

## APPENDIX A

### **TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 46<sup>TH</sup> JUDICIAL CIRCUIT AND DISTRICT BRECKINRIDGE, GRAYSON & MEADE 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 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 for the 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 court when there is a dissolution/custody proceeding pending.

D. No jurisdiction shall adopt a blanket “no-drop” policy. Domestic violence cases are civil matters within the purview of CR 41.01.

E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

If it is discovered at any time that a dissolution or child custody proceeding is pending in another circuit in the Commonwealth.

Consistent with FCRPP 12, when the local domestic violence protocol requires 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:

Circuit Court Clerk and all sworn deputies; County Attorney and all appointed staff; Chiefs of Police and sworn officers; Sheriff and all sworn deputies; KSP and all assigned troopers.

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

Circuit Court Clerk and all sworn deputies; County Attorney and all appointed staff; Chiefs of Police and sworn officers; Sheriff and all sworn deputies; KSP and all assigned troopers.

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

Circuit Court Clerk's Office for the county in which the petition is filed.

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

The district judge or in his/her absence, the Trial Commissioner, or in their absence to the Circuit Judge or in his/her absence to any duly appointed Special District or Circuit Judge of the Commonwealth of Kentucky; all of whom may issue an emergency protective order if applicable.

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 schedule for domestic violence hearing is as follows:

Breckinridge District Court	Tuesday, 1:00 p.m., CST
Grayson District Court	Thursday, 1:00 p.m., CST
Meade District Court	Wednesday, 1:00 p.m., EST

## **III. CONTEMPT PROCEEDINGS**

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order shall be mutually exclusive.

B. Petitioners seeking to initiate contempt proceedings should contact:

Circuit Court Clerk or the County Attorney.

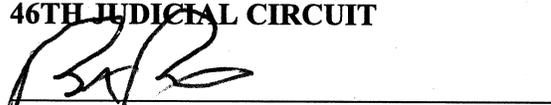
C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

The above protocol is adopted by all Judges in the Circuit/District.

THIS THE 27 DAY OF March, 2012



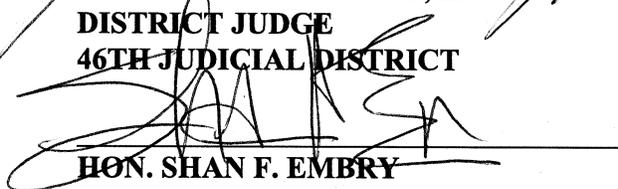
**HON. ROBERT A. MILLER**  
**CIRCUIT JUDGE**  
**46TH JUDICIAL CIRCUIT**



**HON. BRUCE T. BUTLER**  
**CIRCUIT JUDGE**  
**46TH JUDICIAL CIRCUIT**



**HON. K. HAROLD GOFF, II**  
**DISTRICT JUDGE**  
**46TH JUDICIAL DISTRICT**



**HON. SHAN F. EMBRY**  
**DISTRICT JUDGE**  
**46TH JUDICIAL DISTRICT**