Supreme Court of Kentucky

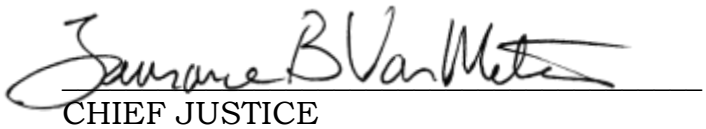
ORDER

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

Upon the recommendation of the Judges of the 28th Judicial Circuit and District, Pulaski and Rockcastle counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for Pulaski and Rockcastle counties 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 this15th day of September 2023.



CHIEF JUSTICE

APPENDIX 1-1

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICITON PROTOCOL 28TH JUDICIAL CIRCUIT AND DISTRICT PULASKI AND ROCKCASTLE 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.

1. 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 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 receiving judge may hear the matter.

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 Circuit Clerks of Pulaski and Rockcastle Counties, and all of their sworn deputies;

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

1. The Sheriffs of Pulaski and Rockcastle Counties and all other sworn deputies and dispatchers;
2. The Jailers of Pulaski and Rockcastle Counties and all other sworn deputies and dispatchers;
3. The County Attorneys of Pulaski and Rockcastle Counties and any Assistant County Attorneys or office staff employees;
4. The Chief of Police for the cities of Somerset, Mt. Vernon, and any other incorporated city in Pulaski or Rockcastle Counties, and all sworn officers and dispatchers within their departments;
5. Any Kentucky State Police officer found in Pulaski and Rockcastle counties;

C. Upon receipt of a **domestic violence petition**, the authorized agency/officer shall present the petition to the following:

1. To the Family Circuit Court Judge, or if unavailable, the District Judges or to the Trial Commissioner, in that order. If neither is available, the clerk shall cause the petition to be delivered for consideration to any Circuit Judge.
2. Petitions filed with the Clerk or other authorized entity shall be directed to the appropriate Judge or Trial Commissioner for review as soon reasonably possible, not to exceed one hour of filing, EXCEPT in circumstances where the Judge or Trial Commissioner is unavailable.

D. Upon receipt of an **interpersonal protective order petition**, the authorized agency/officer shall present the petition to the following:

1. To the District Court Judge, or if unavailable, to the Trial Commissioner or to the Family Court Judge, in that order. If neither is available, the clerk shall cause the petition to be delivered for consideration to any Circuit Judge.

2. Petitions filed with the Clerk or other authorized entity shall be directed to the appropriate Judge or Trial Commissioner for review as soon reasonably possible, not to exceed one hour of filing, EXCEPT in circumstances where the Judge or Trial Commissioner is unavailable.

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 any 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 protective order cases to the Family Court.

D. The circuit clerk shall assign interpersonal protective order cases to the District Court.

E. The schedule for hearings on domestic violence protective orders is as follows:
Pulaski Family Court on Wednesday at 9:00 a.m., per a printed schedule prepared and distributed monthly to appropriate court personnel;
Rockcastle Family Court on Tuesday at 9:00 a.m., per a printed schedule prepared and distributed monthly to appropriate court personnel;

F. The schedule for hearings on interpersonal protective orders is as follows:
Pulaski District Court on Tuesdays 9:00 a.m., per a printed schedule prepared and distributed monthly to appropriate court personnel;
Rockcastle Family Court on Wednesdays 11:00 a.m., per a printed schedule prepared and distributed monthly to appropriate court personnel;

G. 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 *403.736* 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 criminal contempt proceedings should contact the Circuit Clerk, County Attorney, any Law Enforcement Agency or Peace Officer.
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 for Pulaski and Rockcastle Counties are attached to this protocol and are incorporated herein by reference.

The above is adopted by all judicial officers in the circuit and district for Pulaski and Rockcastle Counties, this 28 Day of March, 2023:

BENJAMIN R. HARDY
DISTRICT JUDGE
28TH JUDICIAL DISTRICT
DIVISION I

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

KATHRYN GREGORY SLONE
CHIEF DISTRICT JUDGE
28TH JUDICIAL DISTRICT
DIVISION II 3-11-2023

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