Supreme Court of Kentucky

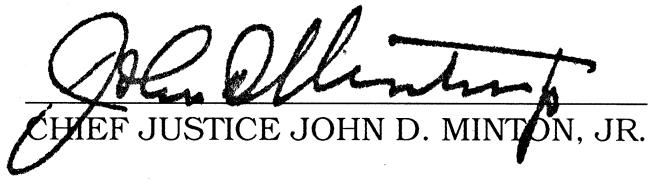
ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF COURT PRACTICE AND PROCEDURE FOR THE 3RD JUDICIAL CIRCUIT, CHRISTIAN CIRCUIT COURT, FAMILY DIVISION

Upon recommendation of the Judges of the 3rd Judicial Circuit and District, and being otherwise sufficiently advised,

The attached Rules of Court Practice and Procedure for the 3rd Judicial Circuit, Christian Circuit Court, Family Division, 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.

RULES OF COURT
PRACTICE AND PROCEDURE
COMMONWEALTH OF KENTUCKY

CHRISTIAN CIRCUIT COURT
FAMILY COURT DIVISION

WEBSITE

http://courts.ky.gov/circuitcourt/familycourt/sites/christian.htm

Revised 7/28/11

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RULE 1 INTRODUCTION / ADMINISTRATIVE PROCEDURE

101 Preface

These are the Uniform Rules of Court Practice and Procedures of the Christian Circuit Court, Family Court Division (Christian Family Court). 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 Christian Family Court Rules. All previous rules adopted by the Christian Family Court are hereby rescinded upon the effective date of these rules.

102 Effective Date

The effective date of these rules shall be thirty (30) days after Kentucky Supreme Court approval.

103 Citation

These Rules shall be cited as CFRP.

104 Holidays

Holiday schedules may be obtained at the Christian Circuit Court Clerk's Office, the Christian Family Court Staff's Office, or on the Christian Family Court website: http://courts.ky.gov/circuitcourt/familycourt/sites/Christian/default.htm. The Christian Family Court follows the holiday schedule implemented and approved by the Administrative Office of the Courts for the Commonwealth of Kentucky.

105 Penalties

The Court may assess costs and fees or impose any appropriate sanctions, including using its full contempt powers against a party or attorney not complying with one or more of these rules. This includes sanctioning attorneys or parties for scheduling a hearing and then not filing the appropriate motion or not appearing at the hearing, case management conference or mediation without first notifying the Family Court Staff to cancel the hearing.

106 Guardian ad Litem/Military Attorney

A. In all actions for adoptions of children or termination of parental rights, a Guardian ad Litem shall be appointed for the child.

B. Motions for compensation shall be accompanied by an affidavit indicating:
   1. The statutory basis for appointment;
   2. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
   3. That the action or proceeding has been concluded and date of disposition.

C. The Guardian ad Litem fee in actions regarding termination of parental rights, paternity and/or dependency, abuse and neglect are governed by statute.

D. In order to be appointed as Guardian ad Litem, any licensed attorney in good standing with the Kentucky Bar Association may apply, subject to approval by the Court. The appointment is to be made and compensation paid according to the statute, case law, or civil rule authorizing the appointment.

E. Appointees serving as Guardians ad Litem who fail to demonstrate appropriate knowledge of the statutes, law and procedures in the area in which appointment is made may be stricken from the list by the Court.

F. Guardians ad Litem appointed to represent unmarried infants, persons of unsound mind, or adult prisoners shall notify the respondent of his/her appointment as a Guardian ad Litem, inform the respondent of the nature of the proceeding and, in paternity actions, of the respondent's right to have genetic testing conducted.

G. Within sixty (60) days of the appointment, the Guardian ad Litem shall file an answer on behalf of the respondent or a report stating that, after careful examination of the case, he/she is unable to present a defense.

H. The failure of the Guardian ad Litem or Military Attorney to file an answer or report within sixty (60) days of notification of appointment may result in sanctions being imposed against the attorney and removal from the Christian Family Court Guardian Ad Litem or Military Attorney List.

RULE 2 COURT SCHEDULING / MOTION HOUR / PROCEDURES FOR FILING

201 Regular Motion Hour Schedule

A. The Christian Family Court generally hears cases five (5) days a week, except for holidays and trainings. For all Christian Family Court actions except those set forth in CFRP 201(B), motions shall be set through the Christian Family Court's Office at (270) 889-6038, or by coming to the Christian Family Court, 100 Justice Way, 2nd Floor, Hopkinsville, Kentucky 42240. All motions, except for those set forth in CFRP 201(B) are assigned a special hearing time by the Court. Times are scheduled in blocks of fifteen (15) minutes. The Court reserves the right to lengthen or shorten any requested block of time depending on the nature of the hearing. The parties are expected to adhere to the time allocated. The Court in its discretion may allocate time equally between the parties and may terminate any hearing that exceeds its scheduled allotted time and issue a ruling based on the pleadings and the evidence heard at the hearing.

B. Motions for Paternity; Child Support when the Child Support Division of the Christian County Attorney's Office is involved; Dependency, Neglect and Abuse; and Domestic Violence actions shall be noticed for the beginning of the appropriate and regularly scheduled docket.

C. Emergency Dependency, Neglect and Abuse motions may be made on any day of the week, with appropriate notice as required by statute or the FCRPP upon receiving a specific time from the Christian Family Court staff. Non-emergency Dependency, Neglect and Abuse motions shall be noticed for the beginning of the appropriate and regularly scheduled docket.

D. Arraignment on paternity/child support bench warrants served shall be heard on the regularly scheduled child support/paternity docket or if none, on an emergency docket.

E. For good cause shown, a motion may be heard by telephonic conference at the discretion of the Judge. Dates and times for the telephonic conference may be obtained through the Christian Family Court staff. In addition, the Court may, at the discretion of the Judge, allow parties to appear for hearings telephonically. Due to the fact that telephonic matters require the Court to use a phone line which the public needs to contact the Court on other matters and the inconvenience of telephonic matters, generally, except for extremely good cause, the Court does not allow any party to have a telephonic hearing or appear telephonically if the hearing is scheduled for a period of time over two (2) hours in length.

202 Deadline for Serving and Filing Motions

A. All motions pursuant to CFRP 201, except emergency or ex-parte motions or motions with other timeframes under the FCRPP or appropriate statute, shall be filed and clocked with the Christian Circuit Clerk's Office no later than 4:30 p.m. at least seven (7) days in advance of the hearing. Except for good cause shown, permitted by FCRPP or statute, waiver of notice requirement, all motions filed less than seven (7) days in advance may be denied as procedurally deficient or continued to a date more than seven (7) days after the filing of the motion. Pursuant to the applicable Kentucky Rules of Civil Procedure, the parties should allow three (3) additional days for any motion served by the U.S. Mail only. All notice of hearings shall include the length of time reserved for the hearing so that the opposing party can schedule additional time if needed.

B. If the Christian Circuit Clerk's Office is closed on the date which is seven (7) days in advance of the hearing, then the Motion shall be filed by 4:30PM on the first day which the Circuit Clerk's Office reopens.

C. All non-emergency Paternity, Dependency, Neglect and Abuse, Domestic Violence, and Child Support (when the Christian County Child Support Division is involved) motions shall be filed, clocked and noticed no later than 4:30 p.m. three business days preceding the appropriate docket. All motions filed after the deadline shall be passed to the docket's next scheduled motion hour unless time frames are waived by the parties or the Court. Notice to the Christian County Attorney may be accomplished by placing a copy of the notice and motion in the Christian County Attorney basket located in the Christian Circuit Court Clerk's Office. All motions set for these dockets shall be scheduled for the beginning time of each docket. For a schedule of the dockets, please contact the Christian Family Court Office, or see the website listed above. Pursuant to the applicable Kentucky Rules of Civil Procedure, the parties should allow three (3) additional days for any motion served by the U.S. Mail only. All notice of hearings shall include the length of time reserved for the hearing so that the opposing party can schedule additional time if needed.

D. Motions for post judgment relief in the Christian Family Court shall be served on the opposing party as well as any attorney of record. It is the responsibility of the parties to keep the Court apprised of any address change.

203 Notice of Motions

A. Motions shall be noticed for hearing on a day certain or under CR 78(2) as set forth herein. Motions which are not timely filed under one or the other of these provisions may be considered defective and void.

B. Motions under CR 78(2). A movant may bring his motion under the provisions of CR 78(2), which makes provision for the determination of motions without oral hearings upon brief written statements of reasons in support and opposition. The movant shall give notice that the motion is made under CR 78(2) and shall direct the attention of the opposing attorney (or party if there is no attorney) to the fact that under this local rule, the motion may be granted routinely by the Court ten (10) days after filing, unless a response is filed. The notice shall be substantially in the following form:

> The foregoing motion is submitted to the court for decision pursuant to CR 78(2). This motion will routinely be granted by the court in ten (10) days unless a response is filed. Should the party opposing the motion under Rule CR 78(2) wish to have an oral hearing on the question, he may in his response so state, and shall proceed to set the motion for a hearing with the Family Court Staff on a given date and at a given time and amount of time reserved for the hearing.

C. In the interest of judicial economy, parties are encouraged to utilize CR 78(2) in matters which the parties, in good faith, believe that there will be no objection to the relief sought.

D. The party making any Motion under CR 78(2) shall file an appropriate tendered order of relief with the Court, at minimum, thirteen (13) days after filing of the CR 78(2) Motion. The Court reserves the right to alter or amend the tendered order to conform with its opinion as to the appropriate remedy of the Court.

204 Continuance of Motions

An attorney or pro se party who will be unable to be present at the time scheduled in the motion shall immediately notify the moving attorney or pro se party and attempt to establish a mutually agreeable time for hearing the motion. If unsuccessful, the party seeking continuance shall immediately file a motion for continuance in writing, state the reasons for the continuance, and shall send a copy directly to the attention of the Family Court Staff, as well as filing the motion with the Clerk. Any motion for continuance in a dependency, neglect or abuse matter shall comply with the requirements of FCRPP 23. The Court shall have discretion to allocate costs by reason of a continuance upon a showing of good cause. The Court has final discretion in the granting or denying of any continuance and may require the hearing to proceed even if the parties agree to the continuance.

205 Entry of Orders

The Court may enter an order on the Court's calendar, directing an attorney or pro se party to prepare an order reflecting the findings of the Court, or take the matter under submission for preparation of an order by the Court. Any order prepared by an attorney or pro se party as so directed shall contain a signature as "Tendered By" or "Prepared By" and be submitted to the opposing attorney or pro se party for signature as "Have Seen." By signing the Order as such, neither the attorney nor a pro se party is waiving any objection to the content of the order, but is only agreeing that the order reflects the finding of the Court. Any tendered order shall have part of the order on the Judge's signature page so that Orders cannot be easily forged by replacing the Judge's signature page. If the responding attorney or pro se party fails to sign the order, the submitting attorney or pro se party may file the order with the clerk with the notice of same. Within three (3) days after filing of the order with the clerk, the opposing attorney or pro se party may file any objections to the order, specifying the reasons therefore or submit an alternative order for consideration by the Court, after which time the matter shall stand submitted to the Court. Orders on the Court's calendar shall have full force and effect of law. Orders which are electronically signed (eECO or eWarrant), faxed, scanned, emailed as a scanned document or otherwise personally authorized by the Court are enforceable orders. However, the Court shall then file an original signed Order with the Christian Circuit Clerk. The time frames for filing Notice of Appeals or any Motions to Reconsider shall be from the date of the entry of the original order with the Christian Circuit Clerk.

RULE 3 ADOPTIONS / TERMINATION OF PARENTAL RIGHTS

301 Inspection of Adoption Records

Applications regarding inspection of Adoption Records Requests are to be filed with the Christian Circuit Clerk's Office, and once filed, the Christian Circuit Clerk shall transmit the request along with the applicable file to the Christian Family Court Judge.

302 Temporary Custody Order

Temporary Custody Orders granted pursuant to KRS 199.473(7) shall be SEALED, and not opened to inspection by persons other than the parties to such proceedings and their counsel.

303 Assignment of Adoption Cases

Adoption cases that had prior dependency, neglect and abuse and/or termination of parental rights action in the Christian Family Court shall be assigned the same Guardians Ad Litem as in the underlying case, unless modified by the Court.

304 Assignment of Voluntary Termination of Parental Rights Cases

Petitions for voluntary termination of parental rights that had prior dependency, neglect and abuse actions and/or involuntary termination of parental rights of another parent in the Christian Family Court, shall be assigned the same Guardians Ad Litem as in the underlying case, unless modified by the Court.

RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

The Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol is intended to insure that the courts fulfill their responsibilities concerning domestic violence in a responsive and efficient manner, and provide twenty-four hour accessibility for victims of abuse who seek emergency protection. Additionally, the Uniform Protocol is devised for service of Emergency Protective Orders (EPOs) and entry of those orders into the LINK SYSTEM. This will allow victims of domestic violence to obtain short-term protection against further acts of violence until a hearing can be held to determine if the petitioner is entitled to more long-term protection.

401 Procedures for Filing and Obtaining Emergency Protective Orders

A. The Protocol for Domestic Violence Cases is attached hereto as Appendix A and incorporated herein by reference. The parties shall follow that protocol in filing verified petitions for Domestic Violence Orders (DVOs) and requesting an ex-parte Emergency Protective Order (EPO). These actions can be filed seven (7) days a week and twenty-four (24) hours a day even on holidays and days when the Christian County Judicial Center is closed.

B. Nothing contained herein or in the Domestic Violence Protocol of the Third Judicial Circuit is intended to limit or restrict a victim's accessibility to the court for purposes of seeking protective orders for domestic violence. This Rule is intended to help insure that the courts in this county fulfill their responsibilities concerning domestic violence in a responsive and efficient manner and provide twenty-four hour accessibility for victims who seek emergency protection.

402 Violation of Domestic Violence Orders

A. Without limiting a party's choice of remedies, alleged violations of Domestic Violence Orders should be referred to the Christian District Court for possible prosecution, except as set forth in 402 (B).

B. Without limiting a party's choice of remedies, alleged violations of Domestic Violence Orders pertaining to visitation, child support, counseling, or firearms provisions should be initiated through the Christian Family Court and scheduled for contempt hearings on the appropriate Christian Family Court docket.

403 Cross-Referencing Cases

At the time the case is opened (whether the petition was taken during regular office hours or after hours), the Deputy Circuit Clerk, in accordance with the clerk's manual, shall check the index of circuit court cases to ascertain if a dissolution or child custody proceeding is pending. If it is determined a dissolution or child custody proceeding is pending and an EPO is issued, the Circuit Clerk shall, in accordance with the clerk's manual, cross-reference the "D" case with the dissolution or child custody case. Additionally, if a Domestic Violence Order (DVO) is issued, upon entry, the Circuit Clerk shall place a copy of the EPO/DVO in the dissolution or child custody case file.

404 Hearings

Hearings will be held on Tuesdays at 9AM, unless a special time is set by the Court, and shall be initially set within fourteen (14) days of the initial petition as required under Kentucky law.

RULE 5 PATERNITY

CHILD SUPPORT CASES WHERE THE CHRISTIAN COUNTY CHILD SUPPORT DIVISION IS INVOLVED

501 Motion Practice

A. Motions for wage assignments pursuant to KRS 403.215 and KRS 405.465, appointment of Guardian ad Litem, for Guardian ad Litem fees, and to compel discovery shall not be placed on the regular docket but shall stand submitted to the Court unless a written objection and request for hearing is filed within ten (10) days of the date contained in the Certificate of Service.

B. Motions for default judgments for failure to plead or otherwise defend, as provided by the Rules of Civil Procedure, shall be noticed for a hearing on the scheduled docket or filed with the Court and stand submitted upon filing under CR 78.(2). In the latter case, if the court determines a hearing is necessary under CR 55.01, a hearing date will be assigned.

C. Motions to modify, suspend, or terminate child support and to determine arrearages accrued on child support orders shall be scheduled for a hearing. Prior to the hearing, the Christian County Attorney's Office may attempt to negotiate a settlement of the matter. If the case is not resolved, then a hearing will be held.

D. All matters relating to UIFSA Registration for Enforcement only of a foreign support order shall be filed in and heard on the Christian Family Court's Paternity dockets. This includes, but is not limited to, contempt proceedings in such actions.

E. Unless otherwise designated, all "CI" cases shall be heard on the first Thursday morning of each month, unless otherwise designated. In Family Court cases which are designated as a "J" case, the case shall be scheduled for the second Thursday morning of each month, unless otherwise designated. If a party has both a "J" case and a "CI" case, then those cases shall be heard in the same manner as the "CI" cases above; however, records relating to the "J" case shall be kept confidential and shall not be made public, and the name of any juvenile shall not appear on any docket which may be made available to the public.

502 Reopening Fee

A. Pursuant to FCRPP 14(1), a $50.00 reopening fee for cases that have been inactive for 6 months on a particular issue shall not be paid for motions in cases brought pursuant to Title IV-D of the Social Security Act for child support modification or enforcement.

However, where an action is initiated pursuant to Title IV-D but subsequent motions regarding child support, custody or visitation are brought by a private attorney or are filed by a party pro se, rather than by Title IV-D counsel, the fee shall be charged unless the motion is bought in forma pauperis.

503 Permission to Review and Copy Paternity Case Files

Upon receipt of the Christian Circuit Court Clerk's Office of an attorney's statement seeking permission to review and copy a paternity case file, **OR** upon the receipt by the Christian Circuit Court Clerk's Office of a party's signed and notarized release authorizing an attorney to inspect the party's paternity case file, for reasons relating to representation in that action of a party thereto, the Clerk's office shall grant the attorney access to such a file.

Pursuant to KRS 406.035, the attorney seeking permission to review and/or copy the paternity file shall sign a statement that the order of judgment is the only information which may be shared with the client and that all other information in the case cannot be disclosed to the client, including information relating to domestic violence or child abuse as well as the addresses of the parties. Regardless of the subsequent representation or non-representation of the party, any information contained in such file is confidential and subject to the attorney-client privilege.

504 Access to Paternity Cases for Attorneys and Guardians ad Litem Representing Incarcerated Parents

The Christian Circuit Court Clerk's Office shall allow attorneys and Guardians ad Litem who are representing incarcerated parents in paternity cases to have access to the records of those actions.

RULE 6 DEPENDENCY, NEGLECT AND ABUSE

601 Assignment of Cases

Dependency, Neglect and Abuse cases shall be scheduled for hearing in accordance with the Protocol of the Christian Family Court, attached hereto as Appendix B and incorporated herein by reference.

602 Procedure for Emergency Custody Orders

In Christian County, to obtain an Emergency Custody Order as set forth in FCRPP 19:

A. During normal working hours, 8:00 a.m. to 4:30 pm. Monday through Friday, excluding holidays, persons seeking an Emergency Custody Order (ECO), shall come to the Christian County Judicial Center's Circuit Court Clerk's Office and file the appropriate paperwork. The Christian Circuit Clerk's Office shall then bring said ECO and Affidavit to the Judge to consider.

B. After working hours, the Department of Community Based Services or the Christian County Attorney's Office shall assist any interested party in completing paperwork from 4:30 p.m. to 8:00 a.m. Monday through Friday and on weekends, and the Family Court

Judge or On-Call Judge shall be contacted. The list of which member of the Christian County Attorney's Office, which member of the Department of Community Based Services Office and which Judge is on-call is kept at the Christian County Emergency Communications' Center (ECC), which can be reached by calling (270) 890-1300, or 911 in case of emergency.

603 Petitions

A. All petitions shall be filed in accordance with FCRPP 20 and shall be submitted to the Assistant Christian County attorney, who shall check the petition for legal sufficiency. If the petition is rejected by the Assistant County Attorney, it shall be submitted to a Family Court Judge for determination of legal sufficiency. If the Judge determines that the petition fails to state grounds for action pursuant to KRS Chapter 620, the petition shall be dismissed. If the petition is approved, the Assistant County Attorney or Judge, as appropriate, shall initial the petition for filing. A copy shall be distributed to the Assistant County Attorney assigned to prosecute dependency actions and the original shall be filed with the Office of the Christian Circuit Court Clerk.

B. Any petition filed with this Court shall comply with the following conditions:
   1. Citations to specific statute and factual allegations relied upon in asserting the Court's jurisdiction; and
   2. Full information concerning the child's parents and their address(es). The petitioner shall make diligent efforts to locate the child's parents, including but not limited to, initiating contact with the Child Support Division of the Christian County Attorney's Office.

604 The Effects of Service on Only One Parent/Persons Exercising Custodial Control or Supervision

The Judge may permit the Temporary Removal Hearing or the Adjudication Hearing to go forward when the non-custodial parent has not been served in accordance with FCRPP 18(1) if it is established on the record that petitioner has made diligent efforts to serve all other parties including initiating contact with the Child Support Division of the County Attorney's Office in an attempt to locate any absent parent. The petitioner shall make continuing diligent efforts after the hearing to locate and notify all persons who were not served.

605 Time for Temporary Removal Hearing

The Temporary Removal Hearing shall be held according to the following guidelines:

A. The Temporary Removal Hearing shall be scheduled on the emergency docket within 72 hours, excluding holidays and weekends, of the issuance of an ECO.

B. The Temporary Removal Hearing shall be held no earlier than the day following the filing of the petition to allow time for service to be attempted, unless waived by the parties.

606 Duty of Guardian ad Litem and Parent Attorney to Continue

Except for good cause, after a Guardian ad Litem or parent attorney accepts an appointment, representation shall continue through all stages of the dependency, neglect, abuse, or termination of parental rights and adoption proceedings. All parties shall be served with notice of an attorney's request to withdraw.

607 Records and Transcripts

A videotaped record of all proceedings shall be kept and copies shall be available to the parties and their counsel upon request in accordance with the provisions of FCRPP 27.

608 Dispositional Hearing

At the Dispositional Hearing CHFS shall provide the court with the information required pursuant to FCRPP 28 by completing form DNA 12. In addition, if the siblings have been separated, CHFS shall explain the reasons for the separation.

RULE 7 DOMESTIC RELATIONS PRACTICE

701 Divorce Education Program

Families involved in a divorce proceeding, where there are minor children, may be ordered to participate in a Parental Education Workshop or parenting classes. If ordered to do so, no final decree will be entered until the class is complete except for good cause. Even if not ordered to do so, the Court encourages the parties to voluntarily attend either a Parental Education Workshop or parenting classes so that they can learn to work together in a manner which is in the children's best interest. However, failure to attend classes absent a court order will not delay the final decree.

702 Time-Sharing / Visitation Guidelines

Pursuant to FCRPP 8, a parent is entitled to time-sharing/visitation as ordered by the Court. The Christian Circuit Court Guidelines for Visitation are attached to these rules as Appendix C and are suggested as guidelines for the parents and the court in establishing time-sharing/visitation schedules. Each case will present unique facts or circumstances which shall be considered by the court in establishing a time-sharing/visitation schedule and the final schedule established by the court or agreed to by the parents may or may not be what these guidelines suggest.

703 Mediation

Mediation is an informal process in which a neutral Mediator acts to facilitate the resolution of a dispute between two or more parties. The process is designed to help disputing parties reach an agreement on all or part of the issues in dispute. Mediation is based on principles of communication, negotiation, facilitation, and problem-solving that emphasize the needs and interests of the participants; fairness; procedural flexibility; privacy and confidentiality;

full disclosure; and self determination. Decision-making authority remains at all times with the parties, not the Mediator.

A. Referral of Matters to Mediation

The parties and their respective counsel may at any time refer any issue to mediation by submission of an agreed order which appoints a Mediator or provides for the Court to appoint a Court Approved Mediator. Pursuant to FCRPP 2(6)(a), the Court may order any party to mediation. The Christian Family Court has at least one (1) trained Mediator on staff. The parties can choose to utilize this Mediator at no additional cost to the parties.

B. General Requirements

All orders or agreements to mediate shall include the Mediator's name and address. Copies of all orders of mediation filed with the Clerk shall contain a Notice of Entry to the Mediator and Family Court Staff. Upon notice of entry of a mediation order, the Family Court Staff shall schedule an appointment between the parties, counsel and the Mediator with notice to the parties.

C. Mediation Procedures

1. Attendance of Counsel and Parties. The parties shall attend the mediation conference and participate in good faith. The parties shall appear promptly at the time and location for the scheduled mediation conference. The attorneys for each party may attend and participate, subject to the defined roles of the Mediator, and shall at all times be permitted to privately communicate with their respective clients. In appropriate cases, a party may be permitted to attend the mediation telephonically.

2. Failure to Appear for Mediation. If either party should fail to appear without reasonable notice and/or good cause for any mediation session, at the conclusion of the case, the Court may, upon a motion, award attorneys fees and/or costs or impose any other appropriate sanction, including contempt.

3. The first session of mediation shall be a minimum two (2) hour period. Thereafter, mediation shall proceed only with the agreement of both parties, the parties' counsel and the Mediator. At any point, the Mediator can use discretion in terminating a mediation prior to the two (2) hour period.

D. Information to be Provided to Mediator

1. A short statement including definition of the issues to be addressed by the Mediator and a brief narrative statement of any special problems affecting the case (e.g., closely held corporation, medical problems of any family member, etc.);

2. Copies of all documents supporting valuation of assets;

3. Copies of all documents verifying monthly payments and outstanding balances on all debts;

4. All information and copies of all documents requested by the Mediator prior to the mediation conference;

5. Copies of all domestic violence orders in effect involving the parties and/or children. Under Kentucky Domestic Violence statutes, the Court cannot compel any party that is protected by an EPO/DVO to attend a mediation unless it is by agreement of that person.

E. Duties of the Mediator

1. The Mediator has a duty to define and describe the process of mediation and its costs during an orientation session with the parties at the commencement of the mediation conference. The orientation should include the following:

a. A description of the roles and responsibilities of the Mediator, counsel, and the parties;

b. The fees per session, if any;

c. A statement that any agreement reached will be reached by mutual consent of the parties;

d. An explanation that mediation differs from other forms of conflict resolution including therapy, counseling; arbitration and the practice of law;

e. A description of the circumstances under which the Mediator may meet privately with either of the parties and their counsel, if represented, or with any other person, i.e., during scheduled mediation, the Mediator may meet and consult privately with any party or parties and their counsel;

f. An explanation that statements made during mediation hearings by any party shall be privileged, exempt from subpoena and discovery, and shall not be admissible in any proceeding for any purpose. Such statements shall also be deemed confidential except for the purpose of the Mediator reporting to the court as outlined in these Rules and will be released to no other person or agency without the express written consent of both of the parties to the dispute. The only exception is that the Mediator shall be responsible for reporting abuse according to KRS 209.030 and KRS 620.030;

g. The acquisition of any information necessary to define the disputed issues;

h. An explanation by the Mediator that during the process of mediation the parties may, by agreement, employ a third party to help resolve factual disputes, e.g. valuation of assets, determination of tax consequences, psychological evaluations, and child custody evaluations;

i. A statement by the Mediator that he/she shall conduct the mediation in accordance with these rules; and

j. Scheduling by the Mediator of any further mediation sessions for the parties.

2. Disqualification of a Mediator. The Mediator shall be impartial and shall advise all parties of any circumstances bearing on probable bias, prejudice, or impartiality including any past or present relationships with either party or persons related to them. A Mediator has a duty to disclose any facts bearing on his or her qualifications, including any fact which would be grounds for disqualification of a Judge. Any person may move to disqualify a Mediator. Nothing in this provision shall limit the discretion of a Mediator to refuse any assignment or elect voluntary disqualification, upon written notification to the parties and the Court.

3. The Mediator shall not communicate ex parte with the Court, either directly or indirectly, regarding any case, the parties thereto, or their respective counsel.

F. Confidentiality

1. Mediation proceedings shall be held in private and all communications, verbal and written, made in the proceedings shall be confidential. The same protection shall be given to communications between the parties in the presence of the Mediator, and to all communications, verbal or written, with the Family Court Staff or other court staff. The only exception to this Rule is that the Mediator and the court staff shall be required to report abuse in accordance with KRS 209.030 and KRS 620.030.

2. Evidence of conduct or statements by any party or Mediator at any mediation session are not admissible for any purpose except that either party may introduce any written agreement developed in mediation which is signed by all parties and their counsel, if any.

3. All conduct and communications made during a mediation conference shall be treated as settlement negotiations and shall be governed by K.R.E. 408.

4. Mediators shall not be subpoenaed regarding the disclosure of any matter discussed during the mediation which is considered confidential. This privilege and immunity resides with the Mediator and may not be waived by the parties.

G. Interim or Emergency Relief. Litigation, other than requests for emergency relief, shall be suspended during the course of mediation. Mediation shall continue while such interim relief is sought, absent a contrary order of the Court or a decision of the Mediator or either party to adjourn pending disposition.

H. Termination of Mediation. The Mediator may suspend or terminate mediation whenever, in the opinion of the Mediator, the matter is not appropriate for further mediation or at the request of either party. This shall be reported to the Family Court Staff.

I. Completion of Mediation

1. In cases where the parties do not reach any agreement or mediation is terminated, the Mediator shall immediately report to the Family Court Staff, without comment on the outcome of the mediation, (i.e., a full, partial or no agreement) by using Form No. 405.

Termination or non-agreement shall be without prejudice to either party.

2. In cases where agreement or partial agreement is reached as to any matter or issue, counsel or the parties shall file a Settlement Agreement or Agreed order reflecting the terms thereof.

3. The Court shall retain final authority to accept, modify, or reject any agreement pursuant to KRS 403.180.

J. Qualifications of Court Appointed Mediators (other than Family Court Staff Mediators)

1. A committee shall screen applicants, perform such other functions as requested by the Family Court and make recommendations to the Family Court regarding who should function as Court Appointed Mediators. This committee shall consist of the following: (1) the Family Court Judge; (2) One member of the Family Court Advisory Committee; (3) Three members of the County Bar Association, who shall be elected by the bar association and have been admitted to the practice of law in the Commonwealth of Kentucky for more than five years, with a substantial percent of their practice devoted to divorce and/or mediation dealing with divorce property and/or maintenance issues for the past five years; and (4) such other members as the Family Court Judge shall designate.

2. No member of the Mediation Review Committee shall be allowed to mediate cases.

K. Qualifications for Court Approved Mediators

1. A Court Ordered Mediator Shall:

a. Complete a minimum of forty (40) hours in a family mediation training program approved by the Mediation Review Committee; or

b. Have a college degree or prior education and/or experience or training in a specialized area of expertise relating to the contested issues;

c. Or be an attorney licensed to practice in the Commonwealth of Kentucky.

2. The parties may by agreement appoint a Mediator that does not satisfy these requirements.

L. Compensation of the Mediator.

The Mediator shall be compensated at the rate agreed upon by the Mediator and the parties or as ordered by the Court.

704 Referral to the Master Commissioner

Referrals may be made to the Master Commissioner as provided by the Kentucky Rules of Civil Procedure, the Kentucky Revised Statutes, or the Court. The Master Commissioner for the Christian Family Court shall be the same Master Commissioner chosen by the

Christian Circuit Court's Chief Judge. All motions seeking an order of referral to the Master Commissioner (including Motions or Orders for Sale) shall be served on the Master Commissioner.

RULE 8 STATUS OFFENSES

801 Assignment of Cases

Status Offense cases shall be scheduled for hearing in accordance with the Protocol of the Christian Family Court, attached hereto as Appendix B and incorporated herein by reference.

RULE 9 MISCELLANEOUS

901 Identification of Counsel or Party Required

Every pleading, motion and any other paper filed in the record by counsel or party shall contain the case number, typed or printed name, address, telephone number and e-mail address of the attorney or party signing the paper. A rubber stamp shall not be deemed a signature either under this Rule or CR 11.

902 Protection of Personal Identifiers

A. The Family Court Case Data Sheet must be fully completed in all cases. In addition, all pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph B below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. The Clerk of the Court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a Judge of the Court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court.

   As used in this section, "personal identifier" means a Social Security number or taxpayer identification number, date of birth, or financial account number.

B. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not be redacted, and any access to those files shall be governed by KRS 199.570, KRS 610.340, KRS 625.045 and KRS 625.108.

903 Video Copies of In-Chamber Interviews with Children

Pursuant to FCRPP 17, the Christian County Circuit Court Clerk's Office shall not release any Christian Family Division video in-chamber interviews with children without a specific

written order of a Family Court Division Judge. An individual requesting a judicial order must provide the Family Court Judge a written explanation for the request which specifically indicates the portion of the video record being requested is an in-chamber interview with a child, specific purpose for the request and who will have access to the interview.

904 Requests for Confidential Video Records

The Christian County Circuit Court Clerk's Office shall not release any copies of Christian Family Court confidential video records, without a specific written order from the presiding Family Court Judge. An individual requesting a judicial order must file a written motion, with notice to all parties, including the child's Guardian ad Litem, if any, and set forth the purpose for the request and who will have access to the interview.

Except that, pursuant to KRS 610.340(2), this shall not apply to public officers or employees engaged in the investigation and prosecution of cases under KRS Chapters 600 through 645 or other prosecutions authorized by the Kentucky Revised Statutes, as certified by that public officer or employee. Said public officer or employee shall use and distribute this information only for investigation or prosecution of offenses under the Kentucky Revised Statutes.

905 Telephonic and Videotaped Depositions

A. Telephonic Depositions. A party may schedule a deposition in which the party, or any other participant in the deposition, may participate by telephone. In such cases, the following terms and conditions shall apply:

1. Notice of the intent for the party or other participant to participate in the deposition by telephone shall be given as part of the Notice of Deposition.

2. The Court Reporter shall be present at the same location as the deponent, unless otherwise agreed by the parties or ordered by the Court. If the parties are unable to agree regarding any of the terms and conditions of the proposed telephonic deposition, either party may seek leave of court to clarify the terms and conditions relating the taking of the deposition.

3. The transcript of the telephonic deposition may be used for any purpose permitted by the Rules of Civil Procedure for use of a deposition.

B. Videotaped Depositions. A party may videotape any deposition taken in a proceeding in this Court. The videotaping of depositions shall be subject to the following terms and conditions:

1. Notice of the intent to videotape the deposition shall be given as part of the Notice of Deposition.

2. The camera shall focus on the witness throughout the deposition and not on the person asking questions.

3. The camera shall remain stationary at all times during the deposition and shall not zoom in or out on the witness nor any other person present, except that the camera may zoom in when the witness is displaying exhibits or other pieces of demonstrative proof that can only be fairly and reasonably seen on the videotape by use of the camera zooming in on said evidence. The purpose of this provision is that the camera will not zoom in on the witness solely to give unfair or undue influence to the words of the witness.

4. The deposition may be transcribed by a qualified Court Reporter in addition to the videotape recording.

5. The original videotape shall be available for the Court and any and all counsel to compare the stenographic transcript with the video. If discrepancies appear between the stenographic transcript and the videotape recording, the discrepancies will be resolved by agreement of counsel or ruling of the Court if counsel cannot agree. The decision on the manner in which to handle the discrepancies, in so far as the videotape is concerned, will be included in the agreement of counsel or the ruling of the Court.

6. The videotape may be used for any purpose permitted by the Rules of Civil Procedure for use of a deposition. Use of the videotape may be objected to by any counsel if a review of the finished tape reveals any technical errors giving undue emphasis to the testimony of the witness, which would unfairly prejudice the side objecting, or if the general, technical quality of the tape is so poor that its being viewed by the Court would be unfairly prejudicial.

IT IS HEREBY ORDERED THAT, pursuant to the order of the Chief Justice of the Kentucky Supreme Court, the enclosed and updated Family Court Rules are submitted to the Kentucky Supreme Court for its review. Once signed by the Chief Justice of the Kentucky Supreme Court, these Family Court Rules are ordered to be followed in all Family Court Cases in the Third Judicial Circuit.

This, the 15th day of March, 2012.

/Date 3/15/12
Andrew C. Self
Christian Circuit Judge
Division I

/Date 3/15/12
James G. Adams, Jr.
Christian District Judge
Division I

/Date 3/14/12
John L. Atkins
Christian Circuit Judge
Division II

/Date 3/15/12
Arnold B. Lynch
Christian District Judge
Division II

/Date 3/14/12
Jason Shea Fleming
Christian Circuit Judge
Family Court Division
Division III

APPENDIX A: 24-Hour Accessibility and Joint Jurisdiction Domestic Violence Protocol

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 3RD JUDICIAL CIRCUIT AND DISTRICT CHRISTIAN COUNTY

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (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. If an Emergency Protection Order (EPO) is issued, the Deputy Circuit Clerk shall schedule a domestic violence hearing with the Family Court Judge.

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 may be reassigned or transferred to another circuit under the following circumstances:

If it is discovered that a dissolution or child custody proceeding is pending in another county in the Commonwealth of Kentucky, the Christian Circuit Court, Family Court Division shall retain jurisdiction to conduct a hearing and issue the Domestic Violence Order (DVO), if appropriate. However, if the Christian Circuit Court, Family Court Division, determines that in the interest of justice or judicial economy that the case should be heard by the Court with competent jurisdiction over the dissolution or child custody proceeding, then consistent

with FCRPP 12, when a case is 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:

All domestic violence petitions or motions shall be filed with the Deputy Circuit Clerk, who has been designated by the Christian Circuit Clerk as the clerk of the domestic violence session.

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

Pursuant to KRS 403.730, individuals and agencies authorized to take a domestic violence petition include the Christian Circuit Clerk, all sworn Deputy Clerks, Christian County Jailer and all sworn Deputy Jailers, Christian County Sheriff and all sworn Deputy Sheriffs, Christian County Attorney and all sworn Assistant County Attorneys, Commonwealth Attorney's Office and all sworn Assistant Commonwealth's Attorneys, the Chief of Police for the City of Hopkinsville and all sworn officers within the Police Department, any Kentucky State Police Officer, all sworn Special Deputy Clerks at the Sanctuary, Inc., or any other individual authorized by the court.

If the victim of domestic violence is female, then the victim can receive assistance and file a domestic violence petition at the Sanctuary, Inc., the domestic abuse shelter in Christian County. If the victim of domestic violence is male, then the victim can receive assistance and file a domestic violence petition at the Hopkinsville-Christian County Emergency Communications Center.

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

The Deputy Circuit Clerk shall deliver the petition to any District Judge or Circuit Judge for consideration and, if appropriate, signature. The Deputy Circuit Clerk shall first attempt to locate the local on-call Judge and if that Judge is unavailable, the Deputy Circuit Clerk shall then locate any District Judge or Circuit Judge available. In the event no Judge can be found in Christian County, Kentucky, then the said petition shall be presented to any Family Court Judge, District Judge, Trial Commissioner, or Circuit Judge in any surrounding county, who may sign and issue and Emergency Protective Order (EPO) if deemed appropriate.

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

Any person authorized to take the domestic violence petition shall call the appropriate on-call Judge. If the on-call Judge is unavailable, then they shall call any District Judge or Circuit Judge. The original documents, including the petition and Emergency Protective Order (EPO), shall be delivered to the Circuit Clerk's office as soon as possible the next business day. In the event no Judge can be found in Christian County, Kentucky, then the said petition shall be presented to any Family Court Judge, District Judge, Trial Commissioner, or Circuit Judge in any surrounding county, who may sign and issue and Emergency Protective Order (EPO) if deemed appropriate.

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:

All Civil Domestic Violence cases shall be set for any Tuesday morning (within fourteen (14) days of the issuance of the petition) at 9:00 AM in the Christian Circuit Court, Family Court Division, 100 Justice Way, 2nd Floor, Hopkinsville, Kentucky 42240.

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:

1. Any person alleging a violation of either an Emergency Protective Order (EPO) or Domestic Violence Order (DVO) shall be permitted to file a request for a Forthwith Order of Arrest, a Civil Show Cause Motion or a Criminal Complaint for a Criminal Violation of an EPO/DVO.

2. A request for a Forthwith Order of Arrest or a Show Cause Motion can be filed with the Christian Circuit Clerk's Office during office hours. A request for a Forthwith Order of Arrest or a Show Cause Motion can be filed with the Hopkinsville-Christian County Emergency Operations Center or Sanctuary, Inc. after office hours. The procedure to present to a Judge shall be the same as filing the initial petition above.

3. A Criminal Complaint for Criminal Violation of an EPO/DVO is available twenty-four hours a day and seven days a week by the victim contacting the Hopkinsville-Christian County Emergency Operations Center (i.e. "911") and the on-call Christian County Attorney completing the necessary paperwork for signature by the on-call Judge. Any warrantless arrests by a police officer shall be treated as a Criminal Violation of an EPO/DVO.

4. All Forthwith Orders of Arrest and Civil Show Cause Motions alleging a civil violation of a Domestic Violence Order (DVO) shall be heard by the Christian Circuit Court, Family

Court Division according to the Rules for the Christian Family Court. Criminal violations shall be heard by the criminal division of District Court or Circuit Court, as applicable

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.

IV. MISCELLANEOUS PROVISIONS

A. No Domestic Violence Order (DVO) issued in this jurisdiction shall be termed "temporary" as this may prevent entry of the DVO into the LINK system. Instead the DVO should be issued for a number of days certain which shall be determined at the hearing on this matter.

B. If the DVO needs to be extended, the Court can do so provided the requirements of KRS 403.750(2) are met. If the Deputy Circuit Clerk's Office discovers that a Domestic Violence Order (DVO) was entered against a member of the military stationed at Fort Campbell, Kentucky, then the Deputy Circuit Clerk shall deliver a copy of the DVO to the Family Court Staff who shall fax a copy of the DVO to the Provost Marshall's Office at Fort Campbell.

V. SUPPORT STAFF

The CHRISTIAN COUNTY ATTORNEY'S OFFICE has attorneys to assist victims of domestic violence to acquire the protection they request and to discuss potential criminal charges relating to the underlying incident. Phone (270) 887-4114.

The SANCTUARY SPOUSE ABUSE CENTER assists victims to complete petitions, when requested. They also provide shelter and counseling for victims. Phone (270) 885-4572.

The ARMY FAMILY ADVOCACY OFFICE assists victims of domestic violence who are members of the military or who are dependents of a member of the military. They also provide counseling for victims who meet their requirements. Phone (270) 412-5500.

The HOPKINSVILLE-CHRISTIAN COUNTY EMERGENCY COMMUNICATIONS CENTER is responsible for service and entering into LINK. They also assist male victims of domestic violence after hours. Phone (270) 890-1300 or 911 within Christian County.

The CHRISTIAN COUNTY CIRCUIT CLERK'S OFFICE assists victims to complete petitions, when requested. Phone (270) 889-6541.

The DEPARTMENT OF DEFENSE CHRISTIAN COUNTY TASK FORCE is a task force set up under the Department of Defense to assure that services provided to members of the military and their dependents receive services for domestic violence victims and perpetrators. This task force also helps assure that there is a consistency of services between Christian County, Kentucky, and Montgomery County, Tennessee. This program is run through Sanctuary, Inc. Phone (270) 885-4572.

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:

_____ /Date 3/15/12
Andrew C. Self
Christian Circuit Judge
Division I

_____ /Date 3/15/12
James G. Adams, Jr.
Christian District Judge
Division I

_____ /Date 3/14/12
John L. Atkins
Christian Circuit Judge
Division II

_____ /Date 3/15/12
Arnold B. Lynch
Christian District Judge
Division II

_____ /Date 3/14/12
Jason Shea Fleming
Christian Circuit Judge
Family Court Division
Division III

APPENDIX B: Protocol for Family Court Cases

THIRD JUDICAL CIRCUIT
PROTOCOL FOR FAMILY COURT CASES

INTRODUCTION

This Protocol is established to assist the courts of the county in meeting the needs of families and children in a responsive and efficient manner.

REFERRAL OF CASES

Pursuant to KRS 23A.100, et. seq., Family Court is a division of Circuit Court with general jurisdiction pursuant to Section 112(6) of the Constitution of Kentucky and shall be the primary forum for cases involving dissolution of marriage, child custody, visitation, maintenance, support, equitable distribution of property in dissolution cases, adoption, and termination of parental rights. In addition, the Family Court has jurisdiction in cases of domestic violence, paternity, UIFSA, dependency, neglect, or abuse, and status offenses, including truancy, beyond control children, and runaways, except that nothing in KRS 23A.100 shall be construed to limit the concurrent jurisdiction of District Court.

Due to current case loads, actions involving juvenile status offenders shall be assigned to the District Court and referred for hearing to the appropriate District Judge.

All actions involving child support enforcement, including those pending prior to the Christian Family Court's creation on December 1, 1999, including UIFSA cases shall be referred for hearing to the Christian Family Court.

All actions involving paternity and paternity/child support, including those pending prior to the Christian Family Court's creation on December 1, 1999, shall be referred for hearing to the Christian Family Court.

All cases to be heard by the Family Court shall be scheduled through the Family Court Staff, as designated by the Judge.

All cases to be heard by the District Court shall be scheduled through the Clerk or the Judge's Office, as designated by the District Judge.

APPENDIX C: Visitation Guidelines

CHRISTIAN CIRCUIT COURT
GUIDELINES FOR VISITATION

Except in extreme circumstances, it is in the best interest of all children to have a healthy relationship with both their mother and father. When parents divorce and no longer live in the same home, it becomes necessary to establish a schedule which affords both parents an opportunity to nurture and cultivate their relationships with their children. The preferred option is for the parents, through communication and concern for their children's best interest, to establish an arrangement that maximizes the benefit to the children. If the parties are unable to agree, the following guidelines provide a basic structure which in most cases, the Court finds to be reasonable visitation. The Court has the duty, if a motion is filed, to determine what visitation is in the best interest of the parties' children based on the facts of that case. It may mean that the visitation will be consistent with these guidelines, more than these guidelines or less than these guidelines. These guidelines are not meant to be default guidelines or foreclose the parties from agreeing to visitation other than or in addition to those days outlined herein. The Court encourages the parties to agree to more visitation than contained herein for the best interest of the children. Even if the guidelines are implemented in a particular case either by the Court after a hearing and determination that these guidelines are in the best interest of the children in a particular case or agreement of the parties, the parties are still strongly encouraged to communicate and cooperate in achieving a visitation schedule that meets their children's particular needs.

1 . The non-residential parent (NRP) shall be allowed to exercise visitation during alternate weekends from Friday evening at 6:00 p.m. to Monday morning, at which time the children shall be returned to school or day care at the appropriate time. If the children are not in school or day care, the children shall be returned to the residential parent (RP) no later than 9:00 a.m. If the NRP is not able to make appropriate arrangements to return the children to the appropriate place on Monday morning, the NRP shall return the children to the RP by 6:00 p.m. on Sunday evening. Both parents are to make sure that the children are not tardy to school while the children are in that parties' possession.

2. The NRP shall be allowed to exercise visitation on alternate Thursdays and alternate Tuesdays beginning immediately after school or at 3:30 p.m., whichever is earlier, or as soon thereafter as possible, until 7:30 p.m . The alternate Thursday visitation will occur the Thursday following the weekend visit and the alternate Tuesday visitation shall occur the Tuesday preceding the weekend visit.

3. The children and/or the RP shall have no duty to await the visiting parent for more than thirty (30) minutes of the scheduled visitation time. A parent more than thirty (30) minutes late for a scheduled visit shall forfeit that visitation period. Either parent has the right to refuse visitation or to refuse to return the child at the end of a visitation period if the other parent is under the influence of intoxicants or drugs. Both parties are ordered not to transport the children at any time when they are under the influence of drugs or alcohol, and are to not use illegal drugs within twenty-four (24) hours of possession or during possession of the parties' children.

4. For the purpose of visitation, the following six (6) holidays shall be divided between the parents :

(1) New Years Day	(2) Martin Luther King Day
(3) Easter	(4) Memorial Day
(5) July 4th	(6) Labor Day

Other holidays of importance to the family shall also be divided between the parties in a similar method. In the odd-numbered years (i .e . 2011, 2013, etc .), the mother shall have the children on the odd-numbered holidays (left column), and the father shall have visitation on the even-numbered holidays (right column). In the even-numbered years (i.e. 2012, 2014, etc.), the father shall have the odd-numbered holidays and the mother the even-numbered holidays . Visitation shall be from 9:00 a.m. to 8:00 p.m., unless the child is in school that day in which case visitation shall be from immediately after school or at 3:30 p.m., whichever is earlier, or as soon thereafter as possible, to 8:00 p.m.

5 . Each year at Christmas the RP shall have the children on Christmas Day and the NRP shall have the children from 1:00 p.m. to 9:00 p.m on Christmas Eve. The NRP also shall have the children from December 26 at 9:00 a.m. through December 31 at 6:00 p.m., provided the children are returned to the RP not less than 24 hours before they are to resume school. If the NRP has the New Year's Visitation as set forth in Paragraph 4 above, then the NRP may keep the children overnight on December 31 and return the children on January 1 at 8:00 p.m. Once the Christmas holiday begins for the school district which the child is or will be attending, then the alternating weekend visitation and mid-week visitation shall cease. The midweek visitation shall resume immediately after the 1st of January and alternating weekend visitation shall resume on the Friday after the 1st day of January with the non-residential parent receiving the child for that weekend.

6. On Mother's Day and Father's Day, no matter whose turn for visitation, the children shall be with the appropriate parent on those days. Visitation shall be from 9:00 a.m. to 8:00 p.m.

7 . The NRP shall be to entitled reasonable visitation during the summer, depending upon the age of the child, as follows:

A. Six (6) weeks -- for children age 2 and older;

B. Two (2) weeks -- birth to age 2.

Unless otherwise agreed, there shall be no continuous visitation of longer than two (2) weeks at a time. In addition, the alternate weekend and alternate midweek visits set forth in Paragraphs 1 and 2 above shall be suspended during the summer beginning when the NRP begins exercising the six (6) weeks of visitation set forth in paragraph 7 A. The alternating weekends and midweek visits shall resume the second Friday after the conclusion of the last summer visitation period to allow the RP to be able to spend uninterrupted time with the children to take a vacation, if they desire. If the NRP chooses not to exercise any of their blocks of summer visitation or if the child is under two (2) years of age, then the parties shall continue utilizing the alternate weekend and alternate midweek visits as set forth in Paragraphs 1 and 2, above, except that the RP shall be entitled to a two (2) week uninterrupted block during the summer to take a vacation, if they desire. For the purposes of this provision, "summer" shall be defined as the summer vacation from school for the public school district in which the children reside, unless the children attend private school. If the children attend private school, then the schedule of that private school shall control. For children birth to age 2, there shall not be a visitation period for the RP between the two (2) weeks of visitation.

8. In order to help schedule and facilitate summer visitation, RP shall exchange written notice of their respective vacation schedules prior to March 15 of each year. Taking into consideration the RP's vacation schedule, the NRP shall provide written notice to the RP prior to March 31 of each year of the specific weeks the NRP intends to exercise his or her visitation. Absent good cause, the parties shall follow the schedule adopted in this manner. Failure of the NRP to notify the RP by March 31 of their intent to utilize their summer visitation may result in the Court not enforcing all or part of the summer visitation period in Paragraph 7, above, and/or the Court requiring the NRP to work around the RP's vacation schedule.

9. In even-numbered years, the NRP shall be allowed to exercise visitation during spring break and the Thanksgiving holiday. The spring break visitation shall consist of the five (5) weekdays during which spring break is observed, plus the NRP's regularly scheduled alternate weekend visit either at the beginning of or at the end of spring break for a total of seven (7) days. Therefore, if the normal alternating weekend is at the beginning of the spring break visitation period, then spring break visitation shall end at 6:00 p.m. on the Friday of spring break week. If the normal alternating weekend is at the end of the spring break visitation period, then spring break visitation shall end at either 6 p.m. on the last Sunday of spring break or returning the child to day care or school or at 9:00 a.m., if the child is not in school, on Monday if the parties normally return the children on Mondays under Paragraph 1 above. If spring break of the NRP is less than five (5) weekdays, then the NRP who has the child for that break can keep the child for five (5) weekdays as provided above so long as NRP can get the child to and from school on time, otherwise the children shall be returned by 6PM the day before school is to resume.

The Thanksgiving visitation shall begin at 6:00 p.m. on the last day of school prior to Thanksgiving Day for the public school district in which the children reside, unless the children attend private school, in which case the visitation will begin at 6:00 p.m. on their last day of school prior to Thanksgiving Day and shall end at 6:00 p.m. Sunday evening. The other party shall have the next weekend after Thanksgiving weekend to recommence the alternating weekend schedule. In odd-numbered years, the RP shall have the children for spring break and Thanksgiving as set forth above.

10 . In odd-numbered years, the NRP shall be allowed to exercise visitation during the fall break from school. The fall break visitation shall consist of the five (5) weekdays of fall break plus the NRP's regular alternate weekend visitation either immediately before or after fall break for a total of seven (7) days. Therefore, if the normal alternating weekend is at the beginning of the fall break visitation period, then fall break visitation shall end at 6:00 p.m. on the Friday of fall break week. If the normal alternating weekend is at the end of the fall break visitation period, then fall break visitation shall end at either 6:00 p.m. on the last Sunday of fall break or upon returning the child to day care or school or at 9:00 a.m., if the child is not in school, on Monday if the parties normally return the children on Mondays under Paragraph 1 above. In even numbered years, the RP shall be allowed to have the children during fall break as set forth above. If fall break of the NRP is less than five (5) weekdays, then the NRP who has the child for that break can keep the child for five (5) weekdays as provided above so long as NRP can get the child to and from school on time, otherwise the children shall be returned by 6PM the day before school is to resume

11 . All parties transporting children to or from any scheduled visit, or at any other time, are expected to comply with the provisions of KRS 189.125(3), which provides as follows :

(a) Any driver of a motor vehicle, when transporting a child of forty (40) inches in height or less in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child restraint system of a type meeting federal motor vehicle safety standards.
(b) Any driver of a motor vehicle, when transporting a child under the age of seven (7) years who is between forty (40) inches and fifty (50) inches in height in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child booster seat.

Either parent may refuse to release the child to the other parent or anyone else who is not in compliance with the applicable law.

12 . Unless otherwise agreed or ordered by the court, when the RP intends to relocate with the children, then the RP shall comply with any requirement of Kentucky law or Kentucky Rules of Family Court Procedure and Practice regarding notification to the other party or approval of the Court.

13 . Unless otherwise agreed or ordered by the court, the NRP shall be responsible for picking up the children at the beginning of any scheduled visitation period and the RP shall be responsible for picking up the children at the end of any scheduled visitation period, excluding the end of the alternate weekend visitation if the child is returned to school or day care as set forth in Paragraph 1, above.