Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING DOMESTIC VIOLENCE PROTOCOL FOR THE 11TH JUDICIAL CIRCUIT AND DISTRICT: GREEN, MARION, TAYLOR, AND WASHINGTON COUNTIES

Upon recommendation of the Judges of the 11th Judicial Circuit and District consisting of Green, Marion, Taylor, and Washington Counties, and being otherwise sufficiently advised,

The Domestic Violence Protocol for Green, Marion, Taylor, and Washington Counties 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 the 10th day of January 2019.

CHIEF JUSTICE JOHN D. MINTON, JR.

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL ELEVENTH JUDICIAL CIRCUIT AND DISTRICT GREEN, MARION, TAYLOR & WASHINGTON COUNTIES

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rules of Practice and Procedure (FCRPP) Section IV, this local protective order protocol is established to ensure twenty-four (24) 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.

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:

The Circuit Clerk and all sworn deputies; the County Attorney and any Assistant County Attorney, the Victims Advocate of the County Attorney's office and any county attorney staff authorized to administer oaths.

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

The Circuit Clerk and all sworn deputies; the County Jailer and all sworn deputies; the County Sheriff and all sworn deputies; the County Attorney and any Assistant County Attorney, the Victims Advocate of the County Attorney's office and any county attorney staff authorized to administer oaths, the City Chief of Police and all sworn officers within the department; any Kentucky State Police officer.

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

To the District Judge who is found within the County. If no District Judge is found within the County, said verified petition shall be presented to the Circuit Judge who is found within the County. If no Judge is found within the County, the petition shall be presented to any District Judge or Circuit Judge found within the 11th Judicial Circuit. In the event, that none of the above Judges can be found, the petition may be presented to a Trial Commissioner within the 11th Judicial Circuit or District. In the event no Judge or Trial Commissioner can be found within the 11th Judicial Circuit or District, said petition may be presented to any District Judge, Circuit Judge or District Trial Commissioner in any surrounding county in accordance with the Regional Program Administration Charter, who may sign and issue an EPO or a TIPO if deemed appropriate.

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

To the District Judge who is found within the County. If no District Judge is found within the County, said verified petition shall be presented to the Circuit Judge who is found within the County. If no Judge is found within the County, the petition shall be presented to any District Judge or Circuit Judge found within the 11th Judicial Circuit. In the event, that none of the above Judges can be found, the petition may be presented to a Trial Commissioner within the 11th Judicial Circuit or District. In the event no Judge or Trial Commissioner can be found within the 11th Judicial Circuit or District, said petition may be presented to any District Judge, Circuit Judge or District Trial Commissioner in any surrounding

county in accordance with the Regional Program Administration Charter, who may sign and issue an EPO or a TIPO 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 District Court.

D. The schedule for protective order hearings is as follows:

The Protective Order session of the District Court is scheduled as follows:

Green District Court	Mondays	2:30 pm
Marion District Court	Wednesdays	10:00 am
Taylor District Court	Wednesdays	10:00 am
Washington District Court	Mondays	2:30 pm

Motion Day for Circuit Court is as follows:

Green County	1st Wednesday after 1st Monday of the month
Marion County	1st & 3rd Thursday after 1st Monday of the month
Taylor County	1st & 3rd Tuesday after 1st Monday of the month
Washington County	3rd Wednesday after 1st Monday of the month

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 403.760 and 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 local Circuit Clerk's office to complete a motion for show cause. The Judge who entered the EPO, TIPO, DVO or IPO will hear the contempt proceeding.

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

The undersigned hereby acknowledge that all general orders, forms, policies and procedures relating to protective orders 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, this 8th day of January, 2019.

Hon. Allan Ray Bertram
Chief Circuit Judge, Div. II

Hon. Amy Sullivan Anderson
Chief District Judge, Div. I

Hon. Samuel Todd Spalding
Circuit Judge, Div. I

Hon. Mike Hall, Jr.
District Judge, Div. II