

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 9TH JUDICIAL CIRCUIT AND DISTRICT, HARDIN COUNTY**

Upon the recommendation of the Judges of the 9th Judicial Circuit and District, Hardin County, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 9th 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

## APPENDIX NO. 3

### TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY AND INDIVIDUAL PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL 9<sup>th</sup> JUDICIAL CIRCUIT AND DISTRICT HARDIN COUNTY

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local protective order protocol is establish to ensure twenty-four (24) 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 procedure set forth in the Kentucky Circuit Court Clerk's Manual.
- C. All cases with be assigned a "D" case number with the appropriate trailer number within the court case management system and may 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 protective orders are not permitted. Pursuant to KRS 403.740 and KRS 456.060, any orders for relief issued directed 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 reissue 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 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:

Hardin Circuit Clerk's Office, 120 East Dixie, Elizabethtown, KY 42701

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

Elizabethtown Police Department, Radcliff Police Department, Hardin County Sheriff's Department, Kentucky State Police, or any other local police agency.

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

The clerk shall deliver the petition to one of the Family Court Judges and if both are not available then to any available Circuit Judge or District Judge.

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

The petition shall be delivered to one of the Family Court Judges and if both are not available then to any available Circuit Judge, District Judge or trial commissioner.

- E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

- F. The schedule for protective order hearings is as follows:

Protective order hearings are held every Monday at 9:00 a.m. with the exception of Court of Justice holidays.

## **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 and interpersonal protective order matters to the Family Court.
- D. 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 reissue a summons until the matter may be heard by the receiving judge.

#### IV. Contempt Proceedings

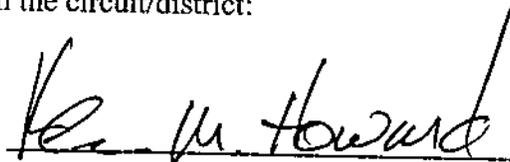
- E. Pursuant to KRS 403.763 and KRS 456.180, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.
- F. Petitioners seeking to initiate contempt proceedings should contact:  
  
The Hardin Circuit Clerk to complete a Protective Order Affidavit (see Attachment).
- G. No petitioner may be held in contempt for failing to appear at a domestic violence or interpersonal protective hearing or to prosecute a criminal violation of a protective order.

All general orders, forms, policies and procedures relating to domestic violence and interpersonal protective actions within the judicial circuit are attached to this protocol and incorporated by reference.

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



Pamela K. Addington, Judge  
9<sup>th</sup> Judicial Circuit, Division I



Ken Howard, Judge  
9<sup>th</sup> Judicial Circuit, Division II



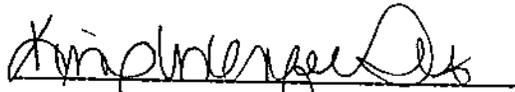
Kelly M. Easton, Judge  
9<sup>th</sup> Judicial Circuit, Division III



M. Brent Hall, Judge  
9<sup>th</sup> Judicial Circuit, Division IV



John D. Simcoe, Judge  
9<sup>th</sup> Judicial District, Division I



Kimberly W. Shumate, Judge  
9<sup>th</sup> Judicial District, Division II

COMMONWEALTH OF KENTUCKY  
HARDIN CIRCUIT COURT  
FAMILY COURT  
CASE NO. \_\_\_\_\_

**PROTECTIVE ORDER AFFIDAVIT**

\_\_\_\_\_

PETITIONER

VS.

\_\_\_\_\_

RESPONDENT

**Information about Respondent:**

Current Residence: \_\_\_\_\_  
\_\_\_\_\_

Usual Residence: \_\_\_\_\_  
\_\_\_\_\_

Occupation: \_\_\_\_\_

Employer Name: \_\_\_\_\_

Employer Address: \_\_\_\_\_

Sex	Race	Date of Birth	Height	Weight	Social Security #	Operator License #	State

Caution: ( ) Weapon involved      ( ) Believed to be armed and dangerous

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

X \_\_\_\_\_  
AFFIANT

Subscribed and sworn to before me on \_\_\_\_\_, 201\_\_\_\_\_  
Loretta Crady, Hardin Circuit/District Clerk  
By: \_\_\_\_\_ D.C.

- \_\_\_\_\_ IT IS ORDERED that a Summons be issued.
- \_\_\_\_\_ IT IS ORDERED that a Show Cause Order be issued.
- \_\_\_\_\_ IT IS ORDERED that a Forthwith Order of Arrest be issued.
- \_\_\_\_\_ IT IS ORDERED that the Motion for Contempt is denied.
- \_\_\_\_\_ IT IS ORDERED that Affiant is referred to the Hardin County Attorney for possible criminal proceedings or for substantial violation.

\_\_\_\_\_  
JUDGE, HARDIN FAMILY COURT