

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 22<sup>ND</sup> JUDICIAL CIRCUIT AND DISTRICT, FAYETTE COUNTY**

Upon the recommendation of the Judges of the 22nd Judicial Circuit and District, Fayette County, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 22nd 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

**TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT  
JURISDICTION PROTOCOL  
22ND JUDICIAL CIRCUIT AND DISTRICT  
FAYETTE COUNTY**

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rules of Practice and Procedure Section IV, this local protective order protocol is established to ensure twenty-four (24) 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 per KRS 403.725 and KRS 456.030.
- B. All protective order cases must be processed in accordance 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 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 per KRS 403.730 and KRS 456.040. Petitioners shall not be sent away or left waiting for extended periods of time. Petitions should be reviewed by a Judge within an hour of presentation unless said review is impossible due to no Judge being available.

## **II. Twenty-Four Hour Accessibility**

- A. All Petitions for an Emergency Protective Order (EPO) or Temporary Interpersonal Protective Order (TIPO) shall be filed with the Fayette District Court, Domestic Violence Division located at 150 N. Limestone Street, Suite D-466 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday or after hours with the Deputy Clerk located at 150 N. Limestone Street, Suite D-157.
- B. The Deputy Clerk is authorized to receive the Petition and administer the oath to the Petitioner pursuant to the Kentucky Circuit Court Clerk's manual and KRS 403.725. Further, designated Fayette County Deputy Sheriffs are authorized to take Protective Order Petitions and administer oaths to Petitioners, as Special Deputy Clerks, whenever Petitioners are unable to physically present themselves to the Deputy Clerk because of illness or hospitalization.
- C. Between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, EPO Petitions involving a party having ANY previous Family Court contact (ie. a Family Court Division is assigned) shall be presented to the Family Court Judge with previous and most recent contact with said party. If the assigned Family Court Judge is unavailable for more than one (1) hour, the Petition shall be presented to any available Family Court Judge. Petitions involving a party with no previous Family Court contact shall be randomly assigned to a Family Court division by the Deputy Clerk. If that Family Court Judge is unavailable for more than one (1) hour, the Petition shall be presented as set forth above.
- D. All Petitions for EPO's or TIPO's filed after 4:00 p.m. Monday through Friday or on weekends and Court Holidays shall be presented to the Family Court Judge on duty.

## **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 Protective Order case under KRS Chapter 403 or an Interpersonal Protective Order case under KRS Chapter 456.
- C. The Deputy Clerk shall randomly assign Interpersonal Protective Order cases to the Family Court.

- D. If an Emergency Protective Order (EPO) or Temporary Interpersonal Protective Order is issued, the Deputy Clerk shall file the Petition as a domestic violence "D" case in Family Court and schedule a Domestic Violence hearing with the appropriate Family Court Judge.
- E. At the time the domestic case is opened, the Deputy Clerk shall check the index of Family Court Cases to ascertain if a Family Court case exists. If it is determined that a Family Court case exists, the Deputy Clerk shall cross-reference the "D" case with the Family Court case(s).
- F. If a Domestic Violence Order (DVO) is issued, upon entry, the Deputy Clerk shall place a copy of the EPO/DVO in the dissolution or child custody case file.

#### **IV. Dissolution or Custody Proceeding in Another County**

- A. When it has been established by the Family Court that a dissolution or custody proceeding is pending in another county, the reviewing Judge shall first determine whether an EPO should be issued.
- B. If an EPO is issued, the Domestic Violence action shall be transferred to the county where the dissolution or child custody proceeding is pending, provided that the Deputy Clerk can schedule a hearing in the other county before the EPO expires.
- C. If a hearing cannot be scheduled prior to the expiration of the EPO, the Deputy Clerk shall present the EPO to any available Family Court Judge for a period not to exceed fourteen (14) days until such time as the case can be heard in another county.

#### **V. Domestic Violence Orders**

- A. The Family Court shall conduct all Domestic Violence hearings.
- B. The Family Court shall hear all Domestic Violence cases by the following schedule:
 

First Division:	8:30 a.m. on Wednesdays
Second Division:	8:30 a.m. on Tuesdays
Fifth Division:	8:30 a.m. on Mondays
Sixth Division:	8:30 a.m. on Thursdays
- C. The Family Court may schedule other Domestic Violence hearing dates as required.
- D. Cases may be reassigned or transferred between Divisions if it is determined that other actions are pending or if the circumstances warrant review by the other court per KRS

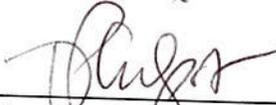
403.725 and KRS 456.030. If reassignment or transfer occurs, the issuing Judge shall re-issue a Summons until the matter may be heard by the receiving Judge.

#### **IV. Contempt Proceedings**

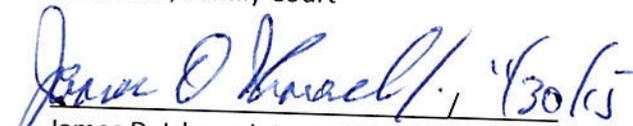
- A. Upon verified allegations of the violation of an EPO, DVO or TIPO, a show cause order shall be issued setting a date, time and place where the Respondent shall appear to show cause why he or she should not be held in contempt for the violation.
- B. The court shall appoint counsel if the Respondent is indigent, or, shall permit the Respondent to obtain counsel, before conducting a hearing.
- C. Any person found to be in contempt of an EPO, DVO or TIPO shall be subject to all penalties appropriate for contempt, including incarceration.
- D. All civil contempt violations shall be heard by the Family Court, and all misdemeanor criminal violations shall be heard by the District Court. Pursuant to KRS 403.765(5) civil and criminal proceedings for violation of a protective order shall be mutually exclusive. After a proceeding for civil contempt has been initiated, a criminal contempt proceeding shall not be undertaken regardless of the outcome of the civil proceeding, and likewise the pursuit of a civil contempt proceeding cannot be initiated after a criminal contempt charge has been brought.

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 Judges in the Circuit:

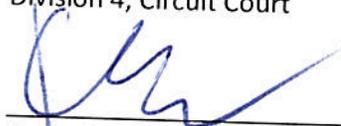
  
\_\_\_\_\_  
Timothy Philpot, Judge      11/4/30/15  
Division 1, Family Court      Date

  
\_\_\_\_\_  
Traci Boyd, Judge      11/2/3/15  
Division 2, Family Court      Date

  
\_\_\_\_\_  
James D. Ishmael, Jr., Judge      11/30/15  
Division 3, Circuit Court      Date

  
\_\_\_\_\_  
Pamela R. Goodwine, Judge      11/30/15  
Division 4, Circuit Court      Date

  
\_\_\_\_\_  
Lucinda Masterton, Judge      11/11/30/15  
Division 5, Family Court      Date

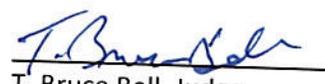
  
\_\_\_\_\_  
Kathy Stein, Judge      11/12/4/15  
Division 6, Family Court      Date

  
\_\_\_\_\_  
Ernesto Scorsone, Judge      11/30/2015  
Division 7, Circuit Court      Date

  
\_\_\_\_\_  
Thomas L. Clark, Judge      11/12-2-15  
Division 8, Circuit Court      Date

  
\_\_\_\_\_  
Kimberly N. Bunnell, Judge      11/12-3-15  
Division 9, Circuit Court      Date

  
\_\_\_\_\_  
Joseph T. Bouvier, Judge      11-24-15  
Division 1, District Court      Date

  
\_\_\_\_\_  
T. Bruce Bell, Judge      11/11-22-15  
Division 2, District Court      Date

  
\_\_\_\_\_  
Kim M. Wilkie, Judge      11/11-24-15  
Division 3, District Court      Date

  
\_\_\_\_\_  
Julie Muth Goodman, Judge      11/11/24/15  
Division 4, District Court      Date

  
\_\_\_\_\_  
Megan Lake Thornton, Judge      11/11/23/15  
Division 6, District Court      Date