Supreme Court of Kentucky

ORDER

IN RE: **ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 12TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, HENRY, OLDHAM, AND TRIMBLE COUNTIES**

Upon recommendation of the Judges of the 12th Judicial Circuit, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 12th Judicial Circuit, Family Court Division, Henry, Oldham, and Trimble 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 5th day of April 2012.

CHIEF JUSTICE JOHN D. MINTON, JR.

RULES OF COURT
PRACTICE AND PROCEDURE
COMMONWEALTH OF KENTUCKY

12TH JUDICIAL CIRCUIT COURT
COUNTIES OF HENRY, OLDHAM & TRIMBLE
FAMILY DIVISION

Revised 2/3/12

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RULES OF COURT FOR FAMILY COURT
12TH JUDICIAL CIRCUIT
FOR HENRY, OLDHAM AND TRIMBLE COUNTIES

RULE 1: INTRODUCTION / ADMINISTRATIVE PROCEDURE

101 Introduction/Preface.

A. These are the Rules of Practice of the Family Court in the 12th Judicial Circuit, covering Henry, Oldham and Trimble Counties. These Rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP), Kentucky Rules of Civil Procedure (CR), and the Rules of Criminal Procedure (RCr). These rules shall be the only operative 12th Judicial Family Court Rules. All previous rules adopted by the 12th Judicial Family Court are hereby rescinded.

B. Cases filed in the Family Court shall be styled as follows:

COMMONWEALTH OF KENTUCKY
_____ FAMILY COURT
CASE NO.:_____

102 Effective date

A. These Rules shall be effective thirty days after Kentucky Supreme Court approval.

103 Citation

These Rules shall be cited as 12th Judicial Family Court Rules.

104 Holidays and Weather Emergencies

Family Court shall adhere to the list of Court Holidays as set out by the Administrative Office of the Courts.
http://courts.ky.gov/circuitcourt/familycourt/sites/henryoldhamtrimble.htm

http://courts.ky.gov/research/holidayschedule.htm

Court Closure due to weather or other emergency will be decided by the Chief Circuit Judge, after conferring with the Chief District Judge and the Circuit Clerk, and will be disseminated through local media outlets as early as practical.

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

201 The 12th Judicial Family Court Schedule.

Hours of operation of the Courts and Court Clerks are as follows:

Oldham County 8:00 A.M. – 4:00 P.M. Monday – Friday
Henry County 8:00 A.M. – 4:00 P.M. Monday – Friday
Trimble County 8:00 A.M. – 4:30 P.M. Monday - Friday
1st Saturday of each month 8:00 A.M. – 12:00 P.M.

Phone Numbers for the Court Clerks are as follows:

Oldham Family Court (Adoption & Divorce) (502) 222-9837
(Juvenile, Paternity, & Domestic Violence) (502) 225-0791
Henry Family Court (Adoption & Divorce) (502) 845-2868
(Juvenile, Paternity, & Domestic Violence) (502) 845-7551
Trimble Family Court (502) 255-3213

Emergency Dependency, Neglect and Abuse or Status motions may be made on any day of the week, with appropriate notice, on each division's Emergency Dependency, Neglect and Abuse or Status dockets. Non-emergency Dependency and Status motions shall be noticed for the appropriate and regularly scheduled dockets.

202 Motion Hour

The Court publishes a calendar of motion hour dates, juvenile hearings and domestic violence dockets on a monthly basis, at least three months in advance. Copies of the monthly Family Court calendars are posted at the court house, and may be obtained from the Family Court Staff. As a general rule, subject to change due to scheduling needs or unforeseen reasons such as inclement weather, Court motion hours are as follows:

Trimble County	2nd and 4th Mondays @ 1:00 p.m.
Henry County	1st and 3rd Tuesdays @ 1:00 p.m.
Child support only	2nd Tuesday @ 1:00 p.m.
Oldham County	1st, 3rd, and 4th Fridays @ 9:00 a.m.

203 Deadline for Serving and Filing Motions.

All Motions in circuit actions are to be heard on a scheduled Motion Hour for each county and shall be "served" with Notice to the Other Parties and or Counsel 7 days prior to each county's scheduled Motion Hour, except for good cause shown. Time calculation: Unless otherwise specified, all days are calendar days.

Motion shall be "filed" with the Clerk's office by 4:00 P.M. per the following schedule:

For motion hour on a Monday, file by preceding Monday.
For motion hour on a Tuesday, file by preceding Tuesday.
For motion hour on a Thursday, file by preceding Thursday.
For motion hour on a Friday, file by preceding Friday.

Motions filed with the Clerk after 4:00 P.M. per the above schedule, shall be automatically passed to the next scheduled Motion Hour for that county.

In the event the Courthouse is closed on the above days, the motion shall be filed by 12:00 noon on the next business day.

204 Pro Se Motions

Pursuant to FCRPP 1(3), self represented litigants shall be held to knowledge of these rules the same as parties represented by counsel. "Pro se motion" procedure forms are available in the Circuit Clerks' offices. The Circuit Clerk or Deputy Clerks are prohibited by rule from giving legal advice.

205 Faxed Pleadings

The Clerk is instructed not to accept faxed pleadings, unless prior approval by the Family Court Judge.

RULE 3: ADOPTION / TERMINATION OF PARENTAL RIGHTS

Every petition in an adoption or termination action shall comply with the requirements for adoption cases as set out in KRS 199.470, 490 and the requirements for termination cases as set out in KRS 625.020 et seq.

301 Temporary Custody Orders

Temporary Custody Orders granted pursuant to KRS 199.473(7) shall be sealed, and not opened to inspection by persons other than the parties to such proceedings and their counsel.

RULE 4: DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

The Twenty-Four (24) Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for 12th Judicial Circuit and District consisting of Henry, Oldham and Trimble Counties is attached hereto in Appendix A and incorporated herein by reference as if set out in full..

401 Procedures for Filing and Obtaining Emergency Protective Orders.

A. Per KRS 403.725, during regular work hours a verified petition for Domestic Violence Order (DVO) of protection and an ex parte Emergency Protective Order (EPO) shall be filed at the Circuit Clerk's Office in the county where petitioner resides. If the petitioner has left his/her usual place of residence in order to avoid domestic violence and abuse, the petition may be filed in the county of his/her usual residence or in the county of his/her current residence. Pursuant to KRS 403.730(2), all law enforcement officers, Commonwealth and Assistant Commonwealth Attorneys, County and Assistant County Attorneys are authorized to provide and verify domestic violence petitions in emergencies arising outside normal business hours of the Circuit Clerk's offices.

B. The requirements for the contents of the domestic violence petition shall conform with KRS 403.730.

402 Violation of Domestic Violence Orders.

A. Without limiting a party's choice of remedies, alleged violations of Domestic Violence Orders should be referred to the Oldham, Henry or Trimble District Court for possible prosecution, except as set forth in 402(B).

B. Without limiting a party's choice of remedies, alleged violations of Domestic Violence Orders pertaining to visitation, child support or counseling, should be initiated through the Oldham, Henry or Trimble Family Court and scheduled for contempt hearings on the appropriate Family Court docket.

RULE 5: PATERNITY

501 Motion Practice

A. Motions for wage assignments pursuant to KRS 403.215 and KRS 405.465, appointments of Guardian ad Litem, for Guardian ad Litem fees, and to compel discovery shall not be placed on the regular docket but shall stand submitted to the Court unless a written objection and request for hearing is filed within five days of the date contained in the Certificate of Service.

B. Motions for default judgments for failure to plead or otherwise defend, as provided by the Rules of Civil Procedure, shall not be noticed for a hearing before the Court but shall be filed with the Court and stand submitted upon filing. If the Court determines a hearing is necessary under CR 55.01, a hearing date will be assigned.

C. Motions to modify, suspend, or terminate child support and to determine arrearages accrued on child support orders shall be scheduled by motion filed on the appropriate motion hour docket.

D. All matters relating to UIFSA Registration for Enforcement only of a foreign support order shall be filed in and heard on the Family Court's Paternity docket. This includes, but is not limited to, contempt proceedings in such actions.

502 Pretrial Procedures

Pretrial Conference

A. In all cases in which the respondent files an answer or signs an affidavit admitting to the paternity of the child, an out-of-court pretrial conference is conducted to simplify the issues to be heard by the Court, and to explore possible stipulations of fact and documents that will avoid unnecessary proof or delay.

B. No case shall be scheduled for a hearing on the regular court docket for trial, motion for judgment on the pleadings, motion for summary judgment, or motion for an original child support order without first scheduling a pretrial conference.

C. Nothing in this Rule shall prohibit the parties from entering into an agreed judgment of paternity and order of support and filing the same for approval by the Court off-docket unless the Cabinet for Health and Family Services is a party and/or providing benefits. If so, the Cabinet shall be notified prior to submitting the order of the Court

503 Guardian ad Litem/Military Attorney Appointed for Actions Filed Pursuant to KRS 406

A. In the interest of efficient court management, the Court maintains a standing list of approved GAL/parent attorneys for each county. Upon the withdrawal or removal of an attorney from said list, notice to apply for consideration will be sent to local bar members and other attorneys who regularly practice in the district. GAL/parent attorneys must be in good standing with the Kentucky Bar Association, regularly practice in the District, and have completed the AOC's GAL training. The appointment is made and compensation paid according to the statute, case law, or civil rule authorizing the appointment.

B. Motions for compensation shall be accompanied by an affidavit indicating:
1. The statutory basis for appointment;
2. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
3. That the action or proceedings have been concluded.

C. Guardians ad Litem appointed to represent unmarried infants, persons of unsound mind, or adult prisoners shall notify the respondent of his/her appointment of a Guardian ad Litem, inform the respondent of the nature of the proceeding and of the defendant's right to have genetic testing conducted. Within sixty days of the appoint, the Guardian ad Litem shall file an answer on behalf of the respondent or a report stating whether or not, after careful examination of the case, he/she is able to present a defense.

D. The Court maintains separate list of warning order/military attorneys, who must be current bar members in good standing. Attorneys may request inclusion on said list by contacting Claudia Brewer, Legal Assistant at (502) 222-2112.

504 Reopening Fee

A. Pursuant to FCRPP 14(1), a $50.00 reopening fee shall not be paid for motions in cases brought pursuant to Title IV-D of the Social Security Act for child support modification or enforcement. However, where an action is initiated pursuant to Title IV-D but subsequent motions regarding child support, custody or visitation are brought by a private attorney or are filed by a party pro se, (rather than by Title IV-D counsel), the fee shall be charged unless the Court approves a motion brought in forma pauperis.

505 Permission to Review and Copy Paternity Case Files

Upon receipt by the 12th Judicial Family Court of an attorney's statement seeking permission to review and copy a paternity case file, **OR** upon the receipt by the 12th Judicial Family Court of a party's signed and notarized release authorizing an attorney to inspect the party's paternity case file, <u>for reasons relating to representation in that action of a party thereto</u>, the Clerk's office shall grant the attorney access to such a file.

Pursuant to KRS 406.035, the attorney seeking permission to review and/or copy the paternity file shall sign a statement that the order of judgment is the only information which may be shared with the client and that all other information in the case cannot be disclosed to the client, including information relating to domestic violence or child abuse as well as the addresses of the parties. Regardless of the subsequent representation or non-representation of the party, any information contained in such file is confidential and subject to the attorney-client privilege.

506 Access to Paternity Cases for Attorneys and Guardians ad Litem Representing Incarcerated Parents

The 12th Judicial Family Court Clerk's Office shall allow attorneys and Guardians ad Litem who are representing incarcerated parents in paternity cases to have access to the records of those actions.

RULE 6: DEPENDENCY, NEGLECT AND ABUSE PROCEEDINGS

601 Procedure for Emergency Custody Orders.

In the 12th Judicial Counties of Oldham, Henry and Trimble Counties, to obtain an Emergency Custody Order as set forth in FCRPP 19:

A. During the normal business hours, persons seeking an Emergency Custody Order (ECO) shall come to the Circuit Clerk's office to request an emergency custody order from the Family Court Judge, District Court Judge or Trial Commissioner. The Petition shall first be reviewed by the appropriate Cabinet for Health and Families Services (CHFS) Office and the appropriate County Attorney to assess the sufficiency of the allegations in conformity with 12th Judicial Family Court Rule 602 below. A copy shall also be provided to the person seeking the ECO.

B. After working hours, and on weekends and holidays, the on-call Judge or Trial Commissioner shall be contacted. Law enforcement will complete the ECO and, if granted, will provide the original order to CHFS. CHFS will file the original order with the 12th Judicial Family Court Clerk's Office on the next working day. The original ECO shall remain with the 12th Judicial Family Court Clerk's Office and a copy shall also be provided to the person seeking the ECO.

602 Petition

All petitions shall be filed in accordance with FCRPP 20 and shall be submitted to the County Attorney's Office who shall check the petition for legal sufficiency. If the petition is rejected by the County Attorney, it shall be submitted to the Family Court Judge for determination of legal sufficiency. If the Judge determines that the petition fails to state grounds for action pursuant to KRS Chapter 620, the petition shall be dismissed. If the petition is approved, the County Attorney or Judge, as appropriate, shall initial the petition for filing. A copy shall be distributed to the County Attorney's Offices and the original shall be filed with the 12th Judicial Family Court Clerks' Offices.

A. Any petition filed with this Court shall comply with the following conditions:

1. Citations to specific statute and factual allegations relied upon in asserting the Court's jurisdiction; and

2. Full information concerning the child's parents and their address(es). The petitioner shall make diligent efforts to locate the child's parents, including but not limited to initiating contact with the County Attorney's Office Child Support Division.

603 The Effects of Service on Only One Parent/Person Exercising Custodial Control or Supervision

The Judge may permit the Temporary Removal Hearing or the adjudicatory hearing to go forward when the non-custodial parent has not been served in accordance with FCRPP 18(1) if it is established on the record that petitioner has made diligent efforts to serve all other parties. The petitioner shall make continuing diligent efforts after the hearing to locate and notify all persons who were not served.

604 Time for Temporary Removal Hearing

The Temporary Removal Hearing shall be held according to the following guidelines:

A. The Temporary Removal Hearing shall be scheduled on the dependency docket if the docket will be held within 72 hours, (excluding holidays and weekends) of the issuance of an ECO. If the dependency docket will not be held within 72 hours, the Temporary Removal Hearing will be scheduled as an emergency docket within 72 hours of the issuance of the ECO.

605 Guardian ad Litem and Parent Attorneys

The Court shall assign Guardians ad Litem and Parent Attorneys for each county in the 12th Judicial Circuit in order to facilitate consistent, high-quality advocacy representation of all parties.

606 Duty of Guardian ad Litem and Parent Attorney to Continue

After a Guardian ad Litem or Parent Attorney accepts an appointment, representation shall continue through all stages of the dependency, neglect, abuse; or through termination of parental rights and adoption proceedings. All parties shall be served with notice of an attorney's request to withdraw if prior to above.

607 Records and Transcripts

A videotaped record or digital record of all proceedings shall be kept and copies shall be available to the parties and their counsel upon request in accordance with the provisions of FCRPP 27.

608 Dispositional Hearing

At the dispositional hearing CHFS shall provide the court with the information required pursuant to FCRPP 28 by completing form DNA 12. In addition, if the siblings have been separated, CHFS shall explain the reasons for separation.

RULE 7: DOMESTIC RELATIONS PRACTICE

701 Required Case Information.

A Case Data Information Sheet shall be filed with any dissolution petition (Form AOC-FC-3), as well as the VS-300 form.

702 Appearances, Waivers, and Agreements.

A. Unrepresented parties must sign and acknowledge Appearances, Waivers and Agreements before a notary or deputy clerk.

B. No Entry and Appearance shall be signed prior to filing of a petition.

C. All Agreements and Agreed Orders shall contain the correct mailing addresses and e-mail addresses for the attorneys and parties.

703 Divorce Education Program

Families involved in a divorce proceeding where there are minor children of the marriage may be ordered to participate in a Divorce Education Program. A schedule of sessions and brochure shall accompany notification of requirement to attend.

704 Mediation.

A. Mediation

The Court encourages parties to seek mediation of unresolved issues prior to trial. The Court, upon motion of either party, may order the parties to attempt mediation

If ordered by the Court pursuant to FCRPP 2(6), the parties shall engage in mediation unless the exceptions provided under KRS 403.036 apply.

B. Qualifications

Any selected or appointed mediator shall have completed a minimum of forty hours in a family mediation training program and shall have a college degree, prior basic education and training in Behavioral Sciences, or be an attorney licensed to practice in the Commonwealth of Kentucky. The parties may select a mediator with equivalent experience.

C. Appointment of Mediator

The mediator shall be compensated at the rate agreed between the mediator and the parties if the mediator is chosen by agreement. If the Court appoints the mediator, the fee for the mediator shall be reasonable. Any objection to a mediator's fee may be addressed by the Court prior to initiation of a mediation conference. Unless otherwise agreed by the parties or ordered by the court, the parties shall equally divide the mediator's professional fees.

D. Mediation Procedure

Following selection of the mediator, the mediator shall set an initial mediation conference. The mediation conference shall be held in the county in which the case is pending or at a site agreed upon by the parties. 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. The mediator may terminate the mediation conference after a settlement is reached or when the mediator determines that continuation of the process would be unproductive. After the initial mediation conference, mediation shall continue only by the agreement of the parties, their counsel and the mediator, or by order of the Court.

E. Report to the Court

If an agreement is reached during the mediation conference, it shall be reduced to writing and signed by the parties. The parties shall be responsible for the drafting of the agreement, although the mediator may assist in the drafting of the agreement at the request of the parties.

If no agreement is reached, the mediator shall report to the Court that the mediation has not been completed, or that the mediation has been completed with or without an agreement on any or all issues. With the consent of the parties, the mediator may also identify those matters, which, if resolved or completed, would facilitate the possibility of a settlement.

F. Confidentiality of Mediation

1. Mediation sessions shall be closed to all persons other than the parties, their legal representatives, and other persons invited by the mediator with the consent of the parties.
2. Mediation shall be considered as settlement negotiations for purposes of KRS 408.
3. Mediators shall not be subject to process requiring the disclosure of any matter discussed during the mediation, but rather, such matters shall be considered confidential and privileged in nature. This privilege and immunity resides in the mediator and may not be waived by the parties.
4. Nothing in this rule shall prohibit the mediator from reporting abuse according to KRS 209.030, KRS 620.030, or other applicable law.

RULE 8: JUVENILE STATUS OFFENSES

Family Court has jurisdiction over status offenses as defined by KRS 23A 100(2)(d). This jurisdiction includes status offenses under KRS Chapter 630 except where proceedings under KRS Chapters 635 or 640 are pending.

RULE 9: MISCELLANEOUS

901 Identification of Counsel or Party Required

Every pleading, motion and any other paper filed in the record by counsel or party shall contain the case number, typed or printed name, address, telephone number and e-mail address of the attorney or party signing the paper. A rubber stamp shall not be deemed a signature either under this Rule or CR11.

902 Protection of Personal Identifiers

A. The Family Court Case Data Sheet must be fully completed in all cases. In addition, all pleadings must comply with the requirements of KRS Chapter 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph B below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with CR 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 Clerk of the Court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the Court or other authorized Court personnel, a duly authorized employee or agent of the Cabinet of Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the Court. As used in this section, "personal identifier" means Social Security number, taxpayer identification number, date of birth, or financial account number.

B. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not be redacted, and any access to those files shall be governed by the 12th Judicial Family Court Rule 505 and by KRS 199.570, KRS 610.340, KRS 625.045 and KRS 625.108.

903 Notice of Submission

In accordance with SCR 1.050(8), when any action stands submitted for final adjudication, counsel or unrepresented parties may file an AOC Form 280 with the Judge, Family Court Clerk and Administrative Office of the Courts.

904 Requests for Confidential Video Records

The 12th Judicial Circuit Court Clerk's office shall not release any copies of 12th Judicial Family Court confidential video records, without a specific written order from the Family Court Judge. An individual requesting a judicial order must file a written motion, with notice to all parties, including the child's Guardian ad Litem, if any, and set forth the purpose for the request.

Pursuant to KRS 610.340(2), this shall not apply to public officers or employees engaged in the investigation and prosecution of cases under KRS Chapters 600 through 645 or other prosecutions authorized by the Kentucky Revised Statutes, as certified by that public officer or employee. Said public officer or employee shall use and distribute this information only for investigation or prosecution of offenses under the Kentucky Revised Statutes.

APPROVED:

Timothy E. Feeley /Date 3-14-12
Timothy E. Feeley
Family Court Judge

Karen A. Conrad /Date 3-28-12
Karen A. Conrad
Circuit Judge

Supreme Court of Kentucky

ORDER

IN RE: **ORDER APPROVING AMENDMENT TO APPENDIX A OF THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 12TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, HENRY, OLDHAM, AND TRIMBLE COUNTIES**

Upon the recommendation of the Judges of the 12th Judicial Circuit, Henry, Oldham and Trimble counties, and being otherwise sufficiently advised,

The amendment to Appendix A of the Rules of Court Practice and Procedure for the 12th Judicial Circuit, Family Court Division, 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
12th JUDICIAL CIRCUIT AND DISTRICT
OLDHAM, HENRY & TRIMBLE 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 in that Circuit. 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 appropriate Circuit Court Clerk's office or any law enforcement officer.

B. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **after** regular business hours and weekends: All law enforcement officers, Commonwealth and Assistant Commonwealth Attorneys, County and Assistant County Attorneys.

C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following: Family Court Judge, District Judge, trial commissioner (Henry and Trimble counties only), or Circuit Judge in that order of availability.

D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to: The on-call 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 Family Court.

D. The schedule for hearings on protective orders is as follows:

Henry: 1st & 3rd Tuesday at 2 p.m.; 2nd Tuesday at 3 p.m.
Oldham: 1st, 3rd, & 4th Friday at 11 a.m.
Trimble: 2nd & 4th Monday at 2 p.m.
The monthly calendar is subject to change. Specific monthly calendars may be obtained from the Family Court administrative assistant and are available at least 3 months in advance.

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 County Attorney or Assistant County Attorney. If the County Attorney believes contempt proceedings through the Family Court are more appropriate, the Petitioner will be directed to the Circuit Court Clerk's office to file an Affidavit.

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:

Timothy E. Feeley, Circuit Court Judge/Date

Karen A. Conrad 10/13/015
Karen A. Conrad, Circuit Court Judge/Date

Jerry D. Crosby II, District Court Judge/Date

Diana E. Wheeler 10-13-15
Diana E. Wheeler, District Court Judge/Date