

Supreme Court of Kentucky

ORDER

**IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND
PROCEDURE FOR THE 22ND JUDICIAL CIRCUIT FAMILY
COURT, FAYETTE COUNTY**

Upon recommendation of the Judges of the 22nd Judicial Circuit,
Fayette County, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 22nd Judicial Circuit
Family Court, Fayette County, 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 28th day of December 2022.


CHIEF JUSTICE JOHN D. MINTON, JR.

**Local Rules for the Fayette County
Family Court
Approved December 2022**

RULE I. INTRODUCTION/ ADMINISTRATIVE PROCEDURES

101. Introduction/ Preface

These are the Uniform Rules of Court Practice and Procedures of the Fayette Circuit Court, Family Division (Fayette Family Court). These Rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP), the Kentucky Rules of Criminal Procedure (RCr) and the Kentucky Rules of Civil Procedure (CR). Pursuant to FCRPP 1(3), self-represented litigants shall be held to knowledge of these rules the same as parties represented by counsel. Official Forms referenced in these rules are available in the Self Represented Litigant office in the basement of the Fayette County Circuit Courthouse, through the Self Represented Litigant Portal on the Court of Justice Website, or through Legal Aid websites. The Court does not provide any forms or assist in the completion of any forms or pleadings.

102. Effective Date

These rules are adopted pursuant to the authority granted by Rule 1.040(3) of the Rules of the Kentucky Supreme Court, and they shall apply with full force and effect to all actions filed or pending after their promulgation by order of the judges of the Fayette Family Court and approval by the Chief Justice of the Supreme Court.

103. Citation

These rules apply to the practice of law in the Fayette Family Court and shall be cited as "RFFC" or "Rules of the Fayette Family Court."

104. Assignments

- A. **Assignment of Cases.** At the time of filing of a complaint, petition or other initiating pleading, the Clerk of the Court shall review the Court's records to determine whether the family involved has had any prior contact with the Fayette Family Court. If no contact is revealed, the case shall be assigned to a numerical division of the Fayette Family Court by random assignment and scheduled for further proceedings in accordance with these rules. If prior contact is revealed, the case shall be assigned to the numerical division of the Fayette Family Court which issued the first order concerning the family.
- B. **Assignment of Judges.** Cases shall be assigned, as provided by these Rules, to the divisions of the Fayette Family Court to distribute the workload of the Court as equally as possible among the judges. The judge of one division of the Fayette Family Court may preside over and determine any case or question in any other division of the Fayette Family Court and sign any order or judgment submitted for entry when a judge of that division is sick,

or absent from the county or is otherwise unavailable

- C. **Transfer of Cases.** After a case has been assigned to a division of Fayette Family Court, the judge thereof may for good cause transfer the case by written order from that division when: (1) there has been a recusal, or (2) the case has been transferred with the judge's consent. On recusal, the Court Administrator shall make a random assignment of cases that are transferred from one division of Fayette Family Court to another division of Fayette Family Court. The Court Administrator shall file the order of transfer in the record and serve a copy upon all parties of record. Upon such transfer being made, the Clerk will make a proper endorsement upon the docket and the record.
- D. **Consolidation of Cases.** When two (2) or more cases have been filed that may, as a matter of right, or may, in the discretion of the Court, be consolidated and such cases are pending in different divisions of the Fayette Family Court, any party to any of the cases, or the Court without motion, may have any of the cases transferred to that division of the Court in which the first of the cases was filed. If it is determined that consolidation is not proper, the judge of that division may transfer the case back to the original division.

RULE 2. COURT SCHEDULING/ MOTION HOUR/ PROCEDURES FOR FILING

201. Regular Motion Hour Schedule

The following is the general court schedule for Fayette Family Court. Changes may occur in docket times and places at the discretion of the Court. All changes will be posted on the Court's website at <http://courts.ky.gov/circuitcourt/familycourt/sites/fayette.htm> and on the courthouse monitors. The schedule posted on the web site and the monitors shall be controlling and it is the responsibility of a party to check the web site and courthouse monitors to determine the appropriate time and place for any docket. The Court may utilize electronic means of appearance in its discretion or in accordance with any other order or rule promulgated by the Supreme Court of Kentucky or any other controlling authority. If electronic appearance is called for or authorized, it is the responsibility of the parties to ensure they have the appropriate information and technology to participate prior to the scheduled court appearance.

A. First Division Dockets:

1. Status: First Wednesday of each month at 12:30 p.m., Fayette District Court Building, CTRM #1, 2nd Floor.
2. Dependency, Neglect and Abuse: Each Wednesday at 12:30 p.m. Initial Hearings, (attendance taken at 12:30 p.m., Judge will take the bench at 1:00 p.m. to allow counsel and parties an opportunity to

conference), 1:00 p.m. Pretrials, 1:30 p.m. Dispositions, 2:00 p.m. Reviews. *On "Admin Only" dockets Initial hearings shall be docketed for 12:30 p.m. and all other administrative Reviews scheduled for 1:00 p.m.* All dockets held in the Fayette District Court Building, CTRM #1, 2nd Floor.

3. Paternity: Case conferencing with the County Attorney every Thursday at 9:00 a.m. with Judge taking the bench at 1:00 p.m. On the 1st Thursday of each month to hear cases which are not resolved during weekly case conferencing dockets or that require a special hearing. Fayette Circuit Court, CTRM to be assigned weekly.
4. Domestic Violence: Each Wednesday at 8:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.
5. Child Support Enforcement: Case conferencing docket with the County Attorney every Thursday at 8:30 a.m. Judge will take the bench at 12:30 p.m. on the 1st Thursday of each month to hear cases which are not resolved during weekly case conferencing dockets or require a special hearing. Fayette Circuit Court Building, CTRM to be assigned weekly.
6. Child Support and Paternity Contempt Docket – Each Thursday at 3:00 p.m. CTRM to be assigned weekly.
7. Domestic Relations: Each Friday at 1:30 p.m., Fayette Circuit Court Building, CTRM I, 4th Floor.
8. Drug Court: Each Thursday at 10:00 a.m. Fayette Circuit Court Building, CTRM to be determined.

B. Second Division Dockets:

1. Status: First Tuesday of each month at 12:00 p.m., Fayette District Court Building, CTRM #1, 2nd Floor.
2. Dependency, Neglect and Abuse: Each Wednesday at 8:30 a.m. Initial Hearings and Pretrials, 9:30 a.m. Dispositions, 10:00 a.m. Reviews, 11:00 a.m. Permanent Custody Hearings - all held in the Fayette District Court Building, CTRM #1, 2nd Floor.
3. Paternity: Case conferencing with the County Attorney every Thursday at 10:30 a.m. With Judge taking the bench at 1:00 p.m. on the 3rd Thursday of each month to hear cases which are not resolved during weekly case conferencing dockets or that require a special hearing. Fayette Circuit Court, CTRM to be assigned weekly.
4. Domestic Violence: Each Tuesday at 8:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.
5. Child Support Enforcement: Case conferencing docket with the County Attorney every Thursday at 10:30 a.m. Judge will take the bench at 12:30 p.m. on the 3rd Thursday of each month to hear cases

which are not resolved during weekly case conferencing dockets or require a special hearing. Fayette Circuit Court Building, CTRM to be assigned weekly.

6. Child Support and Paternity Contempt: Each Thursday at 3:00 p.m., CTRM to be assigned weekly.
7. Domestic Relations: Each Friday at 8:30 a.m., Fayette Circuit Court Building, CTRM G, 4th Floor.
8. Drug Court: Each Tuesday at 1:00 p.m., Fayette Circuit Court Building, CTRM to be assigned weekly

C. Fifth Division Dockets:

1. Status: 2nd Monday of the month at 12:00 noon, Fayette District Court Building, CTRM #1, 2nd Floor.
2. Dependency. Neglect and Abuse: Every Monday at 12:30 p.m. Initial Hearings 1:00 p.m. Pretrials, 1:30 p.m. Dispositions, 2:00 Reviews - all held in the Fayette District Court Building, CTRM #1, 2nd Floor. *There will not be a docket for Pretrials, Dispositions and Reviews on the fourth Monday of each month unless a State Holiday has cancelled a previous Monday docket in that month, these days will be reserved for administrative reviews only at 12:00.*
3. START: 2nd Tuesday of the month at 9:00 a.m. Fayette District Court Building, CTRM #1, 2nd Floor
4. Paternity: Case conferencing with the County Attorney every Thursday at 8:30 a.m. With Judge taking the bench at 1:00 p.m. on the 4th Thursday of each month to hear cases which are not resolved during weekly case conferencing dockets or that require a special hearing. Fayette Circuit Court, CTRM to be assigned weekly.
5. Domestic Violence: Each Monday at 8:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.
6. Child Support Enforcement: Case conferencing docket with the County Attorney every Thursday at 10:30 a.m. Judge will take the bench at 12:30 p.m. on the 4th Thursday of each month to hear cases which are not resolved during weekly case conferencing dockets or require a special hearing. Fayette Circuit Court Building, CTRM to be assigned weekly.
7. Child Support and Paternity Contempt: Each Thursday at 3:00 p.m. CTRM to be assigned weekly.
8. Domestic Relations: Each Friday at 12:30 p.m., Fayette Circuit Court Building, CTRM G, 4th Floor.

D. Sixth Division Dockets:

1. Status (Truancy Only): All Truancy Cases shall be assigned to the 6th Division and shall be heard each Tuesday at 10:30 a.m. Fayette District Court Building, CTRM #7, 4th Floor.
2. Dependency, Neglect and Abuse: Each Monday at 9:00 a.m. Initial Hearings, 9:30 a.m. Pretrials, 10:00 a.m. Dispositions, 10:30 a.m. Reviews - all held in the Fayette District Court Building, CTRM #7, 4th Floor.
3. Paternity: Case conferencing with the County Attorney every Thursday at 8:30 a.m. With Judge taking the bench at 1:00 p.m. on the 2nd Thursday of each month to hear cases which are not resolved during weekly case conferencing dockets or that require a special hearing. Fayette Circuit Court, CTRM to be assigned weekly.
4. Domestic Violence: Each Thursday at 8:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.
5. Child Support Enforcement: Case conferencing docket with the County Attorney every Thursday at 10:00 a.m. Judge will take the bench at 12:30 p.m. on the 2nd Thursday of each month to hear cases which are not resolved during weekly case conferencing dockets or require a special hearing. Fayette Circuit Court Building, CTRM to be assigned weekly.
6. Child Support and Paternity Contempt: Each Thursday at 3:00 p.m. CTRM to be assigned weekly.
7. Domestic Relations: Each Friday at 10:30 a.m., Fayette Circuit Court Building, CTRM I, 4th Floor.

202. E-Filing:

- A. E-filing shall be the preferred method of filing for all divisions of the Fayette Family Court. All parties with counsel shall utilize the e-filing system for all Family Court matters with the exception of Dependency, Neglect and Abuse, Paternity, and Status dockets. E-filing in Domestic Violence is preferred when both parties have counsel but is not required.
- B. The use of e-filing shall negate any copy and stamped envelope requirements contained herein.

203. Motions

A. Form of Motion/Conflicts/Motions to Compel

1. Unless a motion may be heard *ex parte*, or a rule allows otherwise, all motions to be heard shall be noticed for hearing. The original shall be filed with the Clerk, and copies served by mail, hand delivery /or electronic transmission pursuant to CR 5.02 on all

parties. The notice of the hearing shall specify the date, time, and place for the hearing. When appropriate, counsel shall specify the time of the hearing according to when the presiding Judge begins hearing cases on the docket.

2. All attorneys should respect opposing counsel's schedule by seeking an agreement on the date to notice a motion rather than merely serving notice. In the event that an attorney is notified by opposing counsel that he or she is unavailable due to a conflict for any motion that is not of an emergency nature, the attorney having filed the motion shall agree to continue the motion or obtain an alternate hearing date that is mutually acceptable to both counsel.
3. A motion to compel disclosure statements, releases, discovery, for a protective order, or for sanctions may be filed pursuant to CR 26 and/or CR 37 and RFFC 706.D only if counsel are unable to resolve the discovery dispute between themselves. Counsel has the duty to make a good faith effort to resolve any disputes which arise during discovery. The moving party shall attach to any motion to compel a certification or counsel that he or she has attempted to resolve the dispute and that they have been unable to do so. The certification should detail the attempts of counsel to resolve the dispute.

B. Filing Deadlines

1. Unless otherwise allowed by rule, statute, or agreement of all parties, all motions to be heard on a docket shall be filed with the Clerk and served on the parties no later than 72 hours prior, not counting weekends and holidays, to the noticed docket. Responses shall be filed with the Clerk and served on the parties no later than twenty-four (24) hours prior to the noticed docket. Please see Rule 7 for specific deadlines regarding Domestic Relations Motion Hour.
2. A courtesy copy of all responses shall be provided to the Judge's office no later than 24 hours prior to the noticed docket.
3. It is the obligation of each attorney, or party if unrepresented, to ascertain whether a docket has been canceled or rescheduled by the Court. The Court shall make all efforts to inform the public and bar association of cancelled dockets through the Fayette County Bar Association and the Fayette Circuit Court website.

204. Pleadings

A. Form

1. All pleadings shall be typewritten on one side only in black ink on 8½" by 11" unglazed white paper with a minimum 12-point type, double spaced and a minimum of 1 ½" inch on the top and 1" margin on all other edges and be clearly readable. Pleadings that deviate

from this rule may be accepted at the Judge's discretion and upon proper motion. Exhibits, printed briefs, and AOC forms are exempt from this rule.

2. All pleadings filed in the record shall contain the case number, typed or printed na.m.e, address, telephone number, and email address of the party or attorney filing and signing the pleading. The sa.m.e information is to be provided of the opposing counsel, or party if he or she is unrepresented. The address and phone number is not required for pleadings filed by unrepresented persons filing pleadings in domestic violence order cases or interpersonal protective order cases.

B. Electronic Service

An attorney or party who will accept service via electronic mail pursuant to CR 5.02 shall provide a written statement notifying the Court and all parties of the correct electronic mail address and of his or her agreement to accept such service. The written statement shall be included immediately above the signature block and titled "NOTICE- ELECTRONIC SERVICE" or filed in a separate pleading. The written statement shall be valid in that particular action only and may be revoked by a subsequent written statement filed in a separate pleading.

205. Orders

A. Preparation and Endorsement

1. When a ruling is made, or an opinion is rendered, an order or judgment in conformity shall be prepared by the movant, or as directed by the Court, and signed by counsel for all parties thereto as being in conformity to the ruling or opinion and shall be presented to the Court.
2. Unless otherwise required by rule or statute, the signatures required by paragraph 1 above shall not be required where:
 - a. Counsel for the party(s) against whom the order is to be entered refuses to sign the order.
 - b. Unless otherwise ordered by the Court, counsel for the party(s) against whom the order is to be entered fails to return the order to counsel who prepared it within three (3) business days of receipt of Order;
 - c. The party against whom the order is to be entered is not represented by counsel; or
 - d. There was no opposition to the motion at the call of the docket.
3. Where any of the above is applicable, preparing counsel shall so

attest on the order.

4. In the event counsel disagree on whether a proposed order is in conformity with the judge's ruling, counsel shall notify each other of the disparity, and, within five (5) business days of notice, shall review the video tape of the hearing. If still in disagreement, counsel shall tender a joint statement to the judge with both proposed orders attached thereto for entry by the Court. The statement shall reference the tape citation to the judge's ruling.
5. Proposed orders shall not be filed or submitted with a motion unless otherwise directed by the court.

B. Agreed Orders

If an agreed order, signed by counsel for all parties affected, relating to a motion appearing on a docket is submitted to the Clerk prior to the call of the docket, counsel need not attend the call of the docket. The agreed order shall refer to the Motion resolved in the agreed order and set forth the terms of the agreement.

C. Show Cause Orders

1. To procure an order requiring a party to show cause why he or she should not be held in contempt for violation of a court's order, a motion shall be supported by a filed affidavit sufficiently showing that the applicant is entitled to the order shall.
2. When this motion and affidavit are filed, an Order may be issued *ex parte* but shall not come on for a hearing sooner than five (5) days from the date it is served, unless otherwise ordered by the Court. The Respondent shall appear on the date noticed for hearing but may be entitled to a continuance if served less than 5 days from the date noticed.
3. No order shall come on for hearing unless it has been served on the person named in the Order by an Officer authorized to serve a summons. The Order shall contain a short statement of the grounds for its issuance and the following statement: IF YOU FAIL TO APPEAR AT THE HEARING, AN ORDER FOR YOUR ARREST WILL ISSUE.

206. Filing of Cases Cited Within Legal Briefs and Memoranda

Copies of published cases cited within legal briefs or memoranda shall not be filed or tendered to the Judge unless otherwise ordered. Copies of unpublished cases cited pursuant CR 76.28(4)(c) shall be tendered to the Court and to all parties upon filing.

207. Answering and Filing Interrogatories or Requests

- A. Interrogatories propounded under CR 33 and answers thereto, requests for production or inspection under CR 34 and answers thereto, and requests for admissions under CR 36 shall not be filed with the Court. A one-page notice of service under CR 33, CR 34, and CR 36 shall be filed in the record to indicate initial service of, and response to, discovery. The filing of such notice shall prevent the case from being placed on the show cause docket.
- B. When propounding interrogatories and requests upon a pro se litigant or upon written request of counsel, the propounder of interrogatories or requests shall leave adequate room for reply between questions. When possible, and upon request by opposing counsel, the propounder of the interrogatories or requests shall provide opposing counsel with a modifiable electronic copy.

208. Personal Identifiers

- A. All pleadings shall comply with the requirements of KRS Chapters 205, 403, 405, and 407 by providing the personal identifying information required in those chapters. However, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court, parties shall comply with CR 7.03(l)(b) by filing one copy from which any personal data has been redacted for the record and filing an unredacted copy designated to be sealed.
- B. Further, a Case Data Information sheet on Form AOC-FC-3 shall be filed at the initiation of every case. If any information changes during the pendency of the lawsuit, the party whose information has changed shall file an updated Case Data Information sheet on Form AOC-FC-3. Because the AOC-FC-3 contains personal identifiers, the individual filing the form shall file one redacted and one unredacted copy. The filer shall seal the unredacted copy in a marked envelope, which the Clerk shall file in the record. Only official court personnel shall view the unredacted, sealed copy of the AOC-FC-3. All other individuals may only view the sealed information upon properly noticed motion that has resulted in entry of a certified order of the judge to whom the matter has been assigned.
- C. It is the sole responsibility of the counsel and the parties to ensure that all pleadings and other papers comply with statutes and local rules requiring redaction of personal data identifiers. The Clerk will not review each document for redaction.
- D. Notwithstanding KRS 403.135, as used in this section, "personal identifier" means a Social Security number or tax-payer identification number, date of birth, or financial account number, and does not apply to names of minor children for which parties shall utilize initials.

RULE 3. ADOPTIONS/ TERMINATION OF PARENTAL RIGHTS

301. Adoption Proceedings

A. Final Hearing Dates

No adoption proceeding shall be assigned a final hearing date until the report of the GAL is filed in the record. Counsel shall tender all necessary paperwork and proposed orders to the Court seven (7) days prior to the hearing for review.

B. Orders Setting Final Hearings

Orders setting final hearing shall be signed by counsel for Petitioner(s) before submission to the Court for entry.

C. Order Appointing GAL

Counsel shall tender to the court a Motion and Order to appoint GAL. If there is a previous Dependency, Neglect and Abuse case (DNA) or Termination of parental rights (TPR) case regarding the subject child in Fayette County, the proposed Order shall name that GAL from the prior case if known. If there is no prior case, then the order shall leave a blank for the Court to appoint appropriate counsel to serve as GAL.

302. Costs and Fees

An affidavit for costs and attorney's fees shall be filed with the Court at the final hearing and are subject to approval by the Court.

303. Voluntary Termination Proceedings

A. Hearings

Within the time period required by statute, counsel for the Petitioner, with notice to all necessary parties, shall obtain a final hearing date directly from the court and tender an order setting final hearing in conformity with the given date to be noticed to all necessary parties.

B. Expenses

Any expenses paid by the prospective adoptive parent(s) shall be submitted to the Court per KRS 625.0405(2).

304. Involuntary Termination

A. Pretrial Date

Immediately upon filing, Petitioner shall obtain a pretrial date per FCRPP 32 directly from the Court and shall serve a copy of the Order upon the parents and GAL with the Petition and Summons. A copy of the Order shall be served upon any appointed counsel immediately following appointment.

B. Hearings

A hearing shall be held within sixty (60) days of a motion for trial date or as soon thereafter as the Court's calendar allows.

C. Order Appointing GAL

Counsel shall tender to the court a Motion and Order to appoint GAL. If there is a previous Dependency, Neglect and Abuse case (DNA) or Termination of parental rights case, regarding the subject child in Fayette County, the proposed Order shall name that GAL from the prior case if known. If there is no prior case then the order shall leave a blank for the Court to appoint appropriate counsel to serve as GAL.

305. Confidentiality

All Adoption and Termination of Parental Rights proceeding shall be confidential.

RULE 4. DOMESTIC VIOLENCE PROTOCOL AND 24-HOUR ACCESS POLICY

401. Domestic Violence Protocol

The Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the 22nd Circuit and District Court shall also be a part of these Rules and is attached as **Appendix A**. See also FCRPP 10 through 12.

402. Court Appearance

Only the Court may excuse a party from a court appearance.

403. Docket Orders

The Court's written findings of fact and conclusions stated orally on the record or

included on the docket sheet filed in the record, shall be incorporated by reference in any resulting DVO or IPO.

404. Agreed Orders

If parties enter an Agreed Order in the Domestic Violence case, or in any other Civil matter, that amends the terms of, or dismisses, an existing EPO/TIPO/DVO/IPO, counsel shall file the Agreed Order in all relevant cases including the Domestic Violence case and tender a new Order on the appropriate AOC DVO Order form reflecting the agreed upon terms to be signed by the court. Note: As of the drafting of these Local Rules, the e-filing system does not accept "Agreed Orders" in Domestic Violence Cases, therefore parties shall submit these orders as "Other/Order."

RULE 5. PATERNITY

501. Establishment of Paternity

Establishment of Paternity may be prosecuted by the County Attorney or the Cabinet for Health and Family Services (CHFS) upon request by a complainant pursuant to KRS 406.021.

502. Custody and Transfer Orders

- A. Upon a determination of paternity, the Court may consider custody, timesharing and support and issue temporary orders therefore within the paternity action. The Court may order permanent custody orders only if the jurisdictional and pleading requirements of KRS 403 have been met.
- B. If the Court in its discretion determines that transfer of the custody, timesharing, and support issues is appropriate, the Court shall enter a transfer order directing the moving party to pay the civil action filing fee and indicating what portions of the paternity case, if any, shall be transferred into the civil action file and what information, if any, is to be placed under seal. The Court shall also indicate whether the moving party shall file with the civil court a sufficient initiating pleading in compliance with KRS 403 or indicate on the transfer order whether the order itself or certain documents filed within the paternity action and transferred to the civil action are sufficient to act as the initiating pleading in the civil action. The Court may require the moving party to draft a proposed transfer order in conformity herewith.

503. Motions and Orders Generally

Unless otherwise allowed by statute, rule or Order of the Court, all motions and orders in paternity proceedings shall comply with RFFC 2.

RULE 6. DEPENDENCY, NEGLECT AND ABUSE

601. Warning Order Attorney

If an absent parent is known or alleged, but the whereabouts are unknown, a Warning Order Attorney shall be appointed to attempt to effectuate service on the absent parent. Considering the additional work required in these cases, a Warning Order Attorney in a DNA action shall be permitted to charge a fee in excess of any standard rate otherwise set by the Fayette Circuit Court, but not in excess of those allowed for appointed counsel by the Finance and Administration Cabinet for appointed counsel.

602. Court Appointed Counsel

- A. If an attorney is appointed as either counsel for a parent or as guardian ad litem, the written notation on the Court's docket shall be sufficient for the written entry of appearance by counsel in accordance with FCRPP 24. The same shall be true of any motion to withdraw which is sustained by the court and so noted on the docket sheet.
- B. Counsel representing parties other than the child, shall obtain a completed DNA-11 Affidavit of Indigency from the party and file in the record.

603. CASA

Pursuant to KRS 620.505, the Court may also appoint a Court Appointed Special Advocate (CASA) volunteer to represent the best interest of the child in court. CASA shall be notified of all new petitions upon filing to effectuate the screening process for appointment.

604. Pretrial Conference

A pretrial conference shall be set to determine whether the parties intend to stipulate the facts or, to set an adjudication hearing. The Court may in its discretion require an in-chambers case management prior to an adjudication hearing.

605. Reports

The Dispositional Review pursuant to FCRPP 28 and CASA reports shall be filed in the record and a copy shall be given to the judge and counsel seven (7) days prior to the disposition hearing or review. Failure to comply with this rule may result in the Court's continuance of the hearing or review.

606. Docket Orders

The Court's written findings of fact and conclusions stated orally on the record or written on the docket sheet filed in the record shall be incorporated by reference to any AOC DNA Order form resulting from the same proceeding.

607. Confidentiality

All proceedings shall be confidential. Non-parties shall not be permitted in the Courtroom without leave of the Court.

RULE 7. DOMESTIC RELATIONS PRACTICE

701. Filing Deadlines and Ruling on the Pleadings

- A. All Motions shall be filed no later than 4:00 p.m. ten (10) days prior to motion hour. (4:00 p.m. Wednesday of the week prior to the noticed docket. All Responses shall be filed no later than 4:00 p.m. four (4) days prior to the noticed docket. (4:00 p.m. Tuesday of the week of Motion Hour.) All Replies shall be filed no later than 12:00 p.m. (noon) one day prior to the noticed docket. (12:00 on Thursday.) Sur Replies or additional pleadings shall not be accepted without special leave of the court.
- B. If parties are represented by counsel, all motions, responses, and replies shall be adequately pled to allow for ruling without additional testimony, where appropriate. After review of the pleadings, the Court may, in its discretion, rule on said pleadings and excuse parties from attending Motion Hour. The Court will notify the parties of the ruling, either by email or docket entry. Such rulings on the pleadings may include, but are not limited to, a complete ruling on the motion, a referral to mediation, or direction to schedule a full Evidentiary Hearing or Case Management Conference with the Court. There will be no additional email contact with the Court regarding the merits or facts of the matter. If no party objects, or requests hearing, within two (2) days of the Court's notice, the Court will enter an Order consistent with the ruling. If any of the parties object to the ruling, or if any party is proceeding pro se, the matter will be addressed at Motion Hour as noticed or at the Court's next scheduled Motion Hour.

702. VS-300 Form

The party filing the petition for dissolution of marriage shall tender to the clerk, at the time of filing, a completed VS-300 form typed and with signature in black or blue ink. Handwritten VS-300 forms will not be accepted. A blank VS-300 Form is available from the office of vital statistics website. <https://chfs.ky.gov/agencies/dph/dehp/vsb/Pages/default.aspx>.

703. Timesharing and Visitation

Timesharing and visitation shall always be determined on a case-by-case basis considering the child's best interests pursuant to KRS 403.270 and other applicable law. Possible timesharing schedules include but are not limited to the FCRPP Sample Parenting Time Guidelines (FCRPP Appendix C), or any of the options outlined in the Fayette County Timesharing guidelines attached as **Appendix B**.

704. Relocation of Children

Pursuant to FCRPP 7(2), if either parent or custodian intends to move with the children from his or her present residence, he or she shall give written notice to the other parent or custodian at least 60 days prior to such move and filed in the court record. Residential addresses of domestic violence petitioners shall not be required in the notice if there is an existing domestic violence order or emergency protection order. Either parent or custodian may file a motion for change of custody or timesharing if the other parent or custodian is not in agreement with the move or may file a motion with an agreed order if they are in agreement. No relocation of the children that would result in a material change in the status quo shall occur without a written agreement or court order.

705. Temporary Motions

- A. The Court, in its discretion, may make a determination on a temporary motion relating to maintenance, support or custody upon a review of the record or may permit the introduction of evidence by oral testimony. All motions filed for temporary maintenance or support shall comply with FCRPP 5(1)(a) and (b) and 9(4).
- B. A motion relating to temporary child custody, support, or maintenance may be expedited, on motion, at the discretion of the Court. An *ex parte* motion relating to these issues shall be accompanied by supporting affidavit(s) sufficient to state grounds for injunctive relief.
- C. In addition to the requirements of FCRPP 9, a motion for temporary child support shall be accompanied by verification of childcare and health insurance costs if applicable.

706. Motions to Modify or Enforce Child Support or Maintenance

- A. Any motion to modify child support shall comply with FCRPP 9, and except by agreement or for good cause shown, shall not be heard by the Court unless all required information has been exchanged by counsel or parties ten (10) days prior to the hearing and counsel has certified that reasonable efforts were made to resolve the issues in dispute.
- B. Any motion to modify maintenance shall comply with FCRPP 5 and, except by agreement or for good cause shown, shall not be heard by the Court unless all required information has been exchanged by counsel or parties ten (10) days prior to the hearing and counsel has certified that reasonable efforts were made to resolve the issues in dispute.
- C. The exchange of current financial documentation shall not be required for post decree motions to enforce maintenance or child support orders.

707. Preliminary Verified Disclosure Statement and Releases

- A. Except with leave of Court for good cause shown or by agreed order, a party shall not conduct formal discovery pursuant to CR 30, CR 31, CR 33, CR 34 or CR 36 relative to matters addressed in the Preliminary Verified Disclosure Statement until that party's Statement has been served in accordance with FCRPP 2(3).
- B. A Motion to compel disclosure statements, releases, discovery, for a protective order, or for sanctions may be filed pursuant to CR 26 and/or CR 37 only if counsel are unable to resolve between themselves the discovery dispute. The moving party shall attach to the motion a certification of counsel that he or she has attempted to resolve the dispute and has been unable to do so.

708. Time of Final Contested Hearing or Submission

- A. A proceeding for dissolution of marriage will not be assigned for final contested hearing or submitted upon deposition until 20 days (or 60 days, if there are minor children of the parties) have elapsed from the date of service of summons, the appointment of a warning order attorney, the filing of an entry of appearance or a verified responsive pleading by the Respondent, whichever first occurs, following the filing of the petition and issuance of the summons.
- B. If service is by warning order, a proceeding for dissolution of marriage will not be assigned for final contested hearing or submitted upon deposition until 50 days (or 60 days if there are minor children of the parties) have elapsed from the date of the entry of the warning order. The report of the warning order attorney shall be filed before assignment of a final contested hearing or the submission upon deposition.

709. Uncontested Dissolution Proceedings

- A. **Filing of Final Documents:** If proceedings under submission on the pleadings all final documents shall be tendered together as one package for the court's review. If e-filing, all documents shall be tendered together in one electronic envelope by utilizing the "drag and drop multiple documents" feature when tendering so all documents are received by the court as one envelope.
- B. **Form of Testimony:** Testimony in an uncontested dissolution proceeding may be taken by oral testimony before the Court or by deposition upon written question. It is the obligation of each attorney, or each party, if unrepresented by an attorney, to ascertain the procedure used by each Family Court Judge to finalize uncontested divorces.

Unless otherwise ordered by the Court, an uncontested dissolution

proceeding wherein the other party is in default may be submitted to the Court through the clerk for decision if the following is included:

1. A **Motion requesting the case proceed for submission on default**, said motion being noticed to be heard at the convenience of the court. An **Affidavit of the Non-Defaulting Party for Submission**, attached, and an **Order Submitting** the case for decision on written deposition.
2. A completed and sworn **Deposition Upon Written Questions**, said deposition to comply with statutory requirements.
3. Unless otherwise directed by the Court, a proposed **Findings of Fact and Conclusions of Law** signed by the submitting party.
4. A proposed **Decree of Dissolution** signed by the submitting party.
5. **Form AOC-152, Uniform Child Support Order** and/or **Wage Benefit/ Withholding Order for Kentucky Employers**, if applicable, and a **completed Child Support Guidelines Worksheet**.
6. Affidavit of Counsel as required by **FCRPP 3(2)**.
7. Sufficient number of copies of the order of submission and decree together with properly addressed and stamped envelopes to permit the Court to complete service thereof to the parties.

C. Party Not in Default

Unless otherwise ordered by the Court, an uncontested dissolution proceeding wherein a party is not in default may be submitted to the Court through the Clerk for decision when the following is included:

1. An **Agreed Order to Submit** signed by both parties, or counsel for both parties, submitting the case for decision on deposition or written questions and attaching a completed affidavit or deposition **or Joint Motion for Submission** that is compliant with FCRPP 3(1).
2. A completed and sworn **Deposition Upon Written Questions**, said deposition to comply applicable statutes.
3. **Form AOC-152, Uniform Child Support Order** and/or **Wage Benefit/Withholding Order for Kentucky Employers**, if applicable.
4. A completed **Child Support Guidelines Worksheet CS-71, even if a deviation has been agreed upon**.
5. An **Original Separation Agreement**, said agreement shall have been witnessed, bear the original signature of both parties, and shall contain the following language below the signatures of the parties,

"Approved and incorporated by reference," and a signature and date line for the Judge.

6. Unless otherwise directed by the Court, a proposed **Findings of Fact and Conclusions of Law** signed by the submitting party.
7. A proposed **Decree of Dissolution**.
8. Sufficient number of copies of the order of submission and decree together with properly addressed and stamped envelopes to permit the Court to complete service thereof to the parties.

710. Contested Dissolution Proceedings

- A. **Conferences:** A Case Management Conference pursuant to FCRPP 2(6) or a Pre-Trial Conference may be ordered by the Court upon request of a party or its own motion. The order for such conference shall state whether or not parties are to attend.
- B. **Pre-Trial Statement or Disclosures:** It is the responsibility of counsel to know and abide by any additional pre-trial requirements and deadlines of each Court. Failure to comply with pre-trial requirements may result in Orders including but not limited to:
 1. An Order that the matter set for in the obedient party's statements or disclosures is taken as established.
 2. In order prohibiting the disobedient party from introducing designated matters into evidence.
 3. An order staying further proceedings until parties have complied
 4. An order assessing court costs, attorney's fees, or other sanctions to the disobedient party.

RULE 8. STATUS OFFENSES

801. Complaint

A complaint, pursuant to KRS Chapter 630 and JCRPP 4 regarding Status Offenders, may be filed with the Court Designated Worker's Office by any adult who has a reasonable basis to lodge such complaint. The Court Designated Worker's office will evaluate the complaint to ensure all pre-court statutory and JCRPP requirements have been met. If it is determined that formal Court Proceedings are necessary, the CDW shall certify a copy of the petition to the Fayette County Attorney, the Division of Youth Services, The Department of Juvenile Justice and the Cabinet for Health and Family Services. This certification shall apply to any and all documents or Orders entered by the Court in the status proceeding. The complaint will be filed with the Fayette Circuit Court Juvenile Division and an Initial Appearance shall be scheduled on the assigned court's next available date.

802. Contempt

Once a juvenile is placed on Pre or Post Adjudication Valid Court Orders, or other Orders of the Court, failure to comply with the terms or orders may result in a contempt hearing. The monitoring agency will generate this contempt hearing by filing a contempt motion with the Court. The agency may simultaneously request a custody order for said contempt pending the hearing. If a custody order is served there will be a Detention Hearing within 24 hours of the juvenile's arrest, excluding weekends and holidays.

803. Detention

No status offender shall be placed in secure detention unless all requirements of JCRPP and KRS 630.030 and KRS 630.040 have been met.

RULE 9. MISCELLANEOUS

901. Exhibit Retention and Disposal

- C. The Clerk shall take immediate custody of all exhibits introduced and retain same until disposed pursuant to other sections in this rule.
- D. The Clerk shall maintain the exhibits pursuant to the Court of Justice Records Retention Schedule maintained by the Administrative Office of the Courts or as ordered by the Court.
- E. Notwithstanding any provision to the contrary, the parties with the Court's approval may agree in a family case for an exhibit or exhibits to be returned to a party or other entity and to be retained by the party or other entity pursuant to the agreement of the parties.

902. Interpreter Services in Court

The Court shall arrange for interpreter services for all cases in the following divisions: Domestic Violence; Paternity; Dependency, Neglect and Abuse; other Juvenile cases. For all other cases, it is the responsibility of the attorney or *pro se* litigant in need of services to request them by notifying the Clerk upon filing any pleading to be heard.

903. Impartiality and Decorum of the Tribunal

Attorneys and litigants shall not communicate *ex parte* with any judge or judicial staff member of this Court as to the merits of any case, except as permitted by law, rule or court order. Any attorney or individual emailing a judge or judicial staff member shall copy all opposing counsel and/or *pro se* party(ies).

The undersigned hereby acknowledge that all general orders, rules, policies and procedures relating to Family Court within the judicial circuit are encompassed by these Rules and are incorporated by reference. The above Rules are adopted by all judicial officers in the circuit:


Hon. Libby G. Messer, Circuit Judge, 1st Div.

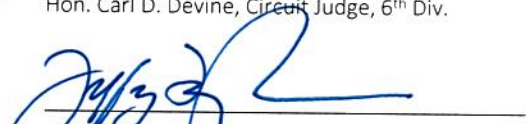

Hon. Traci Brislin, 2nd Circuit Judge, 2nd Div.


Hon. Lucy A. VanMeter, Circuit Judge, 3rd Div.


Hon. Julie Muth Goodman, Circuit Judge, 4th Div.


Hon. Lucinda Masterton, Circuit Judge, 5th Div.


Hon. Carl D. Devine, Circuit Judge, 6th Div.


Hon. Jeffrey Taylor, Circuit Judge, 7th Div.


Hon. Thomas L. Travis, Circuit Judge, 8th Div.


Hon. Kimberly N. Bunnell, Circuit Judge, 9th Div.

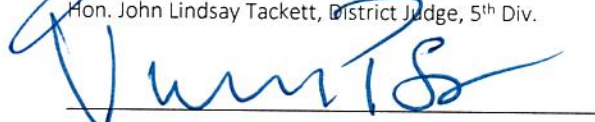

Hon. Denotra A. Spruill Gunther, District Judge, 1st Div.


Hon. T. Bruce Bell, District Judge, 2nd Div.


Hon. Lindsay Hughes Thurston, District Judge, 3rd Div.


Hon. Melissa Moore Murphy, District Judge, 4th Div.


Hon. John Lindsay Tackett, District Judge, 5th Div.


Hon. Vincent Riggs, Fayette Circuit Court Clerk

APPENDIX A

22nd Judicial Circuit and Fayette County

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL

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. All petitions for an Emergency Protective Order (EPO) or Temporary Interpersonal Protective Order (TIPO) shall be filed with the Fayette District Court Domestic Violence Office located at 150

N. Limestone Street, Suite D-466 Lexington between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday or after hours with the District Court Fines Room Clerk located at 150 N. Limestone Street, Suite D-157, Lexington or other approved emergency shelters pursuant to statute and with the agreement and understanding of the Fayette Circuit Court Clerk and the Fayette Circuit and District Court Judges.

- B. The Circuit Court Clerk or their designee is authorized to take the petition and administer the oath to the Petition pursuant to the Kentucky Circuit Court Clerk's manual and KRS 403.725.
- C. EPO and TIPO Petitions shall be presented to the Family Court Judge on duty for the week. If the on-duty Family Court Judge is out of the office, and/or will be unavailable for more than thirty minutes (30) minutes, the Petition will be presented to any available Family Court Judge. EPO Petitions involving ANY Family Court contact shall be assigned to that Family Court division. EPO Petitions involving a party with no previous Family Court contact shall be randomly assigned to a Family Court division by the Circuit Court Clerk.

III. Assignment of Cases

- A. Pursuant to KRS 403.735 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent between district, circuit, and family court.
- B. The judge reviewing a petition for an order of protection shall indicate in the "Court Action" section of the petition whether the resulting action is a domestic violence action under KRS Chapter 403 or an interpersonal protective order action under KRS Chapter 456.
- C. The circuit clerk shall assign domestic violence and interpersonal protective order cases to the Family Court.
- D. If an Emergency Protective Order (EPO) or Temporary Interpersonal Protective Order (TIPO) is issued, the Circuit Court Clerk shall file the Petition as a domestic violence "D" case in Family Court and schedule a Domestic Violence hearing with the appropriate Family Court Judge.
- E. At the time the domestic case is opened, the Circuit Court Clerk shall check the index of Family Court Cases to ascertain if a Family Court case exists. If it is determined that a Family Court case exists, the Circuit Court Clerk shall cross-reference the "D" case with the Family Court case(s).
- F. If a Domestic Violence Order (DVO) is issued, upon entry, the Circuit Court Clerk shall place a copy of the EPO/DVO in the dissolution or child custody case file.
- G. The schedule for hearings on protective orders is as follows:

First Division: Wednesday 8:30 am

Second Division: Tuesday 8:30 am

Fifth Division: Monday 8:30 am

Sixth Division: Thursday 8:30 am

- H. The Family Court may schedule other dates for hearings on protective orders as needed.
- I. 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.
- J. Pursuant to Smith v. Doe, 627 S.W.3d 903 (2021), in all cases where a Juvenile is a named party (Petitioner or Respondent, not simply protected party) the Clerk shall immediately notify the Court so that an Order to Seal the record can be entered. The Court will appoint counsel to represent the juvenile parties and make arrangements to ensure the confidentiality of all proceedings. The Family Court may confer with the Juvenile District Court to determine whether proceeding in Juvenile District Court is more appropriate. If the Family Court and Juvenile District Court agree that transfer to the Juvenile District Court docket is appropriate, the Family Court will provide notice to all parties of the date and time for parties to appear in front of the Juvenile District Court.

IV. Dissolution or Custody Proceeding in Another County

- A. When it has been established by the Family Court that a dissolution or custody proceeding is pending in another county, the reviewing Judge shall first determine whether an EPO should be issued.
- B. If an EPO issued, the Domestic Violence action shall be transferred to the county where the dissolution or child custody proceeding is pending, provided that the Circuit Court Clerk can schedule a hearing in the other county before the EPO expires.
- C. If a hearing cannot be scheduled prior to the expiration of the EPO, the Circuit Court Clerk shall present the EPO to any available Family Court Judge for a period not to exceed fourteen (14) days until such time as the case can be heard in another county.

V. Contempt Proceedings

- A. Upon verified allegations of the violation of an EPO or DVO, a show cause order shall issue setting a date, time and place where the Respondent shall appear to

show cause why he or she should not be held in contempt for the violation.

- B. Once the date for a show cause hearing is set, the court shall appoint counsel, if the Respondent is indigent, or permit the Respondent to obtain counsel, if not, before conducting a hearing.
- C. Any person found to be in contempt of an EPO or DVO in a Domestic Violence proceeding shall be subject to all penalties appropriate for contempt, including incarceration.
- D. All civil violations shall be heard by the Family Court, and all misdemeanor criminal violations shall be heard by the District Court. Pursuant to KRS 403.765(5) civil and criminal proceedings for violation of a protective order shall be mutually exclusive. After a proceeding has been initiated the other shall not be undertaken regardless of the outcome of the original proceeding.

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:


Hon. Libby G. Messer, Circuit Judge, 1st Div.

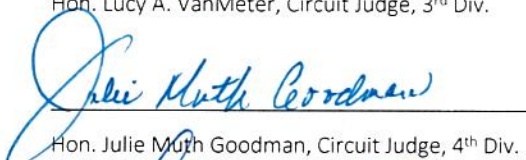

Hon. Jeffrey Taylor, Circuit Judge, 7th Div.


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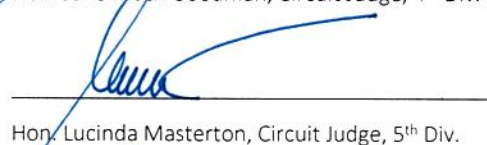

Hon. Thomas L. Travis, Circuit Judge, 8th Div.


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Hon. Kimberly N. Bunnell, Circuit Judge, 9th Div.

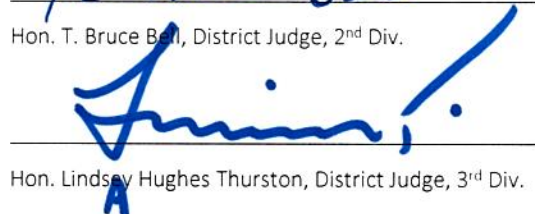

Hon. Julie Muth Goodman, Circuit Judge, 4th Div.


Hon. Denotra A. Spruill Gunther, District Judge, 1st Div.


Hon. Lucinda Masterton, Circuit Judge, 5th Div.


Hon. T. Bruce Bell, District Judge, 2nd Div.


Hon. Carl D. Devine, Circuit Judge, 6th Div.


Hon. Lindsay Hughes Thurston, District Judge, 3rd Div.



Hon. Melissa Moore Murphy, District Judge, 4th Div.

Melissa



Hon. John Lindsay Tackett, District Judge, 5th Div.



Hon. Vincent Riggs, Circuit Court Clerk

APPENDIX B

FAYETTE COUNTY FAMILY COURT MODEL PARENTING AND TIMESHARING GUIDELINES

The following are suggested as guidelines for parents and the court in establishing timesharing/visitation schedules. These may not be well suited to every set of circumstances and should be utilized as a starting point for discussion. Each case will present unique facts or circumstances which shall be considered by the parties and Court in establishing a timesharing schedule which may or may not be in accordance with these guidelines. No timesharing agreement is enforceable until it is Court Ordered.

GENERAL BEHAVIORAL GUIDELINES

Recognizing that certain behaviors have a detrimental effect on the child and on the co-parenting relationship, Parents shall not:

1. Say unkind or disrespectful things about the other parent or sibling[s] to, or in the presence of, the child[ren]. Or engage in other conduct that could interfere with the love and affection the child[ren] has for the other parent or sibling[s].
2. Ask the child(ren) to conduct parental business on behalf of either parent. This includes, but is not limited to, delivering money or messages from one parent to the other, thus placing the child[ren] in the middle. Parents shall attempt to conduct parental business themselves by phone, mail, e-mail, or at scheduled times consistent with any applicable court orders.
3. Ask the child[ren] to keep a secret from the other parent or siblings as this creates stress for the child[ren] and undermines the child[ren]'s relationship between the parents and other family members, which may cause loyalty and emotional issues for the child[ren].
4. Extensively questioning the child about events and activities at the other parent's home.
5. Schedule activities for the child(ren) during the other parent's timesharing without first consulting with, and obtaining the agreement of, the other parent.
6. Unreasonably object to activities for the child.
7. Unreasonably object to the use of third parties to assist in transportation.
8. Require or encourage the child[ren] to refer to a significant other or stepparent as their parent. Doing so can be confusing and stressful for the child[ren] and contribute to anger and resentment.

Each Parent Shall:

9. Utilize their timesharing as agreed upon without consistent cancellations of changes. However, each parent shall be reasonably flexible and realize there may be times when work, and/or other obligations require a deviation from the schedule. Parents shall cooperate to accommodate these reasonable requests.
10. Act civilly and never hostile to the other parent or create a hostile environment when exchanging the child[ren] for timesharing. This includes, but is not limited to, making threats, starting arguments or filming the other parent during exchanges.
11. Avoid placing the child[ren] in the position of having to "choose" between their parents. This eventually undermines the child's relationship with both parents.
12. Ensure the other parent has current home address, home phone number, mobile phone number, work phone number and work address of the parent and shall immediately notify the other parent of any changes as to help eliminate any possible communication issues regarding the child[ren].
13. Avoid scheduling things such as appointments, trips, etc. during the other parent's timesharing unless advanced consent is acquired. Should such scheduling commitments become necessary, give the other parent notice as soon as possible.
14. Put the child[ren]'s needs before their own and utilize timeshare granted by coordinating their child[ren]'s routine to the best of their ability. This includes but is not limited to being responsible for the child[ren]'s homework and other activities that occur during that parent's scheduled time.
15. Be responsible for pick-up from the other parent's residence, school, daycare etc. when assuming physical custody of the child(ren) for their timesharing unless otherwise ordered.
16. Be listed as parents for all information with the school and have the opportunity to complete and view the school information for the child(ren), including all enrollment information, contact information and persons allowed to pick the children up from school.
17. Immediately notify the other parent of any important child[ren]-related upcoming or scheduled events (without regard as to who's timesharing it falls during, provided that the information is not already readily-accessible to the other parent). This includes, but is not limited to, medical appointments, school activities, parent-teacher conferences, and any other extracurricular activities. However, parents have a duty to keep themselves apprised of any activities for which the information is readily accessible to them directly.
18. Be entitled to the school, medical and any activity schedule information regarding the child(ren). Each parent shall list the other parent and their contact information on any activity registration, medical provider enrollment, or school forms they complete, even if the activity is to occur during their timesharing only.

MISCELANEOUS GUIDELINES

1. Times reflected in the timesharing schedule and guidelines are in the time zone where Parent 1 resides.
2. In the event that the receiving parent intends to NOT exercise their upcoming scheduled timesharing, they shall notify the current timesharing parent at least 48 hours in advance, or as soon as known to the receiving parent. Unless notified otherwise, the parent currently exercising timesharing shall presume that the receiving parent will exercise timesharing in a timely manner.
3. All timesharing exchanges not resulting in a parent picking up a child from school or childcare facility shall take place at a designated location agreed upon by the parties. If a designated location has not been or cannot be agreed upon, exchanges shall take place at the residence of the parent currently exercising timesharing. The receiving parent shall help the child[ren] move luggage or other items in the vehicle and the parent currently exercising timesharing and others present shall wait in the vehicle or residence.
4. Third parties are presumed to be appropriate for exchanging the child[ren] so long as notice is given by the parent for whom the third party is representing unless/until directed otherwise by a court.
5. Be prompt on picking up or dropping off children for exchanges. Each parent is entitled to a thirty (30) minute grace period. After this period, if the receiving parent has not arrived, the parent currently exercising timesharing shall attempt to call and work out another meeting time to make the exchange as seamless as possible. If they are not able to, the receiving parent will forfeit the timesharing period. If parent currently exercising timesharing has not arrived within thirty (30) minutes, the receiving parent will be entitled to make up lost time.
6. Both parents shall have legal child restraint systems necessary for vehicles as provided in KRS 189.125(3). Failure to do so shall justify refusal of the children until legal child restraint system(s) is/are appropriately installed.
7. The parent currently exercising timesharing must refuse to surrender the child[ren] if the receiving parent is under the influence of inebriants or drugs, as doing otherwise would put the child[ren] in danger.
8. Child support obligations shall not abate during any timeshare period.
9. Both parents shall cooperate to ensure that the child[ren] have appropriate clothing and personal items at both residences.

10. Both parents are reminded that timesharing and child support are separate issues. Kentucky Revised Statutes provide that timesharing and child support payment are NOT reciprocal obligations. Timesharing may NOT be denied due to failure to pay child support. Child support may NOT be withheld due to failure of the parent timesharing. Parents must permit timesharing and should attempt to resolve child support issues using the appropriate legal steps.
11. If the child[ren] become[s] ill, the parent exercising timesharing is responsible for taking the child[ren] to a medical professional or taking the steps to regain the child[ren]'s health. If the child[ren] are too sick to be transferred from the parent currently exercising timesharing, then timesharing will delay until the child is well enough to engage in an exchange and the time shall be made up.
12. If the child[ren] is/are admitted to the hospital, then both parents are permitted to visit the child[ren] at appropriate times. When the child[ren] is/are dispatched from the hospital, the timesharing schedule will resume as normal.
13. Both parents are entitled to request records and information regarding the child[ren]'s medical care and school records, both from the healthcare provider/school as well as from the other parent.
14. Phone calls between the child[ren] and the parent not currently exercising timesharing are allowed before the bedtime as established and communicated by the timesharing parent and not to exceed ten (10) minutes.
15. The parties may alter or amend this visitation schedule by agreement. Only mutual written agreements may be enforced by this Court. Unless agreed to by the parties or otherwise ordered by the Court, this timesharing schedule shall be followed.

MODEL TIMESHARING SCHEDULE OPTIONS

Below are options for standard timesharing for joint custody pursuant to KRS § 403.270(2). These options assume that both parents live in Fayette County or the reasonably adjacent counties and may not be suitable for situations where parents do not live-in reasonable proximity depending on the age and developmental stage of the child. If relying upon these model options, any Order for timesharing shall designate the schedule by referencing which option should be followed.

- A) **Week-on, Week-off:** Each parent shall exercise timesharing on alternating weeks with pick-up on Monday from school or childcare facility through the following Monday with that parent dropping the child[ren] off at school or childcare facility.

If any child subject to this order is not school aged and is not enrolled in a childcare facility, exchange times shall instead be Sundays at 6 PM.

- B) **Week-on, Week-off with Midweek Visit**: Each parent shall exercise timesharing on alternating weeks with pickup on Monday from school or childcare facility through the following Monday with that parent dropping the child[ren] off at school or child care facility. The parent not exercising timesharing for the week shall exercise timesharing on Wednesday evening with pickup from school or childcare facility through 8 PM. from 6 PM to 8 PM.

If any child subject to this order is not school aged and is not enrolled in a childcare facility, exchange times shall instead be Sundays at 6 PM and Wednesday at 6 PM through 8 PM.

- C) **2/2/5/5**: Both parents shall exercise timesharing on a 2/2/5/5 schedule. Parent 1 will exercise timesharing for two (2) days being every Monday and Tuesday overnights, then Parent 2 will exercise timesharing for two (2) days being every Wednesday and Thursday overnights. Parent 1 will then exercise timesharing for five (5) days being Friday through Tuesday overnights, and Parent 2 will then exercise timesharing for five (5) days being Wednesday through Sunday overnights. If the date of exchange is to occur on a school day or a day the child[ren] are scheduled to be in child care, pickups shall initiate with the receiving parent picking the child[ren] up from their school or child care facility on the appropriate day and end with that parent dropping the child[ren] off at school or child care facility at the end of their timesharing.

If any child subject to this order is not school aged and is not enrolled in a childcare facility, exchange times shall instead be at 6 PM on the appropriate date.

- D) **2/2/3**: Both parents shall exercise timesharing on a 2/2/3 schedule. Parent 1 will exercise timesharing for two (2) days being Monday and Tuesday overnights, then Parent 2 will exercise timesharing for two (2) days being Wednesday and Thursday overnights, and Parent A will exercise timesharing for three (3) days being Friday through Sunday overnights. The timesharing shall then repeat itself wherein Parent 2 will exercise timesharing for two (2) days being Monday and Tuesday overnights, then Parent 1 will exercise timesharing for two (2) days being Wednesday and Thursday overnights, and then Parent 2 will exercise timesharing for three (3) days being Friday through Sunday overnights. If the date of exchange is to occur on a school day or a day the child[ren] are scheduled to be in child care, pickups shall initiate with the receiving parent picking the child[ren] up from their school or child care facility on the appropriate day and end with that parent dropping the child[ren] off at school or child care facility at the end of their timesharing.

If any child subject to this order is not school aged and is not enrolled in a childcare facility, exchange times shall instead be at 6 PM on the appropriate date.

- E) **Every Other Weekend**: Parent 1 shall exercise timesharing at all times except that Parent 2 shall exercise timesharing every other weekend with pickup on Friday from school or childcare facility through the following Monday with that parent dropping the child[ren] off at school or childcare facility.

If any child subject to this order is not school aged and is not enrolled in a childcare facility, exchange times shall instead be Friday at 6 PM until Sunday at 6 PM.

- F) **Every other Weekend with Mid-Week Visit**: Parent 1 shall exercise timesharing at all times except that Parent 2 shall exercise timesharing every other weekend with pickup on Friday from Parent 1, school or childcare facility through the following Monday with that parent dropping the child[ren] off at Parent 1, school or childcare facility. Parent 2 shall also engage in timesharing on Wednesday evenings with pickup from Parent 1, school or childcare facility through 8 PM.

If any child subject to this order is not school aged and is not enrolled in a childcare facility, exchange times shall instead be Sundays at 6 PM and Wednesday at 6 PM through 8 PM.

HOLIDAY AND BREAK TIMESHARING

In addition to the schedule selected above, parents shall exercise timesharing as follows:

Parent 1 shall have the child in odd-numbered years as follows:

- A. Child's birthday from 9 AM until 6 PM (unless the child's birthday falls on a holiday allocated herein in which case that holiday shall take priority);
- B. Thanksgiving holiday from 6 PM the Wednesday immediately preceding Thanksgiving Day until 6 PM the Sunday immediately preceding Thanksgiving Day; and
- C. Christmas Eve beginning December 23 at 6 PM until December 24 at 6 PM.

Parent 2 shall have the child in odd-numbered years as follows:

- A. Christmas Day beginning December 24 at 6 PM until December 25 at 6 PM.

In even-numbered years, the schedule is reversed.

Any federal or state holidays falling on a Monday shall extend timesharing of the parent who is scheduled to have the preceding weekend until that Monday at 6 PM unless school is not dismissed.

Mother's Day each year with the mother from 9 AM until 6 PM and Father's Day each year with the father from 9 AM until 6 PM. In the event of same-sex parents, Parent 1 shall have the child for the respective holiday in odd-numbered years and Parent 2 shall have the child for the respective holiday in even-numbered years.

TIMESHARING OPTIONS FOR SCHOOL BREAKS

Below are standard timesharing options for school breaks pursuant to *KRS § 403.270(2)*. If a child is not enrolled in a school designating fall, winter, spring, and summer breaks, the normal timesharing schedule shall be followed for that time period. Unless otherwise stated herein, breaks shall begin on the last day of school for the applicable break at dismissal and end on the day preceding the first day of school following the applicable break at 6 PM.

Spring and Fall Breaks:

- Option 1: Parent 1 shall receive timesharing on spring break on even-numbered years and fall break on odd-numbered years. Parent 2 shall receive timesharing on spring break on odd-numbered years and fall break on even-numbered years.
- Option 2: Parent 1 shall receive timesharing every spring break every year. Parent 2 shall receive timesharing every fall break every year.
- Option 3: Parent 1 and Parent 2 shall exercise timesharing on the normal timesharing schedule.

Winter Break:

- Option 1: Parent 1 shall receive timesharing in even-numbered years the day school is dismissed from dismissal until December 23 at 6 PM and Parent 2 shall receive timesharing December 25 at 6 PM until the day preceding the day school begins back at 6 PM.
- Option 2: Parent 1 and Parent 2 shall exercise timesharing on the normal timesharing schedule.

Summer Break:

- Option 1: Parent 2 shall have timesharing for two nonconsecutive weeks in the summer provided that those dates are provided to Parent 1 in writing by May 1st. If there are any dates unacceptable to Parent 1, Parent 1 must notify Parent 2 that certain dates are not available so long as Parent 2 has not already provided their dates in writing. Parent 1 shall not make more than two weeks total unavailable to Parent 2 prior to the May 1st deadline.
- Option 2: Parent 1 and Parent 2 shall exercise timesharing on alternating weeks beginning the Sunday immediately preceding the last day of school at 6 PM until the Sunday immediately preceding the first day of school at 6 PM.
- Option 3: Parent 1 and Parent 2 shall exercise timesharing on the normal timesharing schedule.