Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING AMENDMENT TO RULE III (D)OF THE DOMESTIC VIOLENCE PROTOCOL FOR THE 24TH JUDICIAL CIRCUIT AND DISTRICT, JOHNSON, LAWRENCE, AND MARTIN COUNTIES

Upon recommendation of the Judges of the 24th Judicial Circuit and District, and being otherwise sufficiently advised,

The Amendment to Rule III (D) of the Domestic Violence Protocol for the 24th Judicial Circuit and District, Johnson, Lawrence, and Martin Counties is hereby approved. This order shall be effective April 1, 2017, and shall remain in effect until further orders of this court.

Entered this the 27th day of February 2017.

CHIEF JUSTICE JOHN D. MINTON, JR.

COMMONWEALTH OF KENTUCKY
24TH JUDICIAL CIRCUIT

ORDER

IN RE: AMENDMENT TO THE LOCAL DOMESTIC VIOLENCE PROTOCOL FOR THE 24TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION (JOHNSON, LAWRENCE AND MARTIN COUNTIES)

The attached Amendment to the Local Domestic Violence Protocol for the 24th Judicial Circuit, Family Court Division, is hereby approved by all Judges of the 24th Judicial Circuit, and will become effective on April 1, 2017.

Dated this the 20th day of February, 2017.

Judge Janie McKenzie Wells
Family Court Judge

Judge John David Preston
Circuit Judge

Judge John Kevin Holbrook
District Judge

Judge John T. Chafin
District Judge

24th CIRCUIT DOMESTIC VIOLENCE PROTOCOL
AMENDED RULE III (D)

EMERGENCY PROTECTIVE ORDERS (EPO)

Johnson County: Domestic Violence cases in Family Court are scheduled to be called on the 1st and 3rd Tuesdays of each month at 9:00 am in the Johnson Family Courtroom.

Lawrence County: Domestic Violence cases in Family Court are scheduled to be called on the 1st and 3rd Mondays of each month at 10:00 am in the Lawrence County Family Courtroom.

Martin County: Domestic Violence cases in Family Court are scheduled to be called on the 1st and 3rd Wednesdays of each month at 10:00 am in the Martin Circuit Courtroom.

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 24TH JUDICIAL CIRCUIT AND DISTRICT, JOHNSON, LAWRENCE AND MARTIN COUNTIES

Upon the recommendation of the Judges of the 24th Judicial Circuit and District, Johnson, Lawrence and Martin counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 24th Judicial Circuit and District is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this 11th day of December 2015.

CHIEF JUSTICE

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL
24th JUDICIAL CIRCUIT AND DISTRICT
JOHNSON, LAWRENCE & MARTIN COUNTIES

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 in that Circuit. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.

F. The court shall review a petition for a protective order immediately upon its filing. KRS 403.730, KRS 456.040. Petitioners shall not be sent away or left waiting for extended periods of time. Petitions should be reviewed within an hour of presentation to a judge or trial commissioner unless impossible due to no judge or trial commissioner being available.

II. Twenty-four Hour Accessibility

A. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **during** regular business hours: The appropriate Circuit Court Clerk's office or any law enforcement officer.

JOHNSON COUNTY: Any person seeking relief through the provision of a protective order and meeting the criteria as set forth by Statute can obtain a Domestic Violence Petition or Interpersonal Protective Petition by contacting the Johnson Circuit Clerk's office or the Domestic Violence Advocate's office during regular business hours 8:00 am – 4:00 pm, Monday through Friday.

LAWRENCE COUNTY: Any person seeking relief through the provision of a protective order and meeting the criteria as set forth by Statute can obtain a Domestic Violence Petition or Interpersonal Protective Petition by contacting the Lawrence Circuit Clerk's office during regular business hours 8:30 am – 4:00 pm, Monday through Friday, and 8:30 am – 12:00 pm on the first and last Saturdays of each month.

MARTIN COUNTY: Any person seeking relief through the provision of a protective order and meeting the criteria as set forth by Statute can obtain a Domestic Violence Petition or Interpersonal Protective Petition by contacting the Martin Circuit Clerk's office during regular business hours 8:00 am – 4:00 pm, Monday through Friday, and on the 1st and 3rd Thursdays of each month until 7:00 pm.

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

JOHNSON COUNTY: After regular office hours (4:00 pm – 8:00 am) and on weekends and Holidays, a Domestic Violence Petition or Interpersonal Protective Petition can be obtained through the Johnson County Sheriff's Department, Paintsville City Police, Kentucky State Police, 911 Dispatch, the Johnson County Cabinet for Health and Family Services or the Domestic Violence Advocate's office.

LAWRENCE COUNTY: After regular office hours (4:00 pm – 8:30 am) and on weekends and Holidays, a Domestic Violence Petition or Interpersonal Protective Petition can be obtained through the Lawrence County Sheriff's Department, Louisa City Police, Kentucky State Police, 911 Dispatch or the Lawrence County Cabinet for Health and Family Services.

MARTIN COUNTY: After regular office hours (4:00 pm – 8:00 am) and on weekends and Holidays, a Domestic Violence Petition or Interpersonal Protective Petition can be obtained through the Martin County Sheriff's Department, Inez City Police, Kentucky State Police, 911 Dispatch or the Martin County Cabinet for Health and Family Services.

C. Upon receipt of a Petition and Affidavit for an Emergency Protective Order (EPO) **during** regular business hours, the authorized agency/officer shall present the petition to the following: Family Court Judge, Trial Commissioner (Lawrence and Martin counties only), then the on-call District Judge, then the off-call District Judge or Circuit Judge, in that order of availability. The Chief District Judge may appoint the Trial Commissioners for Johnson County in the event of unavailability of a Judge.

Upon receipt of a Petition and Affidavit for an Interpersonal Protective Order (IPO) **during** regular business hours, the authorized agency/officer shall present the petition to the following: the on-call District Court Judge, Trial Commissioner (Lawrence and Martin counties only), Family Court Judge, or off-call District Judge or Circuit Judge, in that order of availability. The Chief District Judge may appoint the Trial Commissioners for Johnson County in the event of unavailability of a Judge.

D. Upon receipt of a Petition and Affidavit for an Emergency Protective Order (EPO) or Interpersonal Protective Order (IPO) **after** regular business hours, the authorized agency/officer shall present the petition to: the on-call Judge (Trial Commissioners in Lawrence and Martin Counties). An on-call schedule shall be prepared (by agreement of the Family and District Court Judges with an equal rotation) prior to each month and distributed to the appropriate agencies. The Chief District Judge may appoint the Trial Commissioners for Johnson County in the event of unavailability of a Judge.

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 interpersonal protective order cases to the District Court.

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

EMERGENCY PROTECTIVE ORDERS (EPO)

Johnson County: Domestic Violence Court cases are scheduled to be called on the 1st and 3rd Tuesdays of each month at 9:00 a.m. in the Johnson Family Courtroom.

Lawrence County: Domestic Violence Court cases are scheduled to be called on the 2nd and 4th Mondays of each month at 9:00 a.m. in the Lawrence Family Courtroom.

Martin County: Domestic Violence Court cases are scheduled to be called on the 2nd and 4th Wednesdays of each month at 9:00 a.m. in the Martin Circuit Courtroom.

INTERPERSONAL PROTECTIVE ORDERS (IPO)

Johnson County: Interpersonal Protective Order cases are scheduled to be called on the 1st, 2nd, 3rd and 4th Monday of each month at 1:00 p.m. in the Johnson District Courtroom.

Lawrence County: Interpersonal Protective Order cases are scheduled to be called on the 1st, 2nd, 3rd and 4th Tuesday of each month at 11:00 a.m. in the Lawrence District Courtroom.

Martin County: Interpersonal Protective Order cases are scheduled to be called on the 1st, 2nd, 3rd and 4th Monday of each month at 1:00 p.m. in the Martin District Courtroom.

E. Cases may be reassigned or transferred between courts if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. KRS 403.725, KRS 456.030. If reassignment or transfer occurs, the issuing Judge shall re-issue a summons until the matter may be heard by the receiving Judge.

IV. Contempt Proceedings

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

B. Petitioners seeking to initiate contempt proceedings should contact: The County Attorney or Assistant County Attorney. If the County Attorney believes contempt proceedings through the Family Court are more appropriate, the Petitioner will be directed to the Circuit Court Clerk's office to file an Affidavit.

C. No petitioner may be held in contempt for failure to appear at a domestic violence hearing or prosecute a criminal violation of a protective order.

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

The above protocol is adopted by all judicial officers in the 24th Judicial Circuit:

HON. JANIE MCKENZIE WELLS
FAMILY COURT JUDGE
24TH JUDICIAL CIRCUIT, DIV I

HON. JOHN DAVID PRESTON
CIRCUIT COURT JUDGE
24TH JUDICIAL CIRCUIT, DIV II

HON. JOHN T. CHAFIN
DISTRICT COURT JUDGE
24TH JUDICIAL CIRCUIT, DIV I

HON. JOHN KEVIN HOLBROOK
CHIEF DISTRICT JUDGE
24TH JUDICIAL CIRCUIT, DIV II