

**Appendix 6:
Sample DVO Appeal**

HARDIN CIRCUIT COURT
CASE NO. _____
ON APPEAL FROM
HARDIN DISTRICT COURT
CASE NO. 97-D-00127-001

D
v.
T

APPELLANT

NOTICE-MOTION-ORDER

APPELLEE

TO: T
Bardstown, KY 40004

Please take notice that the undersigned will, on Tuesday, August 19, 1997 at the hour of 9:00 a.m., in the Courtroom of the above Court, make the Motion and tender the Order set out below.

CERTIFICATE

It is hereby certified that a copy hereof, this 12th day of August, 1997 mailed to the above-named addressee.

MOTION FOR RELIEF PENDING APPEAL

This case is on appeal from a denial of a domestic violence order ("DVO") by the district court. Even though abuse had occurred and Appellant/Petitioner feared for her physical safety, the DVO was denied solely on the grounds that Appellant was in a same sex relationship with her abuser. This appeal has been filed because the district court's ruling violates KRS 403.720 which provides EPO/DVO protection for "a member of an unmarried couple" who have lived together

or who are living together. The district court's ruling is also unconstitutional as it denies equal protection of the laws.

When Appellant filed for an EPO, she was in a battered women's shelter. Since the district court's denial of the DVO, Appellee was observed waiting outside the shelter for Appellant. Calls seeking Appellant's whereabouts were made to the shelter. The battered women's shelter increased security measures because they feared for Appellant's safety. Appellant has been forced to relocate for her own safety. Unfortunately, the Domestic Violence and Abuse statute does not provide an expedited appeals process. Therefore, pursuant to KRS 23A.080(2), Appellant is asking this Court to provide her immediate injunctive protection to ensure her safety pending a ruling on the merits of the appeal. While this appeal is pending, Appellant is in danger for her own safety and security and therefore requests that this Court enter an order requiring Appellee to be restrained from any contact or communication with Appellant, not be allowed to get within 500 feet of Appellant and to be restrained from committing further acts of domestic violence or abuse on her and be restrained from disposing or damaging the property of Appellant. This Order would remain in effect only until this Court entered a ruling on the merits of the appeal and its sole purpose is to ensure the safety of Appellant until further action is taken by this Court.

Respectfully submitted,

JENNIFER JORDAN HALL
Counsel for Petitioner
Oldfather & Morris
1330 So. Third St.
Louisville, KY 40208
(502) 637-7200

HARDIN CIRCUIT COURT
APPEAL FROM HARDIN DISTRICT COURT
CASE NO. 97-D-00127-001

D

APPELLANT

v.

ORDER

T

APPELLEE

Upon motion by Appellant, and this Court being otherwise sufficiently advised;

IT IS HEREBY ORDERED that T be restrained from any contact or communication with
D;

IT IS HEREBY FURTHER ORDERED that Appellee T shall remain at all times and
places at least five hundred (500) feet away from Appellant D and members of D's family or
household;

IT IS HEREBY FURTHER ORDERED that Appellee T be restrained from committing
further acts of domestic violence and abuse against Appellant D;

IT IS HEREBY FURTHER ORDERED that Appellee T be restrained from disposing of
or damaging any property of Appellant D;

IT IS HEREBY FURTHER ORDERED that this Order shall remain in full force and
effect until further notice by this Court.

JUDGE, HARDIN CIRCUIT COURT

DATE: _____