

Supreme Court of Kentucky

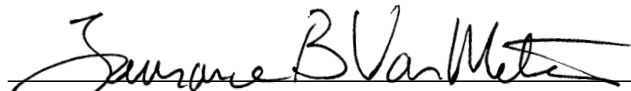
ORDER

**IN RE: RULES OF COURT PRACTICE AND PROCEDURE OF THE
 38TH JUDICIAL CIRCUIT, FAMILY DIVISION 2, BUTLER,
 HANCOCK, AND OHIO COUNTIES**

Upon recommendation of the Judges of the 38th Judicial Circuit
and District, and being otherwise sufficiently advised,

The attached Rules of Court Practice and Procedure for the 38th
Judicial Circuit, Family Division 2, Butler, Hancock, and Ohio Counties,
are hereby approved. This order shall remain in effect until further
orders of this Court.

Entered this 14th day of November 2024.


CHIEF JUSTICE

COMMONWEALTH OF KENTUCKY
THIRTY-EIGHTH JUDICIAL CIRCUIT
DIVISION TWO, FAMILY COURT
BUTLER, HANCOCK, AND OHIO COUNTIES

LOCAL RULES OF PRACTICE

I. GENERAL PROVISIONS

LRP 1 Scope

These local rules of practice govern family law actions in the Thirty-Eighth Judicial Circuit, Division Two, Family Court (the Court), and are intended to supplement the Kentucky Rules of Civil Procedure (CR), Rules of Criminal Procedure, Family Court Rules of Procedure and Practice (FCRPP), and Juvenile Court Rules of Procedure and Practice. Family law actions include dissolution of marriage; custody and child support; parenting time, time-sharing, and visitation; property division; maintenance; domestic violence; paternity; dependency; neglect or abuse; termination of parental rights; adoption; and any other causes of action exclusively within the jurisdiction of family court. FCRPP 1(3). All previous local rules governing family law actions before the Court are rescinded upon the effective date of these rules.

LRP 2 Effective Date

These rules are effective January 1, 2025, or as soon thereafter as they are approved in writing by the Chief Justice of the Supreme Court of Kentucky.

LRP 3 Citation

These rules may be cited before the Court as the Local Rules of Practice, or by the abbreviation “LRP.”

LRP 4 Self-Represented Litigants

Self-represented litigants shall be held to knowledge of these rules.

LRP 5 Filing of Unredacted Document Subject to CR 7.03(1)

(1) In non-confidential actions, an attorney or party filing a document subject to the redaction requirements of CR 7.03(1), or containing the name of a minor child, shall also file an

unredacted copy of the document under seal. The unredacted copy may 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 (CHFS) involved in child support matters attendant to the case, or a person authorized to view the copy by specific order of the court.

(2) In confidential actions, it is not necessary for filings to be redacted.

LRP 6 Filing Certified Documents

When the law requires the filing of a certified document, *e.g.*, KRS 199.490(2) (requiring certified copies of orders terminating parental rights to be filed with adoption petition), in addition to filing the scanned document in the eFiling system as required, the filing party shall submit the certified hard copy to the clerk, and the clerk shall file the hard copy conventionally in the paper file.

LRP 7 Remote Appearance at Court Proceeding

(1) A court order requiring an attorney or party to appear at a proceeding by phone or video conference shall have the same effect as if requiring attendance in person, and failure to appear by such means, if ordered to do so, may be grounds for sanctions.

(2) An attorney or party may request permission from the Court to appear at any proceeding by phone or video conference. Such requests may be made:

- (a) by oral motion during a prior proceeding in the action;
- (b) by written motion to be heard in advance of the proceeding at which the requester seeks to appear remotely; or
- (c) if the requester is unable to bring a motion before the Court for hearing in advance of the proceeding at which the requester seeks to appear remotely, by contacting Court personnel directly. Court personnel may be contacted by phone at (270) 298-3433.

LRP 8 Other Judges

When timely action is required outside the Court's regular business hours,¹ or when timely action is required during the Court's regular business hours and the Division Two judge is unavailable or otherwise unable to act:

(1) In any action pending before the Court in which there is concurrent jurisdiction with circuit court, any judge of the Thirty-Eighth Judicial Circuit may preside over said action and make any necessary orders or judgments; and

(2) In any action pending before the Court in which there is concurrent jurisdiction with district court, any judge of the Thirty-Eighth Judicial District may preside over said action and make any necessary orders or judgments.

LRP 9 Transfer of Actions

The Court may, for good cause and with the receiving judge's consent, transfer any action to another division of the Thirty-Eighth Judicial Circuit or to any division of the Thirty-Eighth Judicial District, provided the receiving court has jurisdiction to hear the matter.

II. MOTION DAYS AND HEARINGS

LRP 10 Regular Motion Day Schedule

(1) The Court hears motions and other, time-sensitive matters on regular motion days in each county according to the following schedule:

- (a) **Butler County.** Regular motion days in Butler County are the first and third Tuesdays of each month. Domestic violence actions, including interpersonal protective actions, are scheduled for 8:30 AM CT. Actions involving dissolution of marriage, custody, parenting time, time-sharing, visitation, maintenance, or child support or paternity in which the Commonwealth is not a party and has not sought to intervene, or any other action not otherwise addressed in this paragraph, are scheduled for 10:00 AM CT. Actions involving child support or paternity in which the Commonwealth is a party or is seeking to intervene or juvenile status offenses are scheduled for 11:00 AM CT. Actions involving dependency, neglect or abuse, termination of parental rights, or adoption are scheduled for 1:00 PM CT.

¹ The Court's regular business hours are 8:00 AM to 4:00 PM Central Time (CT), Monday through Friday, excluding holidays observed by the Administrative Office of the Courts.

- (b) **Hancock County.** Regular motion days in Hancock County are the first and third Thursdays of each month. Actions involving dissolution of marriage, custody, parenting time, time-sharing, visitation, maintenance, or domestic violence, including interpersonal protective actions, or any other action not otherwise addressed in this paragraph, are scheduled for 8:30 AM CT. Actions involving child support and paternity are scheduled for 9:00 AM CT. Actions involving dependency, neglect or abuse, termination of parental rights, adoption, or juvenile status offenses are scheduled for 9:30 AM CT.
- (c) **Ohio County.** Regular motion days in Ohio County are Wednesdays. Domestic violence actions, including interpersonal protective actions, are scheduled for 8:30 AM CT. Actions involving dissolution of marriage, custody, parenting time, time-sharing, visitation, maintenance, or child support or paternity in which the Commonwealth is not a party and has not sought to intervene, or any other action not otherwise addressed in this paragraph, are scheduled for 11:00 AM CT. Actions involving dependency, neglect or abuse, termination of parental rights, or adoption are scheduled on the first, third, and fourth Wednesdays of each month at 1:00 PM CT. Actions involving child support or paternity in which the Commonwealth is a party or is seeking to intervene or juvenile status offenses are scheduled on the second Wednesday of each month at 1:00 PM CT.

(2) The schedule of regular motion days is subject to change at the discretion of the Court.

LRP 11 Motion Filing Deadline

Except for good cause shown, a motion shall be filed with the circuit clerk and served upon each party, except those in default for failure to appear, no less than five business days prior to the date the motion is scheduled to be heard.

LRP 12 Time Limitation on Motion Day Hearings

Except for good cause shown, hearings on regular motion days are limited to 20 minutes per action. If the parties anticipate that a hearing on a regular motion day may not be completed in 20 minutes or less, the parties may contact Court personnel to obtain a separate hearing date or may request a separate hearing date from the Court during the motion day. Court personnel may be contacted by phone at (270) 298-3433.

LRP 13 Submission and Determination of Motion without Oral Hearing

(1) If a movant wishes to submit a motion for determination without oral hearing, the motion shall include a brief written statement in support of the motion and the following notice:

This motion is filed pursuant to LRP 13. In order to expedite the business of the Court, the movant submits this motion for determination without oral hearing. Any party wishing to object to the motion, request an oral hearing, or otherwise respond to the motion shall file said response within 10 days from the date of filing of the motion. Any such response shall include a brief written statement supporting the respondent's position on the motion.

(2) The movant shall serve a copy of the motion upon each party, except those in default for failure to appear, on or before the date of filing of the motion. If the motion includes a request for an attorney to withdraw as counsel of record for a client, the attorney shall also serve a copy of the motion upon the client on or before the date of filing of the motion.

(3) The circuit clerk shall docket the motion for the Court's consideration on the next regular motion day occurring after 10 days from the date of filing of the motion.

III. CUSTODY AND CHILD SUPPORT

LRP 14 Parenting Time Guidelines and Parenting Conduct Orders

(1) When determining parenting time, time-sharing, or visitation based upon the best interests of the child(ren), the Court may consider:

- (a) The Sample Parenting Time Guidelines set forth in Appendix C to the FCRPP, or similar statewide guidelines approved by the Supreme Court of Kentucky;
- (b) Any guidelines established by local court rule and approved by the Supreme Court of Kentucky, including guidelines established by other courts or previously established by this Court; or
- (c) Guidelines agreed to by the parties.

(2) Any agreement that relies upon standard guidelines for parenting time, time-sharing, or visitation, or upon a standard parenting conduct order, shall specify the standard guidelines or order which the parties are utilizing, and the parties shall attach a copy of the standard guidelines or order to the agreement.

LRP 15 Information to be Provided with Ex Parte Custody Motion

Except when seeking emergency custody in a juvenile dependency, neglect or abuse action or temporary custody in a domestic violence or interpersonal protective action, a party seeking *ex parte* relief from the Court related to custody, parenting time, time-sharing, or visitation shall, in addition to satisfying the requirements of FCRPP 2(8)(a), provide the following information to the Court, under oath, **to the extent of the party's knowledge**:

(1) The name of each person claiming custodial rights to, or exercising custodial control or supervision of, the child(ren), and of each resident of each such person's home;

(2) The criminal conviction history of each person claiming custodial rights to, or exercising custodial control or supervision of, the child(ren), and of each adult who resides with each such person;

(3) The status and outcome of any investigation by a child protective services agency of each person claiming custodial rights to, or exercising custodial control or supervision of, the child(ren), and of each resident of each such person's home; and

(4) The status and outcome of any domestic violence action, including interpersonal protective actions, involving each person claiming custodial rights to, or exercising custodial control or supervision of, the child(ren), and of each resident of each such person's home.

IV. DOMESTIC VIOLENCE AND INTERPERSONAL PROTECTIVE ORDERS

LRP 16 Filing and Obtaining Emergency Protective Orders and Temporary Interpersonal Protective Orders

Emergency protective orders and temporary interpersonal protective orders may be obtained in accordance with the local protective order protocol set forth in Appendix A.

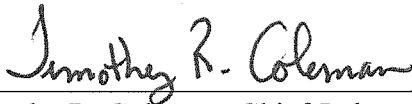
V. ADOPTION AND TERMINATION OF PARENTAL RIGHTS

LRP 17 Final Hearing Date in Adoption

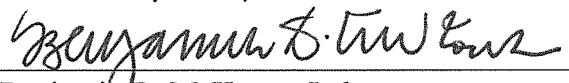
Except for good cause shown, a final adoption hearing shall not be scheduled on a regular motion day, and, when the adoption is uncontested, the petitioner shall tender proposed findings of fact, conclusions of law, and judgment prior to requesting a final hearing date.

LRP 18 List of Exhibits and Witnesses in Contested Adoption or Involuntary Termination

No later than 14 days before the final hearing of a contested adoption or petition for involuntary termination of parental rights, unless otherwise ordered or affirmatively waived, the parties shall exchange a list of exhibits and witnesses that each intends to use or have testify at the hearing. Witnesses shall be identified by name, address, and summary of anticipated testimony. Exhibits or witnesses not identified pursuant to this rule may be excluded. This rule is not intended to limit the admissibility of rebuttal evidence. These deadlines do not alter discovery deadlines set by the civil rules.



Timothy R. Coleman, Chief Judge
Thirty-Eighth Judicial Circuit, Division One



Benjamin D. McKown, Judge
Thirty-Eighth Judicial Circuit, Division Two

APPENDIX A

COMMONWEALTH OF KENTUCKY THIRTY-EIGHTH JUDICIAL CIRCUIT AND DISTRICT BUTLER, HANCOCK, AND OHIO COUNTIES

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL

Pursuant to KRS 403.725 and KRS 456.030, and in compliance with Section IV of the Kentucky Family Court Rules of Procedure and Practice (FCRPP), this local protective order protocol is established to ensure 24-hour accessibility to emergency protective orders (EPOs) and temporary interpersonal protective orders (TIPOs) (collectively, “orders of protection”) and to establish written procedures for matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. EFFECTIVE DATE

This protocol is effective January 1, 2025, or as soon thereafter as it is approved by the Supreme Court of Kentucky.

II. UNIFORM PROTOCOL

(a) A petition/motion for an order of protection under KRS Chapter 403 or 456 shall be made on form AOC-275.1 and accepted and filed with the court. The petition shall be verified by the circuit clerk, any official authorized to administer oaths (including, but not limited to, a notary public), or, when applicable, any individual authorized by this protocol to verify petitions when the local circuit clerk’s office is closed or otherwise inaccessible due to an emergency. The resulting court action is identified herein as a “domestic violence action.”

(b) A domestic violence action shall be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerks’ Manual.

(c) A domestic violence action shall be assigned a “D” case number and 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 an order of protection, are not permitted.

(e) The court shall review a petition for an order of protection immediately upon its filing.

(f) To the extent that the court issues an order directing or prohibiting 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, the court shall not order the petitioner to take any affirmative action.

III. TWENTY-FOUR HOUR ACCESSIBILITY

(a) The offices of the Butler Circuit Court Clerk, Hancock Circuit Court Clerk, and Ohio Circuit Court Clerk shall provide petitions for orders of protection to persons seeking relief during each office's regular business hours. These offices and their employees are also authorized to provide and verify petitions in emergency situations.

(b) When the local circuit clerk's office is closed or otherwise inaccessible due to an emergency, the following individuals are authorized to provide and verify petitions: law enforcement officers and dispatchers, jailers and their employees, Commonwealth's attorneys and staff, county attorneys and staff, and employees and agents of regional rape crisis centers and domestic violence shelters. Any person authorized to administer oaths, including, but not limited to, a notary public, may verify petitions at any time.

(c) Regional domestic violence shelters designated under KRS 209A.045 and regional rape crisis centers designated under KRS 211.600 may electronically file petitions for orders of protection where available.

(d) Upon receipt of a completed and signed petition for an order of protection during the family court's regular business hours,¹ the individual or agency receiving the petition shall present it to the family court judge. If the family court judge is unavailable, the individual or agency shall present the petition to a judge of the Thirty-Eighth Judicial District. If no district judge is available, the individual or agency shall present the petition to the judge of the Thirty-Eighth Judicial Circuit, Division One.

(e) During the months of January, February, April, May, July, August, October, and November, upon receipt of a completed and signed petition for an order of protection outside the family court's regular business hours, the individual or agency receiving the petition shall present it to the on-call judge of the Thirty-Eighth Judicial District. If the on-call district judge is unavailable, the individual or agency shall present the petition to the family court judge. If the family court judge is unavailable, the individual or agency shall present the petition to the judge of the Thirty-Eighth Judicial Circuit, Division One.

(f) During the months of March, June, September, and December, upon receipt of a completed and signed petition for an order of protection outside the family court's regular business hours, the

¹ The family court's regular business hours are 8:00 AM to 4:00 PM Central Time (CT), Monday through Friday, excluding holidays observed by the Administrative Office of the Courts.

individual or agency receiving the petition shall present it to the family court judge. If the family court judge is unavailable, the individual or agency shall present the petition to the on-call judge of the Thirty-Eighth Judicial District. If the on-call district judge is unavailable, the individual or agency shall present the petition to the judge of the 38th Judicial Circuit, Division One.

IV. ASSIGNMENT OF ACTIONS

(a) Jurisdiction over domestic violence actions is concurrent between district and circuit courts.

(b) All domestic violence actions shall be assigned to the family court. If the family court judge is unavailable to preside over a proceeding in a domestic violence action within the time prescribed by law, a judge of the Thirty-Eighth Judicial District shall preside over the proceeding. If no district judge is available to preside over the proceeding in a timely manner, the judge of the Thirty-Eighth Judicial Circuit, Division One, shall preside over the proceeding.

(c) When a district judge or the Division One circuit judge presides over a proceeding in a domestic violence action due to the unavailability of the family court judge, the family court judge shall nevertheless preside over all subsequent proceedings in the action unless the family court judge is unavailable for a proceeding or formally transfers the action to another judge.

(d) Failure to assign or re-assign a domestic violence action to the family court shall not affect the validity of an otherwise valid order of a district or circuit judge.

(e) The family court hears domestic violence actions on regular motion days in each county of the Thirty-Eighth Judicial Circuit according to the following schedule:²

- (1) Butler County: 8:30 AM CT on the first and third Tuesdays of each month.
- (2) Hancock County: 8:30 AM CT on the first and third Thursdays of each month.
- (3) Ohio County: 8:30 AM CT on Wednesdays.

(f) When a domestic violence action involves both parties to a dissolution action pending in another circuit, the court presiding over the domestic violence action shall, upon discovery of the dissolution action, transfer the domestic violence action to the court presiding over the dissolution action. Any active EPO or TIPO shall continue, and the summons shall be re-issued by the initiating court for a period not to exceed 14 days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner.

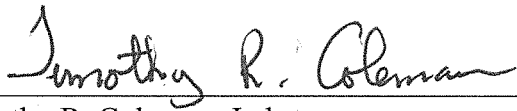
² The schedule of regular motion days is subject to change at the discretion of the court, and the court may hear domestic violence actions on other dates as needed. Parties may contact the local circuit clerk's office for information regarding the court schedule.

V. CONTEMPT PROCEEDINGS

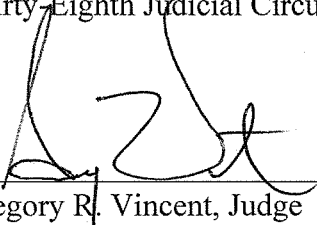
(a) Pursuant to KRS 403.763 and KRS 456.180, once a criminal or contempt proceeding has been initiated for violation of the terms or conditions of an order of protection, the other shall not be undertaken regardless of the outcome of the original proceeding.

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

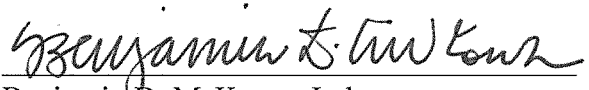
This protocol is adopted by all the judges of the Thirty-Eighth Judicial Circuit and District.



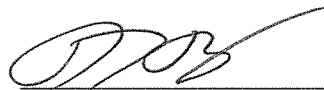
Timothy R. Coleman, Judge
Thirty-Eighth Judicial Circuit, Division One



Gregory R. Vincent, Judge
Thirty-Eighth Judicial District, Division One



Benjamin D. McKown, Judge
Thirty-Eighth Judicial Circuit, Division Two



Daniel Boling, Judge
Thirty-Eighth Judicial District, Division Two