

Supreme Court of Kentucky


ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 3RD JUDICIAL CIRCUIT AND DISTRICT, CHRISTIAN COUNTY

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

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 3rd Judicial Circuit and District is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this 29th day of December 2015.


CHIEF JUSTICE

**TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL
JOINT JURISDICTION PROTOCOL
3rd JUDICIAL CIRCUIT AND DISTRICT
CHRISTIAN COUNTY**

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rule of Practice and Procedure Section IV, this local protective order protocol is established to ensure twenty-four 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. It is the intent of the Third Judicial Circuit to initially keep the Interpersonal Violence hearings in Family Court until the docket becomes established. Once the docket becomes established and the Courts determine how many cases it adds to the docket, then the Courts will likely reevaluate this protocol to place the Interpersonal Violence hearings in District Court.
- 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:

All domestic violence and interpersonal 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 and interpersonal violence session, or with the Christian County Attorney's Office.

- B. The following agencies and officers are authorized to take protective order 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 and an interpersonal 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 or interpersonal violence is female, then the victim can receive assistance and file a domestic violence or interpersonal violence petition at the Sanctuary, Inc., the domestic abuse shelter in Christian County. If the victim of domestic violence or interpersonal 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 or County Attorney shall deliver the petition to any District Judge or Circuit Judge for consideration and, if appropriate, signature. The Deputy Circuit Clerk or County Attorney shall first attempt to locate the local on-call Judge and if that Judge is unavailable, the Deputy Circuit Clerk or County Attorney 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 in accordance with the Regional Program Administration Charter, who may sign and issue and Emergency Protective Order (EPO) or Emergency Interpersonal Protective Order (IEPO) 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 or interpersonal 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) or Emergency Interpersonal Protective Order (IEPO), 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) or Emergency Interpersonal Protective Order (IEPO) 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 Family Court. This may be reevaluated based upon the number of case filings and the protocol accordingly revised to reassign part or all to District Court.
- D. The schedule for hearings on protective orders is as follows:

All Civil Domestic Violence and Interpersonal 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.

- E. Cases may be reassigned or transferred between courts 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.

IV. Contempt Proceedings

A. Pursuant to KRS 403.763 and KRS 456.180, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.

B. Petitioners seeking to initiate contempt proceedings should contact:

1. Any person alleging a violation of either an Emergency Protective Order (EPO), Emergency Interpersonal Protective Order (EIPO), Domestic Violence Order (DVO) or Interpersonal Protective Order (IPO) 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/EIPO/DVO/IPO.

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/EIPO/DVO/IPO 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 or during business hours going to the Christian County Attorney's Office. Any warrantless arrests by a police officer shall be treated as a Criminal Violation of an EPO/EIPO/DVO/IPO.

4. All Forthwith Orders of Arrest and Civil Show Cause Motions alleging a civil violation of an EPO/EIPO/DVO/IPO 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 failure to appear at a domestic violence hearing or prosecute a criminal violation of a protective order.

V. MISCELLANEOUS PROVISIONS

A. If the Deputy Circuit Clerk's Office discovers that a Domestic Violence Order (DVO) or Interpersonal Protective Order (IPO) 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/IPO to the Family Court Staff who shall fax a copy of the DVO/IPO to the Provost Marshall's Office at Fort Campbell.

B. Support Staff

The CHRISTIAN COUNTY ATTORNEY'S OFFICE has attorneys to assist victims of domestic violence and interpersonal 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 and interpersonal violence who are members of the military or who are dependents of a member of the military. They also provide counseling for victims and perpetrators 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 and interpersonal 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.

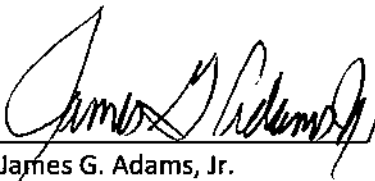
The undersigned hereby acknowledge that all general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judicial officers in the circuit:



Date 12/22/15

Andrew C. Self
Christian Circuit Judge
Division I



Date 12/22/15

James G. Adams, Jr.
Christian District Judge
Division I



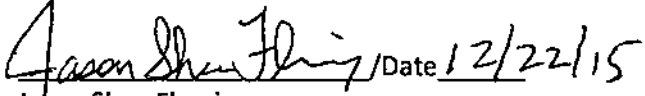
Date 12/22/15

John L. Atkins
Christian Circuit Judge
Division II



Date 12/22/15

J. Foster Cotthoff
Christian District Judge
Division II



Date 12/22/15

Jason Shea Fleming
Christian Circuit Judge
Family Court Division
Division III