403.743 Referral of petitioner to county attorney -- Duties of county attorney.

(1) (a) Based upon the information which the court has received as required by KRS 403.741, including but not limited to the respondent's Kentucky criminal history, the respondent's domestic violence order history, domestic violence order compliance history, and the information contained in the petition, the court may, if the court deems it appropriate, suggest that the petitioner contact the county attorney.

(b) If the court decides to refer the petitioner to the county attorney, the court shall explain to the petitioner that the purpose of the meeting is so that the county attorney can explain to the petitioner the options that the petitioner may have with regard to the filing of criminal charges regarding any alleged act of domestic violence within the purview of KRS 403.715 to 403.785.

(c) The court shall explain to the petitioner that contacting the county attorney is voluntary and not mandatory.

(2) If the petitioner decides to contact the county attorney, the court shall notify the county attorney and assist in facilitating a meeting between the petitioner and the county attorney.

(3) At a meeting with the petitioner, the county attorney shall:

(a) Ascertain from the petitioner the facts of the incident;

(b) Determine which criminal offenses may have been committed by the respondent;

(c) Advise the petitioner of the statutes which may have been violated, the potential penalties involved, the details of bringing a criminal action, and the standard of proof required in a criminal action; and

(d) Such other information as the county attorney deems appropriate.

(4) (a) At the meeting, the county attorney shall answer, in the fullest manner possible, any questions relating to filing and prosecution of criminal charges which the petitioner may have.

(b) The county attorney shall explain to the petitioner that the petitioner is not obligated to file criminal charges and may continue with the civil domestic violence order process.

(5) If the petitioner desires to file criminal charges, the county attorney shall assist the petitioner in filing a criminal complaint and obtaining a summons or warrant of arrest for the respondent.

Effective: July 15, 2010

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