APPENDIX A

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 13TH JUDICIAL CIRCUIT AND DISTRICT GARRARD AND JESSAMINE 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 may be reassigned or transferred to another circuit, consistent with FCRPP 12, when there is a pending dissolution or custody matter in the other Circuit. Any 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:

Jessamine County Circuit Court Clerk
Garrard County Circuit Court Clerk
Any law enforcement officer
Any victim's advocate

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

Any law enforcement officer

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

The Family Court Judge, the District Court Judge, the Circuit Court Judge or the Trial Commissioner, based upon availability.

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

The Family Court Judge, the District Court Judge, the Circuit Court Judge or the Trial Commissioner, based upon availability.

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:

Garrard Circuit Court
Each Friday beginning at 3.00 PM.

Jessamine Circuit Court
Each Wednesday beginning at 3.00 PM.

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 Office of the Circuit Court Clerk in the county where the action is pending.

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 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:

C Michael Dix 21 Aug 12
Name/Date

8-23-12
Name/Date

(8-2-12)
Name/Date

Name/Date

8-10-12
Name/Date

Name/Date