# Supreme Court of Kentucky

**ORDER**

**IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 39TH JUDICIAL CIRCUIT, BREATHITT, POWELL, AND WOLFE COUNTIES FAMILY COURT DIVISION**

Upon recommendation of the Family Court Judge of the 39th Judicial Circuit, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 39th Judicial Circuit, Breathitt, Powell, and Wolfe counties Family Court division, 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 10th day of March 2026.

Debra Hembree Lambert
CHIEF JUSTICE

# RULES OF COURT

# PRACTICE AND PROCEDURE

# COMMONWEALTH OF KENTUCKY

# 39TH JUDICIAL CIRCUIT

# BREATHITT, POWELL AND WOLFE

# COUNTIES

# FAMILY COURT DIVISION

# TABLE OF CONTENTS


RULE 1 INTRODUCTION/ADMINISTRATIVE PROCEDURE 1

101 Preface....1
102 Effective Date....1
103 Citation....1
104 Holidays....1

RULE 2 COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING 1

201 Regular Motion Hour Schedule....1
202 Exceptions to Regular Motion Hour Schedule....5
203 Motions....5
204 Orders....6
205 Default Judgment....7
206 Answering and Filing Interrogatories or Requests....7

RULE 3 ADOPTIONS/TERMINATION OF PARENTAL RIGHTS 7

301 Adoption Proceedings....7
302 Voluntary Termination Proceedings....8
303 Involuntary Termination Proceedings....8
304 Confidentiality....9

RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY 9

401 Procedures for Filing and Obtaining Emergency Protective Orders...9
402 Relief....9
403 Hearings....9

RULE 5 PATERNITY 9

501 Establishment of Paternity....9
502 Genetic Testing....9
503 Motion Practice....10
504 Guardian Ad Litem Appointed for Actions Filed Pursuant to KRS 406....10

RULE 6 DEPENDENCY, NEGLECT, AND ABUSE 10

601 Petition....10

602 Emergency Custody Order....11
603 The Effects of Service on Only One Parent/Person Exercising Custody and Control or Supervision....11
604 Time for Temporary Removal Hearing....11
605 Guardian Ad Litem and Parent Attorneys....11
606 Duty of Guardian Ad Litem and Parent Attorney to Continue....11
607 Reports....12
608 Disposition Hearing....12
609 Case Progress Report....12
610 Annual Permanency Reviews....12
611 Access to Records....12
612 Confidentiality....12

RULE 7 DOMESTIC RELATIONS PRACTICE 12

701 VS-300 Form....12
702 39th Judicial Circuit Time-Sharing Guidelines....12
703 Relocation of Children....13
704 Temporary Motions....13
705 Motions to Modify or Enforce Child Support or Maintenance....13
706 Verified Disclosure Statements and Releases....14
707 Time of Final Contested Hearing or Submission....14
708 Uncontested Dissolution Proceedings....15

RULE 8 STATUS OFFENSES 15

801 Juvenile Status Offense Proceedings....15
802 Complaint....15
803 Court-Designated Worker....15
804 Documents to Accompany Petition....16
805 Summons....16
806 Initial Hearing....16
807 Pretrial....16
808 Dispositional Report....16
809 Reviews....16
810 Contempt....16
811 Detention....16

RULE 9 MISCELLANEOUS 17

901 Personal Identifiers....17
902 Video Copies of In-Chamber Interviews with Children....17
903 Requests for Confidential Video Records....18
904 Consolidation and Joining Together of Related Actions....18
905 Appeals....18

APPENDIX A 39TH JUDICIAL CIRCUIT TIMESHARING AND PARENTING SCHEDULE

APPENDIX B 39TH JUDICIAL CIRCUIT PARENTING BEHAVIOR GUIDELINES

## RULE 1 INTRODUCTION/ADMINISTRATIVE PROCEDURE

### 101 PREFACE

These are the Uniform Rules of Court Practice and Procedures of the 39th Judicial Circuit (Breathitt, Powell and Wolfe Counties) Family Court Division (hereinafter referred to as "Family Court"). 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). Pursuant to FCRPP 1(3), self represented litigants shall be held to knowledge of these rules the same as parties represented by counsel. These rules shall be the only operative Family Court Rules in the 39th Judicial Circuit.

### 102 EFFECTIVE DATE

These rules are adopted pursuant to the authority granted by Rules 1.040(3) of the Rules of the Kentucky Supreme Court and they shall apply with full force and effect to all actions filed or pending after their approval by the Chief Justice of the Supreme Court.

### 103 CITATION

These Rules shall be cited as 39FCRP.

### 104 HOLIDAYS

A schedule of Court recognized Holidays may be obtained at the Breathitt, Powell and Wolfe County Circuit Court Clerk's Offices. Holiday schedules shall be consistent with the Circuit Court Clerk's Holiday schedule in the respective counties in the 39th Judicial Circuit, Family Court Division.

## RULE 2 COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING

### 201 REGULAR MOTION HOUR SCHEDULE

The following is the general court schedule for the 39th Judicial Circuit Family Court. Changes may occur in docket times and places at the discretion of the Court.

#### A. POWELL FAMILY COURT

Motion Hours shall be held on Mondays for all Powell County Family Court actions pursuant to the following monthly schedule:

| | |
|---|---|
| **1st Monday of Each Month Beginning at 9:00 a.m.** | Emergency hearings<br><br>Previously scheduled case management or final hearings |

| | |
|---|---|
| **2nd Monday of Each Month Beginning at 9:00 a.m.** | Emergency DNA/Status/bench warrants served Hearings<br>EPO/IPO/DVO hearings<br><br>Domestic Motion Hour<br>Uncontested Motions to Submit<br>Temporary: custody/timesharing/child support/maintenance/status quo<br>County attorney child support cases<br>Motions for Final Hearing Dates: Divorce/Custody/Timesharing/Adoption/TPR<br>Motions for Mediation/Pre-trial/Case Management Conferences<br>Motions for Summary Judgment/Default Judgment/Show Cause/Contempt<br>Motions to Compel<br>Motions for Appointment/Fees: Guardian Ad Litem/Warning Order Attorney<br><br>Previously set Case Management Conferences/Final Evidentiary Hearings |
| **3rd Monday of Each Month Beginning at 9:00 a.m.** | Dependency, neglect and/or abuse cases<br><br>Juvenile Status Offenses/truancy<br><br>Previously set case management/final hearings |
| **4th Monday of Each Month Beginning at 9:00 a.m.** | Emergency DNA/Status/bench warrants served Hearings<br>EPO/IPO/DVO Hearings<br><br>Domestic Motion Hour<br>Uncontested Motions to Submit<br>Temporary: custody/timesharing/child support/maintenance/status quo<br>Motions for Final Hearing Dates: Divorce/Custody/Timesharing/Adoption/TPR<br>Motions for Mediation/Pre-trial/Case Management Conferences<br>Motions for Summary Judgment/Default Judgment/Show Cause/Contempt<br>Motions to Compel<br>Motions for Appointment/Fees: Guardian Ad Litem/Warning Order Attorney<br><br>Previously set Case Management |

| | |
|---|---|
| | Conferences/Final Evidentiary Hearings |

**B. WOLFE FAMILY COURT**

Motion Hours shall be held on Tuesdays for all Wolfe County Family Court actions pursuant to the following monthly schedule:

| | |
|---|---|
| **1st Tuesday of Each Month Beginning at 9:00 a.m.** | Emergency DNA/Status/bench warrants served Hearings<br><br>Domestic Violence Hearings |
| **2nd Tuesday of Each Month Beginning at 9:00 a.m.** | Emergency DNA/Status/bench warrants served Hearings<br><br>Domestic Motion Hour<br>Uncontested Motions to Submit<br>Temporary: custody/timesharing/child support/maintenance/status quo<br>Motions for Final Hearing Dates: Divorce/Custody/Timesharing/Adoption/TPR<br>Motions for Mediation/Pre-trial/Case Management Conferences<br>Motions for Summary Judgment/Default Judgment/Show Cause/Contempt<br>Motions to Compel<br>Motions for Appointment/Fees: Guardian Ad Litem/Warning Order Attorney<br><br>Previously set Case Management Conferences/Final Evidentiary Hearings |
| **3rd Tuesday of Each Month Beginning at 9:00 a.m.** | Emergency DNA/Status/bench warrants served Hearings<br>Dependency, Neglect or abuse cases<br><br>Juvenile Status Offenses |
| **4th Tuesday of Each Month Beginning at 9:00 a.m.** | Emergency DNA/Status/bench warrants served Hearings<br>County attorney child support cases<br>Paternity cases<br>Previously set Case Management Conferences/Final Evidentiary Hearings |

**C. BREATHITT FAMILY COURT**

Motion Hours shall be held on Wednesdays for all Breathitt County Family Court actions pursuant to the following monthly schedule:

| | |
|---|---|
| **1st Wednesday of Each Month** | Emergency DNA/Status/bench warrants served Hearings |
| **2nd Wednesday of Each Month** | Emergency DNA/Status/bench warrants served Hearings<br>County attorney child support case and paternity cases<br>Domestic Motion Hour<br>Uncontested Motions to Submit<br>Temporary: custody/timesharing/child support/maintenance/status quo<br>Motions for Final Hearing Dates: Divorce/Custody/Timesharing/Adoption/TPR<br>Motions for Mediation/Pre-trial/Case Management Conferences<br>Motions for Summary Judgment/Default Judgment/Show Cause/Contempt<br>Motions to Compel<br>Motions for Appointment/Fees: Guardian Ad Litem/Warning Order Attorney<br><br>Previously set Case Management Conferences/Final Evidentiary Hearings |
| **3rd Wednesday of Each Month** | Emergency DNA/Status/bench warrants served Hearings<br><br>Juvenile Status Actions<br>Dependency, Neglect or Abuse Actions |
| **4th Wednesday of Each Month** | Emergency DNA/Status/bench warrants served Hearings<br><br>Domestic Motion Hour<br>Uncontested Motions to Submit<br>Temporary: custody/timesharing/child support/maintenance/status quo<br>Motions for Final Hearing Dates: Divorce/Custody/Timesharing/Adoption/TPR<br>Motions for Mediation/Pre-trial/Case Management Conferences<br>Motions for Summary Judgment/Default Judgment/Show Cause/Contempt<br>Motions to Compel<br>Motions for Appointment/Fees: Guardian Ad Litem/Warning Order Attorney<br><br>Previously set Case Management |

| | |
|---|---|
| | Conferences/Final Evidentiary Hearings |

### D. THURSDAYS AND FRIDAYS

Thursdays and Fridays are reserved for case management conferences, emergency, special, and final evidentiary hearings as set by the Court in Breathitt, Powell, or Wolfe County.

## 202 EXCEPTIONS TO REGULAR MOTION HOUR SCHEDULE

There shall be no Motion Hour during any scheduled Judicial College or the Kentucky Bar Association Annual Meeting. If the courthouse is closed for any reason, i.e. holiday, inclement weather, or the unavailability of the Family Court Judge, then all Motions shall be passed to the next appropriate regularly scheduled Motion Hour in that county unless otherwise ordered by the Family Court Judge.

## 203 MOTIONS

### A. FORM OF MOTIONS

1. Unless a motion may be heard *ex parte* or a rule allows otherwise all motions to be heard shall be noticed for hearing, e-filed with the Clerk unless not required by law, and copies served by mail, hand delivery, or electronic transmission pursuant to CR 5.02 on all parties. The notice of the hearing shall specify the date, time, and place for the hearing.

2. A motion to compel disclosure statements, releases, discovery, for a protective order, or for sanctions may be filed pursuant to CR 26 and/or CR37 only if counsel are unable to resolve between themselves the discovery dispute. Counsel have the duty to make a good faith effort to resolve any disputes which arise in the course of discovery. The moving party shall attach to the motion a certification of counsel that he or she has attempted to resolve the dispute and that they have been unable to do so. The certification should detail the attempts of counsel to resolve the dispute.

### B. DEADLINE FOR SERVING AND FILING MOTIONS

Motions to be placed on the Motion Docket shall be filed in the county of the proceeding and shall be filed in the Office of the Circuit Court Clerk in that county or electronically filed by the close of business no later than seven (7) days prior to the scheduled Motion Hour. In the event that the filing deadline falls on a day that the Circuit Court Clerk's Office is closed then the deadline for filing the Motion is extended until the close of the Circuit Court Clerk's Office the preceding day. All motions not timely filed shall be re-noticed for hearing on a day and time certain.

## 204 ORDERS

### A. PREPARATION

1. Counsel or parties may tender a proposed order, decree or judgment on or before the date of the hearing.

2. When a ruling is made or opinion rendered, an order or judgment in conformity therewith shall be prepared by the movant or as directed by the Court.

3. All orders, decrees and judgments tendered to the Court shall contain the words "Prepared By" above the signature of the attorney or party tendering same and shall contain the Family Court Clerk's certificate of service to all parties and counsel.

4. In the event counsel disagree on whether a proposed order is in conformity with the judge's ruling counsel shall notify each other of the disparity, and within five (5) business days of notice, shall review the video tape of the hearing, and if still in disagreement, counsel shall tender a joint statement to the judge with both proposed orders attached thereto for entry by the Court. The statement shall reference the tape citation to the judge's ruling.

### B. AGREED ORDERS

If an agreed order, signed by counsel for all parties affected, relating to a motion appearing on the docket is submitted to the Clerk prior to the call of the docket, counsel need not attend the call of the docket. The agreed order shall refer to the Motion resolved in the agreed order and set forth the terms of the agreement.

### C. SHOW CAUSE ORDERS

**1.** To procure an order requiring a party to show cause why he or she should not be held in contempt for violation of a court's order, a motion supported by a sufficient affidavit showing that applicant is entitled to the order must be filed.

**2.** When this motion and affidavit are filed, an Order may be issued *ex parte* which shall not come on for a hearing sooner than seven (7) days from the date it is served, unless otherwise ordered by the Court. The Respondent shall appear on the date noticed for hearing, but may be entitled to a continuance if served less than seven (7) days from the date noticed.

**3.** No order shall come on for hearing unless it has been served on the person named in the Order by an Officer authorized to serve a summons. The Order shall contain a short statement of the grounds for its issuance and

the following statement: IF YOU FAIL TO APPEAR AT THE HEARING, AN ORDER FOR YOUR ARREST WILL BE ISSUED.

## 205 DEFAULT JUDGMENT

**A.** A written motion must be filed by a party seeking a judgment by default under CR 55.01. The motion shall be accompanied by: (1) a certificate of the attorney that the opposing party has been served and that no papers have been served upon the attorney by the party in default; and (2) an affidavit stating whether the party in default is in the military service.

**B.** If a party in default has appeared in the action, the motion shall appear on a docket and the party in default, or if the party is appearing by representative, the party's representative, shall be served with written notice of the motion at least seven (7) days prior to the noticed docket.

## 206 ANSWERING AND FILING INTERROGATORIES OR REQUESTS

**A.** Interrogatories propounded under CR 33 and answers thereto, requests for production or inspection under CR 34 and answers thereto, and requests for admissions under CR 36 shall not be filed with the Court. A one-page notice of service under CR 33, CR 34, and CR 36 shall be filed in the record to indicate initial service of and response to discovery.

# RULE 3 ADOPTIONS/TERMINATION OF PARENTAL RIGHTS

## 301 ADOPTION PROCEEDINGS

### A. PETITION

The petition shall be filed pursuant to KRS Chapter 199, and in accordance with FCRPP 32 and 33, and a Guardian ad Litem (GAL), shall be appointed for the child(ren), unless the provisions of KRS 199.480(3) are met.

### B. REPORTS

Any reports of the CHFS, GAL or other agencies shall be filed within 45 days of the filing of the petition unless extended by the Court.

### C. HEARING DATES

After the statutory time periods have been met, counsel for the petitioner(s), on notice to the necessary parties, and after the Guardian ad Litem report and CHFS report has been filed, shall obtain a hearing date directly from the Court.

### D. FINAL HEARING DATES

No adoption proceeding shall be assigned a final hearing date until the report of the GAL is filed in the record. Counsel shall tender all necessary paperwork and orders to the Court seven (7) days prior to the hearing for review.

## 302 VOLUNTARY TERMINATION PROCEEDINGS

### A. PETITION

The Petition shall be filed pursuant to KRS Chapter 625 and FCRPP 32.

### B. GUARDIAN AD LITEM (GAL)

The Court shall appoint a GAL on behalf of the child, and, upon the request, attorneys for the parties, if indigent.

### C. HEARINGS

Within the time period required by statute, counsel for the Petitioner with notice to all necessary parties, shall obtain a final hearing date directly from the Court and tender an Notice in conformity with the given date to be noticed to all necessary parties.

### D. EXPENSES

Any expenses paid by the prospective adoptive parent(s) shall be submitted to the Court per KRS 625.0405(2).

## 303 INVOLUNTARY TERMINATION

### A. PETITION

The Petition shall be filed pursuant to KRS Chapter 625 and FCRPP 32 and 34.

### B. GUARDIAN AD LITEM (GAL)

The Court Shall appoint a GAL for the child, and attorneys for the parents pursuant to KRS 625.080(3), if indigent.

### C. PRETRAIL DATE

Immediately upon filing petitioner shall obtain a pretrial date per FCRPP 32 directly from the Court and shall serve a copy of the Order upon the parents and GAL with the Petition and Summons. A copy of the Order shall be served upon any appointed council immediately following appointment.

### D. HEARINGS

The Court will make every effort to set a hearing within sixty (60) days of a motion for trial date, as all schedules allow.

## 304 CONFIDENTIALITY

All adoption and termination of parental rights proceedings shall be confidential.

## RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

## 401 PROCEDURES FOR FILING AND OBTAINING EMERGENCY PROTECTIVE ORERS

Emergency Protective Orders shall be filed electronically by and through a law enforcement officer or the appropriate Circuit Clerk's office through eque/ewarrants.

After regular office hours and on weekends and holidays a petition for a Domestic Violence Order (DVO) and ex parte Emergency Protective Order (EPO) or Interpersonal Protective Order (IPO) may be obtained from the County Sheriff or any sworn sheriff's deputy, the City's Chief of Police or any sworn city police officer, any Kentucky State Trooper or the local 911 dispatch office (open 7 days a week, 24 hours a day) located in each county in the 39th Judicial Circuit.

## 402 RELIEF

Pursuant to KRS 403.750, the Court may issue any relief necessary to prevent further acts of domestic violence, including those relating to custody, timesharing and support, or counseling as required, and my order monitoring by various agencies.

## 403 HEARINGS

Hearings of verified petitions for Domestic Violence Orders (DVOs) shall be heard in accordance with KRS 403.700 et al. Cases will be heard in a timely manner. If parties require more than 15 minutes to present their evidence the Court may assign the parties to a time at the end of the docket or the parties may be given another date. Those EPOs requiring the appointment of a Guardian Ad Litem for the child or children, shall be rescheduled after appointment of said counsel.

## RULE 5 PATERNITY

## 501 ESTABLISHMENT OF PATERNITY

Establishment of Paternity may be prosecuted by the County Attorney or the Cabinet for Health and Family Services (CHFS) upon request by a complainant pursuant to KRS 406.021.

## 502 GENETIC TESTING

The Court may order the mother, child, and alleged father to submit to genetic testing.

## 503 MOTION PRACTICE

Upon a determination of paternity, the Court may consider custody, timesharing, support, and issue other temporary orders as needed. Motions for these matters shall be placed on the docket for regular motion hour of the subject matter.

## 504 GUARDIAN AD LITEM APPOINTED FOR ACTIONS FILED PURSUANT TO KRS 406

**A.** Any licensed attorney in good standing with the Kentucky Bar Association may be appointed as Guardian ad Litem. The attorney shall have completed AOC approved Guardian ad Litem training. The appointment is to be made and compensation paid according to statute, case law or civil rule authorizing the appointment.

**B.** Motions for compensation shall be accompanied by an affidavit indicating:

a. The statutory basis for appointment;
b. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
c. That the action or proceeding have been concluded and the date of disposition.

**C.** Guardian ad Litem's appointed to represent and married infants, persons of unsound mind, or adult prisoners shall notify the respondent of his or her appointment as the Guardian ad Litem, and inform the respondent of the nature of the proceeding and of respondents right for genetic testing conducted.

**D.** Within sixty (60) days of the appointment, the Guardian ad Litem shall file an answer on behalf of the respondent or a report stating that, after careful examination of the case, he or she isn't able to present a defense.

**E.** The failure of the Guardian ad Litem to file an answer or report within sixty (60) days of notification of appointment may result in sanctions being imposed against the attorney and removal from the Family Court Guardian ad Litem appointment list.

# RULE 6 DEPENDENCY, NEGLECT, AND ABUSE

## 601 PETITION

The petition pursuant to KRS Chapter 620 and FCRPP 20 shall be filed on AOC-DNA-1 seeking removal or non-removal of a child alleged to be dependent, neglected or abused.

Any petition filed with this Court shall comply with the following conditions:

1. It must cite to specific statutes and factual allegations relied upon in a certain 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 local County Attorney's Office friends and relatives of the parents and local jails.

## 602 EMERGENCY CUSTODY ORDER

An Emergency Custody Order may be issued pursuant to KRS 620.060 and FCRPP 19, followed by a hearing withing seventy-two (72) hours, at which time attorneys shall be appointed as necessary for the parents who are indigent and a Guardian ad Litem for the child.

## 603 THE EFFECTS OF SERVICE ON ONLY ONE PARENT/PERSON EXERCISING CUSTODY AND CONTROL OR SUPERVISION

The Judge may permit the Temporary Removal Hearing, the Adjudication Hearing and the Disposition Hearing to go forward when the non-custodial parent has not been served in accordance with FCRPP 17 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, and that parent is not the named perpetrator of the alleged neglect or abuse.

## 604 TIME FOR TEMPORARY REMOVAL HEARING

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

The Temporary Removal Hearing shall be scheduled by the Court and shall be held within 72 hours, excluding weekends and holidays, within the issuance of the Emergency Custody Order.

## 605 GUARDIAN AD LITEM AND PARENT ATTORNEYS

The Court shall appoint a Guardian ad Litem for the minor child/children, and an attorney for any named party, parent or custodian upon their request and execution of a DNA 11 Financial Statement, Affidavit of Indigence and Request for Counsel Form and qualification.

## 606 DUTY OF GUARDIAN AD LITEM AND PARENT ATTORNEY TO CONTINUE

After a Guardian ad Litem or parent/party attorney accepts an appointment, representation shall continue through all stages of the dependency, neglect and abuse

action.

## 607 REPORTS

The Disposition Report pursuant to FCRPP 26 shall be filed in the record and a copy given to the counsel, pro se litigants, and Guardian ad Litem seven (7) days prior to the disposition hearing or review.

## 608 DISPOSITION HEARING

A disposition hearing shall be held pursuant to KRS 610.110 and 620.140.

## 609 CASE PROGRESS REPORT

The case progress reports required by KRS 620.240 shall be prepared, filed and delivered to each party in every case in which a child is committed to the Cabinet for Health and Family Services as ordered by the Court.

## 610 ANNUAL PERMANENCY REVIEWS

Annual permanency reviews shall be held pursuant to KRS 610.125 and all reports shall be delivered to counsel, pro se litigants, and the Guardian ad Litem seven (7) days in advance of hearing dates.

## 611 ACCESS TO RECORDS

The Guardian ad Litem and attorneys for any party to a juvenile action shall have access to CHFS records and files for reasons relating to the representation in that action only. The information shall remain confidential and shall not be used by the attorney or party for any other purpose.

## 612 CONFIDENTIALITY

All juvenile proceedings shall be confidential.

# RULE 7 DOMESTIC RELATIONS PRACTICE

## 701 VS-300 FORM

The party filing the petition for dissolution of marriage shall tender to the clerk, at the time of filing, the completed VS-300 form typed and with signature in black or blue ink.

## 702 39th JUDICIAL CIRCUIT TIME-SHARING GUIDELINES

Timesharing and visitation shall always be determined on a case-by-case basis considering the child's best interests pursuant to KRS 403.270 and other applicable law.

Possible timesharing schedules include but are not limited to the FCRPP Sample Parenting Guideline (FCRPP Appendix C), or any of the options outlined in the 39th Judicial Circuit Timesharing Guidelines attached as Appendix A.

## 703 RELOCATION OF CHILDREN

Pursuant to FCRPP 7(2), if other parent or custodian intends to move with the children from his or her present residence, he or she shall give written notice to the other parent or custodian at least 60 days prior to such move. Residential addresses of domestic violence petitioners shall not be required in the notice if there is an existing domestic violence order. Either parent or custodian may follow motion for change of custody or time sharing if the other parent or custodian is not in agreement with the move or an agreed order, if they are in agreement. No relocation of the children that would result in a material change in the status quo shall occur without a written agreement or court order.

## 704 TEMPORARY MOTIONS

**A.** The Court, in its discretion, may determine a temporary motion relating to maintenance, support, or custody upon the record or may permit the introduction of evidence by oral testimony. All motions filed for temporary maintenance or support shall comply with FCRPP 5(1)(a) and (b) and 9(4).

**B.** A motion relating to temporary child custody, support, or maintenance may be expediated on motion, at the discretion of the Court. An ex parte motion relating to these issues must be accompanied by supporting affidavits sufficient to state grounds for injunctive relief.

**C.** In addition to the requirements of FCRPP 9, a motion for temporary child support shall be accompanied by verification of child care and health insurance cost if applicable.

## 705 MOTIONS TO MODIFY OR ENFORCE CHILD SUPPORT OR MAINTENANCE

**A.** Any motion to modify child support shall comply with FCRPP 9, and except by agreement or for good cause shown, shall not be heard by the Court unless all required information has been exchanged by counsel or parties ten (10) days prior to the hearing.

**B.** Any motion to modify maintenance shall comply with FCRPP 5, and except by agreement or for good cause shown, shall not be heard by the Court unless all required information has been exchanged by counsel or parties ten (10) days prior to the hearing.

**C.** The exchange of current financial documentation shall not be required for post decree motions to enforce maintenance or child support orders.

## 706 VERIFIED DISCLOSURE STATEMENTS AND RELEASES

**A.** Each party, except for good cause shown or by agreed order, shall serve upon the other a Preliminary Verify Disclosure Statement AOC-238 and provide signed releases upon request for relevant information. The exchange of these disclosures shall occur within forty-five (45) days of service of the petition on the Respondent.

**B.** Copies of the Preliminary Verified Disclosure Statements or objections thereto shall not be filed in the record. These Statements may, however, be used for the purposes of impeachment and for other purposes allowed under the Kentucky Rules of Evidence.

**C.** Except with leave of court for good cause shown or by agreed order, a party shall not conduct formal discovery pursuant to CR 30, CR 31, CR 33, CR 34 or CR 36 relative to matters addressed in the Preliminary Verified Disclosure Statement until the party's Statement has been served in accordance with FCRPP 2(3).

**D.** A party, upon reasonable notice to other parties and all persons affected thereby may apply for an order compelling the exchange of the Verified Disclosure Statements or the execution of a release, and the Court may assign the cost of obtaining the order, including attorney's fees, to the party or attorney whose conduct necessitated the motion.

**E.** Prior to a contested final hearing a Final Verified Disclosure Statement AOC-239 shall be filed in the record and served upon the other party.

## 707 TIME OF FINAL CONTESTED HEARING OR SUBMISSION

**A.** Prior to scheduling a contested final hearing, pursuant to FCRPP 40, a Case Management Conference shall be held in all contested cases with counsel and parties in attendance.

**B.** A proceeding for dissolution of marriage will not be assigned for a final contested hearing or submitted upon deposition until twenty (20) days (or sixty (60) days, if there are minor children of the parties) has elapsed from the date of service of summons, the appointment of a warning order attorney or the filing of an entry of appearance or a verified responsive pleading by the Respondent, whichever first occurs, following the following of the petition and issuance of the summons.

**C.** If a Warning Order Attorney was appointed the Warning Order Attorney's report must also first be filed before an assignment of the final contested hearing or submission upon deposition.

## 708 UNCONTESTED DISSOLUTION PROCEEDINGS

**A.** An uncontested dissolution of marriage is one in which the parties have agreed on all necessary elements to dissolve the marriage contract.

**B.** In uncontested cases the parties may enter an agreed order to waive the exchange of Verified Financial Disclosure Statements.

**C.** In uncontested cases where there is a written Separation Agreement executed by both parties and filed in the record, the parties shall submit proof by written interrogatories. If parties reach an agreement on all issues, a decree of dissolution may be obtained without a hearing by filing an agreed order to submit in the Circuit Court Clerk's office in the county where the case is filed and tendering a proposed decree of dissolution of marriage and all requisite information required by FCRPP 3(1).

**D.** In uncontested cases involving minor children, a child support worksheet shall be provided to the Court even if a deviation has been agreed upon.

# RULE 8 STATUS OFFENSES

## 801 JUVENILE STATUS OFFENSE PROCEEDINGS

If there is a pending Family Court Juvenile Status proceeding in the 39th Judicial Circuit and there is also a pending District Court proceeding regarding the same juvenile in the 39th Judicial Circuit, the Family Court may transfer the matter to the District Court for disposition.

## 802 COMPLAINT

A complaint pursuant to KRS Chapter 630, Status Offenders, shall be filed the Court Designated Workers by any adult who has a reasonable basis to lodge such complaint.

## 803 COURT-DESIGNATED WORKER

Pursuant to KRS 610.030, the Court Designated Worker (CDW) shall have a conference with the party or parties to determine whether to:

A. Refer the child and family to a public or private social service agency before referring to the Court;
B. Enter into a diversionary agreement; or
C. Refer the matter to Court by filing a petition alleging habitual runaway, beyond control, of habitual truant.

## 804 DOCUMENTS TO ACCOMPANY PETITIONS

If a Petition is filed with the Court, it shall be accompanied by the applicable form as required by FCRPP 40, and the CDW shall certify a copy to the County Attorney, Division of Youth Services (DYS), Department of Juvenile Justice (DJJ), and the Court/School Liaison. This certification shall apply to any orders entered by the Court in the status proceedings.

## 805 SUMMONS

Summons show issued to the parents or other person exercising custodial control or supervision upon falling of the petition, setting a date for initial appearance.

## 806 INITIAL HEARING

At the initial hearing, the Court shall note the charge, in my place the juvenile's own terms until the date set for pretrial, a point and attorney if needed, and assigned the case to Division of Youth Services (DYS) or the Cabinet for Health and Family Services (CHFS) for monitoring. The Court shall explain to the child on the record his or her rights and the charge and shall utilize AOC-JV-49 Notice of Juvenile Rights and Consequences for Status Offenders.

## 807 PRETRIAL

Add the pretrial hearing, the juvenile may stipulate to the complaint or seek a hearing on the allegations of the petition. A date shall be set for final disposition at the pretrial.

## 808 DISPOSITIONAL REPORT

At least two (2) business days prior to the disposition hearing, counsel shall receive a dispositional report to assist in final disposition.

## 809 REVIEWS

After disposition, DYS and CHFS may monitor the juveniles progress, and may seek further review or a violation hearing from the Court if needed.

## 810 CONTEMPT

Once a juvenile is placed on terms or other orders of the Court, failure to comply with the terms or orders may result in a contempt hearing.

## 811 DETENTION

No status offender shall be placed in secure detention unless all requirements KRS 630.100 have been met.

## RULE 9 MISCELLANEOUS

### 901 PERSONAL IDENTIFIERS

A. All pleadings must comply with the requirements of KRS Chapters 205, 403, 405, and 407 by providing the personal identifying information required in those chapters. However, where personal identifiers are required by statute or contained in other documents or exhibits filed with the Court, parties shall comply with CR 7.03 by filing one copy from which any personal data has been redacted for the record and filing an unredacted copy designed to be sealed.

B. The clerk of the court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be assessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized or 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 by specific orders of the Court.

C. The clerk of the court shall place a marked envelope for filing sealed documents in each unsealed record filed under the jurisdiction of the 39th Judicial Circuit when the action is commenced or when unredacted documents are filed and have been designated as containing personal identifying information to be sealed. The clerk shall place the unredacted documents in the envelope when filed, and shall not release the envelope to any unauthorized person.

D. Notwithstanding KRS 403.135, as used in this section, "personal identifier" means a Social Security number or taxpayer identification number, date of birth, or financial account number, and does not apply to names of minor children.

### 902 VIDEO COPIES OF IN-CHAMBER INTERVIEWS WITH CHILDREN

The Circuit Court Clerk's Offices in the 39th Judicial Circuit shall not release any copies of family court video in chamber interviews with children without a specific written order from the presiding family court judge. An individual requesting such an order must file a written motion, for the request which specifically sets forth the reason for the request and the proposed use thereof.

## 903 REQUESTS FOR CONFIDENTIAL VIDEO RECORDS

The Circuit Clerk's Office in the 39th Judicial Circuit shall not release any copies of family court confidential video records without a specific written order from the presiding family court judge an individual request in such an order must follow written motion which includes notice to all parties including the Guardian ad Litem, setting forth the reason for the request and the proposed use thereof.

## 904 CONSOLIDATION AND JOINING TOGETHER OF RELATED ACTIONS

If case involves the same parties and common questions of law or fact the parties shall file motion to consolidate or joint actions or the Court may consolidate the actions on its own motion. Pursuant to CR 42.01 common issues may be heard in both cases simultaneously but the files should be maintained separately.

## 905 APPEALS

In a family court matter over which the Circuit Court has jurisdiction, any appeal should proceed by the rules of Civil Procedure to the Court of Appeals.

SO ORDERED THIS 9TH DAY OF MARCH, 2026.

Monica S. Lacy

HON. MONICA S. LACY
CIRCUIT COURT, DIVISON II
FAMILY COURT JUDGE

**APPENDIX A**

## 39th JUDICIAL CIRCUIT TIMESHARE AND PARENTING GUIDELINES

Below is the standard timesharing schedule for joint custody pursuant to KRS §403.270(2) for the 39th Judicial Circuit:
Parent 2 shall exercise timesharing with the minor child(ren) on the first, second, and third weekends of each month from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

## HOLIDAY AND BREAK TIMESHARE/VISITATION

Standard holiday and school break timesharing shall be as set forth below and shall take priority over any other timesharing schedule:

Thanksgiving – On **even number years** Parent 1 shall receive timesharing from 6 PM the day school releases for Thanksgiving break until 3 PM Thanksgiving Day and Parent 2 shall receive timesharing from 3 PM Thanksgiving Day until 6 PM Friday. On **odd number years** Parent 2 shall receive timesharing from 6 PM the day school releases for Thanksgiving break until 3 PM Thanksgiving Day and Parent 1 shall receive timesharing from 3 PM Thanksgiving Day until 6 PM Friday.

Christmas – On **even number years** Parent 2 shall receive timesharing from 6 PM the day school releases for Christmas break until noon Christmas Day and Parent 1 shall receive timesharing from noon Christmas Day until 8 PM December 27th. On **odd number years** Parent 1 shall receive timesharing from 6 PM the day school releases for Christmas break until noon Christmas Day and Parent 2 shall receive timesharing from noon Christmas Day until 8 PM December 27th. The remainder of Christmas break shall be equally divided between the parents with Parent 1 receiving the first half and Parent 2 receiving the second half.

Summer Break Vacation – Summer timesharing shall be equally divided between the parents with the parents alternating weeks from Sunday at 6:00 p.m. through Sunday at 6:00 p.m. Parent 1 shall receive the first week of summer break, Parent 2 shall receive the second week of summer break, and so on. If a child[ren] must attend summer school in order to pass to the next grade, summer parenting time should not prevent school time.

Remaining Holidays and Breaks are as set forth below:

| HOLIDAYS | EVEN # YEARS | ODD # YEARS | SCHEDULE |
|---|---|---|---|
| New Year's Holiday | Parent 1 | Parent 2 | December 31 at 6 PM through January 1 at 6 PM |
| Easter | Parent 2 | Parent 1 | Saturday at Noon through Sunday at 6 PM |
| Spring Break | Parent 2 | Parent 1 | 6 PM the last day of school before the break through 6 PM the last Sunday of break |
| Memorial Day | Parent 1 | Parent 2 | Sunday at Noon through Monday at 6 PM |
| Fourth of July | Parent 2 | Parent 1 | July 4 at 9 AM through 10:30 PM |
| Labor Day | Parent 2 | Parent 1 | Sunday at Noon through Monday at 6 PM |
| Fall Break | Parent 1 | Parent 2 | 6 PM the last day of school before the break through 6 PM the last Sunday of break |
| Halloween | Parent 2 | Parent 1 | 5 PM through 9 PM |
| Child's Birthday | Parent 2 | Parent 1 | 9 AM through 8 PM |

**APPENDIX A**

Father's/Mother's Day shall be spent with appropriate parent from 9 AM through 6 PM, regardless of the parties' regular schedule.

Each parent shall notify the other parent within 48 hours if they intend to **NOT** exercise their timesharing schedule.

The receiving parent shall pick up the child[ren] at the beginning of that parent's timesharing unless the parties agree otherwise.

The parties may alter or amend this visitation schedule by agreement. Only mutual written agreements in writing filed in the record may be enforced by the Court. Unless agreed to by the parties or otherwise ordered by the Court, this timesharing schedule shall be followed.

**APPENDIX B**

## 39TH JUDICIAL CIRCUIT PARENTING BEHAVIOR GUIDELINES

1) It is crucial that each parent avoid using words or conduct that will interfere with the love and affection for the child[ren] for the other parent or siblings.

2) Do not have the child[ren] deliver money or message from one parent to the other and this placing the child[ren] in the middle.

3) Never ask the child[ren] to keep a secret from the other parent or siblings as this creates stress for the child[ren] and undermines the child[ren]'s relationship between the parents and other family members, which may cause loyalty and emotional issues for the child.

4) Avoid questioning the child about events and activities at the other parent's home.

5) Never say unkind or disrespectful things about the other parent or siblings to the child[ren] or in the presence of the child[ren].

6) Avoid conducting parental business at timeshare exchanges. Attempt to do so by phone or at scheduled times consistent with any applicable court orders.

7) Never make any threats or start arguments with the other parent when exchanging the child[ren] for visitation.

8) Always avoid placing the child[ren] in the position of having to "choose" by asking a child directly or subtly, "Which of us do you really want to be with?". This eventually undermines the child's relationship with both parents.

9) By agreement of the parties occasionally alter change visitation if the child asks to do so.

10) Never require or encourage the child to refer to a paramour or stepparent as their parent. Doing so can be confusing and stressful for the child and contribute to anger and resentment.