

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 1ST JUDICIAL CIRCUIT COURTS, BALLARD, CARLISLE, FULTON, AND HICKMAN COUNTIES

Upon recommendation of the Chief Circuit Judge of the 1st Judicial Circuit, and being otherwise sufficiently advised,

The Local Rules of Practice and Procedure for the 1st Judicial Circuit, Ballard, Carlisle, Fulton, and Hickman counties, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this Court.

Entered this the 30th day of March 2012.


CHIEF JUSTICE JOHN D. MINTON, JR.

**RULES OF PRACTICE
OF THE
1ST JUDICIAL CIRCUIT**

BALLARD, CARLISLE, FULTON, HICKMAN COUNTIES

Rule 1. Introduction/Administrative Procedure

101. Introduction/Preface

These rules shall, except for cause as determined by the Court, govern practice in the 1st Judicial Circuit Court,(Ballard, Carlisle, Fulton, Hickman, Counties) subject, however, to applicable Rules of Civil Procedure, Family Court Rules of Practice and Procedure (FCRPP), and Rules of Criminal Procedure.

102. Effective date

These rules shall be effective upon approval by the Chief Justice of the Kentucky Supreme Court.

103. Citation

These rules may be cited as "R1stC" or "Rules of the First Circuit Court."

104. Assignment of Cases

There is only one division of the Fulton Circuit Court.

105. Holidays

Holidays shall be those recognized by the Court of Justice.

Rule 2. Court Scheduling/Motion Hour/Procedures for Filing (Domestic)

201. Domestic Motion Hour Schedule

A. Motion days, commonly called "Rule Days" shall be held as follows:

Ballard County—1st and 3rd Fridays 9:30 a.m.

Carlisle County – 1st and 3rd Thursdays 1:30 p.m.

Fulton County – 2nd and 4th Thursdays 9:30 a.m.

Hickman County – 1st and 3rd Thursdays 9:30 a.m.

- B. Motions noticed for domestic motion hour shall not be allowed extended testimony at that time. Those motions requiring more than ten (10) minutes of proof shall be docketed for hearing on a date to be assigned by the Court on motion of the moving party.
- C. A completed AOC-237, Status Quo Order, may be filed at the time the petition for dissolution is filed, and shall be presented at the initial court appearance or upon proper motion.
- D. For all domestic cases with unresolved issues, the attorney for petitioner, or petitioner if pro-se, shall file a motion requesting a Case Management Conference pursuant to FCRPP 2.
- E. Pursuant to KRS 403.044, and upon proper notice, an Interlocutory Decree may be obtained.
- F. Motions for Interlocutory Decrees, and motions for uncontested final Decrees shall be accompanied by proposed Findings of Fact, Conclusions of Law, and a proposed Decree

202. Exceptions to Regular Motion Hour Schedule

Exceptions to the regular motion hour schedule shall be only for cause, and upon Order of the court.

203. Deadlines for Serving and Filing Motions

Domestic motions to be heard on a particular Motion Hour will be limited to those filed with the Clerk of the court before the close of business on the Monday preceding the scheduled motion hour and served that same day by fax or actual service on the opposing party or counsel.

Service, if made by mail, shall require three (3) additional days notice.

Responses and counter-motions, if any, shall be filed at least one (1) day prior to the day that the motion is noticed for.

Rule 3. Adoptions/Termination of Parental Rights

301. Uncontested adoptions and uncontested terminations of parental rights shall be noticed for immediate hearing at the beginning of motion day. Motions to set contested adoptions or contested terminations of parental rights shall be noticed for the beginning of a motion day and a hearing date shall be set at that time.
302. Proposed Findings of Fact, Conclusions of Law, and Judgment, shall be tendered with any motion to set an adoption or termination. Petitioner's attorney, or Petitioner, if pro se, shall be responsible for placing adoption/termination matters on the Court's docket so that the time limits set out in KRS 625.042 or FCRPP 36 shall, if applicable, be complied with.

Rule 4. Domestic Violence Protocol and 24 Hour Access Policy

401. The Domestic Violence Protocol and 24 Hour Access Policy is attached hereto as Appendix "A", and is incorporated herein as if copied in full.

Rule 5. Domestic Relations Practice

501. Contested Actions

In all contested domestic actions, prior to filing a motion for the court to set a trial date, the parties shall attend a settlement conference, either in person or by telephone, at which all contested issues shall be identified, and a Report of Settlement Conference, identifying all contested and settled issues shall be filed with the Motion.

- A. All proceedings in contested actions for the dissolution of a marriage shall be heard by the Court, provided the testimony of any witness not a party may be taken by deposition. However, it is the responsibility of the attorney or party desiring to use the deposition of such non-party witness to see that the deposition is taken, transcribed, and filed at least 48 hours in advance of the trial.
- B. The hearing on the motion to set for trial shall be noticed for regular motion days.
- C. Each side shall furnish the opposing party with the names and addresses of all witnesses that they intend to call at trial and a brief summary of the testimony not less than twenty (20) days prior to the scheduled trial date.
- D. In the event either party fails to comply with the requirements of paragraphs B and C. above, or either party files an incomplete schedule, or fails to comply with the FCRPP, the Court, upon its own motion or upon motion of any party, may make such orders in regard to the failure as are just, which, among other things, may include the following:
1. An order that the matters set forth in the compliant party's schedules be taken as established;
 2. an order prohibiting the non-compliant party from introducing designated matters in evidence;
 3. an order staying further proceedings until the disobedient party has filed the required schedules; or

4. an order assessing all Court costs, including attorney fees, against the non-compliant party.

502. Court Approved Child Visitation Schedule

The Circuit Court being advised that parties are often unable to agree to specific visitation periods regarding minor children and the Court being further advised that each case may present unique circumstances which may require the Court to hear evidence and to set a different visitation schedule, now adopts the minimum visitation/time-sharing as set out in Appendix "B" to the FCRPP. This schedule shall act as a foundation for setting visitation and shall not be used as a default schedule. The Temporary or Final Visitation Order may or may not include all of these provisions. Notwithstanding the foregoing, midweek overnight timesharing/visitation shall only be in alternate weeks

503. Families in Transition

- A. When ordered on a case by case basis, and, where there is a minor child or children born or adopted of the marriage, aged six (6) years through seventeen (17) years ("subject children"), a dissolution of marriage shall not be entered until the parties and subject children have attended and participated in Families in Transition.
- B. The Attorney for Petitioner or any unrepresented petitioner shall be required upon filing a marriage dissolution action to file a separate notice to the Court advising the Court that there is a minor child or children born or adopted during the marriage who are 6-17 years of age. The Petitioner's attorney or any unrepresented Petitioner shall tender with the notice an

order for consideration with the Court directing that the parties engage in Families in Transition training. The Court shall consider directing the parties to attend Families in Transition training on a case by case basis.

The Families in Transition training may be satisfied by attending the Families in Transition program in the First Circuit or such similar program as may be available in any contiguous Circuit to the First Circuit, or such other training as may be approved by the Court on a case by case basis, all taking into consideration the best interest of the children.

- C. If a party refuses or fails to attend the training, or if the custodial parent refuses or fails to have the children attend the training, the Court may make such orders in regard to the failure or refusal as are just, which may include the following: a) an order refusing to assign a date for final adjudication of the divorce until the party requesting the dissolution attends the training; b) an order declining to set or enforce temporary or permanent visitation rights for the non-compliant party until the non-compliant party attends the training; c) an order reserving the granting or approval of temporary or final custody; and d) in lieu of any of the foregoing orders or in addition thereto, an order treating as a contempt of Court the failure to obey an order to attend the training.
- D. Each party shall bring his or her case number to the training so that his or her attendance can be properly identified.
- E. Parties seeking a dissolution must submit evidence to the Court that they and their subject children have attended this Families in Transition

training by filing with the Clerk a certificate of attendance given by the trainer.

- F. The Petitioner must file his or her certificate of attendance prior to, or at the time of, filing documents for a final hearing. The Respondent shall file his or her certificate of attendance prior to the final hearing. The certificate of attendance of the subject children shall be filed prior to the hearing.

Rule 6. Miscellaneous Rules Relating to Family Law Practice

601. Redaction of Personal Identifiers (CR 7.03)

- A. 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 tax-payer 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.

602. Rules of General Application

Rules 702 , 705 through 709 apply to Domestic practice in the First Circuit Court, as well as general civil procedure.

Rule 7. General Civil

701. Motion Days - Non-Domestic (Civil) Cases

- A. Excepting legal holidays, motion days ("rule days") shall be conducted as follows:
 - Ballard County—1st and 3rd Fridays 9:30 a.m.
 - Carlisle County – 1st and 3rd Thursdays 1:30 p.m.
 - Fulton County -- 2nd and 4th Thursdays 9:30 a.m.
 - Hickman County – 1st and 3rd Thursdays 9:30 a.m.
- B. Civil motions will be heard prior to the criminal docket on rule days.

Ordinarily, no testimony will be heard on rule day, and if more than ten (10) minutes of argument is to be presented, the motion shall be set by the Court for a time certain.
- C. Parties are requested to obtain a special date for hearings on all non-domestic motions that will require oral testimony and for oral arguments

which are expected to take more than ten (10) minutes as the volume of rule day business requires that motions on individual cases be kept brief.

- D. Unless otherwise provided by statute, rule, or order, motions shall be filed with the Clerk before the close of business on Monday preceding the scheduled motion hour and served that same day by fax or actual service on the opposing party or counsel. Service, if made by mail, shall require three (3) additional days notice. Responses and counter-motions, if any, shall be filed at least one (1) day prior to rule day.

702. Continued Motions

An attorney who will be unable to be present at the time set for a motion shall immediately contact the moving attorney and attempt to establish a mutually agreeable time for the hearing of the motion. Should this prove unsuccessful, a party desiring the continuance shall immediately file a motion for a continuance in writing, stating the reasons for the continuance, and shall send a copy directed to the attention of the Judge, as well as filing it with the Clerk. If no hearing can be scheduled prior to the date the motion was originally set for hearing, the motion will be automatically continued until an agreed-upon hearing date is scheduled or until the next motion hour, whichever occurs first.

703. Motions and Motion Docket: Generally

Form of Motion and Docketing

- A. No motion shall be accepted for filing by the Clerk unless accompanied by a separate proposed order. Unless other arrangements have been made

with the Court, pleadings delivered to the Court shall be treated as mere courtesy copies.

- B. Each motion shall contain a Notice, which shall specify the date, time, and place for the hearing.
- C. The Clerk shall maintain a motion docket and shall docket in the order received all motions assigned for hearing on each motion day, either by Court order or by notice duly served. This motion docket will be called on motion day.
- D. Every motion, other than the ones which may be heard ex parte, shall appear upon the motion docket, provided that any motion which is accompanied by an agreed order signed by counsel for all parties affected by the order shall not appear on the motion docket. All motions going to the merits of the case, including motion to dismiss, motion for summary judgment, motion to strike, and motion under CR 12.02, shall be accompanied by a brief statement of the grounds for the motion with citation of authorities relied upon. Failure to file a statement of grounds with supporting authorities may be grounds for overruling the motion. Any party properly served with a motion accompanied by a statement of grounds and authorities shall file a response containing a statement of grounds for opposing the motion with citation of supporting authorities. Such response shall be filed at or prior to the time specified in the notice of hearing of the motion. Failure to file a response may be grounds for

sustaining the motion, but the time for filing a response may be extended for good cause shown.

- E. If additional time is allowed in any proceeding for supplementation of the record, or for briefing, counsel shall, when the time has expired, or the supplementation or briefing completed, advise the Court that the matter is ready for a decision.

704. Entry of Orders and Judgments

Whenever any rule is made or opinion rendered, an order or judgment in conformity therewith shall be tendered by counsel for all parties thereto in conformity to the ruling or opinion and shall be presented to the Court. If the party against whom the order or judgment is to be entered is not represented by counsel, or be represented by counsel who declines to attest the order or judgment, such fact shall be endorsed thereon. When signed by the Judge, the order or judgment shall be delivered to the Clerk for entry. After entry, the Clerk shall mail attested copies of the order or judgment to all parties or their respective attorneys as required by the Rules of Civil Procedure.

705. Motions, Pleadings, Briefs and Orders

All civil, criminal, and domestic orders to be entered by the Court shall contain a Clerk's certification of service for all parties.

706. Exhibits to Pleadings, Answers to Interrogatories, and Requests for Admissions

- A. Any pleading that refers to an exhibit as attached to the pleading shall, in fact, be accompanied by such exhibit, and opposing counsel shall not be

required to respond to such pleading which fails to include the referenced exhibit.

- B. When answering interrogatories or request for admissions, the replying party shall, as a part of his answer, set forth immediately preceding the answer the questions or the request made with respect to which such answer is given.

707. Copy of Complaint to be Filed.

Whenever a civil complaint is filed, sufficient copies thereof, including the names of the attorneys and the true copies of all affidavits, jurats, and exhibits, shall be left with the Clerk for service on each defendant pursuant to Civil Rules of Procedure

708. Courtroom Decorum.

- A. In addition to expecting that the attorneys present in Court should be appropriately attired, the parties, witnesses and spectators shall also dress appropriately. Among other items, shorts, garments with inappropriate messages, and tank tops are inappropriate. Attorneys are expected to advise their clients and witnesses of the dress code.
- B. Male Attorneys shall wear coats and ties, and female attorneys, similarly appropriate attire, when Court is in session. All persons shall remove hats, overcoats or raincoats before entering the Courtroom.

709. Return of Summons

- A. The Clerks of the Court shall immediately, upon receipt, mail a photocopy of the return to the service of summons in any case to the Plaintiffs attorney.

Rule 8. Criminal

801. Grand Jury

- A. Grand Jury shall be empanelled for an entire year during the month of January of each year for each County and shall consist of twelve (12) members and a number of alternates as determined by the Court. The Grand Jury shall meet in regular session as follows:

Grand Jury sessions in Ballard County will be held on the third Friday of odd months, i.e., January, March, May, July, September, and November, at 9:30 a.m. Carlisle County Grand Jury will be held on the Third Thursday of odd months at 1:30 p.m. Fulton County Grand Jury Sessions will be held on the Second Thursday of odd months at 9:30 a.m. And Hickman County Grand Jury will be held on the Third Thursdays of odd months at 9:30 a.m. or such alternate dates as the Circuit Judge may designate.

802. Criminal Arraignments and Motions

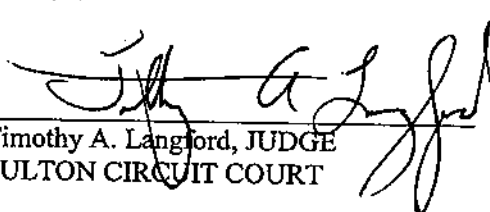
- A. When the Grand Jury returns its indictments, the Court shall conduct arraignments on that day if possible.
- B. Both the defendant and his attorney must be present at the arraignment. The attorney appearing for the defendant at the arraignment shall represent the defendant in all future stages of the proceeding. An attorney shall not

withdraw from employment after arraignment in a criminal proceeding without permission of the Court.

- C. At the time of arraignment, each defendant shall be assigned a date for a pretrial conference.
- D. All criminal motions shall be filed with the Clerk and noticed for hearing at criminal motion hour unless otherwise ordered by the Court.

These Rules are adopted pursuant to the authority granted by Rule 78 of the Kentucky Rules of Civil Procedure and SCR 1.040(3), and these Rules, as amended, and any revision and/or addition or deletion to these Rules shall become effective and apply with full force and effect to all actions filed or pending as of the date of their approval by the Chief Justice of the Supreme Court. These Rules shall become effective upon approval of the Chief Justice of the Supreme Court.

WITNESS MY HAND this 19 day of March, 2012



Timothy A. Langford, JUDGE
FULTON CIRCUIT COURT

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING AMENDMENT TO APPENDIX A OF THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 1ST JUDICIAL CIRCUIT COURTS, BALLARD, CARLISLE, FULTON AND HICKMAN COUNTIES

Upon the recommendation of the Judges of the 1st Judicial Circuit, Ballard, Carlisle, Fulton, and Hickman counties, and being otherwise sufficiently advised,

The amendment to Appendix A of the Local Rules of Practice and Procedure for the 1st Judicial Circuit 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 26th day of January 2016.


CHIEF JUSTICE

AMENDED APPENDIX A

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

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. Circuit Court Clerks shall process all protective order cases in accordance with the rules and procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- C. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- D. "No drop" policies which place limitations on a petitioner's right to modify or withdraw a petition for a protective order are not permitted. Pursuant to KRS 403.740 and KRS 456.060, any orders for relief issued directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault shall not order the petitioner to take any affirmative action.
- E. Cases may be reassigned within the judicial circuit and, pursuant to FCRPP 12, a case may be transferred to 1st Circuit Court or 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. 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, and then as soon as practical.

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:

1st Circuit Commonwealth Attorney,
Ballard County Attorney,
Carlisle County Attorney,
Fulton County Attorney,
Hickman County Attorney,
Ballard County Circuit Court Clerk,
Carlisle County Circuit Court Clerk,
Fulton County Circuit Court Clerk,
Hickman County Circuit Court Clerk

All Assistant Commonwealth and county Attorneys in the Circuit,
All Deputy Circuit Clerk

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

1st Circuit Commonwealth Attorney,
Ballard County Attorney,
Carlisle County Attorney,
Fulton County Attorney,
Hickman County Attorney,

All Assistant Commonwealth and County Attorneys in the Circuit 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 Circuit Judge Timothy A. Langford
1st District Judge Hunter B. Whitesell, II for Fulton and Hickman Counties
59th District Judge Keith Myers for Ballard and Carlisle counties

- 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 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.

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 and circuit court.
- B. The judge reviewing a petition for an order of protection shall indicate in the "Court Action" section of the petition whether the resulting action is a domestic violence action under KRS Chapter 403 or an interpersonal protective order action under KRS Chapter 456.
- C. The circuit clerk shall assign interpersonal protective order cases to the District Court.
- D. The schedule for hearings on protective orders is as follows:

Ballard District Court: Tuesdays at 9:00 a.m.
Carlisle District Court: Wednesday at 11:00 a.m.
Fulton District Court: Tuesdays at 1:30 p.m.
Hickman District Court: Mondays at 9:00 a.m.
1st Circuit Motion Hour:
Ballard County, 1st and 3rd Fridays at 9:30 a.m.
Carlisle County, 1st and 3rd Thursdays at 1:30 p.m.
Fulton County, 2nd and 4th Thursdays at 9:30 a.m.
Hickman County, 1st and 3rd Thursdays at 9:30 a.m.

- E. Cases may be reassigned or transferred between courts if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. KRS 403.725, KRS 456.030. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.

IV. Contempt Proceedings

- A. Pursuant to KRS 403.763 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:

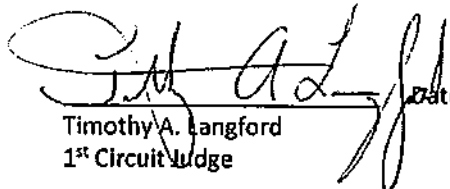
The County Attorney and or the Circuit Clerk of the County in which the matter is pending to request that contempt proceedings be placed on the Court's next available docket.

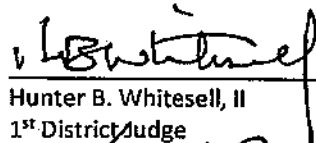
Civil Contempt proceedings shall be heard by the Court that entered the initial Domestic Violence Order (either Circuit or District) and shall be scheduled if possible, at the same time as original EPO hearings, as noted hereinabove, the Circuit Clerk shall serve and notify the non-movant as required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

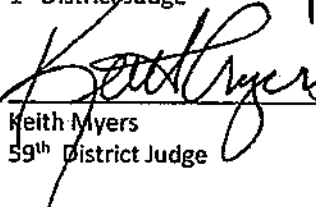
- C. No petitioner may be held in contempt for failure to appear at a domestic violence hearing or prosecute a criminal violation of a protective order.

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/district:

 Date Jan. 12-16
Timothy A. Langford
1st Circuit Judge

 Date 11 January 2016
Hunter B. Whitesell, II
1st District Judge

 Date JAN. 4, 2015
Keith Myers
59th District Judge

APPENDIX "B"

STANDARD VISITATION GUIDELINES

The following schedules 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.**

1. The non-custodial parent shall have visitation on alternate weekends from Friday at 6:00 pm until Sunday 6:00 pm and Thursday evenings following the weekend visitation from 5:30 pm until 7:30 pm
2. In the event the non-custodial parent is thirty (30) minutes late the visitation may be forfeited. The custodial parent has the right to refuse visitation if the non-custodial parent is under the influence of alcohol, drugs, or any other intoxicant.
3. For the purpose of visitation there are six (6) holidays that 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

In the odd-numbered years the custodial parent shall have the child or children on the odd-numbered holidays, and the non-custodial parent shall have visitation on the even-numbered holidays. In the even-numbered years the non-custodial parent shall have the child or children on the odd-numbered holidays and the custodial parent the even-numbered holidays. Visitation will be from 9:00 am to 9:00 pm., Unless the child must be in school, then the visitation shall be from 5:00 pm until 9:00 pm. Should Easter fall during the spring break, the parent with spring break visitation shall have the child or children for the Easter Holiday.

4. Christmas is to be alternated with the custodial parent having the odd numbered years until 1:00 pm on Christmas Day and the non-custodial parent

to visit with the child or children from 1:00pm on Christmas Day until noon on New Years Day. In the even numbered years the non-custodial parent shall have the child from 5:00 pm on the day school lets out for break until Christmas Day at 1:00 pm.

5. On Mothers' Day and Fathers' Day, regardless of who has the scheduled visitation, the child shall be with the appropriate parent from 9:00 am until 9:00 pm.
6. The non-custodial parent shall have a four (4) week visitation each summer for children four (4) years of age or older in which there shall not be a visitation period longer than two (2) week at one time. For children two (2) and three (3) years of age, the non-custodial parent shall have two (2) weeks of visitation. For children one (1) year of age the non-custodial parent shall have one (1) week of visitation. For children under one (1) years of age, the non-custodial parent shall have three (3) days of visitation. Each party must give the other party a sixty (60) days written notice of his or her vacation plans so that each party has the opportunity to have the child or children during his or her vacation. In the event of a conflict between the parties, the non-custodial parent shall have the right to choose his or her summer vacation schedule. The non-custodial parent may also choose to have his or her regularly scheduled weekend visitation added to his or her summer visitation.
7. **SCHOOL BREAKS AND THANKSGIVING HOLIDAY**

For students with an alternative school calendar, there will be two (2) school breaks per year, a fall break and a spring break.

In the odd numbered years, the non-custodial parent shall have the following visitation:

- a. During spring break, the first nine (9) days commencing Friday at 6:00pm and ending the second Sunday following the start of spring break at 6:00 pm.
- b. During fall break the last seven (7) days commencing Friday at 6:00 pm and ending the second Sunday following the start of fall break 6:00 pm.

- c. Thanksgiving Holiday commencing on Wednesday at 6:00 pm (the day before Thanksgiving) through Sunday at 6:00 pm.

In the even numbered years, the non-custodian shall have the following visitation:

- a. During spring break, the last seven (7) days commencing the second Sunday following the start of spring break at 6:00 pm and ending the following Sunday at 6:00 pm.
- b. During fall break, the first nine (9) days commencing Friday at 6:00 pm and ending the second Sunday following the start of fall break at 6:00 pm.

Fall break, Spring break, and Thanksgiving visitation shall take place whether or not the child or children are of school age. You shall follow the alternative school visitation for the under-school age child if the child resides in the school district following the alternative school calendar.

For students with a traditional school calendar for the purposes of visitation in the alternating years, the non-custodial parent shall have the child or children for the nine (9) day spring break. Unless otherwise agreed, the first spring break with the non-custodial parent shall be in the calendar year after the one in which the decree was granted. Should Easter fall during the spring break, the parent with the spring break period shall have the Easter Holiday of that year. In the years that the non-custodial parent does not have visitation with the child or children during spring break, the non-custodial parent shall have the child or children for the four (4) day thanksgiving holiday. When the non-custodial parent has the child or children during spring break, the custodial parent will be entitled to the four (4) day Thanksgiving Holiday. See above paragraph for visitation times.

- 8. In the event that a custodial parent's holiday, fall or spring break time with the child or children falls on a date ordinarily reserved for the non-custodial parent, the holiday visitation shall take precedence. For example, if Christmas

day occurs on a Saturday or Sunday of the non-custodial parent's weekend visitation, the custodial parent shall keep the child or children until 1:00 pm on Christmas day, at which time he or she shall turn the child or children over to the non-custodial parent for Christmas visitation.

9. The child shall celebrate his or her birthday in the home of the custodial parent, unless it falls on a visitation day. If the child's birthday always falls on a visitation day, i.e., Christmas or summer vacation, the parties shall alternate birthdays. In the event the non-custodial parent does not have the child on the child's birthday, an additional non-scheduled visitation period of six (6) hours shall be granted so that the non-custodial parent may give the child a birthday if so desired.

As provided in KRS 189.125(2) both parties must secure the child or children in an approved child restraint system whenever transporting the child or children.

Whenever this standard visitation schedule is ordered by the Court, the custodial parent is encouraged to allow additional visitation to the non-custodial parent when it would serve the best interest of the child. The custodial parent is directed to take all actions necessary to accommodate and encourage visitation with the non-custodial parent.