

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

The Division II Circuit (Family) Court Judge. In the event the Division II Circuit (Family) Court Judge is unavailable, then the petition shall be presented as follows:

**Allen County**

First, the District Court Judge. If said Judge cannot be located, then;  
 Second, the Trial Commissioner of Simpson County. If the Trial Commissioner cannot be located, then;  
 Third, the Division I Circuit Court Judge.

**Simpson County**

First, the Trial Commissioner of Simpson County. If the Trial Commissioner cannot be located, then;  
 Second, the District Court Judge. If said Judge cannot be located, then;  
 Third, the Division I Circuit Court Judge.  
 The Simpson County Trial Commissioner shall, pursuant to SCR 5.030 and SCR 5.040, be authorized to review Domestic Violence Petitions and to issue Emergency Protective Orders when he so finds appropriate, in both Allen and Simpson Counties.

- 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 hearings is as follows:

<b>COURT</b>	<b>DAY AND TIME</b>
Allen Circuit Court, Division II	All Tuesdays except 2nd @ 9:00 a.m., 2 <sup>nd</sup> Tuesdays @ 1:00 p.m.
Simpson Circuit Court, Division II	Wednesdays @ 9:00 a.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. Petitioners seeking to initiate contempt proceedings should contact the clerk of the Court.
- 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.

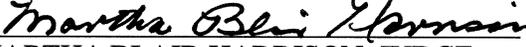
The above protocol is adopted by all judges in the circuit/district.

  
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JANET J. CROCKER, JUDGE  
49<sup>th</sup> JUDICIAL CIRCUIT, DIVISION I

March 15, 2012  
DATE

  
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G. SIDNOR BRODERON, JUDGE  
49<sup>th</sup> JUDICIAL CIRCUIT, DIVISION II  
FAMILY COURT

MARCH 14, 2012  
DATE

  
\_\_\_\_\_  
MARTHA BLAIR HARRISON, JUDGE  
49<sup>th</sup> JUDICIAL DISTRICT

March 15, 2012  
DATE

## APPENDIX A

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY  
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION  
DOMESTIC VIOLENCE PROTOCOL  
49<sup>TH</sup> JUDICIAL CIRCUIT AND DISTRICT  
ALLEN AND SIMPSON 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 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. No jurisdiction shall adopt a blanket “no drop” policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- D. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

Whenever a dissolution or child custody action is pending in another county of the Commonwealth, the domestic violence action may be retained or transferred, in the discretion of the presiding judge.

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:

Office of the Allen Circuit Clerk  
Office of the Simpson Circuit Clerk  
Office of the Allen County Sheriff  
Office of the Simpson County Sheriff  
Scottsville Police Department  
Franklin Police Department

Every Clerk, Deputy Clerk, Sheriff, Deputy Sheriff, Chief of Police, and Police Officer of the various offices listed above is authorized to take the oath of the person petitioning for an Emergency Protective Order. Additionally, the Allen and Simpson Circuit Clerks and Deputy Clerks are authorized to take the oath of any person seeking a motion to amend a Domestic Violence Order. Any such person administering the oath shall affix his/her signature and office in the space provided on the form.

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

Office of the Allen County Sheriff  
Office of the Simpson County Sheriff  
Scottsville Police Department  
Franklin Police Department

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

The Division II Circuit (Family) Court Judge. In the event the Division II Circuit (Family) Court Judge is unavailable, then the petition shall be presented as follows:

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