

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND PROCEDURE, FAMILY PRACTICE FOR THE 10TH JUDICIAL CIRCUIT AND DISTRICT COURTS AND 57TH JUDICIAL DISTRICT COURT, HART, LARUE, AND NELSON COUNTIES

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

The Local Rules of Family Law Practice for the 10th Judicial Circuit and District and 57th Judicial District, Hart, Larue, and Nelson counties, are 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 the 30th day of March 2012.


CHIEF JUSTICE JOHN D. MINTON, JR.

COMMONWEALTH OF KENTUCKY
TENTH JUDICIAL CIRCUIT
TENTH JUDICIAL DISTRICT
FIFTY-SEVENTH JUDICIAL DISTRICT

LOCAL RULES OF PRACTICE AND PROCEDURE –
FAMILY PRACTICE

**LOCAL RULES
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**Local Rules for Domestic Relations Proceedings
in the Tenth Judicial Circuit, Tenth Judicial
District and Fifty-Seventh Judicial District**

RULE 1. INTRODUCTION / ADMINISTRATIVE PROCEDURE

Rule 101. Circuit Court

A. Tenth Judicial Circuit: The Tenth Judicial Circuit is comprised of LaRue, Hart and Nelson Counties. LaRue County and Nelson County operate on Eastern Time, and all times set forth herein for those counties refer to Eastern Time. Hart County operates on Central Time, and all times set forth herein for that county refers to Central Time.

B. Assignment of Circuit Court Cases: The office of the Circuit Clerk shall randomly assign Circuit Court domestic relation proceedings to either Division I or Division II. If there is more than one action involving the same family in Circuit Court, the cases shall be assigned to the presiding judge of the oldest action.

C. Domestic Relations Commissioner:

1. LaRue and Hart Counties: There shall be a Domestic Relations Commissioner who possesses the qualifications required by FCRPP 4(2). The Commissioner shall hear evidence concerning contested and uncontested matters arising from actions for dissolution of marriage, child custody, support and maintenance under KRS Chapter 403, except actions requesting contempt of court, restraining orders, or injunctions, which shall be heard by the presiding judge. In addition, the presiding judge shall be responsible for conducting any contested final domestic hearings.

2. Nelson County: There is no Domestic Relations Commissioner in Nelson County.

Rule 102. District Court

District Courts:

- A. The Tenth Judicial District is comprised of LaRue and Hart Counties.
- B. The Fifty-Seventh Judicial District is comprised of Nelson County.

Rule 103. Effective Date

The effective date of these rules shall be thirty (30) days after the Kentucky Supreme Court has approved same.

RULE 2. COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING

Rule 201. Circuit Court Motion Hours

- A. LaRue Circuit: The Domestic Relations Commissioner's docket shall be on the second and fourth Mondays of each month and each call shall begin at 10:00 a.m. In matters that must be heard by the presiding judge, that docket shall be the first and third Mondays of each month and each call shall begin at 1:00 p.m.
- B. Hart Circuit: The Domestic Relations Commissioner's docket shall be on the second and fourth Tuesdays of each month and each call shall begin at 10:00 a.m. In matters that must be heard by the presiding judge, the docket shall be the first and third Tuesdays of each month and each call shall begin at 1:00 p.m.
- C. Nelson Circuit: The Division I docket shall be on the first and third Wednesdays of each month and each call shall begin at 9:00 a.m. The Division II docket shall be on the first and third Wednesdays of each month and each call shall begin at 10:30 a.m.

Rule 202. Circuit Court - Motion and Notice

- A. Domestic Relations Commissioner: All motions shall be filed in the office of the Circuit Clerk at least eight (8) days prior to the scheduled motion day. All motions shall be served on the Domestic Relations Commissioner and on the opposing counsel or upon a party, if the party is not represented by counsel. In addition, the motion shall be accompanied by a \$15.00 Commissioner fee tendered to the Clerk's Office, payable to the Clerk, on behalf of the Commissioner, unless the party has been granted leave to proceed in forma pauperis. This fee, authorized by FCRPP 4(5), shall be applied as the fee for the first 15 minutes or any portion thereof spent in the hearing on the motion. Any remaining fees due for time spent in the hearing shall be due upon the conclusion of the case.
- B. Presiding Judge: All motions shall be filed in the office of the Circuit Clerk at least eight (8) days prior to the scheduled motion day. All motions shall be served on opposing counsel or upon a party, if the party is not represented by counsel.
- C. Computing Deadline: Time for filing and service of a motion shall be computed in accordance with Civil Rule 6.01.
- D. Post Judgment Motions: If a party is filing a post judgment motion, service must be perfected on the party as set forth in Civil Rule 4.04.

Rule 203. Circuit Court - Length of Time on Motion Days

- A. LaRue and Hart Counties: The parties and/or their counsel shall advise the Domestic Relations Commissioner or the presiding judge when each docket is called whether they desire a short hearing of fifteen (15) minutes or less, or a long

hearing between fifteen (15) to thirty (30) minutes. Any hearing that will exceed thirty (30) minutes shall be assigned for a specific date and time.

- B. Nelson County: The parties and/or counsel shall advise the presiding judge when each docket is called whether they desire a short hearing of five (5) minutes or less, or a long hearing of five (5) to fifteen (15) minutes. Any hearing that shall exceed fifteen (15) minutes shall be assigned for a specific date and time.

Rule 204. District Court Motion Hours

- A. LaRue District: The paternity docket and the dependency, neglect and abuse docket shall be on Wednesdays and each call shall begin at 1:00 p.m. The domestic violence docket is set forth in Appendix A.
- B. Hart District: The paternity docket and the dependency, neglect and abuse docket shall be on Mondays and each call shall begin at 1:00 p.m. The domestic violence docket is set forth in Appendix A.
- C. Nelson District: The paternity docket shall be on the second and fourth Mondays of the month and each call shall begin at 2:00 p.m. The dependency, neglect and abuse docket shall be on Mondays and each call shall begin at 9:30 a.m. The domestic violence docket is set forth Appendix A.

Rule 205. District Court - Motion and Notice

All motions shall be filed and served not later than forty-eight (48) hours prior to the scheduled hearing on the motion, excluding Saturdays, Sundays, and holidays, if service is made in person. If copies to opposing counsel are served by mail, said motion must be filed not later than five (5) days prior to the day of said hearing on the motion. Copies of motions shall be

served on the Court only when the subject matter of the Motion may be contested. (For example, if the Motion is simply to set a matter for trial, there is no need to serve a copy on the Court).

RULE 3. ADOPTIONS / TERMINATIONS OF PARENTAL RIGHTS

There are no local rules in the 10th Judicial Circuit relating to adoptions and terminations of parental rights. See FCRPP 32 through 36 for statewide uniform rules of procedure.

RULE 4. DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (hereinafter "FCRPP") 13, the local Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol is attached hereto as Appendix A, and is established to ensure twenty-four (24) hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the Circuit and District Courts. Appendix A is incorporated herein by reference as if set out in full.

RULE 5. PATERNITY AND IV-D ACTIONS

Whenever the county attorney initiates a paternity action or a IV-D action on behalf of the Commonwealth, the Office of the Circuit Clerk does not collect any filing fees and no counterclaim or other motion to request custody or time-sharing/visitation in such an action will be considered by the Court. In this instance, the respondent must file a complaint to request custody and/or time-sharing/visitation and must pay the filing fee to the clerk pursuant to FCRPP 14(2).

RULE 6. DEPENDENCY, NEGLECT AND ABUSE

There are no local rules in the 10th and 57th Judicial Districts relating to dependency neglect and abuse cases. See FCRPP 16 through 31 statewide uniform rules of procedure.

RULE 7. DOMESTIC RELATIONS PRACTICE

Rule 701. Pendente Lite Motions

A. Motions: Any pendente lite motions for custody and child support shall be brought pursuant to KRS 403.270 et. seq., and noticed in accordance with the other provisions of these Local Rules relating to the notice of motions for hearing on motion days.

B. Child Support: In addition to the requirements contained in FCRPP 9(4), any pendente lite motion for child support shall be accompanied by filing proof of the cost of the minor child's insurance and the cost of child care, if any. In cases where both parties' wage information is available to the filing party, the motion shall also be accompanied by a completed Child Support Worksheet. Any agreed order setting pendente lite child support shall be prepared in accordance with FCRPP 9(2) and Local Rule 703 herein.

Rule 702. Commissioner's Pendente Lite Report

A. Commissioner's Report: The Commissioner shall prepare a Report of his/her recommendations to the Court on any matter submitted to him/her within sixty (60) days, including findings of fact and conclusions of law where required by law. The Commissioner's Report shall be filed with the Clerk of the Court who shall henceforth serve notice of the filing and a copy of the Report upon all parties who have appeared in the action.

B. Objections or Exceptions: Pursuant to FCRPP 4(4)(a), within ten (10) days of being served with the notice of filing of the Commissioner's Report, any party may serve written objections or exceptions thereto upon other parties. The objections or exceptions shall be

noticed for the next motion day that is in accordance with Local Rule 201. If no objections or exceptions are filed, the Report shall be automatically submitted to the presiding judge on the eleventh day after the notice of the filing of the Report was served on the parties.

C. Commissioner's Fees: In matters involving a hearing, Commissioner's fees shall be assessed to the parties pursuant to FCRPP 4(5) at the rate of \$15.00 per quarter hour or part thereof. The Commissioner shall provide counsel or parties, if unrepresented, with a billing at the conclusion of the last court appearance before the Commissioner. Initially, the fees shall be assessed in equal shares to the parties subject to same. However, at the final hearing, either party may move for a modification in the percentages paid. Pursuant to FCRPP 4(5), the parties shall have five days to pay the Commissioner's fees to the clerk following the last appearance in front of the Commissioner. If a payment is not timely paid, the Clerk shall notify the presiding judge who shall require the party to show cause as to why he or she should not be held in contempt.

Rule 703. Child Support

A. Payments: All child support shall be paid in accordance with FCRPP 9(2) and through the Division of Child Support or the Friend of the Court unless specifically authorized by the presiding judge.

B. Child Support Worksheet: Any agreed judgment or separation agreement providing for a child support obligation shall include as an attachment thereto a Commonwealth of Kentucky Worksheet for Monthly Child Support Obligation along with a copy of the IV-D Order or the Friend of the Court Order, whichever applies. The Friend of the Court Order shall be in conformity with the Order Setting Child Support attached hereto in Appendix "B".

C. Child Support Deviations: If the child support obligation in the separation agreement or agreed judgment does not correspond to the Child Support Guidelines contained in KRS 403.212(6), the agreement or judgment shall state the reason for deviating from the Guidelines.

Rule 704. Attorney Appointments

In order for an attorney to be appointed as a guardian ad litem, a warning order attorney, or in any other capacity, the attorney shall maintain an office in the county of appointment. However, any presiding judge shall have the right to appoint any other attorney(s) who regularly practice before the courts of the Tenth Judicial Circuit, the Tenth Judicial District, and the Fifty-Seventh Judicial District.

Rule 705. Uncontested Divorces

A. Waiver of Disclosure Statements: If the parties wish to waive the filing of the verified disclosure statements, the parties shall execute the "Waiver of Mandatory Case Disclosure" form which is attached hereto in Appendix "C".

B. Parents Education Clinic: If the parties have minor child/children of the marriage, the parties may be required to attend a Parents Education Clinic - Families in Transition. Failure to attend prior to a motion to dissolve the marriage may result in the denial of said motion.

Rule 706. Contested Divorces

A. Mediation: Prior to conducting a Case Management Conference, the parties may be ordered to participate in mediation which is to be conducted as set forth below.

1. Appointment of Mediator: If the parties are unable to agree on a mediator, the Court may select any mediator that is approved by the Administrative Office of the Courts.

2. Mediator Compensation: If the mediator is chosen by agreement, the mediator shall be compensated at the rate agreed to between the mediator and the parties. In the event the

mediator is appointed by the Court, the fee shall be reasonable and no greater than the mediator's standard rate. Unless otherwise varied by agreement of the parties or by order of the Court, each party shall pay an equal share of the mediator's charges.

3. Events Prior to Mediation: The mediator shall set the time and place for the mediation conference. The mediator may require the parties to submit a confidential statement of the case or other materials that the mediator may reasonably believe appropriate for efficiently conducting the mediation conference.

4. Attendance at Mediation: The parties and their counsel who will try the case are required to attend the mediation conference unless otherwise approved by the Court.

5. Completion or Termination of Mediation: The mediator may terminate the mediation conference (a) after a settlement is reached, or (b) when the mediator determines that continuation of the process would be unproductive. The mediator and the parties by agreement may schedule a subsequent mediation conference or conferences.

6. Agreement: If any agreement is reached during the mediation, it shall be reduced to writing and signed by the parties. The parties shall be responsible for drafting the agreement, although the mediator may assist in the drafting of the agreement with the consent of the parties.

7. Report to the Court: The mediator shall report to the court the outcome of said mediation. With the consent of the parties, the mediator may also identify those matters which, if resolved or completed, would facilitate the possibility of settlement.

8. Confidentiality: Mediation sessions shall be closed to all persons other than the parties of record, their legal representative, and other persons invited by the mediator with the consent of the parties. In addition, mediation shall be regarded as settlement negotiations for purposes of Kentucky Rule of Evidence 408.

B. Pre-trial Compliance: Not later than fourteen (14) days prior to the final hearing, all parties shall file the following:

1. Witness List: A list which identifies the name, address, and telephone number of any person that is expected to be called as a witness.

2. Exhibit List: A list which identifies any exhibits that may be introduced into evidence, and if feasible, shall be attached to the pre-trial statement. FCRPP 3(4).

3. Sanctions: Failure to strictly comply with the terms of this rule may result in the following: dismissal of claims, refusal to allow witnesses to testify, refusal to allow exhibits to be introduced into evidence, and assessment of costs and expenses, including attorney fees.

C. Parents Education Clinic:

A parent with minor child/children may be required to attend a Parents Education Clinic - Families in Transition

Rule 707. Time-Sharing/Visitation Guidelines (Appendix "D")

The Time-Sharing/Visitation Guidelines for the 10th Judicial Circuit are attached in Appendix "D" and are incorporated herein by reference as if set out in full.

RULE 8. STATUS OFFENSES

There are no local rules in the 10th or 57th Judicial Districts relating to status offense cases. See FCRPP 37 through 44 for statewide uniform rules of procedure.

RULE 9. MISCELLANEOUS RULES RELATING TO FAMILY PRACTICE

Rule 901. Pleadings

A. Personal Identifiers:

1. Personal identifiers include social security numbers, taxpayer identification numbers, the month and day of an individual's birth, and the digits of a financial account number.

2. All pleadings must comply with the requirements of KRS Chapter 205, 403, 406 and 407 by providing the personal identifying information required by those chapters.

3. Whenever personal identifiers are required by statute to be identified in the petition for dissolution of marriage or the petition for custody and/or time-sharing/visitation, the parties shall comply with Civil Rule 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. The redacted copy shall then be served on the respondent(s).

4. In regard to all child support orders, the parties shall provide directions to the Circuit Clerk's Office under the "DISTRIBUTION" heading to seal the child support order. See Local Rule 901(C.). The Clerk's Office shall then distribute an unredacted copy of the child support order to the child enforcement agency, if applicable, and to the parties.

5. The Circuit Clerk shall allow the unredacted sealed copies of the petition for dissolution of marriage, the petition for custody and/or time-sharing/visitation, and the child support order to be accessed only by a party to the case, an attorney of record in the case, the staff of an attorney of record in the case, a judge of the court, and/or the judge's staff.

6. In any other documents, pleadings, or exhibits where personal identifiers are required by statute or are contained therein, the parties shall redact the personal identifiers in accordance with Civil Rule 7.03(1)(b).

B. Facsimiles

Except for domestic violence petitions, the Office of the Circuit Clerk shall not accept any pleadings by facsimile unless specifically ordered by the presiding judge.

C. Distribution of Orders

The Clerk shall distribute copies of all orders by mail or delivery or placement in the receptacles assigned for the attorneys in the Clerk's Office to the persons listed under DISTRIBUTION and shall certify such mailing, delivery or placement by making a check mark by the person listed and shall initial and date the same at the bottom of the distribution list. All orders and judgments shall contain a distribution list, same to include any acts required of the Clerk by said order or judgment, as set out in the following example.

DISTRIBUTION LIST:

___ Hon. John Doe

___ Hon. Jane Doe

___ Clerk - please schedule hearing for 10/31/12 at 1:00 p.m.

___ Clerk - please disburse funds described above

Clerk _____ Date _____

APPROVED:

[Signature] 3/14/12
Name/Date

John David Seay 3-14-12
Name/Date

[Signature] 3/14/12
Name/Date

[Signature] 03-20-2012
Name/Date

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING AMENDMENT TO APPENDIX A OF THE LOCAL RULES OF FAMILY PRACTICE FOR THE 10TH JUDICIAL CIRCUIT AND DISTRICT COURTS AND THE 57TH JUDICIAL DISTRICT COURT, HART, LARUE AND NELSON COUNTIES

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

The amendment to Appendix A of the Local Rules of Family Practice for the 10th Judicial Circuit and District Courts and the 57th Judicial District, Hart, Larue and Nelson counties, 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
10TH JUDICIAL CIRCUIT AND
10TH AND 57TH 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 10th 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 10th 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 57th 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 10th 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 10th 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 57th 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.

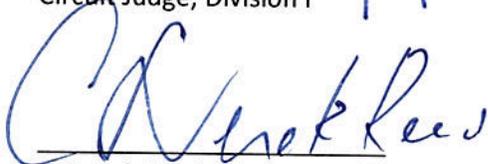
The above protocol is adopted by all judicial officers in the circuit:



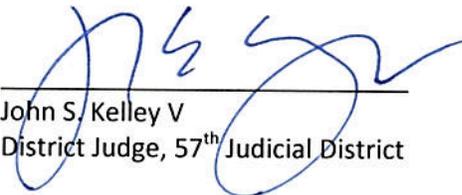
Charles C. Simms, III
Circuit Judge, Division I 11/25/15



John David Seay
Circuit Judge, Division II



C. Derek Reed
District Judge, 10th Judicial District



John S. Kelley V
District Judge, 57th Judicial District

APPENDIX "B"

NOTE: The AOC-152 must also be used in conjunction with this form pursuant to FCRPP 9(2).

COMMONWEALTH OF KENTUCKY
_____ CIRCUIT COURT

CIVIL ACTION NO. _____

DIVISION ____

PETITIONER

VS.

ORDER SETTING CHILD SUPPORT

RESPONDENT

Motion having been made and the Court being sufficiently advised; IT IS HEREBY ORDERED AS FOLLOWS:

1. That the _____ shall pay the sum of \$____ monthly (\$____ child support obligation; \$____ Friend of the Court fee) for the support of the parties' minor child.

2. Child support shall be payable to **The Friend of the Court and mailed to P.O. Box 326, Bardstown, KY 40004. NO OUT OF STATE CHECKS ARE ACCEPTED.**

3. Child Support forwarded directly to the recipient and accepted is in direct violation of this Order.

4. The first of said child support payments shall be due and payable on _____.

5. This is not a wage assignment for payment of support. It is the responsibility of the _____ to make child support payments to the Friend of the Court.

OBLIGOR

OBLIGEE

Social Security No. _____

Address _____

Employer _____

Address

JUDGE, _____ CIRCUIT COURT
DATE _____

DISTRIBUTION LIST:

- ___ Counsel for the Petitioner
- ___ Counsel for the Respondent
- ___ Obligor
- ___ Obligee
- ___ Friend of the Court
- ___ Clerk - please seal this Order

Clerk _____ Date _____

APPENDIX "C"

COMMONWEALTH OF KENTUCKY
CIRCUIT COURT

CIVIL ACTION NO. _____

DIVISION _____

PETITIONER

VS.

WAIVER OF MANDATORY CASE
DISCLOSURE AND FINAL HEARING

RESPONDENT

By signing this waiver, the parties identified above, do hereby swear or affirm, under penalty of perjury, to the following:

1. That each party has made the other aware of all property, real, personal or mixed, marital or non-marital, owned by him or her, and has made the other aware of all values or increases in values of said property, as well as having made the other aware of all debt associated with said property and all debt incurred during the marriage.
2. That the parties are fully satisfied that there is no other property, real, personal or mixed, or debt, which has not been disclosed to the other.
3. That neither party desires to make public their assets and debts.
4. That the parties agree to waive the exchange of AOC forms 238 and 239.
5. That the parties waive their right to a final hearing.

PETITIONER

DATE

RESPONDENT _____

DATE _____

COMMONWEALTH OF KENTUCKY
COUNTY OF _____

The petitioner has subscribed, sworn to, and acknowledged before me this ___ day of _____, _____.

NOTARY PUBLIC, STATE AT LARGE
My commission expires: _____

COMMONWEALTH OF KENTUCKY
COUNTY OF _____

The respondent has subscribed, sworn to, and acknowledged before me this ___ day of _____, _____.

NOTARY PUBLIC, STATE AT LARGE
My commission expires: _____

APPENDIX "D"

Tenth Judicial Circuit Time-Sharing/Visitation Schedule

In addition to the Model Time-Sharing/Visitation Guidelines referred to in FCRPP 8, the Courts of the Tenth Judicial Circuit and/or the parties may utilize the following time-sharing/visitation schedule. This schedule should not be used as a default schedule when the parties are unable to agree but rather should be used as a basis for determining a schedule that meets the needs of the family.

1. Periodic Time-Sharing/Visitation:

- (a) Weekends: Alternate weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.
- (b) Telephonic: One hour per week. Each party shall make available the telephone number where the child can be reached while the child is with that party.
- (c) One evening during the week (either Tuesday, Wednesday, or Thursday) after the weekend time-sharing/visitation from 4:00 p.m. to 9:00 p.m.

2. Holidays: In odd numbered years, the petitioner has Easter and Christmas Day from 9:00 a.m. until 7:30 p.m. while the respondent has July 4th, Thanksgiving, and Christmas Eve from 9:00 a.m. to 7:30 p.m. In even numbered years, the schedules are reversed. Memorial Day and Labor Day shall attach to the preceding weekend and end at 7:30 p.m.

3. School Breaks:

(a) Traditional School Calendar: Except as otherwise provided herein, each party shall enjoy time-sharing/visitation for one-half of the spring and Christmas school breaks. In even numbered years, the petitioner shall enjoy time-sharing/visitation for the first one-half of

each break period with the respondent to enjoy time-sharing/visitation in the second half. In odd numbered years, the schedule shall be reversed.

(b) Year Round School: Except as otherwise provided herein, each party shall enjoy time-sharing/visitation for one-half of the spring, fall, and Christmas school breaks. In even numbered years, the petitioner shall enjoy time-sharing/visitation for the first one-half of each break period with the respondent to enjoy time-sharing/visitation in the second half. In odd numbered years, the schedule shall be reversed. The parent exercising time-sharing/visitation shall be entitled to exercise one-half of the spring and fall break even if the child/children is required to attend intercession classes. Calculation of the length of the break is from the first day off school to the last day before school starts, less Christmas and Christmas Eve. Break visitation shall apply to children of all ages unless otherwise ordered by the Court after appropriate motion. If the child is not in school, the calendar of the school system where the child primarily resides shall control.

4. Terms:

(a) A holiday that falls on a weekend should be spent with the parent who is supposed to have the child/children for that holiday. The rest of the weekend is to be spent with the parent who would normally have that weekend. These do not have to be made up.

(b) Mother's Day and Father's Day are to be spent with the appropriate parent. Hours are as agreed or 9:00 a.m. to 7:30 p.m.

(c) Birthdays: Preferably, the child shall spend time with each parent on the child's birthday. If the parties are unable to agree, then the child shall celebrate his/her birthday in the home where the child primarily resides, unless it falls on a time-sharing/visitation date.

(d) The parent exercising time-sharing/visitation shall arrive within thirty (30) minutes of the start time unless otherwise agreed to by the parents. If the parent exercising time-sharing/visitation should fail to arrive within thirty (30) minutes of the start time, that parent would forfeit his or her time-sharing/visitation for that specific time period.

(e) The following shall control cancellations: If a child is ill, the parent where the child primarily resides should give reasonable notice to the other parent and be prepared to provide medical documentation. Time lost for the child's illness shall be made up. The parent exercising time-sharing/visitation should give twenty-four hour notice of intent to cancel. The time canceled by the parent exercising time-sharing/visitation is forfeited.

(f) The parent where the child primarily resides shall send appropriate clothing for the visitation which shall be returned at the end of the time-sharing/visitation period.

5. Summer Vacation: The summer vacation period shall include three weeks of time-sharing/visitation each year as follows: The parent exercising time-sharing/visitation shall enjoy the first, third, and fifth full week of the child's vacation from Sunday at 12:00 p.m. until Sunday at 12:00 p.m. The parent where the child primarily resides shall have the balance of the vacation period. Each party must give the other notice by May 1 of vacations or special plans for the child/children if there is a scheduling conflict to see if an alternate agreement can be reached. The following conditions shall apply during summer and extended visitations:

(a) Summer school necessary for the child/children to pass to the next grade shall be attended.

(b) A general itinerary shall be provided for the parent if vacation will be out of town.

(c) Each parent shall have telephone numbers and addresses for contact during periods of extended visitation.

(d) Each parent shall be entitled to telephonic visitation one evening each week during the extended summer time-sharing/visitation.

(e) During the first six weeks of the summer, the extended summer time-sharing/visitation schedule shall replace regularly scheduled time-sharing/visitation for that time period.

(f) After the first six weeks of the summer, the parties shall return to their time-sharing/visitation schedule as if it had never been interrupted.

B. Transportation: Each parent shall be responsible for the transportation cost and for transporting the child/children to their own home.