

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 8TH JUDICIAL CIRCUIT AND DISTRICT, WARREN COUNTY

Upon the recommendation of the Judges of the 8th Judicial Circuit and District, Warren County, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 8th 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 29th day of December 2015.


CHIEF JUSTICE

**TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL
JOINT JURISDICTION PROTOCOL
8th JUDICIAL CIRCUIT AND DISTRICT
WARREN COUNTY**

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.

Family Court Judge. If neither Family Court Judge is available, then the clerk shall present the petition to an available District or general jurisdiction Circuit Judge.

Petitions for a TIPO shall be presented to the assigned District Court Judge. If the assigned Judge is not available, then the clerk shall present the petition to an available District Court or Family Court Judge. If none of the District Court or Family Court Judges are available, then the clerk shall present the petition to an available general jurisdiction Circuit Judge.

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

The authorized agency/officer shall present the petition to the on-call District Court Judge. Law enforcement will be given the on-call District Court Judges' schedule at the beginning of the year with amendments as schedule changes occur. From time to time, another Judge may cover for the on-call District Court Judge. The name of the covering Judge will be provided to law enforcement. Upon completion of the petition, the officer shall immediately telephone the Judge for his or her location and then present the petition to the on-call District Court Judge or other covering Judge to review the domestic violence petition or interpersonal protective petition. Upon review the Judge shall issue the emergency protective order (EPO) and summons or temporary interpersonal protective order (TIPO) and summons if warranted or take other necessary action. If the emergency protective order (EPO) and/or the summons or temporary interpersonal protective order (TIPO) and/or summons are issued, the law enforcement officer/agency shall make every reasonable effort to immediately perfect personal service upon the Respondent. Telephone notification shall not be given to the Respondent prior to the service of the actual EPO or TIPO. The law enforcement officer shall give information to the Petitioner regarding the Barren River Area Safe Space (BRASS) regardless of whether the emergency protective order (EPO) or summons or temporary interpersonal protective order (TIPO) or summons has been issued.

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 domestic violence hearings to Family Court and interpersonal protective order cases to the District Court.
- D. The schedule for hearings on protective orders is as follows:

Domestic Violence hearings:

WARREN CIRCUIT, DIVISION III – Monday: 9:00 a.m.

WARREN CIRCUIT, DIVISION IV – Monday: 1:00 p.m.

Interpersonal Protective (Dating Violence) hearings:

WARREN DISTRICT, DIVISION I – Wednesday: 10:30 a.m.

WARREN DISTRICT, DIVISION II – Wednesday: 1:30 p.m.

WARREN DISTRICT, DIVISION III – Tuesday: 1:30 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.

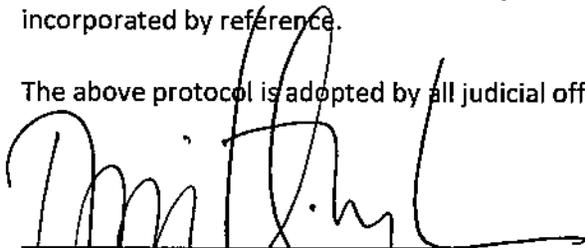
- B. Petitioners seeking to initiate contempt proceedings should contact:

Warren Circuit Court Clerk's Office
1001 Center Street
Bowling Green KY 42101

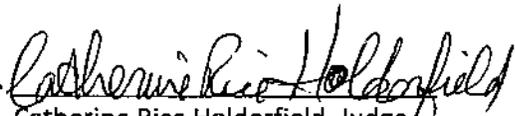
- C. No petitioner may be held in contempt for failure to appear at a domestic violence hearing or prosecute a criminal violation of a protective order.

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.

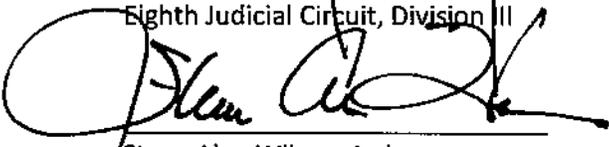
The above protocol is adopted by all judicial officers in the circuit:



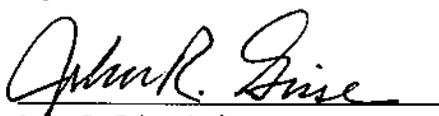
David A. Lanphear, Judge
Eighth Judicial Circuit, Division III



Catherine Rice Holderfield, Judge
Eighth Judicial Circuit, Division IV



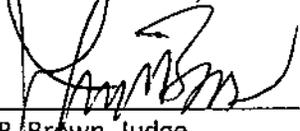
Steve Alan Wilson, Judge
Eighth Judicial Circuit, Division I



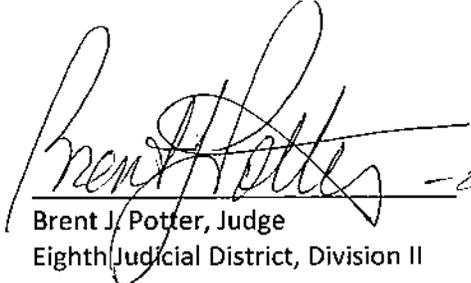
John R. Grise, Judge
Eighth Judicial Circuit, Division II



Sam Potter, Jr., Judge
Eighth Judicial District, Division I



John B. Brown, Judge
Eighth Judicial District, Division III



Brent J. Potter, Judge
Eighth Judicial District, Division II

-24 hour protocol

MOTION FOR RELIEF

Case No. _____

- Petitioner **OR** Petitioner, on behalf of minor child, requests that the Court:
- (1) **Issue an emergency or temporary protective order** based on the presence of an immediate and present danger of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault to:
 - restrain Respondent** from committing any further acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault.
 - restrain Respondent** from any unauthorized contact or communication with Petitioner or other person specified by the Court. If other person(s) are in need of protection, provide name, date of birth, and state why they need protection:

If you need to list additional names, please attach separate sheet of paper.

- restrain Respondent** from going to or within a specified distance of a specifically described **residence, school, or place of employment, or area where such a place is located.**

* Any address information provided will not be considered confidential and will be available to the Respondent.

Location: _____

What danger exists?: _____

Location: _____

What danger exists?: _____

If you need to list additional locations, please attach separate sheet of paper.

- restrain Respondent** from disposing of, or damaging, any property of the parties.
- direct Respondent to vacate** residence shared by the parties located at (*specify address*): _____;
- grant temporary custody** of minor child(ren).
- award temporary child support** in accordance with KY Child Support Guidelines. I will, if possible, document income of both parents at the hearing by producing income tax returns, paystubs or employer statements. If either parent is self-employed I will, if possible, produce receipts and expense statements. I understand Respondent will also be notified by **summons** to produce these documents.
- grant other relief** which would assist in stopping further violence and abuse, stalking, or sexual assault (*describe*): _____

- (2) **Cause a summons to be issued for Respondent**, setting a date, time and place for a **hearing** to consider all relief to which Petitioner may be entitled, including those matters contained in paragraph (1) on this page of this motion, and as appropriate, **mandatory** counseling for Respondent and other relief as may be authorized by statute.

Petitioner states the allegations contained herein are true on information and belief.

Petitioner's Signature

NOTICE: ISSUANCE OR DENIAL OF AN EMERGENCY OR TEMPORARY PROTECTIVE ORDER DOES NOT PREVENT YOU FROM CONSULTING WITH THE COUNTY ATTORNEY ABOUT FILING CRIMINAL CHARGES AGAINST THE RESPONDENT.

Subscribed and sworn to before me on _____, 2____.

Date: _____, 2____. _____ *Name

_____ Title

**Must be signed by circuit clerk or other individual authorized by Court to provide and verify emergency petitions.*

COURT ACTION:	EPO: <input type="checkbox"/> Issued <input type="checkbox"/> Denied because: <input type="checkbox"/> Insufficient relationship <input type="checkbox"/> Fails to state an immediate and present danger of domestic violence and abuse.
	Summons for DVO Hearing : <input type="checkbox"/> Issued <input type="checkbox"/> Denied because: <input type="checkbox"/> Insufficient relationship <input type="checkbox"/> Fails to state an act or threat of domestic violence and abuse.
	TIPO: <input type="checkbox"/> Issued <input type="checkbox"/> Denied because: <input type="checkbox"/> Insufficient relationship <input type="checkbox"/> Fails to state an immediate and present danger of dating violence and abuse, stalking, or sexual assault.
	Summons for IPO Hearing : <input type="checkbox"/> Issued <input type="checkbox"/> Denied because: <input type="checkbox"/> Insufficient relationship <input type="checkbox"/> Fails to state an act or threat of dating violence and abuse, stalking, or sexual assault.
	Additional comments: _____ _____ _____ _____, 2____. _____ Judge

AOC-275 Summons Code: PO
Rev. 1-16
Page 1 of 1

Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
KRS 403.730; 403.735; 456.040;
456.050



PROTECTIVE ORDER SUMMONS

Case No.
Court _____
County
Division _____

First Middle Last

PETITIONER

VS.

First Middle Last

RESPONDENT

Information about Respondent:

Current Residence: _____
Usual Residence: _____
Occupation: _____
Employer Name: _____
Employer Address: _____
School/Postsecondary Institution (if currently attending): _____
Address: _____

Sex	Race	Birthdate	Height	Weight	Eyes	Hair	Social Security #	Drivers License #	State	Exp. Date

CAUTION: Weapon involved Believed to be armed & dangerous

THE COMMONWEALTH OF KENTUCKY TO THE ABOVE-NAMED RESPONDENT: You are hereby notified a legal action has been filed against you in _____ County District Court or Circuit Court alleging facts and demanding relief as shown in the document(s) delivered to you with this Summons. **YOU ARE HEREBY SUMMONED TO APPEAR FOR A HEARING BEFORE THE** DISTRICT COURT CIRCUIT COURT as follows:

DATE	TIME	COURT LOCATION

to respond to these allegations. If you and the Petitioner have children, you must produce at the court appearance income tax returns, pay stubs, or employer statements to document your income in the event temporary child support is ordered. If you are self-employed, you must produce receipts and expense statements.

Date:

Agency Assigned Service:

Judge or Clerk:

By: _____ D.C.

- Copies to:**
- Court File
 - Petitioner
 - Local Department for Community Based Services, CHFS
 - Court Clerk in County of Petitioner's usual residence, if different
 - Law enforcement agency/dispatch ctr responsible for LINK entry
 - Law enforcement agency(ies) designated for service
- Ensure all information in BOXES is complete and legible. Without correct information in each box, summons may not be entered into LINK.**

Proof of Service. These documents were:

Served by delivering true copies upon: _____

Not Served (reason): _____

Serving Officer's Signature

Date: _____

Time: _____ a.m. p.m.

Kentucky license to carry surrendered (if applicable)



ORDER OF PROTECTION

KRS Chapter 403; EMERGENCY PROTECTIVE ORDER (EPO)
KRS Chapter 456; TEMPORARY INTERPERSONAL PROTECTIVE ORDER (TIPO)
FCRPP Part IV

Case No.
Court _____
County State
Division _____

PETITIONER/PLAINTIFF

First Middle Last

- Petitioner filing on his/her own behalf; and/or
- Petitioner filing on behalf of minor identified herein.

V.

Persons Protected by this Order:

- Petitioner: _____ DOB: _____
- Minor on whose behalf Petition was filed:
Name: _____ DOB: _____
- Other protected person(s) or protected minor(s):
Name: _____ DOB: _____
Name: _____ DOB: _____
Name: _____ DOB: _____
Name: _____ DOB: _____

RESPONDENT/DEFENDANT

First Middle Last

- Relationship to Petitioner: spouse former spouse
 unmarried, child in common unmarried, currently or formerly living together parent child stepparent grandparent
 grandchild person who lives in the same household as a child(ren) if the child(ren) is the alleged victim
 currently or previously in a dating relationship
 none of the above relationships apply, but Respondent is alleged to have committed stalking or sexual assault

Respondent Address: _____

RESPONDENT/DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	Social Security #		
DRIVERS LICENSE #		STATE	EXP. DATE	

Distinguishing Features: _____

CAUTION: Weapon involved Armed and Dangerous Divorce/Custody/Visitation case pending

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Kentucky law providing Respondent notice and opportunity to be heard.

- Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the Respondent be restrained from committing further acts of abuse or threats of abuse, stalking, or sexual assault.
- That the Respondent be restrained from any unauthorized contact with the Petitioner/Plaintiff or other protected person(s) named in this Order.
- Additional terms of this order are as set forth below.

The terms of this order shall expire upon the conclusion of the hearing required by KRS 403.735 or KRS 456.050 unless continued or withdrawn by subsequent order of the Court.

SEE ATTACHED SUMMONS FOR DATE AND TIME OF HEARING. KRS 403.730; 456.040.

Continuance of an **unserved** EPO/TIPO is limited to six (6) months. If Respondent has not been served with this order and the Court has not otherwise withdrawn it, this order will expire in six (6) months, on

KRS 403.735;
456.050.

WARNING TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Only the Court can change this order.

Case No.

ADDITIONAL FINDINGS: The Court, having reviewed the petition and being sufficiently advised, finds that the allegations indicate an immediate and present danger of domestic violence and abuse dating violence and abuse stalking sexual assault.

THEREFORE, IT IS FURTHER ORDERED:

- That the Respondent be restrained from any contact or communication with the Petitioner and the following other protected person(s): _____

 - except as follows (*the following contact or communication is authorized*): _____

 - That the Respondent remain at all times and places at least _____ feet (*not to exceed 500*) away from Petitioner and all other protected person(s) in this Order.
 - except as follows: _____

 - That, Petitioner having established specific demonstrable danger, the Respondent be restrained from going to or within the distance(s) specified of the location(s) described below:
Location: _____ feet.
Location: _____ feet.
Location: _____ feet.
 - except as follows: _____

 - That the Respondent be restrained from disposing of, or damaging, any property of the parties.
 - That the Respondent vacate the residence shared by the parties located at (*specific address*) _____

 - In accordance with the criteria of KRS 403.270, 403.320 and 403.822, temporary custody of _____
_____ be awarded to _____
 - In order to assist in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault _____

- _____. (*The Court cannot order the Petitioner to take affirmative action. KRS 403.740; KRS 456.060*)

VIOLATION OF THIS ORDER SHALL CONSTITUTE CONTEMPT OF THIS COURT AND MAY RESULT IN CRIMINAL CHARGES. ANY PEACE OFFICER SHALL ARREST THE RESPONDENT WITHOUT A WARRANT UPON PROBABLE CAUSE THAT A VIOLATION OF THIS ORDER HAS OCCURRED. ONLY THE COURT MAY MODIFY THIS ORDER. THE PETITIONER OR RESPONDENT MAY MOVE TO AMEND THE ORDER.

Date Issued

Judge

Copies to:

Court file; Petitioner; Court Clerk in county of Petitioner's usual residence, if different; Law Enforcement Agency/dispatch center responsible for LINK entry; Law Enforcement Agency(ies) designated for service; Local Dept. for Community Based Services (CHFS). **Ensure entries in boxes are complete and legible.** Without correct information in each box, Order **MAY NOT** be entered into LINK.



ORDER OF PROTECTION

- DOMESTIC VIOLENCE ORDER
- AMENDED DOMESTIC VIOLENCE ORDER
- INTERPERSONAL PROTECTIVE ORDER
- AMENDED INTERPERSONAL PROTECTIVE ORDER

Case No.

Court _____

County State

Division _____

AOC-275.3
 Rev. 1-16
 Doc. Code: ODV; IPO
 Page 1 of 3 www.courts.ky.gov KRS Chapter 403; KRS Chapter 456; FCRPP Part IV

PETITIONER/PLAINTIFF

First Middle Last

- Petitioner filing on his/her own behalf; and/or
- Petitioner filing on behalf of minor identified herein.

v.

Persons Protected by this Order:

- Petitioner: _____ DOB: _____
- Minor on whose behalf Petition was filed:
 Name: _____ DOB: _____
- Other protected person(s) or protected minor(s):
 Name: _____ DOB: _____
 Name: _____ DOB: _____
 Name: _____ DOB: _____

RESPONDENT/DEFENDANT

First Middle Last

- Relationship to Petitioner: spouse former spouse
- unmarried, child in common unmarried, currently or formerly living together
 - parent child stepparent grandparent
 - grandchild person who lives in the same household as a child(ren) if the child(ren) is the alleged victim
 - currently or previously in a dating relationship
 - none of the above relationships apply, but Respondent is alleged to have committed stalking or sexual assault
- Respondent Address: _____

RESPONDENT/DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	Social Security #		
DRIVERS LICENSE #		STATE	EXP. DATE	

Distinguishing Features: _____

CAUTION: Weapon involved Armed and Dangerous Divorce/Custody/Visitation case pending

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the Respondent be restrained from committing further acts of abuse or threats of abuse, stalking, or sexual assault.
- That the Respondent be restrained from any unauthorized contact with the Petitioner/Plaintiff or other protected person(s) named in this Order.
- Additional terms of this order are as set forth below.

The terms of this order shall be effective until , .

WARNING TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)). Only the Court can change this Order of Protection.

ADDITIONAL FINDINGS:

- For the Petitioner against the Respondent in that it was established, by a preponderance of the evidence, that an act(s) of domestic violence and abuse, dating violence and abuse, stalking, sexual assault has occurred and may again occur; **or**
- For the Respondent in that it was not established, by a preponderance of the evidence, that an act(s) of domestic violence and abuse, dating violence and abuse, stalking, sexual assault has occurred and may again occur; **or**
- The Petitioner Respondent has filed a motion to amend the Order of Protection dated _____

ADDITIONAL TERMS OF ORDER:

(DOMESTIC VIOLENCE AND ABUSE ONLY) That the above-named Respondent surrender to the Court, or to the officer serving the order, Respondent's Kentucky license to carry concealed firearms or other deadly weapons pursuant to KRS 237.110(13)(k).

- Kentucky license to carry surrendered to Court.
- That the Petition be Dismissed. *(Complete the following only if EPO/TIPO was issued)* With respect to the EPO/TIPO issued by this Court on _____, 2____; *(check one)*
 - The Court hereby WITHDRAWS the EPO/TIPO. Additional Findings: _____
 - The EPO/TIPO was not served within six (6) months from the date of its issuance and, in accordance with KRS 403.735 or KRS 456.050 is hereby RESCINDED without prejudice.
- That the Motion to Amend be Denied.
- That the Motion to Amend be Sustained. That the prior order is amended pursuant to a show cause hearing. The prior order is amended and all prior inconsistent provisions of such prior order are superseded as follows: _____
- That the Respondent be restrained from any contact or communication with the Petitioner and the following other protected person(s): _____
 - except as follows (the following contact or communication is authorized): _____
- That Respondent shall remain at all times and places at least _____ feet away (not to exceed 500) from Petitioner, and all other protected person(s) listed in this Order.
 - except as follows: _____
- That, Petitioner having established specific demonstrable danger, the above-named Respondent be restrained from going to or within the distance(s) specified of the location(s) described below:

Location: _____	_____ feet.

 - except as follows: _____
- That the Respondent be restrained from disposing of, or damaging, any property of the parties.

That the Respondent vacate the residence shared by the parties located at *(specific address)*

In accordance with the criteria of KRS 403.270, 403.320, and 403.822, the Uniform Child Custody Jurisdiction and Enforcement Act and 28 U.S.C.A. Section 1738A, temporary custody of:

(List names, ages and sex of each child)

be awarded to _____

That the Respondent is ordered to pay temporary support in the amount of \$ _____ as set forth in form AOC 152 Kentucky Uniform Child Support Order and/or Wage/Benefit Withholding Order for Kentucky Employers.

(AOC 152 shall also be used if child support is ordered.)

That the Respondent participate in available counseling services, described as _____

In order to assist in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault _____

_____. *(The Court cannot order the Petitioner to take any affirmative action. KRS 403.740; KRS 456.060)*

That the court finds that the Petitioner has requested mediation, and the Petitioner's request is voluntary and not the result of coercion and that mediation is a realistic and viable alternative to or adjunct to the issuance of this order; therefore, available mediation services are ordered as follows: _____

The terms of this order shall not exceed three (3) years from date of issue pursuant to KRS 403.740 or KRS 456.060. The Petitioner may return to the court, which issued this order, before expiration of this order to request that it be reissued for an additional period not to exceed three (3) years. **This Order may be reissued upon expiration for subsequent periods of up to three (3) years each. KRS 403.740; 456.060. Violation of this order shall constitute contempt of this Court and may result in criminal charges and/or imposition of a global positioning monitoring system device. Any peace officer shall arrest the Respondent without a warrant upon probable cause that a violation of this order has occurred. Pursuant to 18 U.S.C. Section 922(g)(8), it may be a federal violation to purchase, receive or possess a firearm or ammunition while subject to this order.**

Date

Judge

Notice: If your Order prohibits contact, you can be arrested for having contact with the Petitioner, even if that person agrees to the contact.

Copies to:

- Court file
- Petitioner
- Respondent
- Court clerk in county of Petitioner's usual residence, if different.
- Law enforcement agency/dispatch center responsible for LINK entry.
- Law enforcement agency(ies) designated for service.
- Local Department for Community Based Services, CHFS

Ensure entries in boxes are complete and legible. Without correct information in each box, order MAY NOT be entered into LINK.