APPENDIX A: DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL
31st and 36th JUDICIAL CIRCUITS AND DISTRICTS
FLOYD, KNOTT, & MAGOFFIN COUNTIES

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

I. Uniform Protocol for Processing Cases

A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.

B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.

C. Domestic violence matters may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending.

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

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

1.There is a pending custody and /or dissolution action in another circuit.

2.The Court either on its own motion or at the request of one/or both parties, recuses due to a conflict.

II. Twenty-four Hour Accessibility

A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

Floyd County:
Floyd Family Court Clerk's Office
2nd Floor Justice Center
127 South Lake Drive Suite 100
Prestonsburg, KY 41653
Phone #: (606)889-1651

Mountain Comprehensive Care Center
104 South Front Avenue
Prestonsburg, KY 41653
(606)886-8572 or 886-4301

Floyd County Sheriff's Office
1st Floor Floyd County Courthouse Annex
3rd Avenue
Prestonsburg, KY 41653
(606)886-6171

Knott County:
Knott County Attorney's Office
54 W. Main Street
Hindman, KY 41822
(606)785-5355

Magoffin County:
Cabinet for Health and Family Services
Division of Protection and Permanency
125 Church Street
Salyersville, KY 41465
(606)349-3122

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

Floyd County:
Mountain Comprehensive Care Center
Crisis Line: 1-800-422-1060

Floyd County Sheriff's Office
1st Floor Floyd County Courthouse Annex
3rd Avenue
Prestonsburg, KY 41653
Phone #:(606)886-6171

Knott County:
Contact local Law Enforcement agency or
Kentucky State Police by calling 911

Magoffin County:
Contact local Law Enforcement agency or
Kentucky State Police by calling 911

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

1. The petition shall be presented to the district judge(s) and/or trial commissioner.
2. If the district judge and/or trial commissioner is not available, then the petition shall be presented to the circuit judge(s).
3. In the event that the district judge, trial commissioner, and/or circuit judge(s) is not available, the petition may be presented to the family court judge.

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

1. The petition shall be presented to the district judge(s) and/or trial commissioner.
2. If the district judge(s) and/or trial commissioner is not available, then the petition shall be presented to the circuit judge(s).
3. In the event that the district judge(s), trial commissioner, and/or circuit judge(s) is not available, the petition may be presented to the family court judge.

E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

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

Floyd County:

1st, 2nd, 3rd, & 4th Tuesdays at 9:00 a.m.

Knott County:

1st, 2nd, 3rd, and 4th Mondays at 9:00 a.m.

Magoffin County:

1st, 2nd, 3rd, & 4th Thursdays at 9:00 a.m.

III. Contempt Proceedings

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

B. Petitioners seeking to initiate contempt proceedings should contact:

1. The petitioners may contact their respective county attorney's office to seek the filing of criminal charges.
2. Or, the petitioners may contact their respective family court clerk's office to seek civil contempt charges.

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

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 judges in the circuit/district on this the 25th day of April, 2012:

Hon. Dwight S. Marshall
Family Court Judge

Hon. John David Caudill
Floyd Circuit Judge, Division II

Hon. Johnny Ray Harris
Floyd Circuit Judge, Division I

Hon. Kimberley Childers
Knott/ Magoffin Circuit Judge

Hon. Eric Hall
Floyd District Judge, Division II

Hon. Jimmy R. Marcum
Floyd District Judge, Division I

Hon. Dennis Prater
Knott/Magoffin District Judge