Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 38TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, BUTLER, EDMONSON, HANCOCK, AND OHIO COUNTIES

Upon recommendation of the Judges of the 38th Judicial Circuit, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 38th Judicial Circuit, Family Court Division, Butler, Edmonson, Hancock, and Ohio counties, are 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 the 18th day of July 2016.

CHIEF JUSTICE JOHN D. MINTON, JR.

COMMONWEALTH OF KENTUCKY
THIRTY-EIGHTH JUDICIAL CIRCUIT
DIVISION II – FAMILY COURT
BUTLER, EDMONSON, HANCOCK AND OHIO COUNTIES

RULES OF PRACTICE

RULE 1. INTRODUCTION/ADMINISTRATIVE PROCEDURE

101. Introduction/Preface.

These rules govern the Family Court of Butler, Edmonson, Hancock and Ohio counties. These rules are intended to supplement the Kentucky Rules of Civil Procedure, the Kentucky Rules of Criminal Procedure, the Local Rules of Practice for the Thirty-Eighth Judicial Circuit, and the Family Court Rules of Procedure and Practice (FCRPP). All previous rules adopted by the Thirty-Eighth Judicial Circuit Family Court are hereby rescinded.

102. Effective Date.

These rules are effective thirty (30) days after approval by the Kentucky Supreme Court.

103. Citation.

These rules shall be cited as "LR___" followed by the appropriate rule number.

104. Assignment of Cases.

Reserved for future use.

105. Holidays.

Family Court adheres to the list of holidays promulgated by the Administrative Office of the Courts, which can be found at http://courts.ky.gov/research/holidayschedule.htm, unless otherwise stipulated by court order.

RULE 2. COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING

201. Regular Motion Hour Schedule.

Monday:	1:30 p.m. - 4:30 p.m. First, third and fourth Mondays Juvenile cases (all confidential cases)	Ohio County

Tuesday:	8:30 a.m. – 11:30 a.m. Second & fourth Tuesdays (Non-confidential cases at 8:30 a.m.) (Confidential cases at 9:00 a.m.)	Hancock County
	1:30 p.m. (Domestic Violence hearings)	Ohio County
	2:00 p.m. (All other non-confidential cases)	Ohio County
Wednesday:	8:30 a.m. – 11:30 a.m. Second & fourth Wednesdays (Non-confidential cases at 8:30 a.m.) (Confidential cases at 9:00 a.m.)	Edmonson County
	1:30 p.m. – 4:30 p.m. Second & fourth Wednesdays (Non-confidential cases at 1:30 p.m.) (Confidential cases at 2:00 p.m.)	Butler County
	1:30 p.m. First and third Wednesdays (Child Support)	Ohio County
Friday:	8:15 a.m. Third Friday (Child Support)	Butler County
	10:30 a.m. Third Friday (Child Support)	Edmonson County

202. Exceptions to Regular Motion Hour Schedule.

A. Hearings Requiring More Than 20 Minutes

It is the intent of this Court that no hearing requiring more than twenty (20) minutes shall be heard on a regularly scheduled motion hour set out above. This rule applies to all cases before the Court including juvenile cases.

If it is anticipated that any hearing will take more than twenty (20) minutes, the parties may contact the Court's Case Specialist at (270) 298-3433 to obtain a special date for said hearing. In the event that the parties have not obtained a special date, the parties are to certify in their Motions or Responses if the hearing on the Motion will take more than twenty (20) minutes. If any such filing certifies

that the time for the hearing will exceed twenty (20) minutes, the parties shall contact the Court's Case Specialist to obtain a special date for hearing the Motion. An order reflecting the hearing date shall be prepared by the Movant or the Court's Case Specialist.

If no statement as to the time needed for the hearing is made, it will be assumed by the Court that the hearing will take less than twenty (20) minutes. In the event any hearing scheduled for a regular motion hour exceeds the twenty (20) minute time period, the Court may impose sanctions.

B. Motions Not Requiring an Evidentiary Hearing

All motions that do not require an evidentiary hearing may be filed pursuant to CR 78(2). The notice of any motion filed under this rule shall state the following:

This motion is filed pursuant to CR 78(2). In order to expedite the business of the court, the movant does not request an oral hearing on this motion. This motion has been served upon all parties, including the client for Motions to Withdraw. In order to allow time for written objections or requests for an evidentiary hearing to be filed in this matter, the Clerk shall place this motion on the next available motion hour after ten (10) days from the date of filing. Should no written objections be filed at that time, the Court may enter the attached tendered order.

If written objections are filed, the party(ies) filing said objection(s) shall send notice to all parties to appear before the Court at the next regularly scheduled motion hour.

No order shall be entered without compliance to the above-referenced notice requirement.

RULE 3. ADOPTIONS/TERMINATION OF PARENTAL RIGHTS

301. Pre-hearing Compliance in Adoptions.

At least seventy-two (72) business hours prior to a final hearing on an adoption, the Petitioner or Petitioners, or his, her or their attorney, shall deliver to the office of the Family Court Judge at 130 E. Washington Street, Suite 320, Hartford, KY 42347, the original Court file in the matter, or sufficient copies of the pleadings in the Court file, so that the Court may check the procedural requirements of the file prior to the hearing. (i.e., the Court shall be provided with copies of the Verified Petition, Consents, Orders Terminating Parental Rights, placement documents from the Cabinet, Reports from the Cabinet, Report of Guardian Ad Litem, Findings of Fact, Conclusions of Law, Judgment, and any other pleadings necessary for the Court to review prior to the hearing). Failure to deliver these documents to the Court as set out hereinabove, may result in a continuance of the final hearing, or sanctions levied against the responsible party.

302. Pretrial Compliance – Involuntary Termination of Parental Rights.

On or before twenty (20) days prior to the date set for final hearing, the Petitioner shall supply to Respondent the following, to-wit:

a) a list of witnesses, including addresses and telephone numbers; if any witnesses are expert witnesses, all CR 26 discovery shall be supplied to Respondent at this time;

b) a list of all exhibits to be introduced, including expert's written reports; and

c) proposed Findings of Fact, Conclusions of Law and Judgment.

Respondent shall supply the same information to Petitioner at least ten (10) days prior to the trial date.

RULE 4. DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

401. Filing and obtaining Emergency Protective Orders and Temporary Interpersonal Protective Orders.

1. Emergency Protective Orders and Temporary Interpersonal Protective Orders may be obtained in accordance with the local Domestic Violence Protocol (see attached Appendix "1" and as set out herein below).

2. A Family Court Judge, District Court Judge, Circuit Court Judge, or Trial Commissioner shall review the Petition and shall issue an Emergency Protective Order or a Temporary Interpersonal Protective Order, if appropriate, as indicated in the Protocol.

402. Notification of Service of Petition and Emergency Protective Order and Temporary Interpersonal Protective Orders.

The adverse party shall be served with a copy of the Emergency Protective Order or the Temporary Interpersonal Protective Order and shall be given notice of the proceedings pursuant to the provisions of the Kentucky Revised Statutes and Kentucky Rules of Civil Procedure.

403. Oaths.

In accordance with a General Order of this Court dated July 6, 2007, all Sheriff Department employees, including, but not necessarily limited to the Sheriff, deputy sheriffs and office personnel, all duly empowered city police officers and all dispatch office employees are hereby authorized to give the oath to tell the

truth to any and all Petitioners petitioning for Emergency Protective Orders and Temporary Interpersonal Protective Orders, in the 38th Judicial District.

The Petitioner shall be asked to raise his or her right hand (if able) and the oath shall be given as follows, to-wit: "Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help you God?"

404. Place of Filing of Emergency Protective Orders and Temporary Interpersonal Protective Orders.

In accordance with the Domestic Violence Protocol, whenever a Circuit Clerk's Office is open, the Petitioner shall file the appropriate petition for Emergency Protective Order or Temporary Interpersonal Protective Order at the Clerk's Office. At all other times, the Petitioner shall contact the dispatch office (911 office) in their county to file a petition for Emergency Protective Order or Temporary Interpersonal Protective Order. Once the dispatch office receives a petition for an Emergency Protective Order or Temporary Interpersonal Protective Order, said office shall contact the appropriate judge on call, or trial commissioner.

Once an Emergency Protective Order or Temporary Interpersonal Protective Order is issued, the order shall immediately be given to the appropriate sheriff's department or City Police Department for service upon the Respondent. The Emergency Protective Order or Temporary Interpersonal Protective Order shall be filed with the Clerk the next business day that the Clerk's Office is open.

RULE 5. PATERNITY

Reserved for future use. See FCRPP 14 and 15 for statewide uniform rules of procedure.

RULE 6. DEPENDENCY, NEGLECT AND ABUSE

Reserved for future use. See FCRPP 16 through 31 for statewide uniform rules of procedure.

RULE 7. DOMESTIC RELATIONS PRACTICE

701. Divorce Education Program.

A. From time to time, the Court will Order the parties to attend a divorce education program, in accordance with FCRPP 6(4). Presently, the only Court approved divorce education program located in the 38th Judicial Circuit is Families in Transition. Provided however, the Court does hereby approve the following additional divorce education programs: any Divorce Education

Program approved by any Circuit Court or Family Court in the Commonwealth of Kentucky, as long as said program contains at least six (6) hours of instruction.

B. If a party wishes to enroll in any divorce education program not already approved by these rules (see Paragraph A hereinabove) the party must seek prior written Order of this Court, by appropriate motion.

C. This Court does not endorse one divorce education provider over another.

D. In order for the Court to make a case by case determination regarding sending the parties to a divorce education program, the Petitioner shall complete the form set out in Appendix "2" and file same with the Court at the time of the filing of the Petition for Dissolution of Marriage. Within twenty (20) days of service of any Petition for Dissolution of Marriage or the filing of an entry of appearance or waiver, the Respondent shall also be required to complete the form set out in Appendix "2" and file same with the Court.

In the event the aforementioned form or waiver is not filed, or is not fully completed, the Court may direct the party(ies) to attend a divorce education program. Furthermore, if the parties in an uncontested divorce with minor children do not attend the Case Management Conference, they may be directed to attend a divorce education program. (See LR 702).

If the parties do not fully comply with KRS 403.838 in their initial pleadings, the Court may direct the parties to attend a divorce education program.

702. Case Management Conference.

The parties shall follow the provisions of FCRPP 2(6).

In divorces involving minor children, one of the purposes of the Case Management Conference is so the Court may review each file to determine whether or not the parties shall attend a divorce education program.

All parties and their counsel in uncontested divorces involving minor children shall attend the Case Management Conference if said parties have indicated on the form set out at Appendix "2" that they will not attend the divorce education program unless directed to do so by the Court, or if they have failed to otherwise file the form set out in Appendix "2" pursuant to LR 701. Otherwise, parties and

their counsel need not attend Case Management Conferences involving uncontested divorces with minor children.

If the parties fail to schedule the Case Management Conference pursuant to Statewide Rule, or in the event the parties fail to attend the Conference, without filing the form in Appendix "2", indicating the parties will attend a divorce education program, the Court may order the parties to attend an appropriate divorce education program.

703. Child Support.

In all cases where a party could be responsible for the payment of child support pursuant to KRS Chapters 403, 405 and/or the Kentucky child support guidelines, including uncontested dissolution of marriage actions, at least one party, under oath, shall supply the Court with sufficient information so that the Court may calculate child support pursuant to the standard child support guidelines, (i.e. both parties' average gross monthly incomes shall be set out, if known; whether child support is being paid by either party; work related daycare expenses; health insurance costs and the like shall be set out). The above-referenced information shall be filed in the Court file.

In uncontested divorces, the Court prefers that all of the aforesaid applicable information be inserted in the child support paragraph in the separation agreement, and that a child support worksheet shall be attached to the separation agreement.

In the event the order or Decree deviates from the child support worksheet, a statement shall be supplied in the Court's file setting out the reasons why there is a deviation from the child support worksheet. In uncontested divorces, the Court prefers that the deviation be set out in full in the separation agreement. The Court prefers that the following language be used to explain deviations:

"*Both parties acknowledge that they have been fully advised of the amount of child support that would be applicable by the use of the Kentucky Child Support Guidelines, and in consideration of the other provisions contained herein, have agreed upon a different amount for the following reasons: _____. Further, both parties acknowledge that no public assistance is being paid on behalf of a child subject to the terms of this Agreement under the provisions of Part D of Title IV of the federal Social Security Act or any other applicable law.*"

704. Ex Parte Orders Concerning Child Custody.

All applications for ex parte/emergency child custody orders (in non-dependency, neglect and abuse cases) shall include, in addition to the requirements of FRCPP 2(8), the following information under oath, to wit:

1) A statement regarding all non-traffic criminal records of the applicant for custody, and a statement regarding the non-traffic criminal records of the present physical custodian of the child, if known;

2) A statement regarding any dependency, neglect and abuse records of the applicant for custody, and a statement regarding any dependency, neglect and abuse records of the present physical custodian of the child, if known (any records which identify information that would otherwise be confidential by statute shall be submitted in a sealed envelope with the Court and be marked "Statement regarding DNA Records – LR 704"); and

3) A statement regarding any domestic violence record of the applicant for custody, and a statement regarding any domestic violence record of the present physical custodian of the child, if known.

Certified copies of any aforementioned records shall be filed with the application for emergency custody if said records are available to the applicant at the time of filing.

705. Custody, Visitation, Time-Sharing.

Attached hereto as Appendix "3" are the Guidelines for General Parenting of the 38th Judicial Circuit, Family Court Division (3/08). Each party to a case involving minor children is encouraged to read and follow these rules. Provided however, these rules shall not be mandatory on any party, unless and until the Court orders the rules to be followed in any individual case.

When "time-sharing and visitation" is ordered by the Court, the parties and the Court shall consider the Model Time-Sharing/Visitation Guidelines appended to the FCRPP Appendix A or the Model Time-Sharing/Visitation Guidelines adopted by the 38th Judicial Circuit attached to these rules as Appendix "4". These Model Time-Sharing/Visitation Guidelines establish the foundation from which to develop a schedule that is appropriate under the circumstances.

In any order or settlement agreement, including but not limited to agreed orders, custody and property settlement agreements, and decrees of dissolution of marriage, which uses, references, and/or incorporates Timesharing/Visitation Guidelines, whether they be this Court's or another's, the parties shall attach a copy of the guidelines which are used, referenced, and/or incorporated to said document.

RULE 8. STATUS OFFENSES

801. Assignment of Cases.

District Court retains its concurrent jurisdiction as authorized by law. All juvenile status offenses shall be first assigned to an appropriate District Court Judge for hearing. If the Family Court Judge, and/or District Judge determines that any juvenile status offense should be heard in Family Court (because the juvenile has previously been involved in Family Court, or because the juvenile's family has been previously involved in Family Court, or any other appropriate reason), the District Judge shall order that the case be transferred to the Family Court.

RULE 9. MISCELLANEOUS

901. Children in the Courtroom.

Pursuant to KRS 610.060(3), a child and his or her parents have a right to attend any hearing if such attendance will not unnecessarily delay the hearing. However, the court prefers that in concern for the sensibility of children, the parties keep all children out of the courtroom, and to bring children to Court only when absolutely necessary to the litigation unless the child wishes to invoke his or her rights under KRS 610.060(3). Children who are not the subject of a proceeding shall not be brought to the courthouse, unless they are to be a witness in the pending matter. In such a case, the parties shall insure that a responsible adult/overseer for the children is available at all times during the hearing.

902. Telephone Conferences/Testimony for Good Cause Shown.

Motions/evidence may be heard by telephone at the discretion of the Judge. Dates and times for telephonic conferences may be obtained through the Court's Case Specialist by calling (270) 298-3433. As this Family Court is located in a four-county circuit, the Court expresses its desire that relatively simple matters be heard by telephonic conference, and the Court shall endeavor to make provision for same.

903. Entry of Orders and Judgments

The Court requests that tendered orders be e-mailed and/or faxed to the Court for its consideration within five (5) business days from the conclusion of the hearing. The Order shall be styled "Order Regarding Hearing Held (applicable date)." Where possible, proposed orders should be submitted with the Motions and Responses thereto so that the Court may enter an Order immediately after the hearing. In most contested matters where all parties are represented by

attorneys, at the conclusion of the hearing the Court will request that all parties to the hearing remove themselves from the Courtroom. The Court will then issue its ruling from the bench, on the record.

904. Personal Identifiers.

All pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406, 407, and 456 by providing the personal identifying information required in those chapters. However, except as set forth in the paragraph below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with CR 7.03 (1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope.

The clerk of the court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the Court.

As used in this action, "personal identifier" means a Social Security number or tax-payer identification number, date of birth, or financial account number, or name of a minor child. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not be redacted.

905. Deadlines for Serving and Filing Motions

All contested Family Court Motions and hearings designated to be heard in the Family Court shall be filed and served on opposing counsel or *pro se* party at least five (5) business days before the scheduled motion hour. Responses, if any, shall be filed and served at least two (2) business days prior to the hearing date.

Motions may be filed by facsimile or by e-mail in the appropriate Clerk's office within the time limits provided for in these rules, but a hard copy of the Motion shall be subsequently filed of record and before the hearing date.

All Motions shall include in the Certificate of Service that a copy of the Motions and /or Responses thereto has been e-mailed or faxed to the Family Court

Judge's office, and shall include the date that said document was e-mailed or faxed.

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

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

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 schedule[1] for domestic violence hearings is as follows:

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

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

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

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

Renona Browning /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.

ATTENTION POLICE OFFICERS:

Please have **Respondent** fill this page out.

Return PERSONAL IDENTIFIER DATA SHEET to the Circuit Clerk's Office

NOTICE TO PETITIONER

It is your responsibility to contact the Circuit Clerk's Office on the next Business date to get your COURT DATE.

270-526-5631

ATTENTION TO PETITIONER

An Emergency Protective Order has **not** been issued by the Court. Pursuant to KRS 403.735(5), the Court is required to inform you that you may contact the County Attorney to set up a meeting. The purpose of a meeting is so that the County Attorney can explain to you the options you may have to file criminal charges regarding any alleged act of domestic violence within the purview of KRS 403.715 to 403.785. Contacting the County Attorney is **voluntary** and not mandatory.

If you wish to set up a meeting with the County Attorney, you may do so by contacting the County Attorney directly. (Edmonson County, Hon. J.B. Hines: 270-597-9609; Butler County, Hon. Dick Deye: 270-526-3313; Ohio County, Hon. Justin Keown: 270-298-3231; Hancock County, Hon. Paul Madden: 270-927-8444).

You may also contact the office of the Family Court to assist you in setting up your appointment at 270-298-3433; however, the office of the Family Court **cannot** give you any legal advice.

NOTICE

Based upon the information of which the Court has received in this action, which may include, but is not limited to, the Respondent's Kentucky criminal history, the Respondent's domestic violence order history, domestic violence order of compliance history and the information contained in the Petition, the Court suggests that the Petitioner contact the County Attorney. The County Attorney's name, address and phone are as follows: Hon. Justin Keown, 124 West Union Street, P.O. Box 146, Hartford, KY 42347, 270-298-3231.

The court informs the Petitioner that the purpose of the meeting with the County Attorney, is so that the County Attorney can explain to the Petitioner the options that the Petitioner may have with regard to the filing of criminal charges regarding any alleged act of domestic violence and abuse, dating violence and abuse, stalking and sexual assault within the purview of KRS 403.715 to 403.785. The Court informs the Petitioner that contacting the County Attorney is voluntary and is not mandatory.

I have received a copy of the aforesaid notice.

_____
PETITIONER

_____
DATE

CLERK TO DISTRIBUTE TO COUNTY ATTORNEY

COMMONWEALTH OF KENTUCKY
_____ CIRCUIT COURT
DIVISION II – FAMILY COURT
CASE NO. _____

2016

_____ PETITIONER

VS. **FINDINGS OF FACT REGARDING DOMESTIC VIOLENCE/INTERPERSONAL PROTECTIVE HEARING**

_____ RESPONDENT

* * * * * * *

This matter came before the Court on _____, 20___for a [ ] Domestic Violence Hearing [ ] Interpersonal Protective Hearing. The Court having held the hearing, heard testimony, reviewed the Petition/Motion for Order of Protection, and being otherwise sufficiently advised, now makes the following FINDINGS OF FACTS supplementing and supporting the contemporaneously entered order [ ] GRANTING or [ ] DENYING entry of a [ ] Domestic Violence Order [ ] Interpersonal Protective Order based on the testimony and evidence received at the [ ] Domestic Violence Hearing [ ] Interpersonal Protective Hearing:

_____

_____

_____

_____

_____

_____

_____

_____

_____.

For the above stated reasons, IT IS HEREBY ORDERED AND ADJUDGED that the Court enters the above listed FINDINGS OF FACTS supplementing and supporting the contemporaneously entered order [ ] GRANTING or [ ] DENYING entry of a [ ] Domestic Violence Order [ ] Interpersonal Protective Order.

This, the _____ day of _____, 2016.

_____
MIKE McKOWN, Circuit Judge
Division II – Family Court

_____
CLERK TO MAKE AND DISTRIBUTE COPIES

PLEASE NOTE

* **The DVO/IPO can only be amended or changed by motion on AOC Form 275.6.**

* **Keep a copy of Domestic Violence Order/Interpersonal Protective Order in your possession at all times.**

* **Violation of the Order constitutes contempt of court and possible criminal violation and should be brought to the attention of law enforcement and/or the court as soon as possible.**

DVO FIREARM NOTICE

I _____ do _____ do not have a concealed carry license. If yes, I understand I must surrender this to the Clerk's office.

I _____ did _____ did not surrender my concealed carry license in open court.

I _____ do _____ do not own guns or weapons. If yes, I understand that I cannot possess these guns or weapons during the term of this DVO.

(_____) (Respondent to initial) Within 24 business hours of the entry of the DVO herein, I agree to surrender all of my guns and weapons to the _____ Sheriff's office.

I understand a Domestic Violence Order has been entered against me. Federal law prohibits me from possession, purchasing, attempting to purchase or obtaining firearms or ammunition during the term of this Order. This Court may order that such firearms and ammunition be confiscated and retained by the Sheriff until the term of this Order has expired. Possession of a firearm or ammunition violates this Order and I may be subject to immediate arrest and to Federal penalties.

_____
RESPONDENT

_____
DATE

APPENDIX 2

COMMONWEALTH OF KENTUCKY
38TH JUDICIAL CIRCUIT
_____ COUNTY CIRCUIT COURT
CIVIL ACTION NO. _____

DIVORCE EDUCATION PROGRAM FORM

_____ YES, I will attend a Divorce Education Program.
(Please skip to last page; complete signature section)

_____ No, I will not attend a Divorce Education Program unless directed to do so by this Court. As such, I have completed the form below.

For each response, please indicate to which party the following answers apply. Attach additional sheets if necessary.

1. Has either Husband or Wife been convicted of any crime?
_____ Yes _____ No. If yes, please list the conviction and the county and State in which it occurred:

_____
_____
_____
_____.

2. Is there presently a criminal charge pending against Husband or Wife?
_____ Yes _____No. If yes, please list the charge pending and the county and State in which it is pending:

_____
_____
_____
_____.

3. Has either the Husband or Wife been involved in a Domestic Violence Action? _____ Yes _____No. If yes, please state the nature of the action and the county and State in which it occurred: _____
_____
_____
_____.

4. Has Husband or Wife ever been involved with a Social Worker, the Cabinet for Families and Children, or a similar agency in another state?
_____ Yes _____No. If yes, please state the particulars of said contact, and list the county and State: _____
_____
_____
_____.

5. Has Husband or Wife ever received counseling, including marital counseling or parenting training?
_____ Yes _____ No. If yes, please state the particulars of said counseling, and in which county and State it was involved:
_____
_____
_____
_____.

6. Has Husband or Wife ever been involved in any Court action involving the minor children of this marriage?
_____ Yes _____ No. If yes, please state the nature of said action and the county and State in which it was involved:
_____
_____
_____
_____.

7. Have any of the minor children of the marriage been involved in any counseling? _____ Yes _____ No. If yes, please state the particulars and the name and address of the counselor:
_____
_____
_____
_____.

8. Do any of the minor children of the marriage have special needs (mental or physical)?
_____ Yes _____ No. If yes, please state the particulars of the special needs:
_____
_____
_____.

9. State in the following blank any issues regarding the minor children, to which the parties cannot agree:
_____
_____
_____.

10. State whether or not you feel that the parties should attend a Divorce Education Program (parent education classes):

_____
_____
_____
_____.

I declare under penalty of perjury, under the laws of the Commonwealth of Kentucky that all statements contained herein are true and correct, with full knowledge that all statements on said form are subject to investigation and that any false or dishonest answer to any question may result in criminal prosecution.

Signature:_____

Print Name:_____

Case Name/ Number: _____

Attorney's Name:_____

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF _____)

SUBSCRIBED, ACKNOWLEDGED AND SWORN TO BEFORE ME BY _____, on the _____ day of _____, 20____.

Notary Public: _____
My Commission Expires: _____

APPENDIX 3

38TH JUDICIAL CIRCUIT
FAMILY COURT DIVISION

GUIDELINES FOR GENERAL PARENTING

It is typically in the children's best interest that each parent or custodian has frequent, meaningful, consistent, and continuing contact with the children. The parties, in exercising parenting time, should be cooperative and should adapt to the circumstances of the children and of both parties. Parenting time should be liberal and flexible. The terms "visitation", "time sharing", "parenting time" and like terms are used interchangeably herein.

The parties are expected to fairly and reasonably modify visitation when family necessities, illnesses, or commitments so require. The parties are also expected to communicate these needs to the other and to provide as much advance notice as is possible, given the circumstances.

GENERAL GUIDELINES

Negative Conduct. The parties should at all times avoid speaking negatively about each other and should firmly discourage such conduct by others. Children should never be used by one party to "spy" or "tell" on the other party and should not be given the responsibility of conveying messages between the parties. Additionally, children should not be asked to "keep a secret" from the other parent. The children should be encouraged to respect all parties. The basic rules of conduct and discipline established by the residential party should be the basic standard for all parties, and all parties should enforce these rules and expectations so that the children do not receive conflicting messages.

Parents should not discuss their marital problems with the child and should not argue with each other in the presence of the child. Neither parent should attempt to negatively impact the child's relationship with the other party by discussing the other parent's shortcomings. Parents should not ask the child to make adult decisions such as where or when they will visit, or where they want to live. Parents should not force the

child to choose one parent over another. Parents should not question the child regarding the activities of the other parent.

Neither parent should discuss with the child the issues of custody awards, custody modifications, or child support unless both parents have agreed. If custody or child support modification is an issue, the parties should take the proper legal steps without discussion with the child. Additionally, neither parent should deny the child access to his or her other parent, nor should either parent threaten to do so, for disciplinary or other reasons.

Parents should not make promises to the child that cannot be kept. Further, parents should not attempt to buy the favor of the child with presents, special treatment, special privileges, or promises.

Communication Between the Parties. Parties shall, at all times, keep each other advised of their home and employment addresses and telephone numbers, including any cellular telephone numbers. All communication concerning the children shall be conducted between the parties either in person, by telephone or email and at their residences. Parties should refrain from communicating or contacting each other at their places of employment unless specifically prearranged or in the event of an emergency.

In the event that one party spends the night away from his or her normal residence during the child's visitation period, the other party should be notified of how to reach the child by telephone and should be provided with the address.

Daily Routines of the Child and the Parents. Each parent should keep the other advised of their general daily schedule, as well as phone numbers and locations of where he or she can be reached at most times of the day.

Parents should coordinate plans to bedtimes, homework schedules, and other household rules as much as possible. Once these schedules are set, both parents should adhere to them as closely as possible. When the children have homework assignments each parent should work with the children on these assignments whenever the children are in his or her care.

The parents should discuss and agree upon how discipline will be consistently administered in both households and what actions require discipline. Both parents

should be open to discussion on behavioral, emotional, academic or other problems that the children may experience.

Both parents should realize that there are individual differences in how each will parent during the time spent with the child. Both parents should also realize that the child benefits greatly from consistency.

Removing Child's Residence from Kentucky. All parties shall abide by the provisions set forth in FCRPP 7(2). When this jurisdiction is the residence of the parties and the children at the time of the initial order, and one party later moves from this jurisdiction, the visitation pattern will naturally change. The Court will give strong consideration to imposing most of the costs of transportation necessary to facilitate future visitation on the party that moved. However, the Court will also consider other factors such as the economic circumstances of the parties and the reasons prompting the move.

School Records and Medical Information. Each custodial party is entitled to personally obtain and view academic reports, school notices, and medical records of the children. The non-custodial or non-residential party shall be entitled to access any and all records of the children to the extent, and under the same terms and conditions, as the custodial or residential party.

The residential party shall provide the non-residential party with academic reports, school notices, and medical reports as they are received, and shall, consistent with Kentucky law, permit the non-custodial or non-residential party to communicate directly with the school and with healthcare providers directly and outside the presence of the other party.

The custodial or residential party shall supply the keeper of any academic or medical records of the children with a copy of these guidelines and any other Orders pertaining to custody, possession, or visitation of the child.

Educational Issues. Parents should notify the child's teacher that the child spends time in two households. Parents should meet with the child's teachers or counselors (together if possible) to discuss behavioral or academic problems the child is experiencing and to adopt appropriate methods for solving these problems.

Each party should inform the other of the child's extra-curricular activities,

schedules, school photos, school programs, and any parent-related activities (such as parent-teacher conferences, PTA meetings, etc.) Parents should not ask the child to keep the other parent informed.

Medical Treatment. If the child has been prescribed medications or treatments, the custodial parent or residential party shall send a sufficient amount of medication, any necessary medical equipment, and appropriate instructions with the child.

Each party shall, as soon as possible, notify the other party of any medical emergency or serious illness of the child.

Elective procedures shall only be performed after both parties have been afforded the opportunity to discuss this option with the referring professional. Each party shall be given adequate information to weigh the benefits and risks of this choice. If the parties are unable to agree regarding the need for the procedure, the child should be referred to the appropriate professional for an initial assessment and evaluation, as well as a recommended course of care. If the parties are still unable to agree (after evaluating this information), each should exercise his or her legal option of seeking judicial approval prior to the decision.

Should one party learn that the child is in need of psychotherapy or counseling, that information should be given to the other parent. Both parents should be afforded the opportunity to discuss this option with the referring professional. If the parties are unable to agree regarding the need for such therapy or counseling, the child should be referred to the counselor for an initial assessment and evaluation, as well as a recommended course of treatment. If the parties are still unable to agree (after evaluating this information), each should exercise his or her legal option of seeking judicial approval prior to the decision.

Healthcare Insurance. The party who has secured healthcare insurance for the children shall promptly supply, as applicable, insurance forms, a list of approved healthcare providers, and the procedures for using the healthcare insurance to the other party. The party who, except in an emergency, takes the children to a healthcare provider who is not approved or qualified under the insurance plan shall bear the additional costs thus created.

When there is a change in insurance carriers that requires a change in

healthcare providers and when the child has a chronic illness, the parties shall give thoughtful consideration to whether it is more important to allow the child to remain with the original provider or to take advantage of the possible economic advantages of changing providers.

When one party is obligated to pay part or all of the children's medical expenses, the obligated party shall be promptly furnished with the billings. The parties shall cooperate by submitting medical bills to the insurance carrier. The parties shall make arrangements directly with the healthcare providers to assure that the appropriate party is billed directly by the providers.

Religious Training. Each parent is entitled to choose and follow his or her own religious beliefs and further to teach those beliefs to the child. Each parent should provide the other with information concerning any religious training or teaching in which they have formally or informally enrolled the child and should provide the name of the place of worship to the other parent.

Clothing. The residential party shall send an appropriate supply of clean clothing for the children. This clothing should be returned with the children, clean and in good repair (when reasonably possible). The non-residential party should advise the other parent of any special activities that may be scheduled so that the residential party will know what type of clothing and what amount of clothing is appropriate for the visit.

Necessary Supplies. Both parents should provide the supplies needed to adequately care for the child during his or her parenting time. This includes, but is not limited to: a crib or toddler bed (if necessary), linens, diapers, wipes, bottles, formula, humidifiers, shampoo, soap, lotion, diaper cream, toys and books, thermometer, Band-Aids, first aid kit, etc.

Feeding, Grooming, Hygiene, and General Care. Both parents should maintain the proper food and equipment to adequately feed the child during his or her parenting time. Additionally, both parents should be aware of food sensitivities, their symptoms and treatment, and should know the feeding routines of the child.

If the child is breastfed, both parties should educate themselves concerning the proper handling, storage, and preparation of breast milk. Additionally, the breastfeeding mother should be prepared to pump and to provide adequate milk for the child during

the father's parenting time.

Each parent should properly bathe and groom the children during the time that the children are in his or her care. Each party should maintain adequate supplies for grooming and first aid.

Transportation Costs. Unless otherwise agreed or ordered, the parties should equally share the costs of transportation.

Privacy of Residence. Neither party shall enter the other's residence without express invitation. Unless otherwise agreed or ordered, the children shall begin and end their visitation periods at the front entrance of the appropriate residence.

Intoxicants. Each party has the right to refuse to relinquish the children to anyone, including a parent, who is under the influence of any intoxicant.

Driver's License, Child Restraint Systems, and Seat Belts. When transporting the child, parents shall hold a valid operator's license. If a parent is unable to transport the child, arrangements should be made to utilize a licensed driver.

All parties are required to secure the children in an appropriate child restraint system or to require the children to wear seat belts when transporting them and when arranging for their transportation with someone else. Infants less than one year of age should be secured in a rear-facing infant car seat located in the rear of the vehicle. Children over one year of age and under forty inches in height should be secured in a car seat in the rear seat of the vehicle.

Children over forty inches and less than 65 pounds shall be secured in a booster seat or seat belt, whichever is appropriate, in the rear seat of the vehicle. No child under 12 under should be permitted to ride in the front seat of a vehicle equipped with a passenger airbag. Parties should not allow children of any age to ride in the rear bed of trucks, on motorcycles or all terrain vehicles (ATV) without prior signed, written consent of the other party and are strongly discouraged from doing so.

Notice of Cancellation and Duty to Wait. The children and the custodial or residential party have no duty to wait for the visiting party more than thirty (30) minutes from the starting time of the visitation. A party more than thirty (30) minutes late shall forfeit that visitation period.

Parties Should be Prompt with Child Appointments. It is unfair to keep a child

waiting and, worse, to disappoint a child by not appearing at all. It is equally unfair to the child when access is delayed due to the child, or the child's belongings, not being ready on time.

Whenever possible each parent is obligated to give a minimum of three (3) days notice of intent to modify or to cancel all or part of a scheduled visitation period. When such notice is not reasonably possible the maximum notice permitted by the circumstances and the reason for modifying or canceling the visitation shall be given.

Visitation Periods missed Due to Illness or for Good Cause. When, for good cause or serious illness, a scheduled visitation cannot occur, a substituted and mutually agreeable visitation date shall be arranged, as quickly as possible. Each party shall give timely notice of a visitation period that cannot be exercised.

Notice of Intent Not to Exercise Visitation. Whenever possible, the non-residential party shall give a minimum of three (3) days notice of intent NOT to exercise all or part of a scheduled visitation. When such notice is not reasonably possible, one should provide the maximum notice permitted by the circumstances and the reason for not exercising the visitation. Conversely, the custodial or residential party shall give the same type of notice, when good cause exists that necessitates cancellation or modification of a scheduled visitation.

Child Support During Visitation Periods. Unless a court order otherwise provides, the obligation to pay child support continues throughout the visitation period.

Withholding Support or Visitation. Both parents have responsibilities to care for the child's physical, emotional, mental, and social needs. Both parents are reminded that parent/child access and child support, although emotionally connected, are separate legal issues. Neither visitation nor child support may be withheld because of another party's failure to comply with a court order. The children have a right to both support and visitation. They are mutually exclusive and neither is dependant upon the other.

If there is a violation of either a visitation or support order the only remedy is to apply to the Court for appropriate sanctions. Only the court may enter sanctions for non-compliance and only the Court may modify child support obligations.

Childcare. Children enjoy doing casual, ordinary things and just spending time in

the presence of their parents. Children need to spend time with both parents; therefore, children should not be left alone too often with relatives, boyfriends, girlfriends, or other persons during the visitation periods.

The Court recognizes the need for parents to attend employment and to seek childcare during those hours. Further, the Court recognizes that it may be necessary for the parent exercising parenting time to utilize child care in order to work. Parties should discuss the options available, should agree upon the person or facility to provide such care, and should advise each other of how to contact the childcare provider. If at all possible the parents are encouraged to provide childcare for each other.

Telephone Visitation and Mail. The parties are encouraged to frequently speak with the children at times mutually agreeable between the parties and the children. However, should the parties not be able to agree, the party with whom the child is staying shall make the child (age 2 or older) available to receive the telephone calls from the other party every day for a period not to exceed five (5) minutes.

Extracurricular Activities. Visitation with the non-residential party takes precedence over extracurricular activities when the visitation cannot be reasonably scheduled so as not to conflict with these events. Even so, the non-residential party is encouraged to participate in the child's activities and in the parent responsibilities that accompany them.

The residential party shall notify the other parties of all school events and of all organized activities (e.g. Music lessons, soccer practices, Girl Scout meetings, etc.). If the child is scheduled to attend an organized activity in which the child has been regularly participating and that attendance should occur during the visitation of the non-residential party, that party should be responsible for assuring the child's attendance at the event, if at all possible.

By the same token, the residential party should arrange the child's schedule so that these events do not interfere with meaningful parenting time between the child and the non-residential party.

Conflicts. When there is a conflict between a holiday weekend and the regular weekend visitation, the holiday weekend takes precedence. Thus, if the non-residential party misses a regular weekend because it is the residential party's holiday, the regular

alternating visitation schedule will resume following the holiday. If the non-residential party receives two (2) consecutive weekends because of a holiday, regular alternating visitation shall resume the following weekend with the residential party.

Extended Families. Parties are encouraged to foster ties between the children and both their maternal and paternal relatives. In most cases, the children will be able to visit their paternal relatives when they are with their father and their maternal relatives when they are with their mother.

APPENDIX 4

38TH JUDICIAL CIRCUIT
FAMILY COURT DIVISION

TIME-SHARING/ VISITATION GUIDELINES

The following schedules are suggested as **guidelines** for the parents and the court in establishing time-sharing/ visitation schedules. Each case will present unique facts or circumstances which shall be considered by the court in establishing a time/ sharing visitation schedule and **the final schedule established by the court or agreed to by the parents may or may not be what these guidelines suggest.**

As used in the following paragraphs, the words "visitation" and "time-sharing" shall be interchangeable.

The time-sharing/ visitation schedule set by the court for holidays, school breaks and summer break should control over regularly scheduled time-sharing/ visitation time, even if this allows successive time-sharing/ visitation periods.

Except as otherwise provided in this guideline, **the non-primary residential parent shall have the right to possession of the child as follows**:

1. Weekends – every other weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday.

2. Weekend possession extended by a holiday – if a weekend period of possession begins on a Friday that is a school holiday during the regular school term that period of possession shall begin at 6:00 p.m. on the Thursday immediately preceding the Friday Holiday. If a weekend period of possession begins on a Friday that ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall end at 6:00 p.m. on the Monday that is the school holiday.

3. Tuesdays – on Tuesday of each week, except during June and July, beginning at 6:00 p.m. and ending at the time the child's school resumes on Wednesday. In the event that the child is not attending school on Wednesday, this period of possession will continue until Wednesday at 6:00 p.m.

4. Thursdays – on Thursday of each week that the non-primary residential parent is *not* entitled to a weekend visit beginning at 6:00 p.m. and ending at 9:00 p.m.

5. Christmas holidays in even numbered years – in even numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at 9:00 p.m. on December 24. Provided however, the primary residential parent shall have possession of the child for the remainder of the child's Christmas school vacation, including, but necessarily limited to, Christmas Eve Day (December 24) from 9:00 p.m. through December 25.

6. Christmas holidays in odd numbered years – in odd numbered years beginning at 9:00 p.m. on December 24 and ending at 6:00 p.m. the day before the child's school resumes after the Christmas school vacation. Provided however, the primary residential parent shall have possession of the child the remainder of the child's Christmas school vacation, including, but not necessarily limited to December 24, until 9:00 p.m.

7. Thanksgiving in odd numbered years – in odd numbered years, beginning at 6:00 p.m. on the day the child was dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. the day before the child's school resumes after that Thanksgiving holiday.

8. a. Spring break in even numbered years – in even numbered years beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring break vacation and ending at 6:00 p.m. the day before the school resumes after that vacation. If the school does not declare a spring break, then the non-primary residential custodian shall be entitled to exercise a spring break during the month of March (in even numbered years), upon 14 days written notice to the other parent. This time-sharing period shall be for a period of 7 days, inclusive of weekends.

   b. Fall break in odd numbered years – in odd numbered years beginning at 6:00 p.m. on the day the child is dismissed from school for the school's fall break vacation and ending at 6:00 p.m. the day before the school resumes after that vacation. If the school does not declare a fall break, then the non-primary residential custodian shall be entitled to exercise a fall break during the month of October (in odd numbered years), upon 14 days written notice to the other parent. This time-sharing period shall be for a period of 7 days, inclusive of weekends.

9. Extended summer possession – the weekend, Tuesday night and Thursday night visitation identified above shall not be exercised during the months of June and July by the non-primary residential parent. Said parent shall however be entitled to exercise, during the months of June and July, 30 days extended summer time-sharing with the child with said time period exercised in two, 15 day periods. If the non- residential parent provides written notice by April 1st, then that parent may designate the time periods within which to exercise the extended summer time sharing. Provided that the time-sharing should be exercised in two separate, non consecutive 15 day time periods with a period of at least 5 days in between the two visitation periods to the primary residential parent. If written notice is not provided by April 1, then the non-primary residential parent shall enjoy extended summer time-sharing with the child from 6:00 p.m. June 15th until 6:00 p.m. June 30th and also from 6:00 p.m. July 10th until 6:00 p.m. July 25th.

10. Child's birthday The parent not otherwise entitled to possession of the child on the child's birthday, pursuant to this guideline, shall have time-sharing with said child beginning at 5:00 p.m. and ending at 8:00 p.m. on that day provided that that parent picks up the child from the other parent's residence and returns the child to that residence.

11. Father's Day and Mother's Day – each year, beginning at 9:00 a.m. on Mother's Day or Father's Day as applicable and ending at 6:00 p.m. on said day, the mother or father, as applicable, provided that he or she is not otherwise entitled to have the child under this order shall be entitled to possession of the child provided that the mother or the father shall pick up the child from the other parent's residence and return the child to that same place.

12. Exceptions to guidelines for children under 5 – the above rules apply except as modified below for children under 5. The following modifications shall apply to these time sharing guidelines:

a. (1) Tuesdays – Tuesday night visitation identified above in Section 3 shall begin at 6:00 p.m. and shall end on Wednesday at 6:00 p.m.

(2) Tuesday visitation for children under 5 as provided for in Section 12(a)(1) above shall not apply if the parties have multiple children and at least one of which is over age 5. In that case, the parties shall exercise the Tuesday visitation as provided for in Section 3 above.

b. (1) Christmas holidays in even numbered years – in even numbered years beginning at 6:00 p.m. on December 20 and ending at 8:00 p.m. on December 24, the child shall be returned to the primary residential parent for at least 4 consecutive days prior to resumption of any Tuesday night or weekend visitation as set forth herein.

(2) Christmas holidays in odd numbered years – in odd numbered years beginning at 8:00 p.m. on December 24 and ending at 6:00 p.m. on December 30, the child shall be returned to the primary residential parent for at least 4 consecutive days prior to resumption of any Tuesday night or weekend visitation as set forth herein. However, the primary residential parent shall have possession of the child on December 24, from 8:00 a.m. until 8:00 p.m.

(3) The Christmas holiday timesharing/visitation for children under 5 as provided for in Section 12(b) above shall not apply if the parties have multiple children and at least one of which is over age 5. In that case, the parties shall exercise Christmas holiday timesharing/ visitation as provided for in Section 5 or Section 6 detailed above, depending on whether it is an odd or even numbered year.

c. (1) Fall break in even numbered years – in even numbered years, the non-primary residential parent shall be entitled to exercise a 4 day fall break in the month of October upon 14 days written notice to the other parent. This 4 days shall not be exercised immediately preceding or immediately following a weekend visitation period. Rather the child shall be returned for a period of at least 4 consecutive days to the primary residential parent prior to resumption of any Tuesday night or weekend visitation as set forth herein.

(2) Spring break in odd numbered years – in odd

numbered years, the non-primary residential parent shall be entitled to exercise a 4 day spring break in the month of March upon 14 days written notice to the other parent. This 4 days shall not be exercised immediately preceding or immediately following a weekend visitation period. Rather the child shall be returned for a period of at least 4 consecutive days to the primary residential parent prior to resumption of any Tuesday night or weekend visitation as set forth herein.

(3) The Fall break and Spring break modification for children under 5 as provided for in Section 12(c)(1) and 12(c)(2) respectively shall not apply if the parties have multiple children and at least one of which is over age 5. In that case, the parties shall exercise Fall break and Spring break as provided for in Section 8 detailed above.

d. (1) Extended summer possession – the non-primary residential parent shall be entitled to an extended period of time-sharing with the child for a 20 day period to occur during the months of June and July. Provided however that this 20 day period shall be exercised in five (5) periods, consisting of four (4) days each, with the requirement that the child be returned to the residential home for 4 day intervening periods. The weekend, Tuesday night and Thursday night visitation identified above shall not apply during the months of June and July.

(2) The Extended summer possession modification for children under 5 as provided for in Section 12(d)(1) shall not apply if the parties have multiple children and at least one of which is over age 5. In that case, the parties shall exercise Extended summer possession as provided for in Section 9 detailed above.