim of abuse, and is typically effective for 14 days. At the end of 14 days, a hearing is held where both parties have the opportunity to be heard and a Domestic Violence Orders (DVO) can be issued. The judge then makes the decision whether to grant the DVO and the duration of that order (which can be up to three years and may be extended if necessary). Statutes governing EPOs and DVOs are KRS 403.715 to 403.785.

Rape: Please see *Sexual Abuse.*

Rape Crisis Program / Rape Crisis Center: One of 13 nonprofit corporations designated as the regional planning authority for crisis and advocacy services for victims of sexual assault in the area development district in which it is located (Source: KRS 211.600). Services provided include: crisis counseling, mental health and related support services, medical and legal advocacy, consultation, public education, and provision of training programs for professionals. Laws governing Rape Crisis Centers include KRS 211.600 - .608 and 920 KAR 2:010.

Representative Payee: Individual, business, or agency designated by the Social Security Administration (SSA) to manage the financial benefits that entity provides to an individual.

Re-victimization: Describes the experience of a survivor being victimized or traumatized subsequent to the original abuse by the criminal justice system, health care system, media, victim service providers and/or by another incident of violence.

Safety Plan: A detailed approach to maintaining safety for an individual and/or group while living in, escaping from or after surviving domestic violence or other abuse. Domestic violence advocates routinely assist with safety planning.

Screening: The process of identifying additional needs of individuals seeking services from programs. This is for the purposes of providing holistic care and ensuring that victims with disabilities are given the opportunity to receive appropriate services.

Sexual Assault: Is committed when a person forces, coerces, or manipulates another person into unwanted or harmful sexual activity. Also note that legal definitions for sexual abuse, rape and sodomy are much more narrow. These are set forth in Kentucky in KRS 510.

> **Rape -** Pursuant to Kentucky's criminal law, rape is the crime committed when a person engages in sexual intercourse by forcible compulsion or with another person who is incapable of consent. See KRS 510.
>
> **Sexual Abuse –** Pursuant to Kentucky's criminal law, sexual abuse is the crime committed when a person touches another person's sex organs or intimate parts by forcible compulsion or where the other person who is incapable of consent. See KRS 510.
>
> **Sodomy -** Pursuant to Kentucky criminal law, sodomy is the crime committed when a person engages in oral or anal sex acts with another person by forcible compulsion or with another person who is incapable of consent. See KRS 510.

Sexual Assault Counselor: Pursuant to KRE 506 (addressing Counselor-client Privilege), a person engaged in a rape crisis center, as defined in KRS Chapter 421, who has undergone forty (40) hours of training and is under the control of a direct services supervisor of a rape crisis center, whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual assault.

Sexual Assault Nurse Examiner (SANE): A registered nurse who has completed the required education and clinical experience and maintains a current credential from the board as provided under KRS 314.142 to conduct forensic examinations of victims of sexual offenses

under the medical protocol issued by the Office of the Kentucky State Medical Examiner pursuant to KRS 216B.400(4). [Source: KRS 314.011(14)].

Sexual Assault Response Team (SART): A multidisciplinary approach to responding to sexual violence.

SART Advisory Team – A multidisciplinary team of professionals who meet on a regular basis and are dedicated to working together to respond to the act of sexual violence as a group. This may include representation from the following disciplines: SANE, rape crisis center personnel, prosecution, detectives and other law enforcement, etc.

SART First Responders - A multidisciplinary team of professionals dedicated to working together to respond to reports of sexual assault. This includes crisis intervention, information provision, evidence gathering, investigation, and provision of assistance through the legal system.

Sexual Harassment: Unwanted sexual or gender-based conduct that interferes with an individual's ability to perform or advance, especially in a work or school setting. Sexual harassment can be committed by someone of the opposite sex, or by someone of the same sex and victims can be either male or female. As a legal term, *Sexual Harassment* is used to describe a civil cause of action related to violation of anti-discrimination laws. However, behaviors that constitute sexual harassment may also be criminal in nature, including rape.

Sexuality: How people experience and express themselves as sexual beings. Biologically: the reproductive mechanism as well as the basic biological drive that exists in all species and can encompass sexual intercourse and sexual contact in all its forms; Emotionally: the bond that exists between individuals, which may be expressed through profound feelings or emotions, and which may be manifested in physical or medical concerns about the physiological or even psychological aspects of sexual behavior; Sociologically: cultural, political, and legal aspects; Philosophically: moral, ethical, theological, spiritual or religious aspects.

Stalking: Engaging in an intentional course of conduct (two or more acts) directed at a specific person or persons; that which seriously alarms, annoys, intimidates, or harasses the person or persons; and which serves no legitimate purpose. [Source: KRS 508.130 (1-2)].

Survivor: An individual who continues to live, prosper or remain functional after a traumatic event.

Trauma: Any physical, psychological or emotional injury resulting in pain, distress or shock, with profound impact on the individual's well-being.

Victim: As used in the Kentucky Crime Victim Bill of Rights, an individual who suffers direct or threatened physical, financial, or emotional harm as a result of a crime …" [KRS 421.500(1)]. For certain purposes, victim may also be defined to include a family member, friend, or other person associated with a person who has suffered directly as a result of a crime.

Victim Blaming: An overt or covert judgmental response to disclosure of abuse that holds survivors to be in whole or in part responsible for the abuse they experienced. Victim-blaming serves as a barrier preventing survivors from sharing their experience of abuse with others (please also see *Re-victimization*).