

Supreme Court of Kentucky

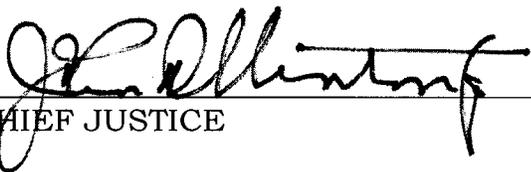
ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 38TH JUDICIAL CIRCUIT AND DISTRICT, BUTLER, EDMONSON, HANCOCK, AND OHIO COUNTIES

Upon the recommendation of the Judges of the 38th Judicial Circuit and District, Butler, Edmonson, Hancock, and Ohio counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 38th 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 18th day of July 2016.


CHIEF JUSTICE

APPENDIX 1**TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY
PROTECTIVE ORDERS AND TEMPORARY INTERPERSONAL
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION
DOMESTIC VIOLENCE PROTOCOL
38th JUDICIAL CIRCUIT AND DISTRICT
BUTLER, EDMONSON, HANCOCK & OHIO COUNTIES**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and temporary interpersonal protective orders (hereinafter collectively referred to as “domestic violence matters” and “domestic violence cases”) 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 Processing Cases

- A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the “Domestic Violence Proceedings” section of 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. Domestic violence matters may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending.
- D. Domestic violence cases are civil matters within the purview of CR 41.01. Therefore, this jurisdiction does not have a “no-drop” policy.
- E. Domestic violence cases may be reassigned or transferred to another circuit when it is determined that a dissolution or child custody case is pending in the other county. When a clerk discovers that such an action is pending in another county, this fact shall be brought to the immediate attention of the Family Court Judge, who will then make the determination whether the domestic violence hearing would be more appropriately heard in the other county. Consistent with FCRPP 12, when the Family Court Judge orders that a case be transferred to another circuit due to a pending dissolution or custody matter, an 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 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**:

The Butler County Circuit Court Clerk and all deputy clerks
 The Edmonson County Circuit Court Clerk and all deputy clerks
 The Hancock County Circuit Court Clerk and all deputy clerks
 The Ohio County Circuit Court Clerk and all deputy clerks

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after regular business hours and weekends**:

Circuit Clerk of each county and all of their sworn deputies; the County Jailer of each county and all of his sworn deputies; the County Sheriff of each county and all of their sworn deputies; the County Attorney of each county and all of their office staff, the chiefs of Police of all cities in the district and all sworn officers; and any Kentucky State Police Officers assigned in each of the counties subject to these Rules, (hereinafter "authorized agency/office") are hereby authorized to provide Domestic Violence Petitions to any person seeking same;

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

The authorized agency/office shall contact the Family Court Judge. If the Family Court Judge is not available, then contact a District Judge, or the trial commissioner according to availability. If no other judge or trial commissioner is available, contact the general jurisdiction Circuit Court Judge.

- D. Upon receipt of a petition **after regular business hours**, the authorized agency/officer shall present the petition as follows:

The authorized agency/office shall contact the appropriate District Judge on call, or trial commissioner. If they are unavailable, the authorized agency/office shall contact the Family Court Judge. If the Family Court Judge is unavailable, then the authorized agency/office shall contact the general jurisdiction Circuit Judge.

- E. 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.

F. The regular schedule¹ for domestic violence hearings is as follows:

Ohio County	- Tuesday	- 1:30 p.m.
Hancock County	- 2 nd and 4 th Tuesday	- 8:30 a.m.
Edmonson County	- 2 nd and 4 th Wednesday	- 8:30 a.m.
Butler County	- 2 nd and 4 th Wednesday	- 1:30 p.m.

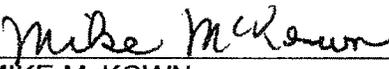
III. Contempt Proceedings

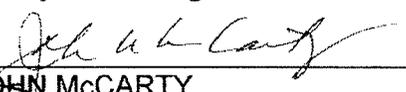
- A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.
- B. Parties seeking to initiate contempt proceedings should contact:
The Circuit Court Clerk in the county in which the domestic violence case is pending.
- 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.

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/district:

 /Date June 29, 2016
 RONNIE C. DORTCH
 Circuit Court Judge

 /Date 6-21-16
 MIKE McKOWN
 Family Court Judge

 /Date 7/1/2016
 JOHN McCARTY
 District Court Judge

 /Date 6-22-16
 RENONA BROWNING
 District Court Judge

¹ From time to time the Family Court Judge may set special hearing dates for domestic violence matters.