

APPENDIX A

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL AS ADOPTED 12/2011

14th JUDICIAL CIRCUIT AND DISTRICT

BOURBON, SCOTT AND WOODFORD COUNTIES

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Rule 4, this local domestic violence protocol 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/family and district courts.

I. Uniform Protocol for Handling Cases

A. All domestic violence cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.

B. 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.

C. No county shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.

D. Domestic violence cases may be reassigned or transferred to another circuit when there exists a pending dissolution or custody matter in another circuit court in Kentucky. In the event a domestic violence case is transferred to another circuit prior to a domestic violence protective order being entered, the emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740 (4), for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

II. Twenty-four Hour Accessibility

A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

1. Any law enforcement officer;
2. A prosecutor based victim's advocate; or
3. If neither is available, any Circuit Court Clerk or deputy Circuit Court Clerk.

B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours of the Circuit Court Clerk in the county where the petition is being filed:

1. Any law enforcement officer;
2. A prosecutor-based victim's advocate.

C. The individual taking the petition should review it for completeness prior to swearing the petition.

D. Upon receipt of a petition **during** regular business hours the authorized agency/officer shall file the petition with the Circuit Court Clerk in the county where the petition is being filed. Upon receipt the Circuit Court Clerk or designee shall present the petition to the on-call District Court Judge or Trial Commissioner or, in the event the on-call District Court Judge or Trial Commissioner is not in the county or is unavailable, the petition may then be presented to any District Court Judge or Trial Commissioner or, if not available, then the Circuit Judge of Family Court, or if not available, then to either Circuit Judge.

E. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to the on-call District Court Judge or Trial Commissioner or, in the event the on-call District Court Judge or Trial Commissioner is unavailable, the petition may then be presented to any District Court Judge or Trial Commissioner or, if not available, then to the Circuit Judge of Family Court, or if not available, then to either Circuit Judge.

F. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

III. Contempt Proceedings

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

B. Petitioners seeking to initiate contempt proceedings should contact the Circuit Court Clerk's Office in the county where the Emergency Protective Order or Domestic Violence Order was issued.

C. Petitioners seeking to initiate a criminal complaint for violation of a protection order should contact law enforcement or the County Attorney's office in the county where the Emergency Protective Order or Domestic Violence Order was issued.

D. No petitioner may be held in contempt for failing to appear at a domestic violence hearing.

The above protocol is adopted by all judges in the 14th Judicial District/Circuit

Mary Jane Phelps /Date 3/20/12
Mary Jane Phelps
District Judge
14th Judicial District, Division I

Robert Johnson /Date 3/19/2012
Robert Johnson
Circuit Judge
14th Judicial Circuit, Division I

Vanessa Dickson /Date 3-26-12
Vanessa Dickson
District Judge
14th Judicial District, Division II

Paul Isaacs /Date 3/20/2012
Paul Isaacs
Circuit Judge
14th Judicial Circuit, Division II

Tamra Gormley /Date 3/19/12
Tamra Gormley
Circuit Judge
14th Judicial Circuit, Division III
Family Court