Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 56TH JUDICIAL CIRCUIT AND FAMILY LAW RULES FOR THE 56TH DISTRICT COURTS, CALDWELL, LIVINGSTON, LYON, AND TRIGG COUNTIES

Upon recommendation of the Judges of the 56th Judicial Circuit and District, and being otherwise sufficiently advised,

The Local Rules of Practice and Procedure for the 56th Judicial Circuit and Family Law Rules for the 56th District, Caldwell, Livingston, Lyon, and Trigg 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 7th day of January 2014.

CHIEF JUSTICE JOHN D. MINTON, JR.

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RULES OF PRACTICE AND PROCEDURE FOR THE 56TH JUDICIAL CIRCUIT AND FAMILY LAW RULES FOR THE 56TH JUDICIAL DISTRICT

COMMONWEALTH OF KENTUCKY
CALDWELL, LIVINGSTON, LYON AND TRIGG COUNTIES

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RULES OF PRACTICE OF THE 56th JUDICIAL CIRCUIT & DISTRICT

RULE 1. INTRODUCTION/ADMINISTRATIVE PROCEDURE

RULE 101. INTRODUCTION/PREFACE.

Pursuant to the mandate of the Kentucky Supreme Court, these rules are applicable to Caldwell, Livingston, Lyon, and Trigg Circuit Courts making up the 56th Judicial Circuit. These rules are also applicable in the District Courts of this Circuit as shown in Rule 104 below.

RULE 102. EFFECTIVE DATE.

These rules will become effective upon their approval by the Chief Justice of the Kentucky Supreme Court.

RULE 103. CITATION.

These rules may be cited as "Rules of the 56th Judicial Circuit" or abbreviated "LR."

RULE 104. DISTRICT COURT.

The 56th Judicial Circuit has no separate family court division. Rules 4, 5, 6 and 8 below on Domestic Violence; Paternity; Dependency, Neglect, and Abuse; and Status Offenses, respectively, therefore apply in the 56th Judicial District Courts and these are the only rules herein applicable to the 56th Judicial District Courts.

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

RULE 201. TRIAL TERMS, MOTION HOURS, AND SCHEDULING.

The 56th Judicial Circuit has continuous Court sessions. However, Grand Juries will be impaneled and Court terms will be as follows unless altered by Court Order:

(a) Caldwell County --Second Monday in January, May, and September;

(b) Livingston County --Second Monday in February, June, and October;

(c) Lyon County --Second Monday in March, July, and November;

(d) Trigg County --Second Monday in April, August, and December.

(e) The Court may, in its discretion, establish other or additional terms of Court and set either civil or criminal matters for jury trials during special terms. In addition, the Court may schedule trials at times other than during a regular term of Court in each county so as to expedite the trying of cases.

RULE 202. STACKING OF CASES FOR TRIAL OR HEARING.

When a case is scheduled for trial or an evidentiary hearing on a day certain on which another case has been previously set, all attorneys shall assume that their case will be tried. The cases will be tried in the order set. The Court will normally allow a case to be continued if the

trial or hearing having immediate priority before it is not settled within three business days before the scheduled trial date. "Business days" means Monday through Friday, excluding holidays. The attorneys shall have the responsibility of ascertaining the status of cases which have priority over their case. Any case that is stacked but not tried shall be noticed by the Plaintiff's attorney (or the Movant's attorney) for rescheduling at the next available Motion Day in that county. It is the purpose of this provision to maximize the chances of a trial or evidentiary hearing date actually being utilized without causing undue hardship upon the attorneys and their clients.

RULE 203. MOTION DAYS.

(1) Except for legal holidays, Motion Days also commonly called "Rule Days" shall be heard by the Court according to the following schedule, unless otherwise ordered by the Court:

(a) First Monday of each month—Lyon County (9:00 a.m. civil and 1:00 p.m. criminal).

(b) First Tuesday of each month —Caldwell County (9:00 a.m. civil and 11:00 a.m. criminal).

(c) First Wednesday of each month—Livingston County (9:00 a.m. civil case pretrial conferences and 1:00 p.m. family cases, including child support).

(d) First Friday of each month at 9:00 a.m. —Kentucky State Penitentiary, Lyon Courtroom No. 2.

(e) First Friday of each month at 1:00 p.m.—Caldwell County (family cases including child support).

(f) Second Wednesday of each month —Trigg County (9:00 a.m. civil and 1:00 p.m. criminal).

(g) Third Wednesday of each month—Livingston County (9:00 a.m. civil and 1:00 p.m. criminal).

(h) Should a scheduled Motion Day fall upon a legal holiday, then the regularly scheduled Motion Day will be the same day as above, but during the immediately following week if not already occupied by another regularly scheduled Motion Day. However, should a Lyon County Motion Day fall on a legal holiday, the regular Motion Day for that month will then be the third Monday of that month.

(2) Motion Days will generally adhere to the following schedule on the Motion Days as stated above for each county:

(a) Uncontested adoptions—8:30 a.m. (to be scheduled in advance with the Court).

(b) Civil matters (other than uncontested divorces and adoptions) -9:00 a.m.

(c) Uncontested divorces—10:00 a.m. (or at the conclusion of the civil docket).

(3) Family case management conferences—Lyon and Trigg: regular Motion Day-10:00 a.m.; Caldwell: first Friday- 2:00 p.m.; Livingston: first Wednesday-2:00 p.m.

(4) Pretrial conferences in civil cases—Caldwell, Lyon and Trigg: regular Motion Day-10:15 a.m.; Livingston: first Wednesday-9:00 a.m.

(5) Involuntary termination pretrial conferences—Caldwell, Lyon, and Trigg: regular Motion Day-10:30 a.m.; Livingston: first Wednesday-1:00 p.m.

(6) Criminal cases—1:00 p.m.

RULE 204. MOTION PRACTICE.

(1) Deadline for filing motions.

The Clerk in each county shall keep a motion docket in which there shall be docketed all motions filed with that Clerk, not later than 4:00 p.m. at least seven (7) calendar days before the scheduled Motion Day. (For example, a motion in Lyon County must be filed by 4:00 p.m. on the Monday immediately before the first Monday of the month, the regularly scheduled Motion Day.) Except in extraordinary circumstances and by prior approval of the Court, motions filed within seven (7) calendar days before a scheduled Motion Day shall be heard on the next month's Motion Day and the Clerk shall place it on the next month's Motion Day docket, and counsel will be so informed by the Clerk.

(2) Motion Service.

Each motion shall be served on opposing counsel and party not represented by counsel and entitled to notice. "Service" shall be by the methods defined in CR 5.02.

(3) No Testimony Heard.

Ordinarily, other than uncontested dissolution cases which are held at the end of the regular civil docket or summary "show cause" testimony, no testimony will be heard on Motion Day. Any civil hearing requiring the taking of testimony should be scheduled with the Court for a separate date (and the scheduling may be done on Motion Day).

(4) Brief Statement of Motion.

There shall be filed with each motion a brief statement of the grounds for it, with citations of authorities relied upon, which may be set forth in the body of the motion or separate memorandum. If a party desires to respond, or if the Court orders a response, the response to any motion shall be in similar form and shall be filed with the Clerk at least two (2) days prior to the scheduled hearing date and properly served upon opposing counsel, or party not represented by counsel and entitled to notice.

(5) Tendered Order.

Every motion or supporting memorandum or memorandum in opposition thereto shall be accompanied by a tendered separate proposed order granting the requested relief or denying the motion, as the case may be.

(6) Attorney Absence.

In the event that a motion is properly noticed and an attorney is absent at the time scheduled for the hearing on the motion, without giving appropriate notice to opposing counsel or the Court of such absence, the Court may rule on the motion even in the absence of such attorney and may consider the attorney's absence as a concession to the other party's position and an order may be entered against the non-appearing attorney's position. However, the Court will consider a properly filed response, memorandum, or affidavit in lieu of an attorney's presence.

(7) Continued Motions.

An attorney who will be unable to be present at the time set for a motion shall immediately contact the moving attorney and attempt to establish a mutually agreeable date and time for the hearing of the motion. Should this prove unsuccessful, an attorney or self-represented party desiring the continuance shall immediately file a motion for a continuance in writing, stating the reasons for the continuance, and shall serve a copy upon the opposing counsel. If no hearing can be scheduled prior to the date the motion was originally set for hearing, the motion will be automatically continued until an agreed hearing date is scheduled or until the next regularly scheduled motion hour, whichever occurs first.

(8) Telephonic Attendance.

Motions not requiring proof may be scheduled for telephonic hearing when authorized by the Court and agreement of the parties.

(9) Motions for Default Judgment.

Motions for Default Judgment for failure of a party to appear need not be noticed for a specific hearing date and the moving attorney need not appear in person. Should the Court determine that a hearing is helpful or necessary under CR 55.01, a hearing date will be assigned. All motions for Default Judgment shall comply with CR 55.01 and shall be accompanied by an appropriate certificate or verification that no papers have been served on Plaintiff's counsel by the Defendant in default; the date of service and type of service upon the Defendant(s); the balance due on the obligation; and a statement that to counsel's knowledge, no defaulting Defendant is currently a member of the Armed Services or under any legal disability. In addition,

the moving attorney will ask the Circuit Clerk to forward the file to the Court for review and action.

(10) Motions Under CR 78(2).

A movant may bring a motion under the provisions of CR 78(2) which provides for the determination of motions without oral hearings upon brief written statements of reasons in support and opposition. The movant, in the Notice, Certificate of Service, or elsewhere in the motion, shall state that the motion is made under CR 78(2) and shall direct the opposing attorney's attention to the fact that under this local rule, the motion may be granted routinely by the Court ten (10) days after filing, unless an objection is received or a response filed. Should the party opposing the motion filed under this Rule wish to have an oral hearing on the question, that party may so state in their response and shall proceed to set the motion for a Motion Day at a given time or at such other time as may be scheduled with the Court and opposing attorneys.

Motions, other than for Default Judgments, shall be filed under CR 78(2) or specifically noticed for a scheduled Motion Day or arranged date. Motions which are not in compliance with one of these provisions may be considered defective and void.

A motion to set a case for trial shall not be brought under CR 78(2).

Time is computed pursuant to CR 6.01 with an additional 3 days added when service is by mail, pursuant to CR 6.05.

(11) Post-Judgment Motions.

(a) Unless prior approval is given by the Court upon good cause shown, all motions to alter, amend, reconsider or vacate will be decided on the record without benefit of a hearing.

(b) Motions for post-judgment relief, including family cases, shall be served upon the opposing party, in addition to any other required service.

(12) Motion to Withdraw From Representation.

A motion to withdraw as attorney shall be served on the client, in addition to any other required service. In the order accompanying the motion, counsel should also include a paragraph that the circuit clerk need not send the withdrawing attorney a copy of any additional filings after entry of the order of withdrawal. In withdrawing from representation of a client, counsel shall comply with SCR 3.130-1.16(KRPC 1.16) on Declining or Terminating Representation. A lawyer has not withdrawn from representing a client until an Order authorizing withdrawal has been signed and entered. Even after a matter has been concluded (such as a dissolution of

marriage) best practice is for an attorney to file a Motion to Withdraw with Notice to the client and a tendered Order.

RULE 205. DISCOVERY.

(1) Motions For Discovery Orders.

Counsel in civil cases shall have the duty to make a good faith effort to resolve by agreement among themselves any disputes which arise in the course of discovery. No motions pertaining to discovery shall be made to the Court unless there is appended to such motion or contained within it a certificate of counsel that he/she has conferred or corresponded with opposing counsel, that they are unable to reconcile their differences, and that counsel has otherwise exhausted reasonable extrajudicial means in an effort to resolve discovery differences.

(2) Depositions.

(a) Before noticing any deposition as required in the Kentucky Rules of Civil Procedure, counsel wishing to schedule any deposition shall first attempt to schedule an agreed date with opposing counsel of record. Counsel shall certify in the Notice that this requirement has been complied with or that attempts to schedule have been unsuccessful and shall state the reason why.

(b) Upon appropriate motion of a party or by agreed order, a deposition may be videotaped and used in accordance with law including Civil Rule 30.02.

(3) Discovery Materials including Written Interrogatories Requests.

(a) In propounding interrogatories discovery requests, the requesting party will attempt to furnish the responding party with an electronic copy to facilitate answers without substantial retyping by any responding party to comply with number two (2) below.

(b) In answering written interrogatories discovery requests served on a party, each interrogatory or request shall be restated, followed by the answer and shall be subscribed and sworn by a party.

(c) Discovery material will be filed and/or served in compliance with CR 5.06.

(d) Answers and compliance with discovery requests need not be filed with the Court. Instead, a Notice of Service under the applicable Civil Rule shall be filed in the record.

(e) Originals of depositions need not be filed with the Court. If not filed, the attorney who noticed the taking of the deposition shall be the custodian of the record as set out in CR 5.06. If testimony from the deposition is referred to in any motion before the Court, then a transcript or condensed transcript may be filed with the motion in lieu of the original.

RULE 206. PRETRIAL CONFERENCES.

(1) Civil Cases.

(a) Pretrial conferences will be scheduled as a matter of course in all jury actions and upon the motion of either party or upon the Court's own motion, or as required pursuant to FCRPP 2(6)(b).

(b) An attorney for each party who is fully familiar with the facts and who has the authority to settle the case or to agree to certain stipulations of facts shall attend a pretrial conference.

RULE 207. CRIMINAL CASES.

(a) Unless otherwise ordered (for example, such as for persons incarcerated), all Defendants shall be arraigned in open Court on the Motion Day immediately following return of an indictment or information. Incarcerated persons shall be arraigned without unnecessary delay and as soon as practical after the indictment.

(b) The Defendant and his/her attorney shall be present at the arraignment. If the Defendant is not represented by an attorney and is found to be indigent, the Court shall, before his/her arraignment, appoint counsel to represent him/her at the arraignment. The attorney appearing for the Defendant at the arraignment shall represent the Defendant in all future stages of the proceeding unless otherwise ordered. An attorney shall not withdraw from employment after arraignment in a criminal proceeding without permission of the Court and compliance with SCR 3.130-1.16.

(c) Upon return of an indictment by the Grand Jury, the Court shall establish a bond for the defendant in accordance with applicable law. If the indictment is on an identical charge that the defendant has been released on bond from District Court, a summons for the defendant to appear will generally be issued rather than a warrant of arrest. However, since the return of the indictment is a new proceeding in Circuit Court, this Court shall set bond in compliance with applicable law and shall not necessarily be bound by bond terms established in District Court.

(d) At the arraignment, the case may be scheduled for a pretrial conference for the Motion Day following the next Motion Day after the arraignment (that is, approximately 60 days away) and will be set for trial at the nearest date approximately ninety (90) days after the arraignment. At the arraignment, an Order of Discovery and Pretrial Conference will

normally be entered and the Commonwealth and defendant(s) shall comply with its terms.

(e) Any post-judgment motion, including motions for shock probation, shall be filed under the ten (10) day rule, LR 204(j)(10), unless noticed for the next regular Motion Day after filing of the Motion. Unless otherwise approved by the Court, the defendant will not appear at the hearing for shock probation and no additional testimony will ordinarily be heard.

RULE 208. COURTROOM DECORUM.

(a) All attorneys and their clients who attend Motion Days shall remain outside the jury rail until their particular motion is called for hearing. When each motion is called for hearing, the attorneys shall proceed to the lecterns (or counsel table if lecterns are unavailable) and shall argue the motion from their respective positions. During criminal motion days, the attorneys for the Commonwealth and for the Department of Public Advocacy may remain inside the well of the Court to expedite proceedings. The attorneys and parties shall not approach the bench without permission requested and granted. No smoking, food, or drink shall be permitted in the Courtroom. All settlement negotiations and plea bargaining will take place outside of the Courtroom itself or during periods when Court is in recess. Attorneys, if physically able, should stand when addressing the Court unless allowed to remain seated by permission of the Court.

(b) Attorneys should be properly and respectfully attired including, for male attorneys, coats and ties, and for female attorneys, attire at the same level of formality. Hats, overcoats, raincoats, and umbrellas will be left outside the railing during hearings.

RULE 209. TRANSFER/CHANGE OF VENUE.

When venue is changed or a case transferred on motion of a private party, after entry of the Order, the party requesting the venue change or transfer must advance to the appropriate circuit clerk the postage costs for sending the record to the appropriate new circuit clerk. The record will be mailed upon receipt of payment by the appropriate clerk.

RULE 210. FAXED COPIES OF PLEADINGS.

(1) Facsimile copies and accompanying documentation will be received by the clerk and filed in the same manner as if they were originals received in the mail. In other words, they will be entered upon receipt. Upon receipt of the original, which is still necessary to file, the clerk will attach it to the fax copy already of record.

(2) The appropriately marked and entered facsimile copy will for all legal requirements be considered the same as if the original had been entered at that time, so long as the actual signed original is submitted by the filing party or attorney. The purpose of this rule is to facilitate timely filing, but there is no substitute for complying with the Civil Rules for filing of original documents.

RULE 3. ADOPTIONS/TERMINATION OF PARENTAL RIGHTS

RULE 301. ADOPTIONS.

Adoptions, contested or uncontested, are to be scheduled with the Court on Motion, in compliance with FCRPP 33.

RULE 302. INVOLUNTARY TERMINATION OF PARENTAL RIGHTS.

FCRPP 34(1) requires a Petitioner to obtain a pretrial conference in involuntary termination cases "immediately upon the filing of any petition." In order to facilitate that within the 56th Judicial Circuit, the following steps should be taken:

(a) Counsel for Petitioner will contact the Court's administrative assistant at (270)388-5182 to inform the Court that a case in the interest of _____, a child, has been filed in the _____Circuit Court.

(b) The administrative assistant will then generate a simple scheduling Order for a pretrial conference so that it will get on the Court's calendar and the Clerk's calendar.

(c) On the scheduled date, if counsel for the Petitioner requests in advance, he/she may appear telephonically by making arrangements with the Court's administrative assistant.

(d) At that initial conference, if parties have been served and are represented, a bench trial date will be set to comply with the sixty day timeframe as nearly as possible.

(e) In order to allow time for service of process and entry of appearance by counsel, including Guardians Ad Litem, the initial pretrial conference would be set in the second month following the filing of the Petition. For example, if the Petition to terminate parental rights was filed during the month of March, then the pretrial conference would be scheduled during the May Motion Day in the appropriate county.

(f) The specific dates and times for the pretrial conferences would be:

Caldwell County--regular rule day, first Tuesday, at 10:30 a.m.

Livingston County--regular family rule day, first Wednesday, at 1:00 p.m.

Lyon County--regular rule day, first Monday, at 10:30 a.m.

Trigg County--regular rule day, second Wednesday, at 10:30 a.m.

RULE 4. DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

The Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the 56th Judicial Circuit and District is incorporated by reference as Appendix 1 as if set out fully herein .

RULE 5. PATERNITY

There are currently no separate local rules on paternity cases in the 56th Judicial District. For uniform statewide rules of procedure see FCRPP 14 and FCRPP 15.

RULE 6. DEPENDENCY, NEGLECT AND ABUSE

There are currently no separate local rules on DNA cases in the 56th Judicial District. For statewide uniform rules of procedure see FCRPP 16 through FCRPP 31.

RULE 7. DOMESTIC RELATIONS PRACTICE

RULE 701. DOMESTIC RELATION CASES.

"Domestic relation" cases are commonly referred to as "family law" cases and includes those enumerated in FCRPP 1(2).

RULE 702. UNCONTESTED MATTERS.

Uncontested hearings for dissolution of marriage, annulments, or legal separations, may be submitted for the next regular Motion Day or under LR 204(10) (10 day rule) with either a Notice of Submission or Motion to Submit so that the circuit clerk will calendar the case and bring it to the Court's attention (Form 1 in Appendix 2 of these rules or similar document).

In order to comply with FCRPP 3(1) In dissolution actions an attachment to Motion to Submit with a checklist and certification must also be filed (Form 2 in Appendix 2 of these rules or other similar document).

No later than 5 days prior to the trial, the parties shall file an AOC-239, Final Verified Disclosure Statement, in the record if property matters are in dispute at that trial; or the parties may file an affidavit that there are no changes in circumstance since the completion of the AOC-238, Preliminary Verified Disclosure Statement, if filed.

While FCRPP 3(1)(a)(ii) requires a courtesy copy of the required items be submitted to the Judge, since the decrees will only be signed in the particular county where the case is pending, only the Motion or Notice to Submit need be courtesy copied to the court and that may be done electronically or via fax to minimize costs and expenses.

Pursuant to FCRPP 3(1)(a)(i)(D) Filing of the Final Verified Mandatory Case Disclosure, AOC-239, may be waived by the Court upon request of a party in an uncontested case where no hearing is required

In appropriate cases, where there has been no change from the Preliminary Mandatory Disclosure Statement, AOC-238, that fact can be so certified by counsel or sworn or affirmed by a party and that document may be used as a substitute Final Verified Mandatory Case Disclosure.

RULE 703. DEFAULT CASES

In all default cases, the moving party will comply with FRCPP 3(2) in the Motion to Submit.

RULE 703. DOMESTIC RELATIONS COMMISSIONER PRACTICE.

Currently, the 56th Judicial Circuit does not operate with a Domestic Relations Commissioner.

RULE 704. STATUS QUO ORDERS, FCRPP 2(5).

FCRPP 2(5) provides that a Status Quo Order may be issued at the initial hearing. However, in the 56th Judicial Circuit, the initial court appearance may not occur for thirty days or more after the initial filing of an action for Dissolution of Marriage. upon Motion with notice and opportunity to be heard. The Motion may also be filed under LR 204(10). Therefore, a Motion Requesting Entry of the AOC 237, Status Quo Order, may be filed with the Petition. The Motion must state that the Respondent has ten days to file an objection to entry of said Order. The clerk shall include a copy of the Motion for service with the Summons and Petition. If no objection is filed within 10 days of service of the Summons, Petition and Motion, the Status Quo Order will be entered by the Court. If a Status Quo Order is not requested by the Petitioner, the Respondent may also seek a Status Quo Order at the initial court appearance or may file a motion as directed in this rule. However, the respondent must provide notice of the motion upon the petitioner without the assistance of the clerk. A copy of AOC-237 Status Quo Order as used in the 56th Judicial Circuit is shown as Appendix 4.

RULE 705. CASE MANAGEMENT CONFERENCE.

(1) The Case Management Conference (CMC) referred to in FCRPP 2(6)(b) will be scheduled upon filing of a Notice as follows:

(a) Caldwell County on the regular Family Rule Day, 1st Friday of each month, at 2:00 p.m.
(b) Livingston County, on the Family Rule Day, 1st Wednesday of each month, at 2:00 p.m.
(c) Lyon County, on the regular Rule Day, 1st Monday of each month, at 10:00 a.m.
(d) Trigg County, on the regular Rule Day, 2nd Wednesday of each month, at 10:00 a.m.

The Notice of Case Management Conference may be joined with a Motion to Set for Bench Trial (final evidentiary hearing).

(2) Since FCRPP 2(6)(d) (b)(2) allows the Court to waive personal attendance of the parties at the CMC, the Court will routinely waive the personal appearance of the parties if requested by counsel.

RULE 706. TIME-SHARING/VISITATION.

The Visitation Guidelines of the 56th Judicial Circuit will continue to be used as a model as authorized by FCRPP 8(2) and a copy is attached (Appendix 3) and incorporated by reference as if set out in full. These are a model and serve only as a basic guideline for the parties and parties are encouraged to reach an agreement upon time-sharing/visitation that is in the best interests of their child. These Guidelines are not a default schedule for the parties or the Court when the parties are unable to reach an agreement. The Court will continue to determine visitation on a case-by-case basis where there is no agreement between the parties.

RULE 707. MEDIATION.

Consistent with FCRPP 2(6)(a, b, c), mediation of contested issues is not mandated, but strongly encouraged, and will routinely be ordered by the Court prior to the trial.

RULE 708. FAMILY COUNSELING OR EDUCATION.

Consistent with FCRPP 3(5) 6(4), where there are minor children in any dissolution or custody proceeding, the Court may order the parents or custodians and children to participate in a Parent's Education Clinic and the children in a suitable education class. If ordered to attend the Parent Education Clinic, proof of attendance must be submitted with the Motion to Submit referred to above.

While the parties may choose their own parenting education classes unless specifically ordered by the Court, the Parent's Education Clinic of the 56th Judicial Circuit, Children of Divorce, is routinely held on the first Thursday of each month in the Lyon County Judicial Center and the Court or separate clerks may be contacted for specific dates and times. If the minor children are age 5 through 15, the "Kid's Time" classes are conducted at the same times and location as the Parenting Clinic.

RULE 709. CONTEMPT PRACTICE.

(1) The preferred procedure in securing a rule for contempt is as follows:

(a) A motion shall be filed, asking for the rule, supported by a sufficient affidavit or verification of the motion showing the applicant is entitled to the relief. A tendered order shall also be submitted.

(b) When the motion and affidavit are filed, a rule will generally be issued ex parte by the Judge. The rule will recite that it is returnable before the Court at a day and time certain for the other party to appear and show cause why he/she should not be held in contempt.

(c) The rule shall not come on for a hearing sooner than seven (7) days from the date the rule is issued and served, unless otherwise ordered; no rule shall come on for a hearing at all unless it has been served on the person alleged to be in contempt, in the manner provided for service of pleadings and other documents under CR 5.02, unless otherwise ordered. Where the opposing party is still represented by counsel, service will be made on counsel and on the party.

(d) Incarceration resulting from a finding of contempt shall be imposed only after a hearing, at which time the Court shall permit additional evidence and may give any party found in contempt an opportunity to purge himself/herself of such contempt.

(e) An alternate method on a contempt motion would be by simple motion and notice to opposing counsel and opposing party noticed for a day certain.

RULE 710. DOMESTIC RELATIONS COMMISSIONER PRACTICE.

Currently, the 56th Judicial Circuit does not operate with a Domestic Relations Commissioner.

RULE 8. STATUS OFFENSES

There are no local rules relating to status offenses. For uniform statewide rules of procedure see FCRPP 37 through FCRPP 44.

RULE 9. MISCELLANEOUS

RULE 901. PROTECTION OF PERSONAL IDENTIFIERS.

All pleadings must comply with the requirements of KRS Chapters 205, 403, 405, and 407 by providing the personal identifying information required in those chapters. However, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court, parties shall comply with CR 7.03 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 or protection matters attendant to the case, or a person authorized to view the copy by specific

orders of the court. As used in this section, "personal identifier" means a Social Security number or tax-payer identification number, date of birth, or financial account number.

RULE 902. EXTRAORDINARY SERVICE COSTS.

Pursuant to CR 3.02(3), the following additional costs are assessed in cases requiring extraordinary services by the circuit court clerk:

A fee of $50.00 in civil cases in each instance in which the number of items filed surpasses 50 in number or a multiple thereof (the 51st item, 101st item, etc.) to be collected from the Plaintiff following entry of the judgment or final order and reimbursed to the paying party as a recoverable court cost pursuant to CR 54.04. Post-judgment documents are excluded from the computation.

A fee of $100.00 per day for each day of a civil jury trial in excess of four (4) days, to be collected from the party requesting the jury trial following entry of the judgment or final order and reimbursed to the paying party as a recoverable court cost pursuant to CR 54.04.

RULE 903. ENFORCEMENT OF RULES.

These rules may be enforced by the Court's contempt power, and including levy of a fine against the party and/or attorney failing to comply. Any attorney who fails to pay the assessed fine, which has not been appealed or on which the appeal process has been completed, may be prohibited from practicing before the 56th Judicial Circuit Court until payment in full of such fine.

RULE 10. MASTER COMMISSIONER PRACTICE

RULE 1001. REFERENCES TO MASTER COMMISSIONER.

Reference of cases shall be made to the Master Commissioner as provided by the Rules of Civil Procedure, by the Kentucky Revised Statutes, by these Rules, or by Court Order in individual cases.

RULE 1002. ORDERS OF SALE.

(1) Orders for the sale of property shall contain:

(a) A complete caption setting forth the names of all parties to be bound by the judicial sale. Abbreviations such as "etc." or "et al" shall not be used.

(b) A legal description of the property sought to be sold, together with the source of title of the present owner or owners.

(c) The address of the property sought to be sold or, if it is true, a recitation of the fact that the property has no address.

(d) The dollar amount of the judgment on a day certain, together with the daily amount of accruing interest or contract rate of interest (if the order of sale is for the purpose of enforcing a judgment for money).

(e) The names of all parties who are in default.

(f) A statement that a party has certified that all entities having an interest in the property including any entities holding a mortgage or lien against the property have been named in the action.

(2) Orders of sale may contain:

Special conditions of sale, for example, property to be sold on site; specific combinations of property containing multiple tracts; special advertising in addition to advertising required by statute.

(3) A directive that the Master Commissioner execute marginal releases of mortgages and liens foreclosed and extinguished by reason of the judicial sale. If the order of sale contains such directive, its shall also contain the book and page number where each lien to be released is recorded.

(4) A directive that the Master Commissioner pay all outstanding ad valorem taxes assessed against the property, provided that such directive also identifies the person or persons in whose name the property has been taxed, the year in which the tax is due, and the tax bill number.

(5) Orders of sale shall not contain:

(a) Specific dates on which the sale is to be conducted.

(b) Designations of the auctioneer or appraisers to be used by the Master Commissioner, provided, however, if a party knows of any reason that an auctioneer or appraiser should be disqualified to serve in a particular case, such disqualification may be made a part of the order of sale.

RULE 1003. JUDICIAL SALES.

(1) The Master Commissioner will normally try to coordinate the sale date with the attorneys of record before scheduling the sale. Immediately following a sale, the Master Commissioner shall make his/her report to the Court which shall be noticed by the Clerk and shall lie over in accordance with CR 53.06. If a bond is required of the purchaser, the bond shall be filed along with the Commissioner's Report of Sale. Unless the Court otherwise directs in the Order of Sale, no bond shall be required of a purchasing creditor seeking to enforce its mortgage or lien on the property.

(2) The Master Commissioner shall normally prepare the following documents in connection with any judicial sale: sale notice for advertising and posting; Commissioner's Report of Sale; Commissioner's Bill of Costs; Order of Confirmation; Order of Distribution; and Commissioner's Deed. When the facts of a particular case render it necessary or desirable that a party prepare any of these documents, that party or attorney shall coordinate the preparation with the Master Commissioner. All motions concerning any matter referred to the Master Commissioner shall be served on the Master Commissioner as if he/she were a party who had appeared in the action. When property is purchased by a person not a party to the action, all subsequent motions and reports concerning confirmation of the sale (including any objections to the Commissioners Report) shall be served on the purchaser in accordance with CR 5.02.

RULE 1004. FEES.

In order to be consistent within the 56th Judicial Circuit and to allow bidders at judicial sales more certainty for predicting actual Master Commissioner fees and costs, the Court will follow the Administrative Procedures of the AOC, Part IV for allowance of Master Commissioner fees.

APPROVED:

C A Woodall III
Hon. C. A. Woodall, III

12-26-13
Date

Jill Clark
Hon. Jill Clark

12/26/13
Date

Jim Redd
Hon. James Redd, III

12/26/13
Date

Supreme Court of Kentucky

ORDER

IN RE: **ORDER APPROVING AMENDMENT TO APPENDIX 1 OF THE RULES OF PRACTICE AND PROCEDURE FOR THE 56TH JUDICIAL CIRCUIT AND FAMILY LAW RULES FOR THE 56TH JUDICIAL DISTRICT**

Upon the recommendation of the Judges of the 56th Judicial Circuit and District, Caldwell, Livingston, Lyon and Trigg counties, and being otherwise sufficiently advised,

The amendment to Appendix 1 of the Rules of Practice and Procedure for the 56th Judicial Circuit and Family Law Rules for the 56th Judicial 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 11th day of December 2015.

CHIEF JUSTICE

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL
FIFTY-SIXTH JUDICIAL CIRCUIT AND DISTRICT
CALDWELL, LIVINGSTON, LYON, AND TRIGG

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 (TIPOs) 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 a petitioner's right to modify or withdraw a petition for a protective order 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 matter may be heard by the receiving judge.

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 protective order petitions and administer oaths to petitioner **during** regular business hours:
All circuit court clerks, 8 a.m. - 4 p.m.
All law enforcement, 8 a.m. - 4 p.m.

B. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **after** regular business hours and weekends:
All law enforcement

C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:
District Judges
Trial Commissioners
Circuit Judge

D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:
District Judges
Trial Commissioners
Circuit Judge

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 and circuit.

B. The judge reviewing a petition for an 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 shall assign interpersonal protective order cases to the District Court.

D. The schedule for hearings on protective orders is as follows:

Livingston -	Tuesday, 9:00 a.m.
Lyon -	Monday, 9:00 a.m.
Trigg -	Thursday, 8:30 a.m.
Caldwell-	Thursday, 1:00 p.m.

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 until the matter may 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 contempt proceedings should contact:
Circuit clerk - Mon - Fri, 8 a.m. to 4 p.m.
All law enforcement-after office hours

C. No petitioner may be held in contempt for failure to appear at a domestic violence hearing or to prosecute 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:

Hon. C. A. Woodall, III, Circuit Judge — October 15, 2015 Date

Hon. James R. Redd, III, Chief District Judge — October 14, 2015 Date

Hon. Jill Clark, District Judge — October 12, 2015 Date

APPENDIX 2: FORM 1 & FORM 2

FORM 1

COMMONWEALTH OF KENTUCKY

_____CIRCUIT COURT

CIVIL ACTION NO.___-CI-_____

_____ PETITIONER

v.

MOTION TO SUBMIT

_____ RESPONDENT.

☐ Comes now the Petitioner and moves the Court to please take notice that this case is ready to be submitted to the Circuit Judge for entry of a Final Decree.

NOTICE

This Motion to Submit is brought under LR 4.02 (CR 78(2)) and will be decided by the judge without any oral hearing ten (10) days after filing, unless an opposing party files an objection or a request for an oral hearing.

The undersigned certifies that the information contained on the attachment is true and correct.

Dated this ___ day of _____, 20____.

_____

Signature of Attorney

CERTIFICATE OF SERVICE:

I certify that a true copy of the foregoing has been served by regular mail, postage prepaid, to the following:

Name_____

Address_____

City/State/Zip_____

On this ___ day of _____, 20_____.

_____

Mailing party or attorney

FORM 2

ATTACHMENT TO MOTION TO SUBMIT

Checklist and Certification

The undersigned provides the following information in compliance with FCRPP 3(1) and certifies that the information is true and correct under penalty of perjury:

A. The parties were married on _____, and separated on _____.

B. The Petition for Dissolution was filed _____.

C. The Respondent was served on or filed an entry of appearance and waiver on _____.

D. The Preliminary Verified Disclosure Statement AOC-238 was filed with the Clerk on _____. The Final Verified Disclosure Statement, AOC-239, or Affidavit has been filed with this Motion to Submit pursuant to FRCPP 3(3)(b); or has been waived pursuant to LR 702.or, has been waived by the Court pursuant to FCRPP 3(1)(a)(i)(D); or, is being filed with this Motion to Submit since it was not initially filed with the clerk pursuant to FCRPP 2(3). Also, the Final Verified Disclosure Statement AOC-239 was filed with the Clerk on _____; or is not required by FCRPP 3(3)(b) when the parties agree and no hearing is held.

E. The parties do/do not (circle one) have minor children of this marriage. If they do and the parties are ordered to attend divorce education/parenting class/kids time class,, then copies of certificates of completion of the class as required by LR 708 were filed in the record on _____ or are attached with this Motion to Submit.

F. The Separation Agreement/Property Settlement Agreement, if any, acknowledging the agreement between the parties was filed in the record on _____ or is attached with this Motion to Submit.

G. The written Deposition or Affidavit, executed under oath, by either party setting forth the testimony required at a hearing as required by KRS 403.025(irretrievable breakdown and residency) as well as confirmation that the parties have lived apart for in excess of sixty (60) days and that there has been no material change in circumstances of the parties since the filing of this action or since taking any proof in

this action, was filed in the record on _____ or is attached with this Motion to Submit.

H. If there are minor children, sixty (60) days have elapsed from the date of service of summons, the appointment of a Warning Order Attorney, or the filing of the entry of appearance or responsive pleading by Respondent, whichever occurred first (KRS 403.044).

I. The written waiver of the right to a hearing executed by both parties was filed with the Clerk on _____ or is attached with this Motion to Submit.

J. If either party has requested restoration to a former name, that request is in writing and was filed in the record or is attached with this Motion to Submit.

K. If there are minor children of this marriage, a Child Support Worksheet and a Uniform Child Support Order (AOC- 152) are submitted with this Motion to Submit.

L. A proposed Findings of Fact, Conclusions of Law, and Decree of Dissolution of Marriage is submitted with this Motion to Submit.

M. In default cases where the Respondent has been properly served but failed to appear, pursuant to FRCPP 3(2) and: (a) no answer or pleading has been received by the moving party or counsel; (b) the Respondent was personally served more than twenty days before this Motion to Submit or, if served through a warning order attorney, the warning order attorney has filed his report and more than fifty days have elapsed since the appointment of the warning order attorney; (c) a copy of this Motion to Submit has been served on the Respondent at his/her last known address and the Respondent is not on active military duty.

DATED this ____ day of _____, 20____.

_____
ATTORNEY FOR PETITIONER/RESPONDENT

APPENDIX 3: GUIDELINES FOR VISITATION / TIME-SHARING

COMMONWEALTH OF KENTUCKY

56TH JUDICIAL CIRCUIT

GUIDELINES FOR VISITATION/TIME-SHARING

Effective February 1, 2009

Absent serious endangerment, it is in the best interest of all children to have a healthy relationship with both their mother and father. When parents divorce and no longer live in the same home, it is necessary to establish a schedule which affords both parents an opportunity to nurture and cultivate their relationships with the children. The preferred option is for the parents through communication with each other and concern for their own children's best interest to establish an arrangement that maximizes the benefit to the children. If the parties are unable to agree, the following Guidelines provide a basic minimum structure for reasonable visitation in all cases other than joint custody with equal time-sharing.

The Court encourages all parents to consider all parenting and custodial options in order to arrive at the best interests for their children and in order to minimize the trauma of divorce for those children.

In these Guidelines, the word "children" includes the singular, child. The term "custodial parent" includes the "sole custodian" in whose home the children reside as well as the "primary residential parent" in joint custody/shared custody situations (other than joint custody with equal time-sharing). The "non-custodial parent" is the other parent.

1. The non-custodial parent will be allowed to exercise visitation on alternate weekends from Friday evenings at 6:00 p.m. to Monday mornings at 8:00 a.m. and Thursday evenings following the weekend visit from 5:30 p.m. to 7:30 p.m. The non-custodial parent shall return the children to the custodial parent, school, or daycare at the above times, persons or places or such other times, persons or places as the parties may agree.

2. The children, and/or the custodial parent, have no duty to wait for the visiting parent for more than thirty (30) minutes past the start of the scheduled visitation time. A parent more than thirty

(30) minutes late shall forfeit that visitation period. If either party is going to be more than thirty (30) minutes late, that party shall give reasonable notice to the other party. Reasonable or unreasonable failures to pick up or provide the children for visitation on time or give reasonable notice of tardiness will subject a party to sanctions by the Court.

3. For the purpose of visitation, the following six holidays shall be divided between the parents:

(1)	President's Day	(2)	Martin Luther King Day
(3)	Easter	(4)	July 4th
(5)	Memorial Day Weekend	(6)	Labor Day Weekend

Other holidays of importance to the family shall also be divided between the parents.
In the odd-numbered years (e.g. 2009, 2011, etc.), the custodial parent shall have the children on the odd-numbered holidays (left column), and the non-custodial parent shall have visitation on the even-numbered holidays (right column). In the even-numbered years (e.g. 2010, 2012, etc.), the non-custodial parent shall have the children on the odd-numbered holidays and the custodial parent shall have visitation on the even-numbered holidays. Visitation shall be from 9:00 a.m. to 9:00 p.m. unless the children are in school that day in which case visitation shall be from 5:00 p.m. to 9:00 p.m.

4. Each year at Christmas the custodial parent shall have the children on Christmas Day and the non-custodial parent shall have the children from 1:00 p.m. to 9:00 p.m. on Christmas Eve. The non-custodial parent shall also have the children from December 26th until 2:00 p.m. on New Years Day, provided the children are returned to the custodial parent not less than 12 hours before they are to return to school.

5. On Mother's Day, the mother shall have the children and on Father's Day, the father shall have the children regardless of who was scheduled to have the children for that specific weekend. Visitation shall be from 9:00 a.m. to 9:00 p.m.

6. Summer: For children less than one (1) year old, the alternate weekends and alternate Thursday visitation shall continue during the months of June and July, and in addition, the non-custodial parent shall have three (3) days in June, which shall be added to that parent's first

alternate weekend in June, and three (3) days in July, which shall be added to that parent's first alternate weekend in July.

For children one (1) and (2) years old, the non-custodial parent shall have visitation beginning on the first Saturday in June beginning at 8:00 a.m. and ending the following Saturday at 8:00 a.m.; on the third Saturday in June beginning at 8:00 a.m. and ending at 8:00 a.m. the following Saturday; on the first Saturday in July beginning at 8:00 a.m. and ending the following Saturday at 8:00 a.m.; on the third Saturday in July beginning at 8:00 a.m. and ending at 8:00 a.m. the following Saturday. The non-custodial parent shall not have alternate weekend visitation or alternate Thursday evening visitations during the months of June and July.

For children three (3) years and older, provided each child has his/her 3rd birthday before June 1st of the current year, the non-custodial parent shall have the following visitation: June 10th, beginning at 8:00 a.m. and ending June 26th at 8:00 p.m.; and July 10th beginning at 8:00 a.m. and ending July 26th at 8:00 p.m. The non-custodial parent shall not have alternate weekend visitation or alternate Thursday evening visitations during the months of June and July. The custodial parent shall not schedule camps or other activities during the non-custodial parent's periods of summer visitation, without the express written permission of the non-custodial parent. If the child's third (3rd) birthday is June 2 or later of the current year, then the visitation for children three (3) years and older shall not begin until the following year. This visitation shall take place each year until the child becomes eighteen (18) years of age.

7. A child will celebrate his/her birthday in the home of the custodial parent, unless it falls on a visitation day. In the event the non-custodial parent does not have the children on their birthday, an additional, non-scheduled visitation day shall be granted so that the non-custodial parent may celebrate the children's birthday, if desired.

8. In odd-numbered years, the non-custodial parent shall have the children who are enrolled in school for a week of any spring break from school which the children may have, provided the children are returned to the custodial parent not less than 24 hours before they are to resume school. Should Easter fall during a spring break when the children are with the custodial parent and it is the non-custodial parent's turn to have visitation with the children for Easter vacation, then an additional non-scheduled visitation day shall be granted to the non-custodial parent.

9. In odd-numbered years, the non-custodial parent will have the children for the Thanksgiving holiday. Visitation shall begin on the last day of school before Thanksgiving break at 5:00 p.m. until 7:30 p.m. Sunday evening following Thanksgiving. For children between the ages of six (6) months and one (1) year visitation shall begin at 9:00 a.m. Thanksgiving day and end at 7:00 p.m. Saturday. For children that are not yet enrolled in school, the non-custodial parent shall have visitation from 9:00 a.m. Thursday morning until 7:30 p.m. Sunday evening.

10. In even-numbered years, the non-custodial parent may have visitation during the fall break on the last day of school at 5:00 p.m. and ending at 7:30 p.m. on the evening before school starts at the end of fall break.

11. For children under the age of six (6) months, visitation shall be shorter in duration but more frequent, so as to encourage the bonding of both parents with the children.

12. Each party shall share equally in transportation and/or the cost of transportation for visitation.

13. Mail or Telephone Contacts: Both parties shall be allowed to contact the children freely by any and/or all available mail, e-mail, texting, cell phone and by telephone at reasonable times and frequencies.

14. Absent a prior written agreement between the parties, the residence of the children is not to be removed from the Commonwealth of Kentucky without first obtaining an Order from the Court.

15. Both parents agree to use their best efforts to exercise their visitations and scheduling with the best interests of their children in mind so that the children may participate in their school and extra-curricular activities.

16. Absent a court order to the contrary, the non-custodial parent shall have equal access to all school, medical, and psychological records, activities, programs, etc. The custodial parent shall use his/her best efforts to keep the non-custodial parent informed of all these activities.

Appendix IV

AOC-237 Doc. Code: OSQ
Rev. 1-11
Page 1 of 1
Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
FCRPP 2

STATUS QUO ORDER

Case No. _____
Court _____
County _____
Division _____

IN RE THE MARRIAGE OF:

_____ PETITIONER

and

_____ RESPONDENT

IT IS HEREBY ORDERED:

Except as shall be necessary to pay reasonable living expenses, neither party shall sell, encumber, gift, bequeath or in any manner transfer, convey or dissipate any property, cash, stocks or other assets currently in their possession or control of another person, company, legal entity or family member without an order of the Court or an agreed order signed by both parties or their attorneys.

Neither party shall cancel any health, life, automobile, casualty or disability insurance currently covering themselves or a family member or change the named beneficiaries on such policies prior to receiving permission of the court to do so or filing an agreed order signed by both parties or their attorneys.

Other Orders: Neither party will incur additional debt in his or her own name or the name of the other party without a court order provided that either party may incur reasonable debt associated with day-to-day living expenses incurred by that party. When incurring debt for day-to-day living expenses, each party should keep in mind that they are in a dissolution of marriage proceeding and therefore each party will have to account for each expense incurred before the final dissolution. Each party should consult with their respective attorney before incurring any debt which might violate the spirit or the letter of this Order.

_____, 2_____
Date

_____
Judge

Distribution: Court File
Petitioner/Attorney for Petitioner
Respondent/Attorney for Respondent