

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 17TH JUDICIAL CIRCUIT AND DISTRICT, CAMPBELL COUNTY

Upon the recommendation of the Judges of the 17th Judicial Circuit and District, Campbell County, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 17th Judicial Circuit and District is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this 29th day of December 2015.


CHIEF JUSTICE

**TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL
JOINT JURISDICTION PROTOCOL
17th JUDICIAL CIRCUIT AND DISTRICT
CAMPBELL COUNTY**

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rule of Practice and Procedure Section IV, this local protective order protocol is established to ensure twenty-four hour accessibility to emergency protective orders (EPOs) and temporary interpersonal protective orders (TIPOs) and to establish written procedures for matters in which there may be joint jurisdiction between the Circuit/Family and District Courts.

I. Uniform Protocol for Handling Cases

- A. All petitions requested, completed and signed by persons seeking protection under KRS Chapter 403 or KRS Chapter 456 shall be made on form AOC-275.1, and shall be accepted and filed with the court. KRS 403.725, KRS 456.030.
- B. All protective order cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.
- C. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- 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:

Campbell County Circuit Court Clerk and Deputy Clerks

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

Any Law Enforcement handling the matter, including the Kentucky State Police.

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

The Clerk shall deliver the appropriate documents to the Family Court Judge for consideration and action thereof. If the Family Court Judge is unavailable, the Clerk shall seek the consideration of a District Judge. If the District Court Judges and/or Family Court Judge are unavailable, the Clerk should call a non-Family Court Circuit Judge.

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

The on-call Judge¹ shall be contacted to consider the petition. If a protective order is issued, the Clerk shall docket the case pursuant to section C above.

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. If an EPO or TIPO is issued, the Clerk shall docket the case in the Protective Order session of the Family Court. The District Court Judges will share a percentage of the EPO and TIPO hearing dates with the Family Court Judge. For one (1) year the District Court Judges will handle the hearings for both EPOs and TIPOs for two (2) weeks out of six (6) weeks in an eight (8) week cycle. The Family Court Judge will handling the remaining

¹ The duties as on-call Judge shall be rotated among the Family Court Judge and each District Court Judge. The on-call Judge shall handle all ECO, EPO, Juvenile Detention issues, Bonds, Arrest and/or Search Warrant.

hearing dates for all EPOs and TIPOs. All Campbell County Judges have agreed to review this protocol at the end of one (1) year to determine if any changes are needed based in value of cases heard during the Protective Order docket.

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

Every Thursday from 10:30 a.m. to 12:00 p.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

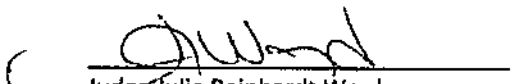
A. Pursuant to KRS 403.763 and KRS 456.180, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome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

B. Before a civil contempt motion can be files with the clerk's office the movant must have the request review by the Campbell County Attorney's Office at 4 West 4th Street, Suite 200, Newport, KY 41071 to determine if the allegations are civil or criminal in nature.

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.

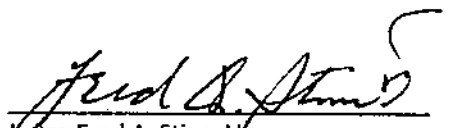
The undersigned hereby acknowledge that all general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

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



Judge Julie Reinhardt Ward
Campbell County Circuit Judge, Division I

12-22-15
Date



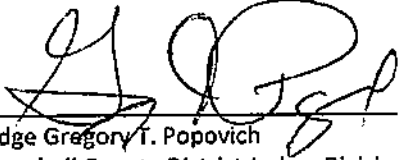
Judge Fred A. Stine, V
Campbell County Circuit Judge, Division II

12/22/15
Date



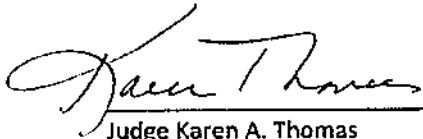
Judge Richard A. Woeste
Campbell County Family Court, Division III

12-22-15
Date



Judge Gregory T. Popovich
Campbell County District Judge, Division I

12-22-15
Date



Judge Karen A. Thomas
Campbell County District Judge, Division II

12.22.15
Date