

Domestic Violence and Dating Violence Education & Referral Act: Proposal to the 2017 General Assembly

12/20/16	Current KRS 209A	Proposed Revised KRS 209A	Description of Changes
Purpose of the Law	The purpose of this chapter is to identify victims of domestic violence, abuse, or neglect inflicted by a spouse, and to provide for the protection of adults who choose to access those services.	The purpose of this chapter is to identify victims of domestic violence and abuse and dating violence and abuse; to link those victims to services; and to provide protective or therapeutic services for those who choose to accept them.	Expands protection to include victims of domestic violence (not just spouse abuse), and adds dating violence. Removes burden from professionals to determine whether a particular case should be reported (married couples vs living together vs dating, etc.) because all cases would fall under the law.
Mandates Under the Current Versus Proposed Law	<u>Mandatory Reporting</u> : Any person having reasonable cause to suspect that an adult has suffered abuse or neglect shall make a report to the Cabinet for Health and Family Services.	<u>Mandatory Education & Referral</u> : If a professional has reasonable cause to believe that a victim has experienced domestic violence or dating violence, the professional shall provide the victim with information about the regional domestic violence program (KRS 209.160) or rape crisis center (KRS 211.600); and information on how to access protective orders.	The mandate is limited to professionals instead of 'any person.' It is changed from mandatory reporting to a requirement for giving information to the victim. Information to assist professionals with this duty will be easily accessible on the website of the KCADV and regional domestic violence programs for downloading.

	Current KRS 209A	Proposed Revised KRS 209A	Description of Changes
Circumstances Under Which Mandatory Reporting Continues	Death of the adult does not relieve one of the responsibility for reporting to the Cabinet.	If a professional believes that the death of a victim is related to domestic violence or dating violence, the professional shall make a report to law enforcement.	Only change is to whom reports go in the case of a death (law enforcement instead of Cabinet)
	Cases of known or suspected child abuse	Nothing in the bill relieves a professional's duty pursuant to KRS 620.030 to report to the Cabinet, a law enforcement officer, or prosecutor, any known or suspected abuse, neglect, or dependency of a child.	No change
	Cases of elder abuse or abuse of other vulnerable adults	Nothing in this section shall relieve a professional's duty pursuant to KRS 209.030 to report known or suspected abuse, neglect, or exploitation of an adult who, because of mental or physical dysfunction, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others.	No change

	Current KRS 209A	Proposed Revised KRS 209A	Description of Changes
Law Enforcement	Upon receipt of a report, the Cabinet shall notify the appropriate law enforcement agency, if indicated.	At the request of a victim, a professional may report to a law enforcement agency. No report to law enforcement shall be made over the objections of a victim.	Reports are made to law enforcement under current and proposed law; but with new proposal, only if a victim agrees.
		If a police officer receives a report of dating violence or domestic violence, the officer shall use all reasonable means to ensure that a victim receives assistance as provided in KRS 403.785(2)	This language simply restates duties that already exist in statute under KRS 403.785.
		If a police officer receives a report of dating violence or domestic violence, the officer shall use a JC-3 form; the domestic violence sheet from that form shall remain with the agency of the police officer; pages from the JC-3 on child or elder abuse shall continue to go to the Cabinet.	This language simply copies duties that already exist in statute under KRS 403.785.
Immunity	Anyone acting upon reasonable cause in the making of any report shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed.	Anyone acting upon reasonable cause in complying with the provisions of this chapter shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed.	No change

<p>Penalty for Violation of the Provisions of the Law</p>	<p>Anyone who knowingly or wantonly fails to comply with this statute shall be guilty of a Class B misdemeanor</p>	<p>Anyone who knowingly or wantonly fails to comply with this statute shall be guilty of a Class B misdemeanor</p>	<p>No change</p>
<p>Other Provisions in Proposed Legislation</p>			
<p>Marriage License Fee to Support Domestic Violence Programs</p>	<p>There is a trust and agency account in the Treasury into which county clerks shall remit \$10 from the issuance of marriage licenses. The Cabinet for Health and Family Services shall use the funds for the purpose of providing protective shelter services for domestic violence victims (currently under KRS 209).</p>	<p>There is a trust and agency account in the Treasury into which county clerks shall remit \$10 from the issuance of marriage licenses. The Cabinet for Health and Family Services shall use the funds for the purpose of providing protective shelter services for domestic violence victims.</p>	<p>This provision is current law in a different chapter and is just moved here.</p>
<p>Designation of Primary Service Provider</p>	<p>The Cabinet shall designate one nonprofit corporation in each area development district to serve as the primary service provider for domestic violence services in the region (currently under KRS 209).</p>	<p>The Cabinet shall designate one nonprofit corporation in each area development district to serve as the primary service provider for domestic violence services in the region.</p>	<p>This provision is current law in a different chapter and is just moved here.</p>