

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 25TH JUDICIAL CIRCUIT AND DISTRICT, CLARK AND MADISON COUNTIES

Upon the recommendation of the Judges of the 25th Judicial Circuit and District, Clark and Madison counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 25th 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 14th day of January 2016.


CHIEF JUSTICE

**25th JUDICIAL CIRCUIT AND DISTRICT
CLARK AND MADISON COUNTIES**

**TWENTY-FOUR HOUR ACCESSIBILITY TO
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL**

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 (IPOs) 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 the petitioner's right to modify or withdraw a petition for protective orders 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 receiving judge may hear the matter.
- 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 all protective order petitions and administer oaths to petitioner **during** regular business hours:

During regular business hours, the petition shall be obtained, sworn to, and filed in the Offices of the Clark or Madison County Circuit Clerk.

- B. The following agencies and officers are authorized to take all protective order petitions and administer oaths to petitioners **after** regular business hours and weekends:

Clark and Madison Circuit Court Clerks and Deputy Clerks
Clark and Madison County Attorneys, Assistant County Attorneys, and office staff
Clark and Madison County Sheriffs and Deputy Sheriffs
Any Officer from a Clark or Madison county city police department
Any Trooper from the Kentucky State Police
Any Officer from the Eastern Kentucky University Police Department
Clark and Madison County Jailers and Deputy Jailers

- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

During regular business hours, petitions for all protective orders shall be presented to a Family Circuit Court Judge of the 25th Judicial Circuit for review and consideration. If a Family Circuit Court Judge is not available, petitions shall be presented to a District Court Judge of the 25th Judicial District for review and consideration. If neither a Family Circuit Court Judge nor a District Court Judge is available, petitions shall be presented to a General Jurisdiction Circuit Court Judge of the 25th Judicial Circuit.

- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition according to the joint "EPO and IPO After-Hours Protocol" (attached hereto), which is incorporated herein by reference.

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 any 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 or other issuing authority shall assign both KRS Chapter 403 emergency protective orders and KRS 456 interpersonal protective order cases to the Family Circuit Court for hearing.
- D. The schedule for hearings on protective orders is as follows:

Clark County, Thursdays at 1:30 p.m.
Madison County, Wednesdays at 1:30 p.m.

These court dates are subject to the Master Calendar of the Family Circuit Court of the 25th Judicial Circuit issued each calendar year (which takes into account all holidays), and entered pursuant to FCLR25 2.01.

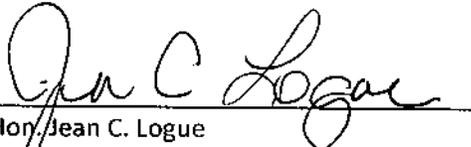
- E. Cases may be reassigned or transferred between courts if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. KRS 403.725, KRS 456.030. If reassignment or transfer occurs, the issuing judge shall re-issue a summons for the matter to be heard by the receiving judge.

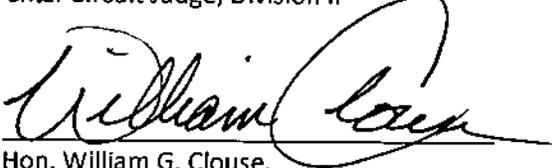
IV. Contempt Proceedings

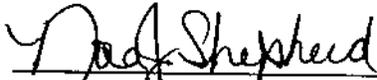
- A. Pursuant to KRS 403.763 and KRS 456.180, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.
- B. Petitioners seeking to initiate criminal contempt proceedings during regular business hours should contact the appropriate County Attorney (Clark or Madison County) in order to initiate criminal charges of a violation of the protective order. After regular business hours and weekends, petitioners should contact law enforcement for investigation of their complaint. Petitioners seeking to initiate civil contempt proceedings within the Family Circuit Court should refer to FCLR25 2.02 and follow the procedures therein.
- C. No petitioner may be held in contempt for failure to appear at a domestic violence hearing or the prosecution of 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.

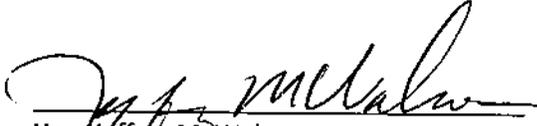
The above protocol is adopted by all judicial officers in the circuit, this the 6th day of ~~November, 2015~~
January, 2016


Hon. Jean C. Logue
Chief Circuit Judge, Division II

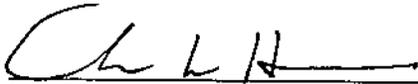

Hon. William G. Clouse,
Circuit Judge, Division I



Hon. Mora J. Shepherd,
Circuit Judge, Family Court Division III



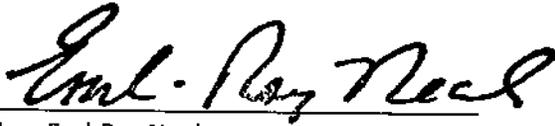
Hon. Jeffrey M. Watson,
Circuit Judge, Family Court Division IV



Hon. Charles W. Hardin,
District Judge, Division I



Hon. Brandy Oliver Brown,
District Judge, Division II



Hon. Earl-Ray Neal,
Chief District Judge, Division III

**25th JUDICIAL CIRCUIT AND DISTRICT
CLARK AND MADISON COUNTIES
EPO and IPO AFTER-HOURS PROTOCOL**

Effective December 1, 2015, the Judges of the 25th Judicial Circuit/District hereby adopt the following EMERGENCY PROTECTIVE ORDERS and INTERPERSONAL PROTECTIVE ORDERS (eff. 1/1/2016) ON-CALL SCHEDULE, which is applicable ONLY to EPO and IPO reviews. If the judge from this on-call schedule cannot be reached, the General Jurisdiction Circuit Judges may be contacted.

EPO and IPO ON-CALL SCHEDULE, EFFECTIVE 12/01/15:

1st - 6th day of each month	Judge Charles W. Hardin (859) 248-5915 charleshardin@kycourts.net
7th - 12th day of each month	Judge Jeffrey M. Walson (859) 749-1343 jeffwalson@kycourts.net
13th - 18th of each month	Judge Earl-Ray Neal (859) 537-3114 erneal@kycourts.net
19th-24th of each month	Judge Nora J. Shepherd (859) 358-2016 or 859-626-1841 norashepherd@kycourts.net
25th-31st of each month	Judge Brandy Oliver Brown (859) 625-4970 brandybrown@kycourts.net

****IT SHOULD also BE NOTED, effective December 1, 2015, all prior Orders regarding on-call schedules are hereby rescinded. After-hours matters OTHER THAN EPO/IPOS (for example, setting bonds, signing all summons and warrants, orders of juvenile detention, signing search warrants, miscellaneous after-hours questions, etc.) will revert solely to the District Judges of the 25th Judicial District pursuant to a separate Order entitled "GENERAL AFTER-HOURS PROTOCOL," and attached hereto for reference and for convenience in distribution.

**25th JUDICIAL CIRCUIT AND DISTRICT
CLARK AND MADISON COUNTIES
GENERAL AFTER-HOURS PROTOCOL**

Effective **December 1, 2015**, the District Judges of the 25th Judicial District hereby adopt the following on-call schedule for all after-hours matters needing the attention of a judge, to include but not limited to the setting of bonds, signing of summons and warrants, issuance of orders regarding juvenile detention, issuance of search warrants, and all other after-hours matters, *WITH THE EXCEPTION OF EPO/IPO reviews* (See EPO and IPO AFTER-HOURS PROTOCOL) *and ECO reviews* (which are always to be reviewed by a Family Circuit Judge).

1st - 10th day of each month

Judge Charles W. Hardin
(859) 248-5915
charleshardin@kycourts.net

11th-20th day of each month

Judge Earl-Ray Neal
(859) 537-3114
erneal@kycourts.net

21st-31st of each month

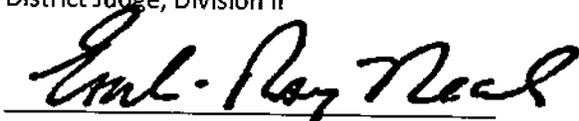
Judge Brandy Oliver Brown
(859) 625-4970
brandybrown@kycourts.net



Hon. Charles W. Hardin,
District Judge, Division I



Hon. Brandy Oliver Brown,
District Judge, Division II



Hon. Earl-Ray Neal,
Chief District Judge, Division III