

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 19TH JUDICIAL CIRCUIT AND DISTRICT, BRACKEN, FLEMING AND MASON COUNTIES

Upon the recommendation of the Judges of the 19th Judicial Circuit and District, Bracken, Fleming and Mason counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 19th Judicial Circuit and 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 11th day of December 2015.


CHIEF JUSTICE

APPENDIX A

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL

19TH JUDICIAL CIRCUIT AND DISTRICT BRACKEN, FLEMING AND MASON 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 order 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 petitioners

(1) **during** regular business hours:

Circuit Court Clerks and deputy clerks
Sheriffs and deputy sheriffs

City police officers
Women's Crisis Center staff

(2) **after** regular business hours and on **weekends/holidays**:

Sheriffs and deputy sheriffs
City police officers
Women's Crisis Center staff

(B) Upon receipt of a completed petition, the authorized agency/officer shall present the petition to the following, in the following order:

(1) during **or** after regular business hours on a **weekday**:

District Court Judge (for Fleming County) or Trial Commissioners (for Bracken and Mason Counties), as appropriate, **or** Circuit Judge, if no other judge or trial commissioners can be located

(2) anytime **during a weekend or holiday**:

The on-call trial commissioner assigned for all three counties, as identified in the monthly rotational schedule for on-call assignments;
The other trial commissioner, or District Court Judge, if available, **or** Circuit Judge, if no other judge or trial commissioners can be located

(C) Domestic violence hearings and all hearings for all protective orders shall be heard by the District Court as follows:

Bracken County: All Tuesdays at 10:30 a.m.

Fleming County: 1st Thursdays at 1:00 p.m.; 3rd & 5th Thursdays at 11:00 a.m.

Mason County: 1st & 3rd Mondays at 1:00 p.m. & 5th Mondays at 11:00 a.m.

NOTE: Domestic Violence hearings may be scheduled for the same time and date as hearings for related criminal charges.

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 civil contempt proceedings (AOC Forms available) should contact:

Bracken Circuit Clerk, 606-735-3328
Fleming Circuit Clerk, 606-845-7011
Mason Circuit Clerk, 606-564-4011

- C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order. Failure of the petitioner to appear may result in denial or dismissal of the petition.
- D. When the Court conducts contempt proceedings in domestic violence actions, the party subject to contempt shall be represented by counsel, unless waived, and an attorney shall be appointed by the court if the party qualifies as an indigent.

All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

IV. Protocol

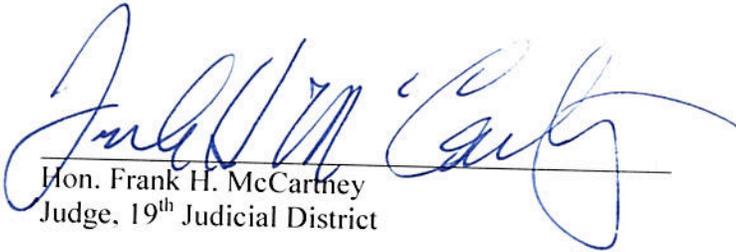
If at any time during the processing of a domestic violence case it is found there is a pending dissolution or custody matter, then consistent with FCRPP 12, the domestic violence case shall be reassigned to the circuit court with appropriate jurisdiction. The emergency protective order shall continue, and the summons to the appropriate court shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date the case is transferred, or for as long as the Court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed by the court of jurisdiction to which the case is transferred.

The above protocol is adopted by all judges in the 19th Judicial Circuit/District:

Adopted this 18th day of November, 2015.



Hon. Stockton B. Wood
Judge, 19th Judicial Circuit



Hon. Frank H. McCartney
Judge, 19th Judicial District