APPENDIX A

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL

42ND JUDICIAL CIRCUIT AND 42ND AND 58TH JUDICIAL DISTRICTS CALLOWAY AND MARSHALL COUNTIES

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Rule 4, this local domestic violence protocol is established to ensure twenty-four (24) hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Handling Cases

A. All domestic violence cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.

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

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

D. Domestic violence cases may be reassigned or transferred to another circuit when there exists a pending dissolution or custody matter in another circuit court in Kentucky. In the event a domestic violence case is transferred to another circuit prior to a domestic violence protective order being entered, the emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740 (4), for a period not to exceed fourteen (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. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

II. Twenty-four Hour Accessibility

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

1. The Circuit Court Clerks of Calloway and Marshall Counties and any of their sworn deputy clerks; and

2. The County Attorneys of Calloway and Marshall Counties and any Assistant County Attorneys.

B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours of the Circuit Court Clerk in the county where the petition is being filed:

1. The Circuit Clerks of Calloway and Marshall Counties, and all of their sworn deputies;

2. The Sheriffs of Calloway and Marshall Counties and all other sworn deputies and dispatchers;

3. The Jailers of Calloway and Marshall Counties and all of their sworn deputies;

4. The County Attorneys of Calloway and Marshall Counties and any Assistant County Attorney;

5. The Chiefs of Police for the cities of Murray, Benton, Calvert City and any other incorporated city in Calloway and Marshall Counties and all sworn officers and dispatchers within their departments;

6. Murray State University Campus Police Officers; and

7. Any Kentucky State Police Officer found in Calloway or Marshall Counties.

C. The individual taking the petition should review it for completeness prior to swearing the petition.

D. Upon receipt of a petition **during** regular business hours of the Circuit Court Clerk in the county where the petition is being filed, the authorized agency/officer shall present the petition to the Family Court Judge, if the judge is in the county and available. In the event the Family Court Judge is not in the county or is unavailable, the petition shall be first presented to the District Judge for the county and then to the Circuit Judge of general jurisdiction for the 42nd Judicial Circuit if the District Judge cannot be found.

E. Upon receipt of a petitioner **after** regular business hours, the authorized agency/officer shall present the petition to the District Court Judge for the county where the petition is to be filed and, if not available, the Family Court Judge, and if not available, the Circuit Judge of general jurisdiction.

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

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

1. In Calloway County, the hearings are conducted each Thursday at 8:30 a.m.

2. In Marshall County, the hearings are conducted each Tuesday at 8:30 a.m.

III. Contempt Proceedings

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

B. Petitioners seeking to initiate contempt proceedings should contact the Circuit Court Clerk's Office or the County Attorney's office in the county where the Emergency Protective Order or Domestic Violence Order was issued.

C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing.

The above protocol is adopted by all judges in the circuit/district this the 28 day of March, 2012.

Randall A. Hutchens
District Judge
42nd Judicial District

Rob Mattingly
Family Court Judge
42nd Judicial Circuit, Division II

Jack M. Telle
District Judge
58th Judicial District

Dennis R. Foust
Circuit Judge
42nd Judicial Circuit, Division I