Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 11TH JUDICIAL DISTRICT COURTS, GREEN, MARION, TAYLOR, AND WASHINGTON COUNTIES

Upon recommendation of the Judges of the 11th Judicial District, Green, Marion, Taylor, and Washington counties and being otherwise sufficiently advised,

The Local Rules of Practice and Procedure for the 11th District, Green, Marion, Taylor, and Washington 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 22nd day of March 2012.

CHIEF JUSTICE JOHN D. MINTON, JR.

LOCAL RULES FOR 11TH JUDICIAL DISTRICT
GREEN, TAYLOR, MARION & WASHINGTON COUNTIES

RULE 1 INTRODUCTION / ADMINISTRATIVE PROCEDURE

101. PREFACE

These are the District Court Rules of the 11th Judicial District. These Rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP), the Kentucky Rules of Criminal Procedure (RCr) and the Kentucky Rules of Civil Procedure (CR). These rules shall be the only operative 11th Judicial District Court Rules. All previous rules adopted by the 11th Judicial District are hereby rescinded.

102. EFFECTIVE DATE

These rules shall apply with full force and effect to all actions filed or pending in the 11th Judicial District immediately upon approval of the Chief Justice of the Supreme Court.

103. CITATION OF RULES

These rules may be cited as "11th Judicial District Court Rules" or "11th JDCR."

104. ORGANIZATION & ASSIGNMENT OF CASES

A. The District Court of the 11th Judicial District is a court of continuous session, and the court shall consist of two (2) divisions, namely:

Division I
Judge Amy Sullivan Anderson
P.O. Box 1183
Campbellsville, KY 42719-1183
(270) 465-0367
(270) 465-0368 fax

Division II
Judge Connie Sullivan Phillips
P.O. Box 4189
Campbellsville, KY 42719-4189
(270) 465-8424
(270) 849-3584 fax

B. The causes in the district court shall be divided between the two (2) divisions as equally as possible.

C. When two (2) or more actions, civil or criminal, have been filed that may, as a matter of right, or may, in the discretion of the Court, be consolidated, and such action or actions are pending in the other division of the Court, any party to any of the actions may, with approval of the Court, have any of the actions transferred to that division of the Court in which the first of the actions was filed or assigned. The Judge of the Court may order such transfers to be made without a motion by any of the parties.

105. HOLIDAYS

The District Court of the 11th Judicial District will not conduct court on holidays as set forth in the AOC State Holiday schedule. Closings due to inclement weather will be determined in accordance with Court and Local Law Enforcement policies and procedure.

RULE 2 COURT SCHEDULING / MOTION HOUR / PROCEDURES FOR FILING

201A. GREEN COUNTY, REGULAR WEEKLY DISTRICT COURT SCHEDULE

Monday:	1:00 pm	Criminal & Traffic Arraignments, Jail Docket Criminal & Civil Pre-trial Conferences Probate Docket
	1:30 pm	Small Claims, Forcible Detainers
	1:45 pm	Domestic Violence
	2:00 pm	Juvenile Court
Tuesday/ Thursday	8:30 am	JURY TRIALS – one per month per division, scheduled at discretion of court Nothing is to be set on Jury Trial dates except for Jury Trials. In the event a matter is inadvertently set for that day, the Clerk is to send a notice re-setting the case. Court will begin at 8:30 am on Jury Trial days. The County Attorney, Defense Counsel and Defendants are to be present at that time for entry of pleas. Trials will begin at 9:00 a.m. Trials for Division I may be scheduled at the discretion of the Court to begin at 10:00 am in the event that the jury trial date coincides with Taylor or Marion County Drug Court sessions. In the event that Pre-trials or Jury Trials fall on a holiday or on a date when no court is scheduled, then that Pre-trial date or Jury Trial date will be cancelled or re-scheduled at the Court's discretion.
Probate Matters		May be heard on any court date except Jury Trial days or by scheduling a time with the District Judge or Trial Commissioner. SCR 5.030 (c) (i) (ii).

All bonds and citations issued for Green County shall have the court dates set for Monday at 1:00 pm.

201B. MARION COUNTY, REGULAR WEEKLY DISTRICT COURT SCHEDULE

Monday:	9:00 am	Criminal & Traffic Arraignments, Jail Docket Criminal & Civil Pre-trial Conferences Other Criminal matters at discretion of Court
Wednesday:	9:00 am	Show Cause, Jail Docket, Preliminary Hearings Forcible Detainers, Probate Docket Other criminal matters at discretion of Court
	9:30 am	Domestic Violence
	11:00 am	Juvenile Court
	1:00 pm	CHILD SUPPORT – 3rd Wednesday and 4th Wednesday May be altered upon agreement of Judge and Contracting Attorney for Child Support Enforcement
	2:00 pm	SMALL CLAIMS – 1st Wednesday and 2nd Wednesday
Friday:	8:30 am	JURY TRIALS Nothing is to be set on Jury Trial dates except for Jury Trials. In the event a matter is inadvertently set for that day, the Clerk is to send a notice re-setting the case. Court will begin at 8:30 am on Jury Trial Fridays. The County Attorney, Defense Counsel and Defendants are to be present at that time for entry of pleas. Trials will begin at 9:00 a.m. In the event that Pre-trials or Jury Trials fall on a holiday or on a date when no court is scheduled, then that Pre-trial date or Jury Trial date will be cancelled or re-scheduled at the Court's discretion.
	9:00 am	NON-JURY TRIAL FRIDAYS Jail Docket and any other matter scheduled at discretion of the Court.

Probate Matters — May be heard on any court date except Jury Trial days or by scheduling a time with the District Judge or Trial Commissioner. SCR 5.030 (c)(i)(ii)

All bonds and citations issued for Marion County shall have the court dates set for Monday at 9:00 am. However, any bonds and citations for Hispanic language defendants shall have a court date of Wednesday at 9:00 am.

201C. TAYLOR COUNTY, REGULAR WEEKLY DISTRICT COURT SCHEDULE

Monday:	9:00 am	Criminal & Traffic Arraignments, Jail Docket Criminal & Civil Pre-trial Conferences
Wednesday:	9:00 am	Show Cause, Jail Docket, Preliminary Hearings Forcible Detainers, Probate Docket
	10:00 am	Domestic Violence
	12:30 pm	Juvenile Court
Friday:	8:30 am	JURY TRIALS – two per month (1st Friday after 1st Monday and 2nd Friday after 2nd Monday) Nothing is to be set on Jury Trial dates except for Jury Trials. In the event a matter is inadvertently set for that day, the Clerk is to send a notice re-setting the case. Court will begin at 8:30 am on Jury Trial Fridays. The County Attorney, Defense Counsel and Defendants are to be present at that time for entry of pleas. Trials will begin at 9:00 a.m. In the event that Pre-trials or Jury Trials fall on a holiday or on a date when no court is scheduled, then that Pre-trial date or Jury Trial date will be cancelled or re-scheduled at the Court's discretion.
	9:00 am	NON-JURY TRIAL FRIDAYS Small Claims, Civil Motions, Jail Docket and any other matter scheduled at discretion of the Court.

Probate Matters — May be heard on any court date except Jury Trial days or by scheduling a time with the District Judge.

All bonds and citations issued for Taylor County shall have the court dates set for Monday at 9:00 am.

201D. WASHINGTON CO., REGULAR WEEKLY DISTRICT COURT SCHEDULE

Monday:	1:00 pm	Criminal & Traffic Arraignments, Jail Docket Criminal & Civil Pre-trial Conferences
	1:30 pm	Small Claims, Forcible Detainers, Probate Docket
	1:45 pm	Domestic Violence
	2:00 pm	Juvenile Court (Note: During School Year, Division I will begin Juvenile Court at 3:00 pm)
Tuesday/ Thursday	8:30 am	JURY TRIALS – one per month per division, scheduled at discretion of court

Nothing is to be set on Jury Trial dates except for Jury Trials. In the event a matter is inadvertently set for that day, the Clerk is to send a notice re-setting the case. Court will begin at 8:30 am on Jury Trial days. The County Attorney, Defense Counsel and Defendants are to be present at that time for entry of pleas. Trials will begin at 9:00 a.m.

Trials for Division I may be scheduled at the discretion of the Court to begin at 10:00 am in the event that the jury trial date coincides with Taylor or Marion County Drug Court sessions.

In the event that Pre-trials or Jury Trials fall on a holiday or on a date when no court is scheduled, then that Pre-trial date or Jury Trial date will be cancelled or re-scheduled at the Court's discretion.

Probate Matters — May be heard on any court date except Jury Trial days or by scheduling a time with the District Judge or Trial Commissioner. SCR 5.030 (c)(i)(ii)

All bonds and citations issued for Washington County shall have the court date set for Monday at 1:00 pm.

202. EXCEPTIONS TO REGULAR COURT SCHEDULE

Whenever a State holiday falls on a Monday, the Court may schedule a jail arraignment docket at the discretion of the Judge on the following Tuesday. If the Court is closed for any other unforeseen reason, i.e. inclement weather or unexpected illness, the Court's docket will be rescheduled with notice being sent to the parties.

RULE 3 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

The Domestic Violence Protocol for the 11th Judicial Circuit is attached hereto in the Appendix to these rules and is incorporated herein by reference as if set out in full. Said protocol may also be obtained by contacting any 11th Circuit Court Clerk, the District or Circuit Judge's offices or online at *http://apps.kycourts.net/localrules/localrules.aspx*.

RULE 4 PATERNITY

There are no local rules pertaining to Paternity Cases. For uniform statewide rules see FCRPP 14 and 15.

RULE 5 DEPENDENCY, NEGLECT AND ABUSE

There are no local rules pertaining to Dependency, Neglect and Abuse Cases. For statewide uniform rules see FCRPP 16 through 31.

RULE 6 STATUS OFFENSES

There are no local rules pertaining to Status Offenses. For uniform statewide rules see FCRPP 37 through 44.

RULE 7 MISCELLANOUS RULES RELATING TO FAMILY LAW PRACTICE

There are no local rules pertaining to Family Law Practice in District Court.

RULE 8 CIVIL /CRIMINAL PRACTICE RULES

All motions are to comply with the Kentucky Rules of Civil and Criminal Procedure. There are no more specific local rules other than those scheduling items set forth in Rule 2 herein.

The foregoing rules having been adopted, they are hereby certified to the Chief Justice of the Supreme Court for approval on this the 15th day of March, 2012.

Judge Connie Sullivan Phillips,
Chief District Judge
Division Two (II)

Judge Amy Sullivan Anderson, District Judge
Division One (I)

Supreme Court of Kentucky

ORDER

IN RE: **ORDER APPROVING AMENDMENT TO APPENDIX OF THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 11TH JUDICIAL DISTRICT, GREEN, MARION, TAYLOR, AND WASHINGTON COUNTIES**

Upon the recommendation of the Judges of the 11th Judicial District, Green, Marion, Taylor and Washington counties, and being otherwise sufficiently advised,

The amendment to the Appendix of the Local Rules of Practice and Procedure for the 11th 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 8th day of January 2016.

CHIEF JUSTICE

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL ELEVENTH JUDICIAL CIRCUIT AND DISTRICT GREEN, MARION, TAYLOR & WASHINGTON COUNTIES

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rules of Practice and Procedure (FCRPP) Section IV, this local protective order protocol is established 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 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:

The Circuit Clerk and all sworn deputies; the County Attorney and any Assistant County Attorney, the Victims Advocate of the County Attorney's office and any county attorney staff authorized to administer oaths.

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

The Circuit Clerk and all sworn deputies; the County Jailer and all sworn deputies; the County Sheriff and all sworn deputies; the County Attorney and any Assistant County Attorney, the Victims Advocate of the County Attorney's office and any county attorney staff authorized to administer oaths, the City Chief of Police and all sworn officers within the department; any Kentucky State Police officer.

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

To the District Judge who is found within the County. If no District Judge is found within the County, said verified petition shall be presented to the Circuit Judge who is found within the County. If no Judge is found within the County, the petition shall be presented to any District Judge or Circuit Judge found within the 11th Judicial Circuit. In the event, that none of the above Judges can be found, the petition may be presented to a Trial Commissioner within the 11th Judicial Circuit or District. In the event no Judge or Trial Commissioner can be found within the 11th Judicial Circuit or District, said petition may be presented to any District Judge, Circuit Judge or District Trial Commissioner in any surrounding county in accordance with the Regional Program Administration Charter, who may sign and issue an EPO or a TIPO if deemed appropriate.

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

To the District Judge who is found within the County. If no District Judge is found within the County, said verified petition shall be presented to the Circuit Judge who is found within the County. If no Judge is found within the County, the petition shall be presented to any District Judge or Circuit Judge found within the 11th Judicial Circuit. In the event, that none of the above Judges can be found, the petition may be presented to a Trial Commissioner within the 11th Judicial Circuit or District. In the event no Judge or Trial Commissioner can be found within the 11th Judicial Circuit or District, said petition may be presented to any District Judge, Circuit Judge or District Trial Commissioner in any surrounding county in accordance with the Regional Program Administration Charter, who may sign and issue an EPO or a TIPO if deemed appropriate.

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.

D. The schedule for protective order hearings is as follows:

The Protective Order session of the District Court is scheduled as follows:

Green District Court	Mondays	1:30 pm
Marion District Court	Wednesdays	9:30 am
Taylor District Court	Wednesdays	10:00 am
Washington District Court	Mondays	1:30 pm

Motion Day for Circuit Court is as follows:

Green County	1st Wednesday after 1st Monday of the month
Marion County	1st & 3rd Thursday after 1st Monday of the month
Taylor County	1st & 3rd Tuesday after 1st Monday of the month
Washington County	3rd Wednesday after 1st Monday of the month

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 403.760 and 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 the local Circuit Clerk's office to complete a motion for show cause. The Judge who entered the EPO, TIPO, DVO or IPO will hear the contempt proceeding.

C. No petitioner may be held in contempt for failing to appear at a protective order 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 protective orders 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, this 31st day of October, 2015.

Hon. Allan Ray Bertram
Chief Circuit Judge, Div. II

Hon. Connie Sullivan Phillips
Chief District Judge, Div. II

Hon. Samuel Todd Spalding
Circuit Judge, Div. I

Hon. Amy Sullivan Anderson
District Judge, Div. I