

APPENDIX A

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL FIRST JUDICIAL CIRCUIT AND FIRST AND FIFTY-NINTH JUDICIAL DISTRICTS BALLARD, CARLISLE, FULTON AND HICKMAN COUNTIES

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.
- 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:

When a dissolution of marriage action is pending or has been filed in another Circuit.

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:

1st Circuit Commonwealth Attorney Michael Stacey,
Ballard County Attorney Vickie Hayden,
Carlisle County Attorney Michael Hogancamp,
Fulton County Attorney Rick Major,
Hickman County Attorney Sue Ellen Morris,
Ballard County Circuit Court Clerk, Holly Dunker
Carlisle County Circuit Court Clerk, Kevin Hoskins
Fulton County Circuit Court Clerk, Sarah Johnson
Hickman County Circuit Court Clerk, Cathy Kellett

All assistant Commonwealth and County Attorneys in the Circuit,
All Deputy Circuit Clerks

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

1st Circuit Commonwealth Attorney Michael Stacey,
Ballard County Attorney Vickie Hayden,
Carlisle County Attorney Michael Hogancamp,
Fulton County Attorney Rick Major,
Hickman County Attorney Sue Ellen Morris,

All assistant Commonwealth and County Attorneys in the Circuit, and their assistants shown in A above and the Ballard, Carlisle, Fulton and Hickman County Jailers and all their sworn deputies, the Chiefs of police for the Cities of Bardwell, Barlow, Clinton, Fulton, Hickman, LaCenter and Wickliffe, and all sworn officers within those departments and any Kentucky State Police officer assigned to Ballard, Carlisle, Fulton and/or Hickman Counties.

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

1st District Judge Hunter Whitesell II, for Fulton and Hickman Counties
59th District Judge Keith Myers for Ballard and Carlisle Counties
1st Circuit Judge Timothy A. Langford

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

The District Judge in the County of issuance of the petition.

The 1st Circuit Judge.

The Trial Commissioner for Carlisle County.

If none of the above may be found then to any District or Circuit Judge in the Commonwealth of Kentucky.

- 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:

Ballard District Court: Tuesdays at 9:00 am

Carlisle District Court: Wednesdays at 11:00 am
 Fulton District Court: Tuesdays at 1:30pm
 Hickman District Court: Mondays at 9:00 am
 1st Circuit Motion Hour:
 Ballard County, 1st and 3rd Fridays at 9:30 am
 Carlisle County, 1st and 3rd Thursdays at 1:30 pm
 Fulton County, 2nd and 4th Thursdays at 9:30 am
 Hickman County, 1st and 3rd Thursdays at 9:30 am

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:


The County Attorney and or the Circuit Clerk of the County in which the matter is pending to request that contempt proceedings be placed on the Court's next available docket.

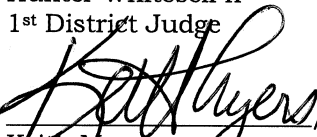
Civil Contempt proceedings shall be heard by the Court that entered the initial Domestic Violence order (either Circuit or District) and shall be scheduled if possible, at the same time as original EPO hearings, as noted hereinabove, the movant shall serve and notify the non-movant as required by the Rules of Civil Procedure, namely CR 5 and rules of local practice for obtaining a contempt order shall be followed.

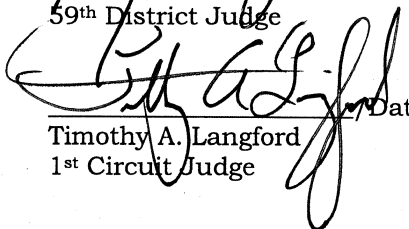
- C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

All general orders, forms, policies and procedures approved by the Supreme Court and published by A.O.C. relating to domestic violence are incorporated by reference.

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

 /Date 3-20-12
 Hunter Whitesell II
 1st District Judge

 /Date 3-19-12
 Keith Myers
 59th District Judge

 /Date 3-19-12
 Timothy A. Langford
 1st Circuit Judge