Additions:
12-11-2015 Appendix 1, DV Protocol
09-08-2022 Appendix II, Equal Timesharing Guidelines

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 37TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, CARTER, ELLIOTT, AND MORGAN COUNTIES

Upon recommendation of the Judges of the 37th Judicial Circuit, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 37th Judicial Circuit, Family Court Division, Carter, Elliott, and Morgan counties, 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 23rd day of March 2012.

CHIEF JUSTICE JOHN D. MINTON, JR.

CARTER, ELLIOTT AND MORGAN CIRCUIT COURT
FAMILY COURT DIVISION
37th JUDICIAL CIRCUIT

RULE 1 INTRODUCTION / ADMINISTRATIVE PROCEDURE

101 Preface

These are the Uniform Rules of Court Practice and Procedures of the 37th Judicial Circuit Court, Family Court Division. 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). These rules shall be the only operative 37th Circuit Family Court Rules. All previous rules adopted by the 37th Circuit Family Court are hereby rescinded.

102 Effective Date

The effective date of these rules shall be thirty (30) days after Kentucky Supreme Court approval.

103 Citation

These rules shall be cited as 37FRP.

104 Holidays

Holiday schedules may be obtained at the Circuit Clerk's Office and on the website: **http://courts.ky.gov/circuitcourt/familycourt.com**

RULE 2 COURT SCHEDULING / MOTION HOUR /PROCEDURES FOR FILING

201 Regular Motion Hour Schedule

A. For all Carter Family Court, Motion Hour shall be on Tuesday. The schedule may be obtained at the Carter Family Court Clerk's Office or on the 37th Circuit Family Court website: **http://courts.ky.gov/circuitcourt/familycourt.net**
   a. All Carter County Circuit Civil, Child Support and Paternity motions shall be heard on Tuesdays in Carter Family Court at 9:00 a.m.
   b. Domestic Violence motions and hearings shall be heard on Tuesdays in Carter Family Court at 10:30 a.m.
   c. Dependency, Neglect and Abuse and Status motions and hearings shall be heard on Tuesdays in Carter Family Court at 1:00 p.m.

B. For all Elliott Family Court, Motion Hour shall be on the 2nd and 4th Monday of every month. This schedule may be obtained at the Elliott Family Court Clerk's

Office or on the 37th Circuit Family Court website:
http://courts.ky.gov/circuitcourt/familycourt.com

a. All Elliott County Circuit Civil, Child Support and Paternity motions shall be heard on 2nd and 4th Mondays in Elliott Family Court at 9:00 a.m.
b. Domestic Violence Motions and hearings shall be heard on 2nd and 4th Mondays in Elliott Family Court at 9:00 a.m.
c. Dependency, Neglect and Abuse and Status motions and hearings shall be heard on 2nd and 4th Mondays in Elliott Family Court at 9:00 a.m.

C. For all Morgan Family Court, Motion Hour shall be heard on the 1st, 3rd and 5th Monday of every month. This schedule may be obtained at the Morgan Family Court Clerk's Office or on the 37th Circuit Family Court Website:
http://courts.ky.gov/circuitcourt/familycourt.com

a. All Morgan County Circuit Civil, Child Support and Paternity motions shall be heard on 1st, 3rd and 5th Mondays in Morgan Family Court at 9:00 a.m.
b. Domestic Violence Motions and hearings shall be heard on 1st, 3rd, and 5th Mondays in Morgan Family Court at 9:00 a.m.
c. Dependency, Neglect and Abuse and Status motions and hearings shall be heard on 1st, 3rd, and 5th Mondays in Morgan Family Court at 10:00 a.m.

202 Deadline For Serving and Filing Motions

A. All motions pursuant to 37FRP 201 (A) shall be filed and clocked no later than 4:00 p.m. on the preceding Wednesday with copies mailed, hand delivered or sent by electronic transmission by 4:00 p.m. on Thursday.
B. All motions pursuant to 37FRP 201 (B) shall be filed and clocked no later than 4:00 p.m. on the preceding Tuesday with copies mailed, hand delivered or sent by electronic transmission by 4:00 p.m. on Wednesday.
C. All motions pursuant to 37FRP 201 (C) shall be filed and clocked no later than 4:00 p.m. on the preceding Tuesday with Copies mailed, hand delivered or sent by electronic transmission by 4:00 p.m. on Wednesday.

RULE 3 ADOPTIONS / TERMINATION OF PARENTAL RIGHTS

301 Temporary Custody Order

Temporary Custody Orders granted pursuant to KRS 199.473(7) shall be SEALED, and not opened to inspection by persons other than the parties to such proceedings and their counsel.

302 Adoption Checklist

Upon filing of a Petition for Adoption the attorney for the petitioner shall complete a checklist and attach to any notice for final hearing. The checklist can be obtained from the Circuit Clerk's Office.

RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

401 Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol

The Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the 37th Judicial Circuit and District is attached hereto as Appendix 1 and incorporated herein by reference as if set out in full.

RULE 5 PATERNITY

501 Motion Practice

A. Motions for wage assignment pursuant to KRS 403.215 and KRS 405.463, appointment of Guardian Ad Litem, for Guardian ad Litem fees, and to compel discovery shall be placed on the regular docket.

B. Motions for default judgments for failure to plead or otherwise defend, as provided by the Rules of Civil Procedure, shall be heard during motion hour. If the Court determines a hearing necessary under CR 55.01, a hearing date will be assigned.

C. Motions to modify, suspend, or terminate support and to determine arrearages accrued on child support orders shall be heard during motion hour.

502 Reopening Fee

A. Pursuant to FCRPP 14 (1), a $50.00 reopening fee shall not be paid for motions in cases brought pursuant to Title IV-D of the Social Security Act for child support modification or enforcement. However where an action is initiated pursuant to Title IV-D but subsequent motions regarding child support, custody or visitation are brought by a private attorney or are filed by a party pro se, rather than by Title IV-D counsel, the fee shall be charged unless the motion is brought in forma pauperis.

503 Permission to Review and Copy Paternity Case Files

Upon receipt of the Circuit Clerk's Office of an attorney's statement seeking permission to review and copy a paternity case file, **OR** upon the receipt by the Circuit Clerk's Office of a party's signed and notarized release authorizing an attorney to inspect the party's paternity case file, <u>for reasons relating to representation in that action of a party thereto</u>, the Clerk's office shall grant the attorney access to such a file.

Pursuant to KRS 406.035, the attorney seeking permission to review and/or copy the paternity file shall sign a statement that the order of judgment is the only information which may be shared with the client and that all other information in the case cannot be disclosed to the client, including information relating to domestic violence or child abuse as well as the addresses of the parties. Regardless of the subsequent representation or non-representation of the party, any information contained in such file is confidential and subject to the attorney-client privilege.

504 Access to Paternity Cases for Attorneys and Guardians Ad Litem Representing Incarcerated Parents

The Circuit Clerk's Office shall allow attorneys and Guardian Ad Litems who are representing incarcerated parents in paternity cases to have access to the records of those actions.

RULE 6 DEPENDENCY, NEGLECT AND ABUSE

601 Procedure for Emergency Custody Orders

In the 37th Judicial Circuit, Family Court Division, to obtain an Emergency Custody Order as set forth in FCRPP 19:

A. During normal working hours, 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding holidays, persons seeking an Emergency Custody Order (ECO), shall come to the Circuit Clerk's Office. If a CHFS social worker is granted an ECO, the social worker is to provide a copy to the agency. A copy shall also be provided to the person seeking the ECO prior to leaving the Circuit Clerk's Office. The original ECO shall remain with the Circuit Clerk's Office.
B. After working hours, 4:30 p.m. to 8:30 a.m. Monday through Friday and on weekends and holidays the Family Court Judge shall be contacted. Pursuant to FCRPP 19(3)(a), CHFS will file the original order with the Circuit Clerk's Office on the next working day.

602 Petition

A. All petitions shall be filed in accordance with FCRPP 20 and shall be submitted to the County Attorney, who shall check the petition for legal sufficiency. If the petition is rejected by the county attorney, it shall be submitted to the Family Court Judge for determination of legal sufficiency. If the judge determines that the petition fails to state grounds for action pursuant to KRS Chapter 620, the petition shall be dismissed. If the petition is approved, the county attorney or judge, as appropriate, shall initial the petition for filing. A copy shall be distributed to the county attorney and the original shall be filed with the Office of the Circuit Clerk.

B. Any petition filed with the Court shall comply with the following conditions:
   1. Citations to specific statute and factual allegations relied upon in asserting the Court's jurisdiction; and
   2. Full information concerning the child's parents and their address(es). The petitioner shall make diligent efforts to locate the child's parents, including but not limited to, initiating contact with the Child Support Division of the County Attorney's Office.

603 The Effects of Service on Only One Parent/Persons Exercising Custodial Control of Supervision

The Judge may permit the Temporary Removal Hearing or the adjudicatory to go forward when the non-custodial parent has not been served in accordance with FCRPP 18(1) if it is established on the record that petitioner has made diligent efforts to serve all other parties including initiating contact with the Child Support Division of the County Attorney's Office in an attempt to locate any absent parent. The petitioner shall make continuing diligent efforts after the hearing to locate and notify all persons who were not served.

604 Time for Temporary Removal Hearing

The Temporary Removal Hearing shall be held according to the following guidelines:

A. Pursuant to FCRPP 19(3)(b), the Temporary Removal Hearing shall be scheduled within 72 hours, excluding holidays and weekends, of the issuance of an ECO.

B. The Temporary Removal Hearing shall be held no earlier than the day following the filing the petition to allow time for service to be attempted.

605 Guardians Ad Litem and Parents Attorneys

The Court shall assign Guardian Ad Litems and, if the parent(s) qualifies as an indigent after submittal of the AOC-DNA-11, Financial Statement, Affidavit of Indigence, Request for Counsel and Order, a parent attorneys to each case in order to facilitate consistent, high-quality advocacy representation of all parties.

606 Duty of Guardian Ad Litem and Parent Attorney to Continue

After a Guardian Ad Litem or parent attorney accepts an appointment, representation shall continue through all stages of the dependency, neglect, abuse, or termination of parental rights and adoption proceedings. All parties shall be served with notice of an attorney's request to withdraw.

607 Records and Transcripts

A videotaped record of all proceedings shall be kept and copies shall be available to the parties and their counsel upon request in accordance with the provisions of FCRPP 27.

608 Dispositional Hearing

At the dispositional hearing CHFS shall provide the court with the information required pursuant to FCRPP 28 by completing form DNA 12. In addition, if the siblings have been separated, CHFS shall explain the reasons for the separation.

RULE 7 DOMESTIC RELATIONS PRACTICE

701 Status Quo Orders (FCRPP 2(5))

In the 37th Judicial Circuit the initial court appearance may not occur for thirty days or more after the initial filing of an action for Dissolution of Marriage. Therefore, if a Motion for a Status Quo Order is filed with the Petition which requests entry of the AOC 237, Status Quo Order, and which states that the Respondent has ten days to file any objection to entry of the Order, the clerk will serve a copy of the Motion with the Summons and Petition on the Respondent. If no response is filed within 10 days of service of the Summons, Petition and Notice of the Motion, the Status Quo Order will be entered by the Court.

702 Appearances, Waivers and Agreements

A. Any unrepresented party who signs and acknowledges an appearance and waiver or agreement shall do so before a notary.
B. All agreements and Agreed Orders shall contain the correct mailing addresses for the attorneys and parties.

703 Trial Memorandum

When requested by the Court, both Petitioner and Respondent shall file a trial memoranda with the Court which address the following:

A. A summary of the general fact;
B. A statement of any stipulated facts;
C. A concise statement of each general issue (both factual and legal) in dispute;
D. Argument with ample supportive citations of authority pertinent to any unusual or unique issues or fact and/or law;
E. Conclusions setting forth the specific relief sought from the Court, and in particular an itemized listing of the personal property that the Petitioner/Respondent would like the Court to award to him or her;
F. Updated witness lists, trial exhibits, etc.;

G. A statement of the status of mediation (if applicable).

704 Mediation

Upon agreement of the parties, or if ordered by the Court pursuant to FCRPP 2(6), the parties shall engage in mediation unless the exceptions provided under KRS 403.036 apply.

A. Adjournment

The mediator may suspend or terminate mediation whenever, in the opinion of the mediator, the matter is not appropriate for further mediation or at the request of either party.

B. Counsel

The parties shall attend the mediation conference and shall appear promptly at the time and location for the scheduled mediation conference. The attorneys for each party may attend and participate, subject to the defined roles of the mediator, and shall at all times be permitted to privately communicate with their respective clients.

C. Completion of Mediation

1. At the conclusion of mediation, the mediator shall report without comment to the Court the outcome of the mediation.
2. The Court shall retain final authority to accept, modify, or reject an agreement.
3. The parties shall have the affirmative duty to contact the court's secretary and remand any pending hearings concerning resolved issues.

D. Confidentiality

1. Mediation proceedings shall be held in private and all communications, verbal or written, made in the proceedings shall be confidential. The same protection shall be given to communications between the parties in the presence of the mediator. The only exception to this Rule is that the mediator shall be responsible for reporting abuse according to KRS 209.030, KRS 209A.030 and KRS 620.030.
2. All conduct and communications made during a mediation conference shall be treated as settlement negotiations and shall be governed by K.R.E. 408.
3. Mediators shall not be subpoenaed regarding the disclosure of any matter discussed during the mediation which is considered confidential. This privilege and immunity resides with the mediator an may not be waived by the parties.

RULE 8 STATUS OFFENSES

801 Status Offense Cases

See FCRPP 37 – 44 for statewide uniform rules. There are no local rules pertaining to Status Offense cases.

RULE 9 MISCELLANEOUS

901 Identification of Counsel or Party Required

Every pleading, motion and any other paper filed in the record by counsel or party shall contain the case number, typed or printed name, address and telephone number of the attorney or party signing the paper. A rubber stamp shall not be deemed a signature either under this Rule or CR 11.

902 Protection of Personal Identifiers

A. In addition, all pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph B below, where personal identifiers, are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. The clerk shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy of specific orders of the Court. As used in this section, "personal identifier" means a Social Security number or taxpayer identification number, date of birth, or financial account number.

B. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not e redacted, and any access to those files shall be governed by KRS 199.570, KRS 610.340, KRS 625.045 and KRS 625.108.

903 Video Copies of In-Chamber Interviews with Children

Pursuant to FCRPP 17, the Circuit Court Clerk shall not release any Family Court video in-chamber interviews with children without a specific written order of a Family Court Judge. An individual requesting a judicial order must provide the Family Court Judge a written explanation for the request, which specifically

indicates the portion of the video record being requested, is an in-chamber interview with a child and specific purpose for the request.

904 Request for Confidential Video Records

The Circuit Clerk shall not release any copies of Family Court confidential video records, except for Paternity actions, without a specific written order from the presiding Family Court Judge. An individual requesting a judicial order must file a written motion, with notice to all parties, including the child's Guardian Ad Litem, if any, and set forth the purpose for the request.

Except that, pursuant to KRS 610.340(2), this shall not apply to public officers or employees engaged in the investigation and prosecution of cases under KRS Chapters 600 through 645 or other prosecutions authorized by the Kentucky Revised Statutes, as certified by the that public officer or employee. Said public officer or employee shall use and distribute this information only for investigation or prosecution of offenses under the Kentucky Revised Statutes.

Approved this 15 day of MARCH, 2012.

David D. Flatt, Judge
37th Circuit Judge
Family Court Division

Rebecca K. Phillips, Judge
37th Circuit Judge

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING AMENDMENT TO APPENDIX 1 OF THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 37TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, CARTER, ELLIOTT AND MORGAN COUNTIES

Upon the recommendation of the Judges of the 37th Judicial Circuit, Carter, Elliott and Morgan counties, and being otherwise sufficiently advised,

The amendment to Appendix 1 of the Rules of Court Practice and Procedure for the 37th Judicial Circuit, Family Court Division, 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
37TH JUDICIAL CIRCUIT AND DISTRICT
CARTER, ELLIOTT & MORGAN COUNTIES

Pursuant to KRS 403.7335 and KRS 456.030, and in compliance with Family Court Rules of Practice and Procedure Section IV, this local protection 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 Court.

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 further 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 FCRPP12, 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 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: Kentucky State Police, West Liberty Police Department, Morgan County Sheriff Office, Grayson Police Department, Olive Hill Police Department, Carter County Sheriff Office, Elliott County Sheriff Office, Carter Circuit Clerk's Office, Morgan Circuit Clerk's Office, Elliott Circuit Clerk's Office, All County Attorneys and their Assistants.

B. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **after** regular business hours and weekends: Kentucky State Police, West Liberty Police Department, Morgan County Sheriff Office, Grayson Police Department, Olive Hill Police Department, Carter County Sheriff Office, Elliott County Sheriff Office, Carter Circuit Clerk's Office, Morgan Circuit Clerk's Office, Elliott Circuit Clerk's Office, All County Attorneys and their Assistants.

C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following: (1.) District Court Judge (2.) Family Court Circuit Judge (3.) Circuit Court Judge (4.) Trial Commissioners of Elliott or Morgan counties.

D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to: (1.) District Court Judge (2.) Family Court Circuit Judge (3.) Circuit Court Judge (4.) Trial Commissioners of Elliott or Morgan counties.

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 Family Court.

D. The schedule for hearing on protective orders is as follows: Carter Family Court – each Tuesday at 10:30 a.m.; Elliott Family Court – 2nd and 4th Mondays at 9:00 a.m.; Morgan Family Court – 1st, 3rd and 5th Mondays at 9:00 a.m.

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: County Attorney or private counsel; or pro se motion to be filed with the appropriate Circuit Clerk.

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 this circuit:

Rebecca Phillips, Circuit Court Judge — 11/13/15 Date

David D. Flatt, Family Court Circuit Judge — 11/9/15 Date

Rupert Wilhoit, District Court Judge — 11-13-15 Date

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING APPENDIX II, EQUAL TIMESHARING GUIDELINES, OF THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 37TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, CARTER, ELLIOTT, AND MORGAN COUNTIES

Upon recommendation of the Family Circuit Judge of the 37th Judicial Circuit, and being otherwise sufficiently advised,

Appendix II, Equal Timesharing Guidelines, of Court Practice and Procedure for the 37th Judicial Circuit, Family Court Division, Carter, Elliott, and Morgan 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 this the 8th day of September 2022.

CHIEF JUSTICE JOHN D. MINTON, JR.

CARTER, ELLIOTT AND MORGAN CIRCUIT COURT
FAMILY COURT DIVISION
37th JUDICIAL CIRCUIT

APPENDIX II: EQUAL TIMESHARING GUIDELINES

Pursuant to KRS 403.270(2), "Subject to KRS 403.315, there shall be a presumption, rebuttable by a preponderance of the evidence, that joint custody and equally shared parenting time is in the best interest of the child. . . ." Therefore, the equal timesharing guidelines are as follows:

1. When These Guidelines Apply

These Guidelines apply when the parents/caregivers ("the Parties") have not mutually agreed upon a timesharing schedule and the Court has not entered any conflicting order governing the Parties' timesharing. If the Parties have mutually agreed upon a timesharing schedule, the parties shall have possession of the child at the mutually agreed upon times. If these Guidelines conflict with any specific term in a current Court order, then parties shall follow the terms of the current Court order

2. Regular Timesharing Schedule Options

A. ***The Petitioner shall be considered "Party 1," and Respondent shall be considered "Party 2," unless the Parties mutually agree otherwise. Unless otherwise ordered by the Court, the Parties shall agree on one of the following Regular Timesharing Schedules:***

i. **Schedule A:** The Parties shall each have timesharing on alternate weeks with the exchange occurring each Sunday at 6:00 p.m. EST.

ii. **Schedule B:**

a. Party 1 shall have timesharing from Sunday at 6:00 p.m. EST to Tuesday at 6:00 p.m. EST.

b. Party 2 shall have timesharing from Tuesday at 6:00 p.m. EST to Thursday at 6:00 p.m. EST.

c. The Parties shall alternate timesharing during weekends from Thursday at 6:00 p.m. EST to Sunday at 6:00 p.m. EST.

B. The party exercising timesharing is responsible for timely picking up the child(ren) at the beginning of their timesharing period unless the parties mutually agree otherwise.

3. Holiday/School Break Schedule

A. The Parties are encouraged to work together to agree upon a holiday and school break timesharing schedule that maintains the child's traditions with their extended family. When that is not possible due to inability to reach an agreement, the Parties shall follow holiday and school break timesharing as directed in this section, and the holiday and school break schedule shall be followed regardless of who has a specific day or time under the Regular Timesharing Schedule.

B. Christmas Holidays:

a. During even numbered years:

i. Party 1 will have timesharing from December 23 at 8:00 p.m. EST to December 24 at 8:00 p.m. EST.

ii. Party 2 will have timesharing from December 24 at 8:00 p.m. EST to December 25 at 8:00 p.m. EST.

b. During odd numbered years:

i. Party 2 will have timesharing from December 23 at 8:00 p.m. EST until December 24 at 8:00 p.m. EST.

ii. Party 1 will have timesharing from December 24 at 8:00 p.m. EST until December 25 at 8:00 p.m. EST.

C. Thanksgiving:

a. During even numbered years:

i. Party 1 will have timesharing on from the Wednesday before Thanksgiving Day at 8:00 p.m. EST to Thanksgiving Day at 8:00 p.m. EST.

ii. Party 2 will have timesharing from Thanksgiving Day at 8:00 p.m. EST to the Friday after Thanksgiving Day at 8:00 p.m. EST.

b. During odd numbered years:

i. Party 2 will have timesharing on from the Wednesday before Thanksgiving Day at 8:00 p.m. EST to Thanksgiving Day at 5:00 p.m. EST.

ii. Party 1 will have timesharing from Thanksgiving Day at 8:00 p.m. EST to the Friday after Thanksgiving Day at 5:00 p.m. EST.

D. Vacation: Each party shall be entitled to exercise extended vacation timesharing with the child with said time period being exercised in two periods of seven days each with 60 days advance notice to the other party in writing, or by agreement upon notice. Absent mutual agreement, a party may not claim a vacation period during any holiday or school break timesharing granted to the other party in these guidelines.

E. Father's Day and Mother's Day: The mother of the child shall have timesharing on Mother's Day from 9:00 a.m. EST to 6:00 p.m. EST. The father of the child shall have timesharing on Father's Day from 9:00 a.m. EST to 6:00 p.m. EST.

F. Fall Break and Spring Break:

a. During even numbered years:

i. Party 1 has timesharing beginning at 6:00 p.m. EST on the last school day before Spring Break begins to 6:00 p.m. EST on the day before school resumes following Spring Break.

ii. Party 2 has timesharing beginning at 6:00 p.m. EST on the last school day before Fall Break begins to 6:00 p.m. EST on the day before school resumes following Fall Break.

b. During odd numbered years:

i. Party 2 has timesharing beginning at 6:00 p.m. EST on the last school day before Spring Break begins to 6:00 p.m. EST on the day before school resumes following Spring Break.

ii. Party 1 has timesharing beginning at 6:00 p.m. EST on the last school day before Fall Break begins to 6:00 p.m. EST on the day before school resumes following Fall Break.

Approved this 8th day of September, 2022.

Jennifer Neice

Hon. Jennifer Baker Neice
37th Circuit Judge
Family Court Division