Supreme Court of Kentucky

ORDER

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

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

The amendment to the Twenty-Four Hour Accessibility to Emergency Protective Orders and Joint Local Jurisdiction Domestic/Interpersonal Violence Protocol for the 1st Judicial Circuit is hereby approved, effective January 4, 2023, *nunc pro tunc.*

The amendment regarding Warning Order Attorney fees is hereby approved, effective August 15, 2023.

This Order shall remain in effect until further order of the Chief Justice.

Entered this 5th day of July 2023.

Laurance B VanMeter

CHIEF JUSTICE

copy

COMMONWEALTH OF KENTUCKY
BALLARD CIRCUIT COURT

IN RE: WARNING ORDER ATTORNEY FEES

ORDER

The Court having reviewed the local Rules of Court and finding that warning order attorney fees have not been increased since April 15, 2008, and further having communicated with the 1st Judicial Circuit/District Bar and having received information from the bar members in regard to their opinions that the warning order attorney fees need to be raised to keep up with economic times and the costs of practicing law, and further having been advised from members of the Bar of Warning Order Attorney's fees of surrounding circuits, the Court having further reviewed the reasonable assessment of Warning Order Attorney fees at this time,

IT IS THE ORDER OF THIS COURT that Warning Order Attorney fees in each of the counties of the 1st Circuit shall be set effective on the 15th day of August, 2023 in the amount of $150.00.

IT IS FURTHER THE ORDER OF THIS COURT that the fee of $150.00 shall be paid by the movant at the time of the request for Warning Order Attorney.

IT IS FURTHER THE ORDER OF THIS COURT that the Warning Order Attorney fee shall be paid to the Warning Order Attorney by the Clerk upon the Warning Order Attorney filing his/her report and without necessity of further motion or order.

IT IS FURTHER THE ORDER OF THIS COURT that any Warning Order Attorney may move the Court for an additional fee if the same is warranted by, and reasonable for, the services of the Warning Order Attorney in a particular case.

THIS the 20th day of June, 2023

Timothy A. Langford, Judge
Ballard Circuit Court

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

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND JOINT LOCAL JURISDICTION DOMESTIC/INTERPERSONAL VIOLENCE PROTOCOL FIRST JUDICIAL CIRCUIT AND FIRST JUDICIAL DISTRICT (BALLARD, CARLISLE, FULTON AND HICKMAN COUNTIES)

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this domestic and interpersonal violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic or interpersonal violence matters in which there may be joint jurisdiction between the Circuit and District Courts.

I. Uniform Protocol for Processing Cases

A. Circuit Court clerks shall process domestic and interpersonal violence cases in accordance with the procedures set forth in the "Domestic and Interpersonal 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 and interpersonal violence matters may be reassigned from the District Court division to the Circuit Court when there is a dissolution/custody proceeding pending.

D. No jurisdiction shall adopt a blanket "no drop" policy. Domestic and interpersonal violence cases are civil matters within the purview of CR 41.01.

E. Domestic and interpersonal violence cases shall be reassigned or transferred to another circuit under the following circumstances:

When a dissolution of marriage action is pending or has been filed in another Circuit.

Consistent with FCRPP 12, when the local domestic and interpersonal violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an 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 and interpersonal violence petitions and administer oaths to petitioner **during** regular business hours:

First Circuit Commonwealth's Attorney, Michael Stacy
Ballard County Attorney, Bethany Denton
Carlisle County Attorney, Michael Hogancamp
Fulton County Attorney, Amanda Major
Hickman County Attorney, Jason Batts

Or the Clerks of the Ballard, Carlisle, Fulton or Hickman Circuit Court.

Or any assistant Commonwealth's Attorney, Assistant County Attorney, Deputy Clerk of the Circuit Courts, or other persons within such offices authorized to take petitions or administer oaths therefor.

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

First Circuit Commonwealth's Attorney, Mike Stacy
Ballard County Attorney, Bethany Denton
Carlisle County Attorney, Michael Hogancamp
Fulton County Attorney, Amanda Major
Hickman County Attorney, Jason Batts

Any assistant Commonwealth's Attorney, Assistant County Attorney, County Jailer in the First District, deputy jailer, Chiefs of police in Bardwell, Barlow, Clinton, Fulton, Hickman, La Center and Wickliffe, Kentucky, or any sworn officers within the above, or any officer of the Kentucky State Police serving the First Judicial Circuit and District.

C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition via the Kentucky eWarrants System, unless it is not operable, and in that event present by personal delivery upon notice by text message or telephone call, as noted below, to:

First Judicial District Judge Mark S. Medlin (notice via **text message**);

Or, if the District Judge is not available, to First Judicial Circuit Judge Timothy A. Langford (notice via **telephone call** to his office).

All petitions filed for warrant on the Kentucky eWarrants System which are not opened and addressed promptly by the District Court will be "BLASTED" to all District and Circuit Judges in the Commonwealth of Kentucky for prompt review and consideration, who by virtue of the protocol and the eWarrant are authorized to rule on the petition.

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

First Judicial District Judge Mark S. Medlin

Or, if the District Judge is not available, to First Judicial Circuit Judge Timothy A. Langford.

All petitions filed for warrant on the Kentucky eWarrants System which are not opened and addressed promptly by the District Court will be "BLASTED" to all District and Circuit Judges in the Commonwealth of Kentucky for prompt review and consideration, who by virtue of the protocol and the eWarrant are authorized to rule on the petition.

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, in which case the eWarrants System will issue a "BLAST" text message and/or email to all District and Circuit Judges in the Commonwealth of Kentucky for prompt review and consideration, who by virtue of the protocol and the eWarrant are authorized to rule on the petition.

F. The schedule for domestic or interpersonal violence hearings is as follows:

Ballard District Court:	2nd and 4th Wednesdays, 9:00 a.m.
Carlisle District Court:	2nd and 4th Mondays, 11:00 a.m.
Fulton District Court:	1st and 3rd Wednesdays, 9:00 a.m.
Hickman District Court:	1st and 3rd Mondays, 9:00 a.m.

In Circuit Court:

Ballard:	1st and 3rd Fridays, 9:30 a.m.
Carlisle:	1st and 3rd Thursdays, 1:30 p.m.
Fulton:	2nd and 4th Thursdays, 9:30 a.m.
Hickman:	1st and 3rd Thursdays, 9:30 a.m.

III. Contempt Proceedings

A. Pursuant to KRS 403.760, civil and criminal proceedings for the same single violation of a protective order shall be mutually exclusive.

B. Petitioners seeking to initiate contempt proceedings should contact:

The County Attorney and or the Circuit Court 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 or Interpersonal Violence Order (either Circuit or District) and shall be scheduled if possible, at the same time as original EPO or IPO hearings, as noted hereinabove. The movant shall serve and notify the non-moving party as required by the 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 failing to appear at a domestic or interpersonal violence hearing, or failure to prosecute a criminal violation of a protective order.

All general orders, forms, policies and procedures approved by the Supreme Court and published by the Administrative Office of the Courts (AOC) relating to domestic or interpersonal violence are incorporated by reference.

The above protocol is adopted by all judges in the First Judicial Circuit and First Judicial District.

TIMOTHY A. LANGFORD, JUDGE
FIRST JUDICIAL CIRCUIT

January 4, 2023
DATE

MARK S. MEDLIN, JUDGE
FIRST JUDICIAL DISTRICT

January 5, 2023
DATE

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 bob 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 hone 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.