

# Supreme Court of Kentucky


## ORDER

**IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 15TH JUDICIAL CIRCUIT, CARROLL, GRANT & OWEN CIRCUIT COURT**

Upon recommendation of the Judges of the 15th Judicial Circuit, Carroll, Grant and Owen Circuit Court, and being otherwise sufficiently advised,

The Local Rules of Practice and Procedure for the 15th Judicial Circuit 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 16th day of December 2025.

  
CHIEF JUSTICE

**LOCAL RULES OF PRACTICE for the**  
**CIRCUIT COURTS**

**FIFTEENTH JUDICIAL CIRCUIT**

**CARROLL, GRANT, AND OWEN**  
**COUNTIES**

## **RULE 1: PRELIMINARY MATTERS**

### **101. PURPOSE AND CONSTRUCTION**

These local rules apply to all cases in the Fifteenth Judicial Circuit. They supplement the Kentucky Rules of Civil Procedure (CR); Rules of Criminal Procedure (RCr); Family Court Rules of Procedure and Practice (FCRPP); Juvenile Court Rules of Procedure and Practice (JCRPP); Rules of Appellate Procedure (RAP); and Administrative Procedures of the Court of Justice (AP); and shall be construed in a manner consistent with those Rules. To the extent that these local rules are inconsistent or otherwise conflict with those Rules, those Rules shall prevail.

### **102. EFFECTIVE DATE**

These rules shall become effective upon approval by the Chief Justice of the Supreme Court of Kentucky and all previous Local Rules of this Circuit shall be rescinded.

### **103. CITATION**

These rules may be cited as “Local Rule \_\_\_\_” or by the abbreviation “LR \_\_\_\_.”

### **104. PENALTIES**

The Court may assess costs and fees as permitted by law or impose any appropriate sanctions, including using its full contempt powers, against a party or attorney not complying with these rules. This includes sanctioning attorneys or parties for failing to provide required documents or failing to appear at scheduled court appearances.

**RULE 2: COURT SCHEDULING; FILING PROCEDURES; GENERAL PRACTICE**  
**RULES**

**201. MOTION DAYS**

Regular Motion Days for Circuit Court (Division I) and Family Court (Division II) are listed in Appendix E.

**202. MOTION PRACTICE**

(1) Unless by statute or rule a hearing is not required (*see, e.g.*, LR 209, *infra*), all motions shall contain a notice of the date and time of the motion's hearing. The date shall be a regular Motion Day unless the Court has set a different date. Motions in violation of this Rule shall not be docketed.

(2) All Motions, except emergency motions, *ex parte* motions, or motions with other timeframes pursuant to rule or statute (*e.g.*, CR 56.03), shall be filed with the appropriate Circuit Court Clerk's Office (by close of business if filing in person) at least seven days in advance of the hearing. Except where permitted by rule or statute or for good cause shown, all motions filed less than seven days in advance may be denied as procedurally deficient or continued to a date more than seven days after the filing of the motion. Except for documents filed by unrepresented parties, the Circuit Court Clerks shall not accept conventionally filed documents in cases subject to mandatory e-filing except as otherwise permitted under the Administrative Rules of Practice and Procedure for the Kentucky Court of Justice Electronic Filing (eFiling Rules).

(3) Copies of all motions, responses, replies, and surreplies shall be sent to the presiding judge. Counsel shall email copies, while unrepresented parties may send copies via U.S. Mail to 224 S Main Street, Williamstown, KY 41097. This copy shall be in addition to the original filed or e-filed with the Circuit Court Clerk. The appropriate email address may be obtained from the Circuit Court Clerk. Failure to comply with this rule may result in the motion being remanded.

(4) All motions will be heard only in the county where the case is pending unless there is prior approval of the Court to hear the motion in another county within the Circuit.

(5) Pleadings, motions, and other such documents shall contain the name, address, phone number, and e-mail address of counsel, or the party if appearing pro se. If there are several office locations, the address used by trial counsel shall be indicated.

(6) Exhibits, affidavits, and other attachments necessary to any motion, response, reply, or surreply must be filed with the motion, response, reply, or surreply, with copies sent to opposing counsel and to the Court. Parties shall provide complete transcripts of depositions rather than excerpts, with PDF copies e-filed if possible.

(7) All emergency motions and *ex parte* motions shall be submitted for the Court's review with attached affidavit(s) and may be noticed at the convenience of the Court. If the Court grants a motion for an emergency hearing, an expedited hearing date will be given. If the Court grants an *ex parte* motion, the *ex parte* order will be signed and a hearing date given.

(8) All motions shall state with particularity the relief requested and the grounds therefor. Each motion shall be accompanied by a supporting memorandum. A schedule for filing response

and reply memoranda will be set at the initial hearing. The supporting memorandum, and any response or reply memoranda, shall cite the grounds and authority for the relief requested. Failure to comply with this rule may be grounds for denying the motion.

(9) An attorney or *pro se* party who is unable to be present at the time scheduled in the motion shall immediately notify the moving attorney or *pro se* party and attempt to establish a mutually agreeable time for hearing the motion. If unsuccessful, the party unable to be present shall immediately file a motion for continuance or notice of unavailability. The Court shall have discretion to allocate costs by reason of a continuance upon a showing of good cause. The Court shall have final discretion in the granting or denying of any continuance.

(10) Counsel may appear for motion hearings by videoconferencing technology (“Zoom”) **only upon request to the Court and with the Court’s prior approval**, with the exception of the following: parties/counsel need not seek permission to appear by Zoom on Motions to Set for Final Hearing/Trial; or on any Motion where the parties have agreed in advance that the Motion cannot be heard in fifteen minutes on the regularly scheduled docket and are appearing only to request a special hearing date and time from the Court.

### **203. ORDERS AND JUDGMENTS**

(1) The Court may direct an attorney or *pro se* party to prepare an order reflecting the findings of the Court or may take the matter under submission for preparation of an order by the Court

(2) Any order prepared by an attorney or *pro se* party shall contain a preparation signature identifying the party or attorney who prepared the order and shall be submitted to the opposing counsel or *pro se* party for signature as “Have Seen.” By signing the tendered order as such, the opposing counsel or *pro se* party is not waiving any objection to the content of the order but is only agreeing that the order reflects the findings of the Court.

(3) Any order prepared by an attorney or *pro se* party shall also include a signature line for the Judge, with the Judge’s name appearing below the signature line, and a place for the date of signature. For example:

DATED \_\_\_\_\_ , \_\_\_\_\_

\_\_\_\_\_  
Judge [NAME]  
[COUNTY] [CIRCUIT/FAMILY] Court

Orders must leave sufficient space above the signature line to accommodate the Judge’s electronic signature.

(4) Any order prepared by an attorney or *pro se* party shall also include, on a separate page, a certification of mailing of notice of entry for the Circuit Court Clerk (*see* CR 77.04), a distribution list with mailing addresses for the attorneys or parties, and a signature line for the Clerk, in the following form:

#### **CLERK CERTIFICATION**

I do hereby certify that the above Order was entered and a filed copy of the Order mailed to the following persons on \_\_\_\_\_ , \_\_\_\_\_.

[NAMES AND ADDRESSES OF ATTORNEYS/PARTIES FOR DISTRIBUTION]

[COUNTY CIRCUIT COURT CLERK'S NAME], Clerk

BY: \_\_\_\_\_, D.C.

The Circuit Court Clerk is not required to complete this certification or mail hard copies if unnecessary under the circumstances, e.g., where the case is subject to mandatory efilings.

(5) All orders shall be prepared and filed as separate instruments.

(6) Any orders of the Court on the Court's calendar/docket sheet shall have full force and effect of law. Orders that are electronically signed, faxed, scanned, emailed as a scanned document, or otherwise personally authorized by the Court are enforceable orders. The time frames for filing Notices of Appeal or Motions to Reconsider shall be governed by the appropriate Rule of Civil Procedure, Rule of Appellate Procedure, or other rule or statute.

#### **204. WARNING ORDER ATTORNEY FEES**

Warning Order Attorneys shall be entitled to a reasonable fee. The customary fee shall not exceed \$175.00 unless counsel demonstrates that a higher fee is warranted under the circumstances.

#### **205. DEFAULT JUDGMENT MOTIONS**

In addition to the certificate required by CR 55.01, and the military service affidavit required by 50 U.S.C. § 3931, Motions for Default Judgment shall include an affidavit from the plaintiff—*not the plaintiff's counsel*—establishing the judgment amount requested, if appropriate. For business entities, this requirement may be satisfied by an affidavit from an employee or other representative with knowledge of the plaintiff's damages. If a hearing will be necessary to determine damages, the motion shall request that the Court set the matter for a damages hearing. Furthermore, the supporting memorandum must include a statement of how and when the defaulting party was served, and the military service affidavit shall be accompanied by a printed certificate from the Department of Defense Manpower Data Center, if available. Failure to comply with this rule shall be grounds for denying the motion.

#### **206. ATTORNEY FEE MOTIONS**

All requests for an attorney fee award shall be accompanied by an affidavit from counsel and an itemized statement demonstrating the hours counsel expended on the matter, as well as a statement explaining the basis of the attorney fee award (e.g., a rule, statute, or contractual provision). The Court will not award attorney's fees unless and until this requirement is met.

#### **207. IMPROPER COMMUNICATIONS**

Except where allowed by statute, rule, or other authority, there shall be no *ex parte* communication with the Court by counsel or parties. Attorneys shall advise their clients and witnesses of proper courtroom decorum, including the impropriety of attempting to discuss pending matters with the Court and the prohibition against communicating with jurors.

## **208. DRESS CODE**

(1) All attorneys and their staff appearing before the Court shall wear formal business attire.

(2) All others entering the courtroom are advised that a dress code will be in effect and that noncompliance may bar their entry. At a minimum, no one wearing tank tops, halter tops, apparel with inappropriate/offensive/provocative messages, sexually suggestive clothing, or other improper attire will be admitted. Knee-length dress shorts are permissible. Further, the wearing of sunglasses or head coverings in the courtroom is prohibited unless required for medical or religious purposes.

(3) In all circumstances, the Court shall be the final arbiter of what attire is appropriate.

## **209. MOTIONS ROUTINELY GRANTED**

(1) Motions may be made under CR 78(2) which makes provision for the determination of motions without oral hearing upon a brief written statement of reasons in support and opposition. Movant shall state that the Motion is made under CR 78(2) and this local rule. The notice shall specify that the Motion may be routinely granted without hearing by the Court upon expiration of ten (10) calendar days if no response is filed. The notice may take substantially the following form:

This motion is submitted to the Court for decision pursuant to CR 78 and Local Rule 209. This motion may be routinely granted by the Court ten (10) calendar days from the date of filing, without a hearing, unless a response or objection is filed. If the opposing party wishes to have this matter heard in open Court, he or she must so state in the response, and shall set the matter for a determination on a regular motion hour docket, with appropriate notice to all parties and the Court.

(2) If a party opposing the motion desires oral hearing, they shall so state and proceed to notice the motion for the following motion day. Movants under CR 78(2) shall file an appropriate tendered order of relief with the Court. The Court reserves the right to alter or amend the tendered order to conform to its opinion as to the appropriate remedy.

(3) This rule shall not be used for the filing of any dispositive motion, including motions for default judgment or motions to transfer.

## **210. RECUSALS**

If a party or attorney is or becomes aware of a conflict requiring a Circuit Judge's recusal from a pending case, the party or attorney shall file a motion for recusal or shall contact the Judge's chambers to notify the Judge of the conflict. Matters shall not be heard by a Special Judge until an order of recusal has been entered by the conflicted Judge.

## **RULE 3: CIRCUIT COURT (DIVISION ONE) PRACTICE RULES**

### **301. JURY TRIALS**

The Order Setting Jury Trial shall also set both a Preliminary Pretrial Conference and a Final Pretrial Conference, and shall include any applicable deadlines, e.g., for completion of discovery, filing dispositive motions, amending the pleadings, etc. The Court will take control of the timeline for the case after a jury trial date is set, and for that reason, motions to set a trial date should not be made until discovery is substantially complete.

### **302. REGULAR MOTION DAY CALL TIMES**

(1) All criminal motions shall be noticed for hearing at 8:30 a.m. on Motion Day. All counsel for the criminal docket shall be present at 8:15 a.m.

(2) The civil docket will be called at the times designated in Appendix E with any remaining criminal cases called immediately thereafter. Counsel for the civil docket need not be present until the designated time.

### **303. CRIMINAL PROCEEDINGS**

(1) Counsel shall have consulted with their clients so that motions may proceed when called.

(2) At the time of arraignment each case shall be assigned a time for a plea-agreement conference and/or pretrial conference. Pretrial conferences shall be held in all criminal cases.

(3) Counsel shall attend the final pretrial conference and shall submit all written motions expected to be required in the case. No additional motions may be offered after the final pretrial conference except by leave of the Court for good cause shown.

(4) At the pretrial conference, the case shall be assigned for trial on a date certain. The Court may at any time reassign the date of a criminal trial to another date.

(5) Barring exceptional reasons, jury trials shall be assigned at least one month in advance, with a designated report date at least seven days prior to trial. After the report date, the Court will not accept or consider plea agreements.

(6) All plea agreements shall be reduced to writing and submitted to the Court prior to entry of pleas made pursuant to such agreements. All plea agreements must be signed and submitted to the Court no later than 3:00 p.m. the Thursday before the plea is to be taken.

(7) All pleas shall be taken on the record in open court.

### **304. GRAND JURY AND TERMS OF COURT**

(1) A Grand Jury shall be impaneled every month in each county. The Grand Jury shall meet on the first Motion Day of each month in each county, unless called at another time by the Court. There shall be a new Grand Jury in each county every term of court.

(2) There shall be two terms of Court per year. The terms shall start on the first Motion Day of February and August (*but see* CR 6.03(1)).

### **305. COURT TRIALS**

In all cases tried without a jury, each party shall file a trial brief with the Circuit Court Clerk not less than seven (7) days prior to trial. The brief shall include, at minimum: a concise summary of the facts including which facts are disputed or agreed; the legal issues involved; the party's position on each legal issue and any supporting authority; a list of witnesses; a list of exhibits and copies of those exhibits that can be copied; and a statement of the specific relief requested. The trial brief shall also contain any other matters as the Court may Order and may contain other matters the party believes will assist the Court. Each party shall serve a copy of this brief on opposing counsel and shall also send a copy directly to chambers (*see* LR 202(3)).

## **RULE 4: FAMILY COURT (DIVISION II) PRACTICE RULES**

### **401. GENERAL POLICY**

It shall be the policy of the Family Court to encourage parties to cause the least disruption to the child(ren)'s lives so long as doing so remains consistent with the best interest of the child(ren).

### **402. PROTECTION OF PERSONAL IDENTIFIERS**

(1) As used in this rule, "personal identifier" means a social security number or taxpayer identification number, date of birth, or financial account number.

(2) The Family Court Case Data Sheet must be fully completed in all cases. In addition, all pleadings must comply with the requirement of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifiers required in those chapters. However, except as set forth in subsection (3) 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.

(3) 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.

### **403. VIDEO COPIES OF *IN CAMERA* INTERVIEW WITH CHILDREN**

The Circuit Court Clerk's Office shall not release a video recording of any *in camera* interview with children without a specific written order of the Court. An individual requesting a judicial order must provide the Court with a written explanation for the request which specifically indicates that the requested video recording is an *in camera* interview with a child, and which includes the specific purpose for the request and who will have access to the recording.

### **404. POST-JUDGMENT RELIEF**

Motions for post-judgment relief shall be served on the opposing party as well as any attorney of record. It is the parties' responsibility to keep the Court informed of any address changes.

### **405. DISSOLUTION**

(1) If the parties reach an agreement on all issues and seek the entry of a decree without a hearing, the parties shall file a joint motion or agreed order that contains the following information and attachments:

- (a) The date of marriage and separation;
- (b) The date the petition for dissolution was filed;
- (c) The date the respondent was served or filed an entry of appearance;
- (d) The date the final verified disclosures were filed or an agreed order or affidavit

acknowledging no change in circumstances from the Parties' Preliminary Financial Disclosure Form;

(e) A copy of the notarized separation agreement, if any;

(f) A written deposition executed under oath by either party setting forth testimony required at a hearing;

(g) A written waiver of the right to a hearing executed by both parties;

(h) An affidavit stating that the parties have lived apart for sixty days and that no material change in circumstances has occurred since the taking of the proof; and

(i) A written request for former name restorations, if any.

(2) A decree shall not be final until the original is signed by the Court and entered by the clerk.

(3) If the parties reach an agreement on individual issues short of settling the entire case, the agreement, signed by both parties and counsel, if any, shall be submitted to the Court for approval and entry.

#### **406. CUSTODY**

(1) The Court encourages the parties to reach an agreement regarding custody and parenting arrangements that is in the best interest of the child(ren), that causes the least amount of disruption to the child(ren) pending a final hearing, and that maximizes time with both parents.

(2) If custody and/or the parenting arrangement is in dispute, and the parties are unable to resolve the conflict, a party may move for a hearing or other appropriate action to facilitate a proper finding for custody and parenting arrangements. Parties may move for, or the Court may order, such other appropriate action as contained within FCRPP 6(2). In requesting one of the alternatives within FCRPP 6(2), counsel for a party shall present those facts of the case that support the alternative requested.

(3) Motions for temporary child custody shall be set and heard pursuant to the FCRPP and these rules.

(4) Model timesharing and visitation guidelines are attached hereto as Appendix B. In addition to those considerations in FCRPP 8, the parties and the Court may utilize these guidelines as a model subject to the specific facts of each case.

#### **407. ADOPTION AND TERMINATION OF PARENTAL RIGHTS**

(1) All actions for adoptions and terminations of parental rights shall be in strict compliance with the statutory requirements (*see* KRS Chapters 199 and 625). In all actions a Guardian *ad Litem* shall be appointed for the child, except those cases subject to KRS 199.480(3).

(2) Applications regarding inspection of Adoption Records Requests are to be filed with the Circuit Court Clerk's Office, and once filed, the Circuit Court Clerk shall transmit the request

along with the applicable file to the Family Court (Division II).

(3) Temporary Custody Orders granted pursuant to KRS 199.473(7) shall be SEALED and not open to inspection by persons other than the parties to such proceedings and their counsel.

(4) Parties requesting a final hearing date in adoption cases shall do so by motion.

#### **408. PATERNITY**

In any open paternity case, the parties may submit an Agreed Judgment of Paternity and an Agreed Order of Support for the Court's review and approval without filing a motion, so long as the proposed Order has been signed by all parties.

#### **409. DEPENDENCY, NEGLECT, AND ABUSE**

(1) These rules and FCRPP 15 through 29 shall govern dependency, neglect, and abuse ("DNA") actions as defined by the Kentucky Unified Juvenile Code.

(2) Procedures for Emergency Custody Orders ("ECO"):

(a) During regular business hours, excluding holidays, persons seeking an ECO shall come to the Circuit Court Clerk's office to fill out Forms AOC-DNA-1 and AOC-DNA-2.1, "Emergency Custody Order Affidavit." The Circuit Court Clerk shall then submit the Affidavit to the Family Court or the District Court on call if the Family Court is not available.

(b) After regular business hours, the Emergency Custody Order Affidavit shall be submitted to the Family Court or the District Court on call if the Family Court is not available.

(3) Persons seeking to file a DNA petition without an ECO shall come to the Circuit Court Clerk's office to fill out Form AOC-DNA-1, "Juvenile Dependency/Neglect or Abuse Petition."

(4) All Petitions shall name both the legal mother and father of the child(ren) unless the parent's rights have been terminated by a valid court order. A putative father shall be named if he has been identified as the putative father pursuant KRS 625.065(1).

(5) Status offense petitions shall be filed and heard in Family Court. However, if a public offense case involving the child is pending in District Court at any time a status offense case is pending in Family Court, the Circuit Court Clerk shall assign the status offense case to the District Court division presiding over the pending public offense case.

## **RULE 5: MASTER COMMISSIONER SALES**

### **501. NECESSARY AFFIDAVITS IN FORECLOSURE CASES**

(1) Any complaint involving a foreclosure sale on a mortgage or other lien shall include an affidavit of the plaintiff's counsel stating that a title examination was conducted on the subject property and that all lien holders are named as parties. The title examination shall be updated every six months by filing a new affidavit.

(2) In any action where a defendant is deceased and unknown heirs, devisees, etc. are named as parties, the plaintiff's counsel shall file an affidavit with the complaint stating that a diligent search has been conducted to determine if a probate case has been filed for the decedent's estate.

(3) If the subject property contains a manufactured or mobile home that has been affixed to the real estate, a copy of the Affidavit of Conversion (see KRS 186A.297) filed with the County Clerk's Office shall be attached to the complaint. If there is no Affidavit of Conversion, then a copy of the perfected title lien statement shall be attached to the complaint. **In every case, the plaintiff shall execute a separate affidavit regarding the presence of a manufactured or mobile home on the property** (e.g., "There is/is not a manufactured home located on the property.").

(4) When a motion for judgment and order of sale is made, it shall include a status of account affidavit signed by the plaintiff or its representative setting out the breakdown of the balance due under the obligations of the note and mortgage, to include attorney fees (*but see* LR 206), up to the date of filing of the motion. The motion shall also include a separate military service affidavit regarding any individual defendants, as well as a printed certificate from the Department of Defense Manpower Data Center, if available (*see* 50 U.S.C. § 3931).

### **502. MOTIONS FOR JUDGMENT AND ORDER OF SALE**

In addition to the Judge's copy, a copy of all motions for judgment and order of sale or motions relating thereto **shall be sent to the Master Commissioner** for review and approval prior to the motion hour at which the motion will be heard. The tendered Judgment and Order of Sale shall be in a format suitable to the Master Commissioner and the Court (*see* Appendix A) and shall be tendered in an electronic format suitable for editing (*e.g.*, Microsoft Word). The Master Commissioner will provide any additional guidance for those not familiar with local format.

### **503. ADVANCE OF EXPENSES**

Within seven days after the entry of the Judgment and Order of Sale, the plaintiff shall forward to the Master Commissioner a certified check or money order for \$1,000.00 as an advance for expenses to be incurred by the Master Commissioner in relation to the sale. The amounts used from that advance shall be taxed as costs and included in the plaintiff's judgment. Any surplus shall be refunded to the plaintiff in the Master Commissioner's final accounting. Failure to timely advance this sum shall result in the sale's cancellation.

#### **504. TERMS OF SALE**

(1) AP IV, Section 5 shall be followed in all cases.

(2) If the property sold includes insurable improvements, the successful bidder shall, at the bidder's own cost, carry fire and extended insurance coverage on the improvements from the date of sale until the purchase price is fully paid. The insurance shall be in the amount of the court-appraised value of the improvements or the unpaid balance of the purchase price, whichever is less, as a minimum, with a loss payable clause to the Master Commissioner.

(3) All unpaid, past due, and owing city and county real estate taxes shall be paid from the sale proceeds.

#### **505. CANCELLATION OF SALES**

Any motion to cancel a judicial sale, including a motion by the plaintiff or joint motion, shall be filed and noticed in accordance with LR 202. Absent a timely motion and ruling from the Court, the sale will only be cancelled upon the filing of an agreed order of cancellation signed by all parties who are not in default.

**RULE 6: DOMESTIC VIOLENCE PROTOCOL AND TWENTY-FOUR-HOUR  
ACCESS POLICY**

The Twenty-Four-Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the Fifteenth Judicial Circuit and District is attached hereto as Appendix C and incorporated by reference herein.

**RULE 7: FELONY DIVERSION PROTOCOL FOR THE FIFTEENTH JUDICIAL  
CIRCUIT**

The Felony Diversion Protocol for the Fifteenth Judicial Circuit is attached hereto as Appendix D and incorporated by reference herein.

**APPENDIX A: SAMPLE JUDGMENT AND ORDER OF SALE FOR MASTER  
COMMISSIONER SALES**

**COMMONWEALTH OF KENTUCKY  
[COUNTY] CIRCUIT COURT  
CASE NO. [XX]-CI-[XXXXXX]**

<b>[PLAINTIFF],</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b><u>JUDGMENT AND ORDER OF SALE</u></b>
	:	
<b>[DEFENDANT],</b>	:	
<b>Defendant.</b>	:	

This matter is before the Court on Plaintiff’s Motion for [\_\_\_\_\_]. Having reviewed the pleadings, affidavits, and exhibits, and being otherwise sufficiently advised:

**IT IS HEREBY ORDERED AND ADJUDGED** that:

1. Plaintiff shall recover of Defendant(s), jointly and severally, the principal sum of \$\_\_\_\_, together with accrued interest thereon to \_\_\_\_\_, in the amount of \$ \_\_\_\_\_, and interest thereafter at the rate of \_\_\_\_\_.

2. To secure payment, Plaintiff is adjudged a first mortgage lien against the following described real estate, together with all improvements thereon, appurtenances thereto belonging, and the rent, issues, and profits thereof, prior and superior to any and all other liens and encumbrances except:

- a. All unpaid state and county real estate taxes, and all taxes due thereafter;
- b. Easements, restrictions, and stipulations of record;
- c. Assessments for public improvements levied against the property;
- d. Any facts which an inspection and accurate survey of the property may disclose.

3. Said real estate is situated in \_\_\_\_\_ County, Kentucky and bounded as follows:

[Legal Description with source of title]  
[Property Address]  
[MAP ID No.]

4. The relief demanded in the Complaint is granted, the mortgage liens of the Parties

shall be enforced, and the interest of said Defendant(s) in and to said property shall be sold. The Master Commissioner is hereby directed to sell the above-described property at the \_\_\_\_\_ County Judicial Center or the \_\_\_\_\_ County Courthouse on [DATE], at [TIME].

5. Before making the sale, the Master Commissioner shall cause the real estate herein before described to be appraised by two disinterested, intelligent housekeepers of \_\_\_\_\_ County, Kentucky, who shall report their appraisals in writing, and the Commissioner shall advertise said sale by publishing advertisements in each newspaper regularly published in \_\_\_\_\_ County, Kentucky, for at least three weekly issues before the date of the sale. The advertisements shall contain the style of this case; the description of the real estate to be sold; the date, hour, and place of sale; and the terms of the sale and the amount of money to be raised. Advertisements containing the same information shall be published in at least three public places near the property being sold not less than fifteen days before the sale date. The sale shall be a public auction to the highest and best bidder.

6. The subject property is indivisible and cannot be divided without materially impairing its value or the Plaintiff's interest, and said real estate shall be sold as a whole, subject to those items in paragraph 2 above, but free and clear of all other liens and encumbrances, and all liens and/or interests arising by virtue of instruments which are recorded in the \_\_\_\_\_ County Clerk's Office, or that otherwise arise, after the recording of Plaintiff's *lis pendens* notice, but Plaintiff shall not be deemed to have warranted title to any purchaser. The Purchaser shall be responsible for the [CURRENT YEAR] real estate taxes.

7. The real estate shall be sold on the terms of ten percent cash at the time of the sale, except that said deposit shall be waived if Plaintiff is the successful bidder at the sale, and the balance on a credit of thirty days bearing interest at the rate the judgment bears from the date of sale. When the purchase price is paid in full, the deed will be delivered to the purchaser. It is

further provided that the property sold includes insurable improvements and the successful bidder at said sale shall, at bidder's own expense, carry fire and extended insurance coverage on said improvements from the date of sale until the purchase price is fully paid, in the amount of the unpaid balance of the purchase price, at a minimum, with a loss payable clause to the Master Commissioner and Plaintiff herein. Failure of the purchaser to obtain such insurance shall not affect the validity of the sale or the purchaser's liability thereunder, but shall entitle, but not require, Plaintiff to obtain said insurance and furnish the policy or premium thereon or the proper portion thereof shall be charged to the purchaser as purchaser's costs.

8. The proceeds of the sale, or a sufficiency thereof, shall be applied to the following items in this order of priority:

- a. To the costs of the sale, including all Master Commissioner's costs;
- b. To the payment of all City and/or County real estate taxes which are past due;
- c. To the full satisfaction of the judgment in favor of the Plaintiff set forth in paragraph 1.

The balance of the sale proceeds, if any, shall be held by the Commissioner of this Court pending further Orders of this Court.

9. The Clerk shall enter this Order and make distribution of it pursuant to CR 77.04.

10. This action is retained on the Court's docket for such further Orders and proceedings as may be necessary to effect said sale.

DATED \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
[MASTER COMMISSIONER'S NAME]  
Master Commissioner, [COUNTY]

\_\_\_\_\_  
Judge [NAME]  
[COUNTY] Circuit Court

**CLERK CERTIFICATION**

I do hereby certify that the above Order was entered and a filed copy of the Order was mailed to the following persons on \_\_\_\_\_, \_\_\_\_\_.

[NAMES AND ADDRESSES OF ATTORNEYS/PARTIES FOR DISTRIBUTION]

[CLERK’S NAME], CLERK

BY: \_\_\_\_\_, D.C.

## **APPENDIX B: PARENTING TIME-SHARING GUIDELINES**

Parenting time is a time for a child to be with a parent. Activities you can do with them or skills you can teach them help the time be rewarding.

The preferred option is for parents, through communication and concern for their child's best interests, to establish an arrangement that maximizes the benefit to the child. Liberal parenting time arrangements are encouraged by the Court, as contact with both parents is important to the child. Changes or modifications can be made by the Court if need is shown.

If the parties are unable to agree, the following guidelines provide a basic structure which in most cases, the Court will find reasonable. The Court has a duty to determine what parenting time is in the best interest of the parties' child(ren) based on the facts of the case. It may mean that parenting time will be consistent with these guidelines, more than these guidelines, or less than these guidelines. These guidelines are not intended to prevent the parties from agreeing to parenting time other than or in addition to those days outlined herein.

### **I. GENERAL PROVISIONS**

A. Terminology: As used herein, the term "parent" means either a biological parent or non-parent custodian.

B. Transportation: Unless otherwise ordered by the Court or agreed to by the parties, the parent receiving the child should pick up the child. All children shall be properly secured in age-appropriate restraints at all times during transportation.

C. Waiting: There shall be a thirty-minute grace period for exchanges. There is no duty to await the other parent to exchange the child(ren) if the other parent is more than thirty minutes late. A parent who is late forfeits parenting time for that period unless the parties agree otherwise. If there is good cause for the parent being late, the Court encourages the parties to work out a reasonable solution so that the late parent receives their parenting time.

D. Child's Participation and Activities: Each parent shall be permitted to attend the child's activities and shall equally meet the parental responsibilities (transportation when the child is in his or her care, supervision, booster work, etc.) that accompany those activities. Neither parent shall schedule activities of any kind during the other parent's parenting time without permission from the other parent. Neither parent shall remove the other parent as an Emergency Contact.

E. Negative Conduct:

1. Both parents shall refrain from speaking negatively about each other in the child's presence or within earshot of the child and shall ensure that others likewise refrain.
2. Parents shall not attempt to negatively impact the child's relationship with the other parent and shall not request that the child choose one parent over another.
3. Parents shall not interrogate the child regarding the activities or actions of another parent.

4. No parent shall discuss (or enable third persons to discuss) with the child the issues of custody, modification of custody, child support, or timesharing unless all parents have so agreed.
5. No parent shall deny the child access to another parent and shall not threaten to do it as a method of disciplining the child.
6. Neither parent shall permit or encourage the child to refer to someone other than the child's actual parents as "father," "mother," "mom," or "dad."
7. No parent shall ask the child to keep secrets from a parent.
8. No parent shall intentionally or repeatedly fail to return the child's clothing, medicine, or property at the end of his or her parenting time.
9. Neither parent shall listen to, eavesdrop on, or record conversations between the child and the other parent or custodian.
10. Neither parent shall unreasonably prohibit the child from contacting the other parent or custodian.

F. Communication Between Parents: So long as there is no current order preventing contact between the parents by this or any other Court, parents shall keep each other advised of current home and employment addresses and telephone numbers at which they (and the child when in their care) can be reached. Parents shall refrain from communicating or contacting each other at places of employment unless specifically prearranged or in the event of an emergency. Parents shall not require the child to deliver messages or pass money and shall not depend upon the child to advise the other party of any activities, schedules, school photos, school programs, or other activity or event.

G. Daily Routine: Parents should coordinate plans for bedtimes, homework schedules, and other household rules as much as possible. Each parent shall ensure that, when the child is in his or her care, homework assignments are completed and schedules are met. The parents shall discuss and attempt to agree upon how discipline will be administered to the child and what actions by the child require discipline. The parents shall strive to ensure consistency in the child's routine and discipline.

H. Relocation: The parents shall abide by FCRPP 7(2).

I. School: Neither parent shall change the child's school without the other parent's written consent. If the parties share joint legal custody and the child is not yet in school, the parties must make a joint decision on where the child will attend school. If the parties are unable to do so, they shall file a motion with the Court. Each party shall be responsible for assisting the child with homework or projects that the child must complete during their overnight possessory period. Each party shall ensure that the child arrives at school on time during their possessory periods. Excessive unexcused absences or tardies during a parent's possessory period may be grounds for modification of the parenting schedule. Each parent shall ensure that they have signed up for all methods of communication with the school so that they can remain advised of any school events and/or activities without requiring the other parent to provide them with this information.

**J. Medical Treatment and Insurance:**

1. If the child has been prescribed medication or treatment, all parties shall administer the medicine to the child as prescribed and ensure that the child's medication is exchanged with the child so that it can be used during each parties' parenting time. If the medication prescribed is "over the counter," the parties may exchange the medication if agreeable or purchase the medication for use at their home when the child is in their possession.
2. Each parent shall, as soon as possible, notify the other parent of any medical emergency or serious illness of the child. Elective medical procedures, psychotherapy, and/or counseling shall only be performed after all parties having custody have been afforded the opportunity to discuss the options with the referring professional.
3. The parent who has secured health insurance for the child shall promptly provide insurance cards, forms, and listings of approved healthcare providers and procedures to the other parent. Except in an emergency, the parent who takes the child to a provider who is not approved or qualified under the insurance plan shall bear any additional cost.
4. When one parent is obligated to pay part or all of the child's medical expenses, the billing shall be promptly furnished to the obligated parent. The parent paying a bill shall have thirty days to submit the bill to the other party for reimbursement. The parent receiving the bill shall have thirty days from the date of receipt to reimburse their share.
5. Neither parent shall reschedule medical and/or counseling appointments for the child without reasonable prior notice to the other parent.

**K. Necessary Food, Supplies, and Hygiene:** While the child is in their care, each parent shall be responsible for providing necessary food and supplies for the child and for ensuring that the child is properly bathed and groomed. Each parent shall maintain adequate food and supplies for the child, including, but not limited to: an age-appropriate bed, linens, diapers, wipes, bottles, formula, humidifiers, shampoo, soap, lotion, diaper cream, toys, books, thermometer, over-the-counter medications, and first-aid supplies.

**L. Intoxicants:** No parent shall relinquish the child to anyone, including a parent, regardless of parenting time schedule, who is under the influence of any intoxicant.

**M. Child Support:** Unless a court order provides otherwise, child support obligations continue through all timesharing periods. Neither timesharing nor child support may be withheld because of the other parent's failure to comply with a court order.

**N. Childcare:** Where possible, the parents are encouraged to provide childcare for each other to reduce costs and to provide the child with more time with both parents. Parents that are joint custodians shall discuss proposed childcare arrangements prior to enrollment of the child.

**O. Order of Preference:** The order of preference for parenting time is as follows: holidays take precedence over vacations and vacations take precedence over the parties' regular parenting time.

**P. Reasonable requests to occasionally modify timesharing.** The Court encourages the parties to work together and agree to occasional and reasonable requests by each parent to modify the parenting time schedule.

## II. SAMPLE 50/50 SHARED PARENTING TIME SCHEDULES

<b>2-2-3 Shared Parenting Schedule</b>						
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
Mother	Mother	Father	Father	Mother	Mother	Mother
Father	Father	Mother	Mother	Father	Father	Father

<b>2-5-5-2 Shared Parenting Schedule</b>						
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
Mother	Mother	Father	Father	Father	Father	Father
Mother	Mother	Father	Father	Mother	Mother	Mother

## III. NON-50/50 SHARED PARENTING TIME SCHEDULE

A. Terminology: For purposes of using this Parenting Time-Sharing Guideline, PARENT 1 (P1) is the parent the child resides with primarily; PARENT 2 (P2) is the parent the child does not reside with primarily.

B. Weekends: P2 shall have alternate weekends from Friday at 5:30 p.m. until Sunday at 5:30 p.m. P2 shall pick up the child on Friday from the residence of P1 or other agreed upon location. P1 shall pick up the child on Sunday from the residence of P2 or other agreed upon location.

C. Midweek: P2 shall have one evening each week, Wednesday, 5:00 p.m. to 7:30 p.m. P2 shall pick up the child from the residence of P1 or other agreed upon location and return the child to the residence of P1 or other agreed upon location.

## IV. STANDARD HOLIDAY/VACATION PARENTING SCHEDULE

A. Holidays:

<b>Holiday</b>	<b>Even years</b>	<b>Odd years</b>	<b>As Agreed, Or</b>
New Year's Holiday*	Mother	Father	12/31, 6:00 p.m. to 1/1, 7:00 p.m.
MLK Day	Father	Mother	Sun., 7:00 p.m. to Mon, 7:00 p.m.
President's Day	Mother	Father	Sun., 7:00 p.m. to Mon, 7:00 p.m.
Easter	Father	Mother	Sat., 7:00 p.m. to Sun, 7:00 p.m.
Mother's Day	Mother		10:00 a.m. to 7:00 p.m.
Memorial Day	Mother	Father	Sun, noon to Mon, 7:00 p.m.
Father's Day	Father		10:00 a.m. to 7:00 p.m.
July 4	Father	Mother	7/4, 9:00 a.m. to 7/5, 9:00 a.m.
Labor Day	Mother	Father	Sun., noon to Mon., 7:00 p.m.
Halloween	Father	Mother	5:00 p.m. to 8:30 p.m.
Thanksgiving Morning	Mother	Father	Wed., 5:00 p.m. to Thurs., 3:00 p.m.
Thanksgiving Evening	Father	Mother	Thurs. 4:00 p.m. to Fri., 7:00 p.m.
Christmas Eve	Father	Mother	12/23, noon to 12/24, 8:00 p.m.
Christmas Day	Mother	Father	12/24, 8:00 p.m. to 12/26, 7:00 p.m.
Child's Birthday (school)	Father	Mother	5:00 p.m. to 8:00 p.m.
Child's Birthday (no school)	Father	Mother	10:00 a.m. to 8:00 p.m.

\*New Year's Holiday is governed by the year in which New Year's Day falls, NOT the year in which New Year's Eve falls.

B. Vacations: Each parent shall be entitled to two non-consecutive weeks of vacation time per year. The vacationing parent shall provide notice in writing of their intent to take vacation no later than thirty days prior to the exercise of their vacation time with the minor children. Where there is a conflict between parents as to vacation schedules, the parent who first gave written notice to the other parent shall prevail.

C. Summer Break: If the parties are exercising a 50/50 shared parenting schedule, the parties shall equally divide summer break and may choose to continue to exercise their standard parenting schedule. If the parties are not exercising a 50/50 shared parenting schedule, the non-residential parent shall receive at minimum two weeks of additional parenting time during the summer break.

D. Spring Break/Fall Break: Parties shall alternate spring and fall break each year with one parent receiving spring break and the other parent receiving fall break in each calendar (not academic) year.

**APPENDIX C: TWENTY-FOUR-HOUR ACCESSIBILITY TO  
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION  
PROTOCOL  
15th JUDICIAL CIRCUIT AND DISTRICT**

Pursuant to KRS 403.725 and KRS 456.030, and in compliance with Family Court Rules of Procedure and Practice 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 concurrent 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 Chapters 403 or 456 shall be made on form AOC-275.1 and shall be accepted and filed with the Court.

B. All protective order cases shall be processed consistent with the Kentucky Circuit Court Clerk's Manual.

C. All cases shall 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.

E. Any orders 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.

F. 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 reissue a summons until the matter is heard by the receiving judge.

G. The Court shall review a petition for a protective order immediately upon its filing. 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 unless it is impossible due to no judge being available.

**II. TWENTY-FOUR HOUR ACCESSIBILITY**

A. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioners during regular business hours:

- The Circuit Court Clerk's Office in each county.
- The Kentucky State Police.
- The Sherriff's Office in each county.
- The Police Departments in each county.

B. The following agencies and officers are authorized to take protective order petitions and

administer oaths to petitioners after regular business hours and weekends:

- Any Judge.
- The Kentucky State Police.
- The Sheriff’s Office in each county.
- The Police Departments in each county.

C. Upon receipt of a petition during or after regular business hours, the authorized agency or officer shall present the petition to the Family Court judge if available. If the Family Court judge is unavailable, then the authorized agency or officer shall present it to any other available judge.

**III. ASSIGNMENT OF CASES**

A. Jurisdiction over petitions filed under KRS Chapters 403 or 456 is concurrent between the Circuit, Family, and District Courts.

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 Court Clerk of each county shall assign interpersonal protective order cases to the Family Court (Circuit Court Division II).

D. The schedule for hearings on protective orders is as follows:

**Family Court Schedule:**

<b>Carroll County:</b>	Thursday	11:00 a.m.
<b>Grant County:</b>	Wednesday	11:00 a.m.
<b>Owen County:</b>	Monday	10:00 a.m.

**Cases assigned to Circuit Court Division I shall be heard during regularly scheduled Circuit Motion Days at the time for Civil cases (see LR 201, 302(2)).**

**IV. CONTEMPT PROCEEDINGS**

A. 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 Circuit Court Clerk’s Office in each county, as follows:

**CARROLL COUNTY**  
802 Clay Street  
Carrollton, KY 41008  
(502) 732-4305

**GRANT COUNTY**  
224 South Main Street  
Williamstown, KY 41097  
(859) 824-4467

**OWEN COUNTY**  
401 South Main Street  
P.O. Box 473  
Owenton, KY 40359  
(502) 484-2232

Petitioners may also contact the county attorney's office in each county, as follows:

**CARROLL COUNTY**  
115 Fifth Street  
P.O. Box 246  
Carrollton, KY 41008  
(502) 732-7009

**GRANT COUNTY**  
101 North Main Street  
Williamstown, KY 41097  
(859) 823-5091

**OWEN COUNTY**  
100 North Thomas Street  
Owenton, KY 40359  
(502) 484-4545

C. No petitioner may be held in contempt for failure to appear at a domestic violence 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 domestic violence within the judicial circuit are incorporated by reference.

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

/s/Elizabeth A. Chandler  
Elizabeth A. Chandler  
District Court, Division I

/s/Thomas M. Funk  
Thomas M. Funk  
District Court, Division II

/s/ R. Leslie Knight  
R. Leslie Knight  
Circuit Court, Division I

/s/Casey Cheesman  
Casey Cheesman  
Circuit Court, Division II (Family Court)

**APPENDIX D: FELONY DIVERSION PROTOCOL FOR THE FIFTEENTH  
JUDICIAL CIRCUIT (CARROLL, GRANT, AND OWEN COUNTIES)**

**I. PRELIMINARY MATTERS; PRETRIAL DIVERSION DEFINED**

A. This Protocol is adopted pursuant to the authority and provisions of KRS 533.250–.262. Any amendment thereto which is mandatory relating to matters covered by this Protocol shall automatically amend this Protocol.

B. Pretrial diversion is the postponement of imposition of sentence upon any person who qualifies for this program, for a period not to exceed five years, subject to conditions established by the Court.

**II. PERSONS ELIGIBLE**

A. Any person charged with a Class D felony offense who has not, within ten years immediately preceding the commission of this offense, been convicted of a felony under the laws of this state, another state, or of the United States, or has not been on probation or parole, or has not been released from the service of any felony sentence within ten years immediately preceding the commission of the offense, shall be eligible for pretrial diversion.

B. The person charged must enter a plea of guilty, or a plea pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), before becoming eligible for pretrial diversion.

C. Pretrial diversion shall not be utilized for persons charged with offenses for which probation, parole, or conditional discharge is prohibited under KRS 532.045.

D. A person charged with a Class D felony for which early release is disallowed by statute shall be ineligible for pretrial diversion.

E. No person shall be eligible for pretrial diversion more than once in a five-year period.

F. No person shall be eligible for pretrial diversion who has committed a sex crime as defined in KRS 17.500.

**III. PROCEDURE**

A. After indictment or information in Circuit Court, and no later than thirty days before trial, any person eligible for pretrial diversion may apply to the Circuit Court and the Commonwealth for entry of a pretrial diversion order.

B. In applying for pretrial diversion, counsel for the defendant must state, and the defendant must agree on the record, that in the event diversion is granted, any right to a speedy trial or disposition of the charge against him or her is waived.

C. The Commonwealth shall make a written recommendation to the Court in response to each application.

D. Before making a recommendation to the Court, the Commonwealth shall:

1. Conduct a statewide and national criminal record check; and

2. If applicable, interview and seek input from the victim and/or victim's family and advise them of the time, date, and place that the Court will hear the motion.

E. When diversion is recommended, the Commonwealth must make written recommendations to the Court of conditions for the pretrial diversion as well as the appropriate sentence to be imposed if the diversion agreement is unsuccessful.

F. The Commonwealth will be bound by its recommendation. If diversion is unsuccessful, the Commonwealth will not be permitted to argue for a sentence greater than the original recommendation. Moreover, the Court cannot impose a sentence greater than the recommendation without allowing the defendant an opportunity to withdraw his or her plea.

G. The Court cannot act on a request for diversion absent a recommendation from the Commonwealth; diversion is unavailable absent a favorable recommendation from the Commonwealth.

#### **IV. ORDER OF PRETRIAL DIVERSION**

A. The Court may, in its discretion, order pretrial diversion for eligible defendants upon terms and conditions it deems appropriate.

B. The Order of Diversion shall include:

1. Restitution, if applicable. Restitution is mandatory where the victim has suffered monetary damage.
2. Whether the diversion shall be supervised or unsupervised, and any supervision fees, which shall be no less than \$25.00 per month.
3. The duration of the diversion.
4. An order that the defendant shall obey all rules and regulations imposed by Probation and Parole.
5. An order that the defendant shall not commit any offense during the period of pretrial diversion, including violations of the Penal Code or the Controlled Substances Act.
6. An order that the defendant comply with any other provision of KRS 533.030 or any other condition the Court deems appropriate.

C. The Order of Diversion may include:

1. An order that the defendant remains drug and alcohol free and is subject to random testing.
2. An order that the defendant possess no firearm or any other deadly weapon.

D. The pretrial diversion period shall not exceed five years without the defendant's agreement. The pretrial diversion period shall not be less than the time required to make restitution in full.

E. The Court shall advise the parties whether it will accept the diversion agreement. If accepted, the Court shall make a specific finding on the record that the defendant entered the plea and entered into the diversion agreement, freely, voluntarily, intelligently, and knowingly.

F. If the plea agreement and the diversion agreement are rejected, the Court shall notify the

parties and advise the defendant that he or she has the option of:

1. withdrawing the plea and proceeding to trial; or
2. maintaining the plea with the knowledge that the Court will not order diversion but instead will impose a sentence within the penalty range permitted by law.

## **V. VOIDING A DIVERSION ORDER**

A. A probation officer or peace officer acting at the direction of a probation officer who sees the defendant violate the conditions of diversion may arrest the defendant without a warrant.

B. After a hearing, with notice to the Commonwealth and to the defendant, the Court may void a defendant's participation in pretrial diversion upon a showing of failure to comply with the conditions of diversion or a failure to make satisfactory progress.

C. If a pretrial diversion order is voided, the defendant shall be sentenced according to law, based on his or her prior plea of guilty or plea pursuant to *North Carolina v. Alford*. Unless the defendant waives the right to view prior to sentencing, a full Pre-Sentence Investigation shall be ordered and a sentencing hearing shall be scheduled.

D. The same criteria applicable to a probation revocation hearing apply to a proceeding to void an order granting diversion.

## **VI. COMPLETION OF DIVERSION PROGRAM**

If the defendant successfully completes the provisions of the pretrial diversion agreement, the charges against the defendant shall be dismissed and the case shall be closed as DISMISSED-DIVERTED.

This Pretrial Diversion Protocol has been approved by the Chief Circuit Judge and Commonwealth's Attorney for the Fifteenth Judicial Circuit

/s/R. Leslie Knight

R. Leslie Knight

Chief Circuit Judge, Fifteenth Judicial Circuit

/s/Leigh Ann Roberts

Leigh Ann Roberts

Commonwealth's Attorney

**APPENDIX E: MOTION DAYS AND DOCKET CALL TIMES**

**I. CIRCUIT COURT (DIVISION ONE)**

**MOTION DAYS**

	<b>CARROLL</b>	<b>OWEN</b>	<b>GRANT</b>
<b>January 2026</b>	12	13	14
<b>February 2026</b>	9 & 23	10 & 24	11 & 25
<b>March 2026</b>	9 & 23	10 & 24	11 & 25
<b>April 2026</b>	20	21	22
<b>May 2026</b>	4 & 18	5 & 19	6 & 20
<b>June 2026</b>	8	9	10
<b>July 2026</b>	6 & 20	7 & 21	8 & 22
<b>August 2026</b>	10 & 24	11 & 25	12 & 26
<b>September 2026</b>	14	15	16
<b>October 2026</b>	12 & 26	13 & 27	14 & 28
<b>November 2026</b>	16	17	18
<b>December 2026</b>	7	8	9

**CARROLL CIRCUIT COURT DOCKET TIMES (MONDAYS)**

- 8:30 a.m.** Criminal Docket
- 11:00 a.m.** Grand Jury Meets 1st Motion Day of the month
- 11:00 a.m.–12:00p.m. (approx.)** Pleas
- 12:00 p.m.** Civil Docket

**OWEN CIRCUIT COURT DOCKET TIMES (TUESDAYS)**

- 8:30 a.m.** Criminal Docket
- 10:00 a.m.** Grand Jury meets 1st Motion Day of the month
- 10:00 a.m.** Civil Docket
- 12:30 p.m.** Drug Court Staff Meeting
- 1:30 p.m.** Drug Court

**GRANT CIRCUIT COURT DOCKET TIMES (WEDNESDAYS)**

- 8:30 a.m.** Criminal Docket
- 11:30 a.m.** Grand Jury Meets 1st Motion Day of the month
- 11:00 a.m.–12:00p.m. (approx.)** Pleas
- 1:00 p.m.** Civil Docket

## II. FAMILY COURT (DIVISION TWO)

### MOTION DAYS

	OWEN	GRANT JUVENILE	GRANT CIVIL/DV	CARROLL
<b>January 2026</b>	5 & 23	6 & 20	7 & 21	8 & 22
<b>February 2026</b>	2 & 16	3 & 17	4 & 18	5 & 19
<b>March 2026</b>	2, 16 & 30	3, 17 & 31	4 & 18	5 & 19
<b>April 2026</b>	20	21	1 & 22	2 & 23
<b>May 2026</b>	4 & 18	5 & 19	6 & 20	7 & 21
<b>June 2026</b>	1 & 15	2 & 16	3 & 17	4 & 18
<b>July 2026</b>	6 & 20	7 & 21	8 & 22	9 & 23
<b>August 2026</b>	3, 17 & 31	4 & 18	5 & 19	6
<b>September 2026</b>	14 & 28	1, 15 & 29	2, 16 & 30	3 & 17
<b>October 2026</b>	12 & 26	13 & 27	14 & 28	1, 15 & 29
<b>November 2026</b>	16 & 30	17	18	19
<b>December 2026</b>	14	1 & 15	2 & 16	3 & 17

### OWEN FAMILY COURT DOCKET TIMES (MONDAYS, except 1/23/26)

**8:30 a.m.** Actions Brought by the Owen County Child Support Office, including paternity, child support, and child support reviews.

**9:00 a.m.** Civil Actions/Child Support

**10:00 a.m.** Domestic Violence

**10:30 a.m.** Adoptions/TPR (requests for hearings, pretrial conferences)

**11:00 a.m.** Juvenile Status Offense/Dependency, Neglect, Abuse (DNA)

### GRANT FAMILY COURT DOCKET TIMES (TUESDAYS)

**9:00 a.m.** Juvenile Status Offense/Dependency, Neglect, Abuse (DNA)

**12:30 p.m.** Adoptions/TPR (requests for hearings, pretrial conferences)

### GRANT FAMILY COURT DOCKET TIMES (WEDNESDAYS)

**8:30 a.m.** Actions Brought by the Owen County Child Support Office, including paternity, child support, and child support reviews.

**9:00 a.m.** Civil Actions/Child Support

**11:00 a.m.** Domestic Violence

### CARROLL FAMILY COURT DOCKET TIMES (THURSDAYS)

**8:30 a.m.** Actions Brought by the Owen County Child Support Office, including paternity, child support, and child support reviews.

**9:00 a.m.** Civil Actions/Child Support

**11:00 a.m.** Domestic Violence

**12:45 p.m.** Adoptions/TPR (requests for hearings, pretrial conferences)

**1:00 p.m.** Juvenile Status Offense/Dependency, Neglect, Abuse (DNA)