

Supreme Court of Kentucky

2011-06

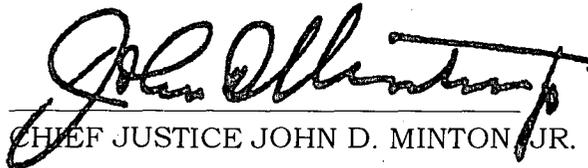
ORDER

RE: TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL

Under KRS 403.735, all courts must submit for review and approval by the Supreme Court of Kentucky written procedures for twenty-four hours accessibility and local protocol in domestic violence matters in which there may be joint jurisdiction between District and Circuit Court.

Accordingly, all courts are hereby ORDERED to submit written procedures for twenty-four hours accessibility and a local domestic violence protocol in accordance with the attached uniform protocol.

Entered: July 22, 2011.


CHIEF JUSTICE JOHN D. MINTON, JR.

**TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION
DOMESTIC VIOLENCE PROTOCOL
_____ JUDICIAL CIRCUIT AND DISTRICT
_____ COUNTY/COUNTIES**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Practice and Procedure (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Processing Cases

- A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- B. 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.
- C. Domestic violence matters may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending.
- D. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

[Consistent with FCRPP 12, when the local domestic violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection

of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.]

II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

[Redacted area]

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

[Redacted area]

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

[Redacted area]

[The petition shall be presented to the district judge unless a different protocol is approved by all the Circuit, Family and District Judges in the judicial circuit and by the Supreme Court.]

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

[Redacted area]

- 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 domestic violence hearings is as follows:

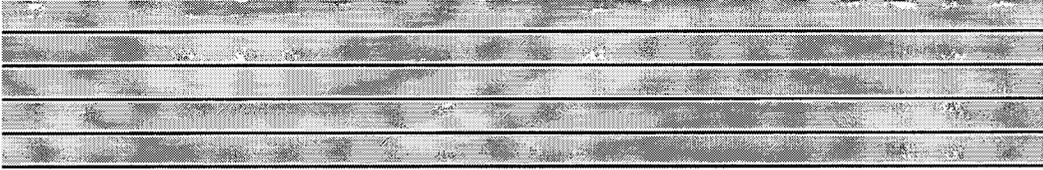
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III. Contempt Proceedings

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

B. Petitioners seeking to initiate contempt proceedings should contact:



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

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 judges in the circuit/district:

Name/Date

Name/Date

Name/Date

Name/Date

Name/Date

Name/Date