

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 10TH JUDICIAL CIRCUIT AND DISTRICT AND THE 57TH JUDICIAL CIRCUIT, HART, LARUE AND NELSON COUNTIES**

Upon the recommendation of the Judges of the 10th Judicial Circuit and District and the 57th Judicial District, Hart, Larue and Nelson counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 10th Judicial Circuit and District and 57th Judicial District is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this 9th day of December 2015.

  
CHIEF JUSTICE

**TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE  
ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL  
10<sup>TH</sup> JUDICIAL CIRCUIT AND  
10<sup>TH</sup> AND 57<sup>TH</sup> JUDICIAL DISTRICTS  
LARUE, HART, AND NELSON COUNTIES**

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rule of Practice and Procedure Section IV, this local protective order protocol is established to ensure twenty-four hour accessibility to emergency protective orders (EPOs) and temporary interpersonal protective orders (TIPOs) and to establish written procedures for matters in which there may be joint jurisdiction between the Circuit/Family and District Courts.

**I. Uniform Protocol for Handling Cases**

- A. All petitions requested, completed and signed by persons seeking protection under KRS Chapter 403 or KRS Chapter 456 shall be made on form AOC-275.1, and shall be accepted and filed with the court. KRS 403.725, KRS 456.030.
- B. All protective order cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.
- C. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- D. "No drop" policies which place limitations on a petitioner's right to modify or withdraw a petition for a protective order are not permitted. Pursuant to KRS 403.740 and KRS 456.060, any orders for relief issued directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault shall not order the petitioner to take any affirmative action.
- E. Cases may be reassigned within the judicial circuit and, pursuant to FCRPP 12, a case may be transferred to another circuit if there is a pending dissolution or custody matter. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.
- F. The court shall review a petition for a protective order immediately upon its filing. KRS 403.730, KRS 456.040. Petitioners shall not be sent away or left waiting for extended periods of time. Petitions should be reviewed within an hour of presentation to a judge or trial commissioner unless impossible due to no judge or trial commissioner being available.

## II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **during** regular business hours: the LaRue Circuit Clerk and the Deputy Clerks of that Office, the Hart Circuit Clerk and the Deputy Clerks of that Office, and the Nelson Circuit Clerk and the Deputy Clerks of that Office.
- B. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **after** regular business hours and weekends:
- (1) LaRue County: Any sworn police officers with the Hodgenville City Police Department and the LaRue County Sheriff's Department shall keep the necessary forms and instructions to issue a protective order and shall assist any petitioner in completing said form.
  - (2) Hart County: Any sworn deputy jailers with the Hart County Jail, any sworn police officers with the Hart County Sheriff's Department, and the Hart County Attorney's victim advocate shall keep the necessary forms and instructions to issue a protective order and shall assist any petitioner in completing said form.
  - (3) Nelson County: Any sworn police officers with the Bardstown City Police Department and the Nelson County Sheriff's Department shall keep the necessary forms and instructions to issue a protective order and shall assist any petitioner in completing said form.
- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:
- (1) LaRue County: The Clerk's Office shall present the petition to the District Judge of the 10<sup>th</sup> Judicial District for the purposes of issuing a protective order. If the District Judge is unavailable, and the Hart County Trial Commissioner has been temporarily assigned to serve LaRue County pursuant to SCR 5.040, the Clerk's Office shall present the petition to the Hart County Trial Commissioner. If neither the District Judge nor the Trial Commissioner is available, the Clerk's Office shall request the assistance of a Circuit Judge or any other available Judge to issue the protective order at the earliest reasonable time. Said Orders may be received by electronic mail or by facsimile reproduction.
  - (2) Hart County: The Clerk's Office shall present the petition to the District Judge of the 10<sup>th</sup> Judicial District or the Hart County Trial Commissioner for the purposes of issuing a protective order. If neither the District Judge nor the Trial Commissioner is available, the Clerk's Office shall request the assistance of a Circuit Judge or any other available Judge to issue the protective order at the earliest reasonable time. Said Orders may be received by electronic mail or by facsimile reproduction.

(3) Nelson County: The Clerk's Office shall present the petition to the District Judge of the 57<sup>th</sup> Judicial District for the purposes of issuing a protective order. If the District Judge is not available, the Clerk's Office shall request the assistance of a Circuit Judge or any other available Judge to issue the protective order at the earliest reasonable time. Said Orders may be received by electronic mail or by facsimile reproduction.

(4) Pending Circuit Court Cases: If there is a dissolution action or child custody action pending in Circuit Court, the Circuit Clerk's Office shall present the petition to the presiding Circuit Court Judge. If the presiding judge is not available, the Clerk's Office shall request the assistance of the District Judge or the other Circuit Court Judge. Said Orders may be received by electronic mail or by facsimile reproduction.

D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:

(1) LaRue County: The petition shall be presented to the District Judge of the 10<sup>th</sup> Judicial District for the purposes of issuing a protective order. If the District Judge is unavailable, and the Hart County Trial Commissioner has been temporarily assigned to serve LaRue County pursuant to SCR 5.040, the petition shall be presented to the Hart County Trial Commissioner. If neither the District Judge nor the Trial Commissioner is available, the petition shall be presented to a Circuit Judge or any other available Judge to issue the protective order at the earliest reasonable time. Said Orders may be received by electronic mail or by facsimile reproduction.

(2) Hart County: The petition shall be presented to the District Judge of the 10<sup>th</sup> Judicial District or the Hart County Trial Commissioner for the purposes of issuing a protective order. If neither the District Judge nor the Trial Commissioner is available, the petition shall be presented to a Circuit Judge or any other available Judge to issue the protective order at the earliest reasonable time. Said Orders may be received by electronic mail or by facsimile reproduction.

(3) Nelson County: The petition shall be presented to the District Judge of the 57<sup>th</sup> Judicial District for the purposes of issuing a protective order. If the District Judge is not available, the petition shall be presented to a Circuit Judge or any other available Judge to issue the protective order at the earliest reasonable time. Said Orders may be received by electronic mail or by facsimile reproduction.

(4) Pending Circuit Court Cases: If there is a dissolution action or child custody action pending in Circuit Court, the agency/officer shall present the petition to the presiding Circuit Court Judge. If the presiding judge is not available, the agency/officer shall request the assistance of the District Judge or the other Circuit Court Judge.

### III. Assignment of Cases

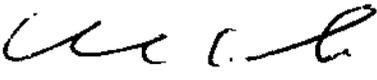
- A. Pursuant to KRS 403.735 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent between district, circuit, and family court.
- B. The judge reviewing a petition for an order of protection shall indicate in the "Court Action" section of the petition whether the resulting action is a domestic violence action under KRS Chapter 403 or an interpersonal protective order action under KRS Chapter 456.
- C. The circuit clerk shall assign interpersonal protective order cases to the District Court.
- D. The schedule for hearings on protective orders is as follows:
  - (1) LaRue District Court: Hearings for protective orders (not involving children) shall be on the first and third Thursdays of each month and each call shall begin at 9:00 a.m. Hearings for protective orders (involving children) shall be on Wednesdays and each call shall begin at 1:00 p.m.
  - (2) Hart District Court: Hearings for protective orders (not involving children) shall be on the second and fourth Thursdays of each month and each call shall begin at 9:00 a.m. Hearings for protective orders (involving children) shall be on Mondays and each call shall begin at 1:00 p.m.
  - (3) Nelson District Court: Hearings for protective orders shall be on Wednesdays and each call shall begin at 9:00 a.m. unless re-assigned by Calendar Order of the Nelson District Court.
  - (4) LaRue Circuit Court: Hearings for protective orders shall be scheduled on the Division I and II docket on the first and third Monday of each month at 1:00 p.m.
  - (5) Hart Circuit Court: Hearings for protective orders shall be scheduled on the Division I and II docket on the first and third Tuesday of each month at 1:00 p.m.
  - (6) Nelson Circuit Court: Hearings for protective orders shall be scheduled on the Division I docket on the first and third Wednesdays of each month and each call shall begin at 9:00 a.m. Hearings for protective orders shall be scheduled on the Division II docket on the first and third Wednesdays of each month and each call shall begin at 10:30 a.m.
- E. Cases may be reassigned or transferred between courts if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. KRS 403.725, KRS 456.030. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.

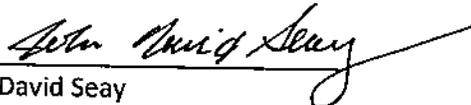
#### IV. Contempt Proceedings

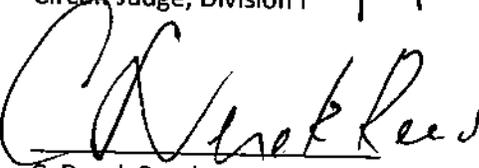
- A. Pursuant to KRS 403.763 and KRS 456.180, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.
- B. Petitioners seeking to initiate contempt proceedings should contact the Circuit Clerk's Office during regular business hours. If it is after regular business hours, the petitioner should contact the agencies/officers that are authorized herein.
- C. No petitioner may be held in contempt for failure to appear at a domestic violence hearing or prosecute a criminal violation of a protective order.

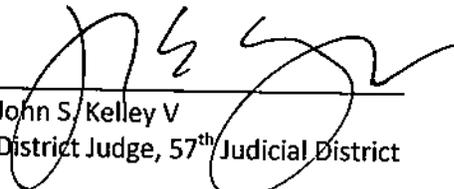
The undersigned hereby acknowledge that all general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judicial officers in the circuit:

  
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Charles C. Simms, III  
Circuit Judge, Division I 11/25/15

  
\_\_\_\_\_  
John David Seay  
Circuit Judge, Division II

  
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C. Derek Reed  
District Judge, 10<sup>th</sup> Judicial District

  
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John S. Kelley V  
District Judge, 57<sup>th</sup> Judicial District