

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 7TH JUDICIAL CIRCUIT AND DISTRICT, TODD AND LOGAN COUNTIES**

Upon the recommendation of the Judges of the 7th Judicial Circuit and District, Todd and Logan counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 7th Judicial Circuit and District is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this 9th day of December 2015.

  
CHIEF JUSTICE

**TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT  
JURISDICTION PROTOCOL  
SEVENTH JUDICIAL CIRCUIT AND DISTRICT  
LOGAN AND TODD COUNTIES**

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:  
Circuit Clerks and deputy clerks]
- 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 agencies within the circuit. All police agencies shall keep and maintain on hand the necessary blank Domestic Violence Petition (AOC-275.1) forms and Emergency Protective Order (EPO) forms (AOC-275.2) to be available to law enforcement officers on all shifts for use when the Circuit Court Clerk's Office is closed. The law enforcement officer involved will then supply a petition form and contact a judicial officer directly by telephone after it is completed by the petitioner as indicated below.

During hours when the Circuit Clerk's Office is open, persons seeking a protective order may be sent to that office to fill out a petition. After office hours, the officer shall follow instructions given by the judicial officer in telefaxing or delivering the completed petition and order form to the judicial officer. Judicial officers may be reached by telephone on a 24 hour basis through the emergency dispatch centers in each county.

Petitions for protective orders may be verified (sworn) before any police officer, notary public, the County Attorney of either county or the Commonwealth Attorney.

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

If no proceeding between the same parties is pending or filed contemporaneously in the Circuit Court, the petition shall be presented to the District Judge. If the District Judge is unavailable, the clerk shall seek the consideration of the Circuit Judge who shall schedule any further hearings for the domestic violence session of the District Court. If neither judge is available, the clerk shall seek the consideration of the Trial Commissioner who shall schedule any further hearing for the domestic violence session of the District Court.

If any action between the same parties is pending or filed contemporaneously in the Circuit Court, the petition shall be presented to the Circuit Judge for consideration. If the Circuit Judge is unavailable, the clerk shall seek the consideration of the District Judge who shall schedule any further hearings for the Circuit Court on a motion day. If neither Judge is available, the clerk shall seek the consideration of the Trial Commissioner who shall schedule any further hearing for the Circuit Court on motion day.

- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to the District Judge unless it is known that an action between the same persons is pending before the Circuit Court, in which case it shall be presented to the Circuit Judge. If the Circuit Judge is unavailable, it shall be presented to the District Judge. If the

District Judge is unavailable then it shall be presented to the Circuit Judge. If both judges are unavailable, it shall be submitted to the Trial Commissioner.

### **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, circuit, and family court.
- 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, unless an action involving the same parties is pending in the Circuit Court, in which case the matter shall be assigned to the Circuit Court.
- D. The schedule for hearings on protective orders is as follows:

In District Court they shall be heard on Wednesdays at 9:30 a.m. in Logan County and on Tuesdays at the hour of 9:45 a.m. in Todd County. In Circuit Court they shall be heard on Thursdays at 2:30 p.m. in Logan County and on Wednesday's at 10:00 a.m. in Todd County.

- 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. In Cases where the receiving Judge is in this Circuit and both parties are before the transferring judge, the judge shall order the parties to appear before the other judge at the time regularly scheduled for these matters stated above.

### **IV. Contempt Proceedings**

- A. Pursuant to KRS 403.763 and KRS 456.180, civil and criminal proceedings for 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:  
The County Attorney for a determination of whether the Respondent's actions rise to the level of contempt or whether prosecution, for an offense other than a violation of the order of protection, is appropriate; however, all motions to show cause for civil enforcement may be filed with the circuit clerk.
- 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:

Tyler L. Gill  
Hon. Tyler L. Gill

11/19/15  
Date

Ken Williams  
Kenneth R. Williams, Jr.

11/20/2015  
Date