Supreme Court of Kentucky

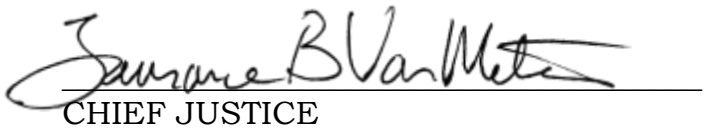
ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 28TH JUDICIAL CIRCUIT AND 13TH JUDICIAL DISTRICT, LINCOLN COUNTY

Upon the recommendation of the Judges of the 28th Judicial Circuit and 13th Judicial District, Lincoln County; and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for Lincoln County 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 15th day of September 2023.



CHIEF JUSTICE

APPENDIX 1-2
REVISIONS OF THE RULES OF PRACTICE OF THE LINCOLN CIRCUIT/DISTRICT COURT
The Family Court Rules of Practice of the 28th Judicial Circuit are hereby amended as follows:

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL 28TH JUDICIAL CIRCUIT AND 13TH JUDICIAL DISTRICT LINCOLN COUNTY

Pursuant to KRS 403.725 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. 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 403.730, KRS 403.740, KRS 456.040 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. 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:

i. Lincoln Circuit Court Clerk's Office

ii. Greenhouse-17

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

i. Any law enforcement officer

ii. Greenhouse-17, along with any other regional rape crisis centers under KRS 211.600 or regional domestic violence shelters under KRS 209A.045, may electronically file petitions for protective orders where available.

C. Upon receipt of a petition during regular business hours, the authorized agency/officer shall present the petition to the Family Court Judge. If the Family Court Judge is not available, to the District Judge or Circuit Judge, or if not available, to a judicial officer in another circuit consistent with the Regional Program Administration Charter.

D. Upon receipt of a petition after regular business hours, the authorized agency/officer shall present the petition to the Family Court Judge. If the Family Court Judge is not available, to the District Judge or Circuit Judge, or if not available, to a judicial officer in another circuit consistent with the Regional Program Administration Charter.

III. Assignment of Cases

A. Pursuant to KRS 403.725 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. The schedule for hearings on protective orders is as follows:

i. EPO/DVO/IPO: Thursdays at 9:00 am for Division 3 and 1:00 for Division 4 pursuant to the calendar generated by the Courts and provided to the issuing agency.

E. Pursuant to KRS 403.725, KRS 456.030, and FCRPP 12, cases may be reassigned within the judicial circuit, and a case may be transferred to another circuit if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. 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 Circuit Court Clerk's Office in the county where the order was issued.

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

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

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

The above is adopted by all judicial officers in the circuit and district for Lincoln County, this 1 Day of June, 2023:

BILL OLIVER
CHIEF DISTRICT JUDGE
13TH JUDICIAL DISTRICT
DIVISION I

MARCUS L. VANOVER
CHIEF CIRCUIT JUDGE
28TH JUDICIAL CIRCUIT
DIVISION III

JANET BOOTH
DISTRICT JUDGE
13TH JUDICIAL DISTRICT
DIVISION II

JANE ADAMS VENTERS
CIRCUIT/FAMILY JUDGE
28TH JUDICIAL CIRCUIT
DIVISION IV

TERESA WHITAKER
CIRCUIT JUDGE
28TH JUDICIAL CIRCUIT
DIVISION I

EDDY F. MONTGOMERY
CIRCUIT JUDGE
28TH JUDICIAL CIRCUIT
DIVISION II