Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 42ND JUDICIAL CIRCUIT, FAMILY DIVISION, CALLOWAY AND MARSHALL COUNTIES

Upon recommendation of the Judges of the 42nd Judicial Circuit, Calloway and Marshall Counties, and being sufficiently advised,

The Local Rules of Practice and Procedure for the 42nd Judicial Circuit, Family Court, Calloway and Marshall Counties, are hereby approved. This order shall be effective immediately and shall remain in effect until further order of the Chief Justice.

Entered this 20th day of May 2025.

Debra Hembree Lambert
CHIEF JUSTICE

RULES OF COURT
PRACTICE AND PROCEDURE
COMMONWEALTH OF KENTUCKY

42ND JUDICIAL CIRCUIT
FAMILY COURT DIVISION
CALLOWAY AND MARSHALL COUNTIES

TABLE OF CONTENTS

Rule 1 Introduction/Administrative Procedure 1
- 101 Preface 1
- 102 Effective Date 1
- 103 Citation 1
- 104 Holidays 1
- 105 Jurisdiction 1
- 106 Penalties 2
- 107 Guardians Ad Litem 2
- 108 Warning Order Attorneys 3
- 109 Friend of the Court 3

Rule 2 Court Scheduling/Motion Hour/Procedures for Filing 4
- 201 Court Schedule 4
- 202 Motion Hour/Motion Practice/Service of Motions 5
- 203 Exceptions to Regular Motion Hour Schedule 6
- 204 Motions Routinely Granted 6
- 205 Continuance of Motions 7
- 206 Entry of Orders and Judgments 7
- 207 Family Court Case Data Information Sheet 7

Rule 3 Adoptions/Termination of Parental Rights 8
- 301 Strict Compliance 8
- 302 Inspection of Adoption Records 8
- 303 Obtaining Date and Time for hearings in Adoption Cases 8

Rule 4 Domestic Violence Protocol and 24-Hour Access Policy 8
- 401 Procedures for Filing and Obtaining Emergency Protective Orders 8
- 402 Violation of Domestic Violence Orders 9
- 403 Cross-Referencing Cases 9

Rule 5 Paternity 9
- 501 Motion Practice 9
- 502 Permission to Review and Copy Paternity Case Files 10

Rule 6 Dependency Neglect and Abuse (DNA) 10
- 601 Notice of Hearing 10
- 602 Release of Confidential Records 10
- 603 Protocol for Filing Dependency, Neglect and Abuse Petitions 10
- 604 Date/Time for Temporary Removal Hearing 11
- 605 Guardian Ad Litem 11
- 606 Court Appointed Special Advocate (CASA) 11
- 607 Duty of Guardian Ad Litem, Parent Attorney & CASA to continue 11

608 Records and Transcripts....11

Rule 7 Domestic Relations Practice....12
701 Filing Fees....12
702 Appearances, Waivers and Agreements....12
703 Mediation....12
704 Final Decree or Order in Uncontested Actions....12

Rule 8 Status Offenses....12

Rule 9 Miscellaneous....12
901 Identification of Counsel or Party Required....13
902 Protection of Personal Identifiers....13
903 Video Copies of In-Chamber Interviews with Children....13
904 Requests for Confidential Video Records....13
905 Child(ren) Timesharing Guidelines and Code of Conduct....14
906 Additional Assistance....14

APPENDIX A (Domestic Violence After Hours Protocol)....15-18

APPENDIX B (Standard Visitation Schedules)....19-38

FAMILY COURT RULES
OF THE 42ND JUDICIAL CIRCUIT
(LRFC42)

Rule 1 Introduction/Administrative Procedure

101 Preface

These are the Uniform Rules of Court Practice and Procedures of the Forty-Second Circuit Family Court (Calloway and Marshall Counties) (hereinafter referred to as "Family Court"). These rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP) and the Kentucky Rules of Civil Procedure (CR). These rules shall be the only operative Family Court Rules of the Forty-Second Judicial Circuit. All previous rules adopted in the Forty-Second Judicial Circuit, Family Court Division, 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 "LRFC42" (Local Rules of the Family Court).

104 Holidays

The Family Court division shall adhere to the list of Court Holidays as set out by the Administrative Office of the Courts. Holiday schedules may be obtained at the Calloway Circuit Clerk's Office and Marshall Circuit Clerk's Office.

105 Jurisdiction

Pursuant to KRS 23A.100, the 42nd Circuit Family Court has subject matter jurisdiction of the following types of cases: Adoptions, child(ren) custody and parenting time, child(ren) visitation, child(ren) support actions (URESA and UIFSA), juvenile dependency, neglect and abuse actions, dissolution of marriage and matters ancillary, domestic violence actions, juvenile status offenses, paternity, and termination of parental rights.
Pursuant to KRS 23A.100, the Family Court shall be the primary forum for these cases, except that nothing shall be construed to limit the concurrent jurisdiction of the District Court where necessary and applicable. Pursuant to KRS 23A.110, additional jurisdiction of the Family Court shall be liberally construed and applied to promote the underlying purposes outlined in the statute.

106 Penalties

The Court may assess costs and fees or impose any appropriate sanctions, including using its full contempt powers against a party or attorney not complying with one or more of these rules. This includes sanctioning attorneys or parties for failing to provide documents as required by FCRPP or failing to appear at scheduled court appearances.

107 Guardians Ad Litem

A. In all actions for adoptions of children or termination of parental rights, a *Guardian Ad Litem* shall be appointed for the child(ren) in accordance with KRS 199.473(11) and KRS 620.100(1)(a).

B. When making a request for a *Guardian Ad Litem* for a child(ren) in an adoption action, the filer of the request must pay to the Circuit Court Clerk at the time of filing of said request, $150.00 up front to be applied toward the future services of the *Guardian Ad Litem.*

C. The *Guardian Ad Litem* fees in a termination of parental rights action brought by the Cabinet for Health and Family Services is governed by statute.

D. When making a request for a *Guardian Ad Litem* for a child(ren) in a termination of parental rights action not brought by the Cabinet for Health and Family Services, the filer of the request must pay to the Circuit Court Clerk at the time of filing of said request, $150.00 up front to be applied toward the future services of the Guardian Ad Litem.

E. Motions for compensation shall be accompanied by an affidavit indicating:
   1. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
   2. That the action or proceeding has been concluded and date of disposition.

F. The Circuit Clerk shall pay any remitted fees to the *Guardian Ad Litem* upon the Order of approval of a motion requesting compensation.

G. The Guardian Ad Litem fee in actions regarding paternity actions and/or dependency, neglect and abuse actions are governed by statute.

H. In all actions for dissolutions of marriage or custody, a party may properly file a motion for a Guardian Ad Litem to be appointed.
   1. When filing a motion in the Family Court for a Guardian Ad Litem in dissolutions of marriage actions and custody actions, the request must be set for motion hour, and, if the motion is granted, the Family Court, in its discretion, will assign a fee

that will be required to be paid prior to the *Guardian Ad Litem* being appointed, and that fee will be applied toward the future services of the *Guardian Ad Litem.*

2. Motions for compensation shall be accompanied by an affidavit indicating:
   a. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
   b. That the action or proceeding has been concluded and the date of disposition.
3. The Circuit Clerk shall pay any remitted fees to the *Guardian Ad Litem* upon the Order of approval of a motion requesting compensation.

108 Warning Order Attorneys

A. A Warning Order Attorney shall be appointed upon request by motion. When filing a motion requesting a Warning Order Attorney, the filer of the request must pay $150.00 at the time of filing of said request to be applied toward the future services of the Warning Order Attorney

B. Motions for compensation shall be accompanied by an affidavit indicating:
   1. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
   2. That the action or proceeding has been concluded and the date of disposition.

C. The Circuit Clerk shall pay any remitted fees to the Warning Order Attorney upon the Order of approval of a motion requesting compensation.

109 Friend of the Court

A. In any action before the Family Court, a party may properly motion the Court for a Friend of the Court to be appointed.
   1. When filing a motion requesting the Family Court for a Friend of the Court, the request must be set for motion hour, and, if the motion is granted, the Family Court, in its discretion, will assign a fee that will be required to be paid prior to the Friend of the Court being appointed, and that fee will be applied toward the future services of the Friend of the Court.
   2. Motions for compensation shall be accompanied by an affidavit indicating:
      a. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
      b. That the action or proceeding has been concluded and the date of disposition

B. The Circuit Clerk shall pay any remitted fees to the Friend of the Court upon the Order of approval of a motion requesting compensation.

Rule 2 Court Schedule/Motion Hour/Procedures for Filing

201 Court Schedule

The following is a general schedule for matters routinely before the 42nd Circuit Family Court. This schedule is subject to review and revision and may be modified by the Judge to accommodate holidays, weather conditions, circumstances of the parties, or other schedules, as the Judge deems necessary to efficiently and effectively accomplish the business of the Court.

CALLOWAY

Monday	8:30 a.m.	Dependency Neglect and Abuse (every Monday)
	1:00 p.m.	Child Support/Paternity/Contempt Hearings brought by the County Attorney (1st Monday of every month)
	1:00 p.m.	Contempt (3rd Monday of every month)
	1:00 p.m.	Scheduled Hearings (2nd, 4th, and 5th Monday of every month)
	2:00 p.m.	Juvenile Status Offenses (1st Monday of every month)
Wednesday	8:30 a.m.	Motion Hour (2nd and 4th Wednesdays of every month)
	9:30 a.m.	Scheduled Hearings
Thursday	8:30 a.m.	Domestic Violence (every Thursday)
	9:30 a.m.	Scheduled Hearings

MARSHALL

Tuesday	8:30 a.m.	Domestic Violence (every Tuesday)
	9:30 a.m.	Scheduled Hearings
Wednesday	8:30 a.m.	Motion Hour (1st and 3rd Wednesdays of every month)
	9:30 a.m.	Scheduled Hearings
Friday	8:30 a.m.	Dependency Neglect and Abuse (every Friday)

1:00 p.m.	Child Support/Paternity/Contempt Hearings brought by the County Attorney (1st Friday of the 1st full week of every month)
1:00 p.m.	Contempt (Friday of the 3rd full week of every month)
1:00 p.m.	Scheduled Hearings (Fridays of the 2nd, 4th, and 5th full week of every month)
2:00 p.m.	Juvenile Status Offenses (1st Friday of the 1st full week of every month)

202 Motion Hour/Motion Practice/Service of Motions

A. Motions to be heard on the Wednesday motion hour docket shall be filed in the appropriate Circuit Court Clerk's office by the close of business on the Wednesday of the week prior to the intended motion hour docketunless otherwise approved by the Family Court Judge

B. If a case is added to the motion hour docket due to a motion that is timely filed pursuant to the previous paragraph, subsequent motions filed after the deadline shall be accepted as filed and may be heard along with the timely filed motion. However, the Court shall have discretion to continue any untimely filed subsequent motions upon an opposing party's objection or for other good cause. Any motions filed after the filing deadline where the case is not already on the docket will be rejected by the Clerk and returned to the filer by the appropriate Circuit Court Clerk's office so the parties can re-notice it to be heard at a date that satisfies the previous paragraph.

C. Responses to motions, if any, shall be filed and served at least two (2) days prior to the motion hour date.

D. Motion hour shall be limited to uncontested motions, motions to schedule hearings on contested matters, and motions that can be decided based on legal arguments only.

E. Each motion and notice shall contain a certificate of service setting forth each party or attorney to whom the photocopy was delivered, the method(s) of delivery, and the date that the photocopy was delivered or transmitted. Photocopies of motions and/or notices shall be mailed, hand-delivered, faxed, or delivered in a manner otherwise approved by the Courts, to opposing parties or counsel on the same date the motion or notice is filed.

F. All motions shall contain a date on which said motion shall be heard. Any motion which fails to include the date of the hearing shall be treated as if no motion has been filed.

G. Personal service shall be made pursuant to the Kentucky Rules of Civil Procedure in Family Court cases wherein a motion is filed six months or more from the entry of the decree or final order/last order entered in the case. On such cases, service on any prior attorney of record does not constitute service under the Kentucky Rules of Civil Procedure.

H. Motions to compel discovery shall contain a certificate, by counsel, that she or he has conferred or corresponded with opposing counsel and that they are unable to reconcile their differences without hearing. The Court considers willful, deceptive, deliberate, or protracted noncompliance with discovery to be a serious matter. The court may, at its discretion, allow attorneys' fees and impose appropriate sanctions against counsel who fails to reasonably comply with discovery requests as outlined in the Kentucky Rules of Civil Procedure and Kentucky Family Court Rules of Procedure and Practice.

203 Exceptions to Regular Motion Hour Schedule

A. There will be no motion hour the Wednesday before Thanksgiving, the week of Judicial Conferences, the Wednesday before December 25th, and the Wednesday after December 25th each year. No motion shall be noticed to be heard on a state holiday.

B. If the court is closed for any unforeseen reason, e.g., inclement weather, the motion must be re-noticed by the party filing the motion to be heard on a regular scheduled motion hour.

C. For good cause shown, a motion may be heard by telephonic conference at the discretion of the Judge. Dates and times for telephonic conference may be obtained by contacting the Judge's Assistant at the Office of the Family Court (270-753-6260 or 270-527-2611).

D. Any motions filed in a Dependency, Neglect and Abuse action must be set on the Dependency, Neglect and Abuse docket (Mondays for Calloway County and Fridays for Marshall County). The motion must be filed seven (7) days prior to the next scheduled Dependency, Neglect and Abuse docket (Mondays for Calloway County and Fridays for Marshall County) and are not to be filed on the Wednesday motion hour docket.

E. Any motions filed in a Domestic Violence/Interpersonal Protective Order action must be set on the Domestic Violence docket (Tuesdays for Marshall County and Thursdays for Calloway County). The motion must be filed seven (7) days prior to the next scheduled Domestic Violence docket (Tuesdays for Marshal County and Thursdays for Calloway County) and are not to be filed on the Wednesday motion hour docket.

204 Motions Routinely Granted

Motions may be made under CR 78(2), which makes provision for the determination of motions without oral hearing upon a brief written statement of reasons in support and opposition. Movant shall state that the motion is made under CR 78(2) and this local rule. The notice shall specify that the motion may be routinely granted without hearing by the

court upon the expiration of ten (10) calendar days if no response is filed. The notice may take substantially the following form:

> *This motion is submitted to the Court for decision pursuant to CR 78 and LRFC42 204. This motion may be routinely granted by the Court ten (10) calendar days from the date of filing, without a hearing on the motion, unless a response or objection is filed. If the opposing party wishes to have this matter heard in open Court, s/he must so state in the response, and shall set the matter for determination on a regular motion hour docket, with appropriate notice to all parties and the Court.*

If a party opposing the motion desires oral hearing, they shall so state, and proceed to notice the motion for the following motion hour day. Movants under CR 78(2) shall file an appropriate tendered order of relief with the Court. The Court reserves the right to alter or amend the tendered order to conform to its opinion as to the appropriate remedy of the Court.

205 Continuance of Motions

An attorney or *pro se* party who will be unable to be present at the time scheduled in the motion/hearing shall immediately notify the moving attorney or *pro se* party and attempt to establish a new mutually agreeable date and time for hearing the motion by working with the Family Court Judge's assistant (270-753-6260 or 270-527-2611) for new available dates. If parties cannot agree to continuing the motion/hearing, or are otherwise unable to find a new date, the party seeking continuance shall immediately file a written motion for continuance with the Clerk stating the reasons for the continuance, serve a copy on the opposing party, and send a copy directly to the attention of the Family Court. Any motion for continuance in a dependency, neglect or abuse matter shall comply with the requirements of FCRPP 23. The Court shall have discretion to allocate costs by reason of a continuance upon a showing of good cause. The Court has final discretion in the granting or denying of any continuance.

206 Entry of Orders and Judgments

The Court may direct an attorney or *pro se* party to prepare an order reflecting the findings of the Court or may take the matter under submission for preparation of an order by the Court. Any Agreed Order prepared by an attorney or *pro se* party shall be submitted to the opposing attorney or *pro se* party for signature as "Have Seen.". All orders shall be prepared as separate instruments.

207 Family Court Case Data Information Sheet

Any party filing a petition or motion to reopen a family court case shall also file a completed AOC-FC-3 Family Court Case Data Information Sheet, which may be obtained in the Circuit Court Clerk's Office.

Rule 3 Adoptions/Termination of Parental Rights

301 Strict Compliance

All actions for adoptions and terminations of parental rights shall be in strict compliance with the statutory requirements (See KRS Chapters 199 and 625.), and a *Guardian Ad Litem* shall be appointed for the child(ren) unless falling under the exception enumerated by KRS 199.480(3).

302 Inspection of Adoption Records

Applications regarding inspection of Adoption Records Requests are to be filed with the Circuit Clerk's Office, and once filed, the Circuit Clerk shall transmit the request along with the applicable file to the Family Court Judge.

303 Obtaining Date and Time for Hearings in Adoption Cases.

Once all procedural requirements have been met for a final hearing in an uncontested adoption, including the home investigation where necessary, parties may secure a date and time for a final adoption hearing by contacting the Family Court's office at 270-753-6260 or 270-527-2611.

Rule 4 Domestic Violence Protocol and 24-Hour Access Policy

401 Procedures for Filing and Obtaining Emergency Protective Orders

A. Pursuant to KRS 403.735 and FCRPP 13, the Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol is attached hereto as Appendix A and incorporated herein by reference.

B. During the hours of 8:00 a.m. – 4:30 p.m. Monday through Friday, a person who wishes to obtain an Emergency Protective Order should go to the Circuit Clerk's Office in their respective county and file a Domestic Violence Petition. At times other than these regular Circuit Court Clerk business hours, the person seeking protection should contact any sworn law enforcement officer (local city police, local sheriff's office, or state police) or the County Attorney in their respective county to obtain a Domestic Violence Petition.

C. Any entity designated in the paragraph above is authorized to administer an oath to the Petitioner affirming the truthfulness as to the contents of the petition and, if doing so,

shall sign their name and office position to the petition as witness and verification of said oath.

D. The completed and sworn to Domestic Violence Petition shall immediately be presented to the Family Court Judge of the 42nd Judicial Circuit. If not available, the petition may be presented to the District Judge of Calloway or Marshall County. If no authorized individual can be found in the 42nd Judicial Circuit, the office shall present the verified petition to the Family Court Judge, Circuit Judge, or District Judge in any surrounding county.

402 Violation of Domestic Violence Orders

A. Without limiting a party's choice of remedies, alleged violations of domestic Violence Orders should be referred to local law enforcement or the Calloway County Attorney or Marshall County Attorney for possible prosecution, except as set forth in 402(B).

B. Without limiting a party's choice of remedies, alleged violations of Domestic Violence Orders pertaining to visitation, child(ren) support, counseling, or firearms provisions should be initiated through the Calloway Family Court/Marshall Family Court and scheduled for contempt hearings on the Domestic Violence dockets for Calloway and Marshall Family Court.

403 Cross-Referencing Cases

At the time the case is opened (whether the petition was taken during regular office hours or after hours), the Circuit Clerk, in accordance with the clerk's manual, shall check the index of circuit court cases to ascertain if a dissolution or child(ren) custody proceeding is pending. If it is determined a dissolution or child(ren) custody proceeding is pending and an EPO is issued, the Circuit Clerk shall, in accordance with the clerk's manual, cross-reference the "D" case with the dissolution or child(ren) custody case. Additionally, if a Domestic Violence Order (DVO) is issued, upon entry, the Circuit Clerk shall place a copy of the EPO/DVO in the dissolution or child(ren) custody case file.

Rule 5 Paternity

501 Motion Practice

All motions in Paternity cases shall be filed and noticed for a hearing in accordance with RULE 201 herein.

502 Permission to Review and Copy Paternity Case Files

A. An attorney seeking permission to review and copy a paternity case file must first file a Notice of Entry of Appearance.. 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.

B. Either party to a paternity order shall be permitted to inspect the order entered in the action to which he is a party.

C. The Clerk's office shall permit any County Attorney involved in the particular case, and attorneys and *Guardians Ad Litem* who are representing incarcerated parents in paternity cases, to have access to the records of these action.

D. All other persons desiring to inspect a paternity case file shall first obtain an order from the court permitting such inspection.

Rule 6 Dependency Neglect and Abuse

601 Notice of Hearing

In order to comply with Adoption and Safe Families Act (ASFA) of 1997, the *Guardian Ad Litem* in all dependency, neglect and abuse cases shall notify the juvenile's current foster family or custodian, if other than the Cabinet for Families and Children, of all hearings coming before Family Court.

602 Release of Confidential Records

The Clerk of the court is authorized to release confidential juvenile records of Dependency, Neglect or Abuse proceedings to the attorney (whether it be an appointed public defender, private attorney, or court-appointed attorney) for the juvenile or the juvenile's parent in a corresponding criminal or civil legal action. "Corresponding legal action" shall include but is not limited to divorce actions, termination of parental rights actions, juvenile status offense actions, or criminal actions involving the same or similar transactions and occurrence alleged in the dependency, neglect, or abuse action.

603 Protocol for Filing Dependency, Neglect and Abuse Petitions

During normal working hours (8:00 a.m. – 4:30 p.m.) Monday through Friday, excluding holidays, Cabinet for Health and Family Services employees and/or attorneys filing a Petition for Dependency, Neglect or Abuse shall file said Petition with the Clerk of the Court no later than thirty minutes prior to the closing of the Clerk's office.. All other persons may file their Petition for Dependency, Neglect or Abuse during normal working hours (8:00 a.m. – 4:30 p.m.) Monday through Friday. At times when the Clerk's Office

is closed persons who wish to file a Petition for Dependency Neglect and Abuse shall contact local law enforcement to file their Petition for Dependency, Neglect or Abuse.

604 Date/Time for Temporary Removal Hearing

A. The Temporary Removal Hearing shall be held within 72 hours, excluding holidays and weekends, on the issuance of an emergency custody order (ECO). The time and date for the Temporary Removal Hearing may be obtained by contacting the Family Court's office at 270-753-6260 or 270-527-2611.

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

605 Guardian Ad Litem

In every Dependency, Neglect or Abuse proceeding, the court shall appoint a *Guardian Ad Litem* to represent the child(ren), as required by KRS 620.100(1)(a). The *Guardian Ad Litem* shall be appointed if the Family Court, after having the Temporary Removal Hearing or Other Hearing, finds by preponderance of evidence that there is reasonable cause to believe the child(ren)(ren) is dependent, neglected or abused.

606 Court Appointed Special Advocate (CASA)

In Dependency, Neglect or Abuse proceeding in counties were the CASA Network is established, a CASA volunteer may be appointed for the child(ren), as authorized by KRS 620.100(1)(e), at the Family Court's discretion.

607 Duty of Guardian Ad Litem, Parent Attorney, and CASA Volunteer to Continue

Except for good cause shown, after a *Guardian Ad Litem,* court-appointed attorney for the parent or person exercising custodial control, or CASA Volunteer accepts an appointment, representation shall continue through all stages of the dependency, neglect or abuse proceedings. Any attorney wishing to withdraw shall file a notice of such request and serve a copy on all parties.

608 Records and Transcripts

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

RULE 7 DOMESTIC RELATIONS PRACTICE

701 Filing Fees

Unless permitted by the Court to proceed *in forma pauperis*, filing fees (as are required by the Kentucky Court of Justice, the Administrative Office of the Courts, and Kentucky Revised Statutes) shall accompany the filing of the petition and applicable motions. When a litigant is granted leave to proceed *in forma pauperis*, such determination allows the petition or motion to progress, but is not a final allocation of costs and fees. Absent the parties' agreement, the Court will determine this allocation in the final disposition of the matter.

702 Appearance, Waivers, and Agreements

Any unrepresented party who signs and acknowledges an appearance and waiver or agreement shall do so before a notary or deputy clerk.

703 Mediation

Mediation is not mandatory. However, pursuant to FCRPP 2(6), the parties may voluntarily agree to submit the case to mediation, or the Court may refer the case to mediation with or without the consent of the parties if appropriate. Cases shall be referred to a court-approved mediator.

704 Final Decree or Order in Uncontested Actions

Upon the expiration of the time requirements set forth by the applicable statute or civil rule, and upon completion of all requirements of the Kentucky FCRPP and these Local Rules, either or both parties may move for the entry of a decree or final order without a hearing. The motion shall be accompanied by a proposed decree adopting any settlement agreement or order of the Court, if applicable. If minor children are involved, the motion shall also be accompanied by either a uniform child(ren) support order and child support worksheet or, if the parties wish to abide by an existing child(ren) support order, a reference to that previous order and date of that order. Upon entry of the final decree or order, the action shall be removed from the Court's active docket.

RULE 8 STATUS OFFENSES

There are no local rules pertaining to Status Offenses. For uniform statewide rules of procedure see the Juvenile Court Rules of Procedure and Practice (JCRPP).

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 party name, address, telephone number and email address of each attorney or party signing the document unless the information is otherwise protected by statute or court rule (e.g., domestic violence order cases and interpersonal protective order cases).

902 Protection of Personal Identifiers

A. The Family Court Case Data Sheet must be fully completed in all cases. 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 by filing one copy from which any personal data has been redacted and filing an un-redacted copy in a marked and sealed envelope. The clerk of the Court shall allow the un-redacted 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(ren) support matters attendant to the case, or a person authorized to view the copy by 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 be 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 27, the Circuit Clerk's Office shall not release any Family Court video of in-chamber interviews with children without a specific written order of the Family Court Judge. An individual requesting a judicial order must provide the Family Court Judge with a written explanation for the request that specifically indicates the portion of the video record being requested is an in-chamber interview with a child(ren) and states the specific purpose for the request.

904 Requests for Confidential Video Records

A. The Circuit Clerk's Office shall not release any copies of a Family Court confidential video recording, except as authorized in Paternity actions, without a specific written

order from the Family Court Judge. An individual requesting a judicial order must file a written motion, with notice to all parties, including the child(ren)'s *Guardian Ad Litem*, if any, and set forth the purpose for the request.

B. 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 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.

905 Child(ren) Timesharing Guidelines and Code of Conduct

The Calloway and Marshall Family Court Timesharing Guidelines/Parental Rights and Responsibilities is attached hereto as Appendix B for the parties' convenience and discussion. These guidelines are merely suggestions for the parties' use in attempting to reach a resolution. They do not create a presumption or a mandate of a particular timesharing schedule. The parties are encouraged to reach an agreement that will serve the needs of the family and that will be specific to their case. Because each case presents unique facts and circumstances, the final schedule as agreed by the parties or as established by the Court may or may not contain portions of this model.

906 Additional Assistance

The Family Court Judge and Staff are available and willing to provide information, referrals for services, and additional assistance when possible. However, pursuant to the Kentucky Court of Justice mandates, neither the Court, nor the Family Court Staff, nor the Circuit Clerk, nor any deputy clerk is permitted to provide legal services or legal advice to litigants.

APPENDIX A

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL
42ND JUDICIAL CIRCUIT AND 42ND AND 58TH JUDICIAL DISTRICTS
CALLOWAY AND MARSHALL COUNTIES

Pursuant to KRS 403.725 and KRS 456.030, and in compliance with Family Court Rule of Practice and Procedure Section IV, this local domestic violence protective order and interpersonal protective 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 Courts.

1. **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 that 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 future 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 FCRPP 12, 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 a 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[1] to petitioner during regular business hours[2]:

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 or office staff employees.

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

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

The petition shall be presented 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 clerk shall seek the consideration of the matter by any of the following judicial officers, in the order listed: the District Judge in the county, the District Judge for the adjacent county located in the 42nd Judicial Circuit, and then the Circuit Judge of Division 1 in the 42nd Judicial Circuit. Finally, if none of the foregoing can be located, the clerk shall seek consideration of any District, Family or Circuit Judge in any Kentucky county.

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

The authorized agency or individual handling the petition for an Emergency Protective Order or Interpersonal Protective Order petition shall deliver the petition for consideration to the Family Court Judge of the county, or if unavailable or not found

[1] The individual taking the petition should review it for completeness prior to swearing the petition.
[2] "Regular business hours" is defined as between the hours of 8:00 a.m. and 4:30 p.m.

within the county, to the District Judge of the County, the District Court Judge of the adjacent county located in the 42nd Judicial Circuit, and then the Circuit Judge for Division 1 for the 42nd Judicial Circuit, in that order. If none is available, the petition shall be delivered for consideration to any District, Family or Circuit Judge in any Kentucky County.

The original petition and a copy of the Emergency Protective Orders/Temporary Interpersonal Protective Orders issued during non-office hours shall be delivered to the appropriate clerk's office at the beginning of the next regular office day by the agency where the petition was initiated to be processed.

APPENDIX B

SCHEDULE "A"
Guidelines for Custody and Visitation
Close Proximity – Equal Timesharing (50/50)

I. Parental rights

Unless otherwise ordered by the Court or unless otherwise prohibited by school, hospital or physician policy and procedures, both parents have the following rights with regard to their child/children:

1. The right to receive notice and relevant information as soon as practical (but within 24 hours) in the event of hospitalization, major illness, or death of the child;

2. The right to receive, directly from the school, upon written request, copies of the child/children's report cards, attendance records, names of teachers, class schedules, standardized test scores, and any other records customarily made available to parents.

3. Unless otherwise prohibited by law, the right to receive copies of the child/children's medical, health or other treatment records directly from the physician or health care provider who provided such treatment or health.

4. The right to be free of derogatory remarks from the other parent in the presence of the child/children or on social media.

5. In the event the other parent leaves the state with the child/children for more than two (2) days, the right to receive an itinerary, including where the child/children will be and telephone numbers for use in the event of an emergency.

6. The right to have access and participation in education, including the right of access to the minor child/children for lunch and other activities, provided the participation or access is reasonable and does not interfere with day-to-day operation or with the child/children's education performance or is otherwise prohibited by the school.

II. Parent Responsibilities

Unless otherwise court ordered, the parents shall comply with the following orders and conditions:

1. Parents shall take all necessary action with school authorities to:
   a. List both parents on all forms;
   b. Authorize the school to release to both parents any and all information concerning the child/children; and
   c. Ensure that both parents receive copies of any notices regarding the child/children.

2. A parent shall promptly transmit to the other parent any information received concerning parent-teacher meetings, school programs, athletic schedules, and any other school activities in which the child/children may be engaged or interested.

3. A parent shall promptly, after receipt of same, furnish to the other parent a photocopy of the child/children's grades or report cards and copies of any other reports concerning the child/children's status or progress.

4. A parent shall, when possible, arrange appointments for parent-teacher conferences at a time when the other parent can be present and, whenever possible, they shall be attended by both parents.

5. A parent shall promptly inform the other parent of any illness of the child/children which shall require medical attention. Elective surgery shall only be performed after consultation with both parents. Emergency surgery necessary for the preservation of life or to prevent further serious injury or condition may be performed without consultation provided, however, if time permits, both parents shall be consulted and, in any event, both parents shall be informed as soon as possible.

6. Both parents shall be allowed to freely contact the child/children via mail, telephone or computer at all reasonable times, duration and frequency. Each parent is to inform the other parent of their contact information.

7. Both parents shall refrain from criticizing the other parent in the presence of the child/children or on social media.

8. Neither parent shall consume or be otherwise under the influence of any intoxicating substance during or immediately prior to their custodial period with the child/children.

9. For all visitations, each parent is responsible to pick up the child/ren from the other parent's residence, or previously agreed to location for each period that the child/children will be with that parent. Both parents shall be diligent in having the child/children ready and available at the appointed times and the transporting parent shall be prompt in picking up and delivering the child/ren provided that the transporting parent for custodial periods shall have a grace period of fifteen (15) minutes for pick-up and delivery if both parents live within a distance of thirty (30) miles from one another. If the one-way distance to be traveled is in excess of thirty (30) miles, the grace period shall be thirty (30) minutes. In the event the parent exceeds the grace period, the custodial period is forfeited unless prior notification and arrangements have been made and except in cases where the parent lives in excess of thirty (30) miles away and suffers an unavoidable breakdown or delay en route and that parent promptly notifies the other parent by phone of the delay.

10. Each parent shall provide the child/children appropriate clothing, shoes, and, when applicable, bottles, formula, and diapers when the child is in their care.

11. If the child/children have been prescribed medication by a licensed physician or health care provider, the parents shall keep the other parent informed of the medication and dosage and shall provide the other parent during their custodial time with the medication required by the child, which should then be returned with the child.

12. The child/children shall be in seat belts or child restraint seat, as appropriate, at all times when being transported in an automobile.

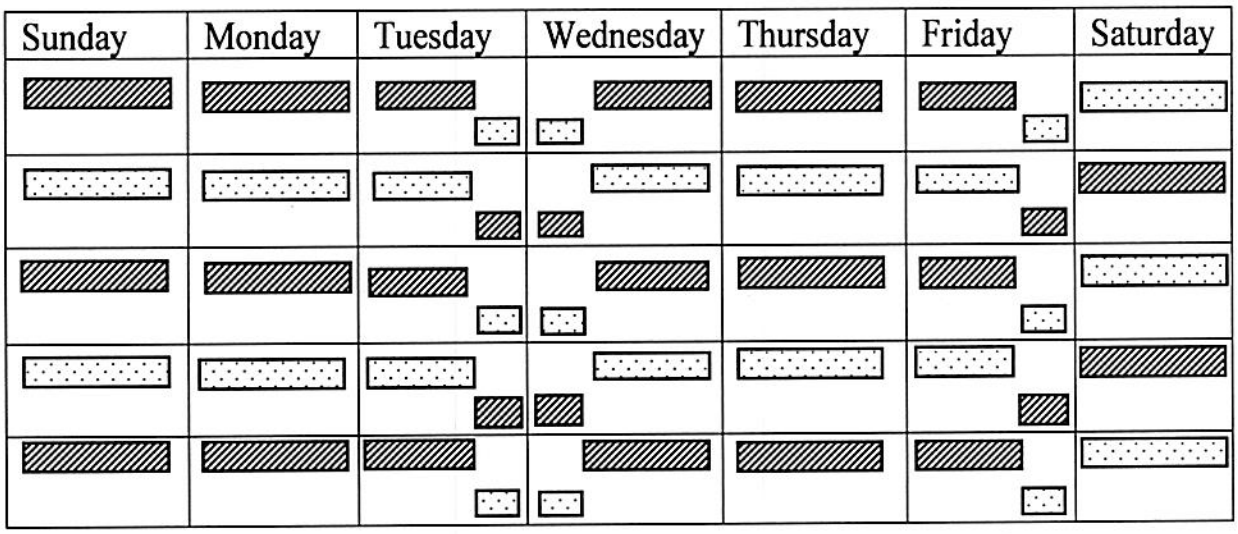
III. Timesharing

1. Standard Weekly Schedule

As indicated by the checked option below, the following timesharing schedule shall be observed subject to the holiday schedule set forth in Paragraph 2 below.
In each Option below, Parent X = ▨ Parent O = ▭

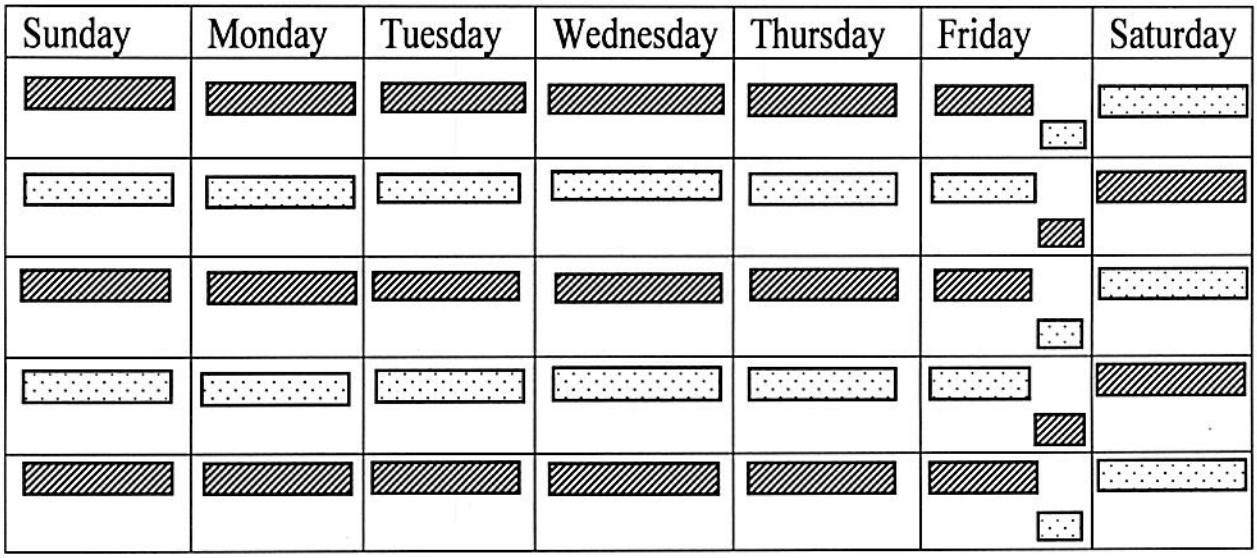
☐ Option A – Alternating Weeks with a Mid-Week Overnight

Child/children alternate residences three (3) days a week. The exchange is from after school to the start of school when school is in session, or 5:00 p.m. to 8:00 a.m. when school is not in session.



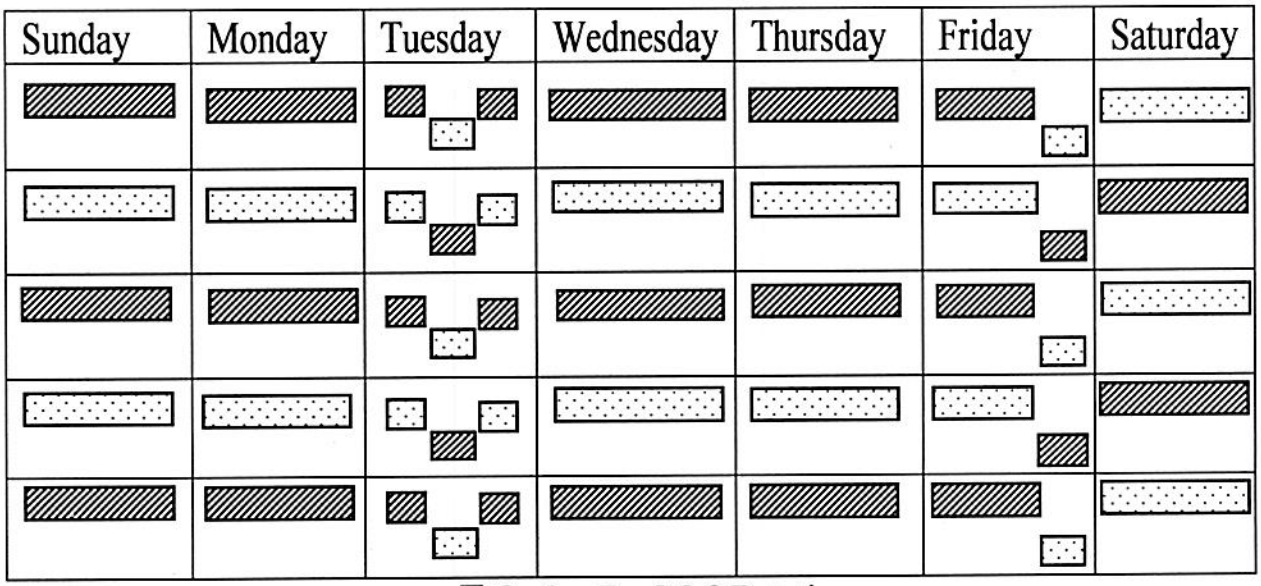
☐ Option B – Alternating Weeks

Child/children alternate residences on a week-to-week basis (i.e., change residences each Friday). The exchanges take place after school when school is in session and at 5:00 p.m. when school is not in session.



☐ **Option C – Alternating Weeks with a Mid-Week Visit**

Child/children alternate residences on a week-to-week basis with a mid-week, non-overnight visit with the other parent. The mid-week exchange is from after school to 7:00 p.m. when school is in session and 5:00 p.m. to 8:00 p.m. when school is not in session.



☐ **Option D – 2-2-3 Rotation**

Child/children rotate between the parents with two (2) days with Parent X, two (2) days with Parent O, and three (3) days with Parent (X). The exchanges take place after school when school is in session or 5:00 p.m. when school is not in session.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

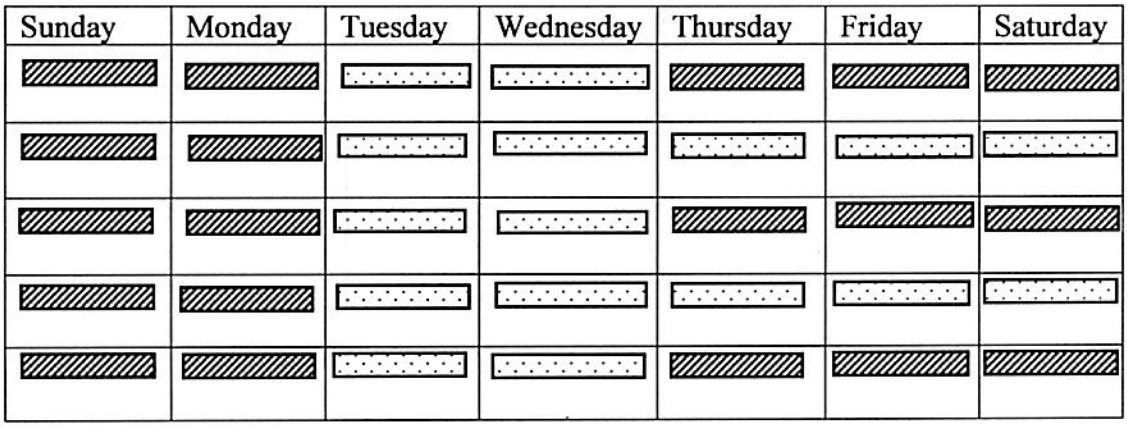
☐ **Option E – 3-3-4-4 Rotation**

Child/children rotate between the parents over a 14-day period with three (3) days with Parent X, three (3) days with Parent O, four (4) days with Parent X and four (4) days with Parent O. The next 14-day period is three (3) days with Parent O, three (3) days with Parent X, four (4) days with Parent O and four (4) days with Parent X, etc. The exchanges take place after school when school is in session or 5:00 p.m. when school is not in session.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

☐ **Option F – 2-2-5-5 Rotation**

Child/children rotate between the parents over a 14-day period with two (2) days with Parent X, two (2) days with Parent O, (5) days with Parent X and five (5) days with Parent O. The next 14-day period is two (2) days with Parent O, two (2) days with Parent X, five (5) days with Parent O and five (5) days with Parent X, etc. The exchanges take place after school when school is in session or 5:00 p.m. when school is not in session.



2. Holidays

Unless otherwise agreed to between the parents, the following holiday schedule shall be observed by the parents and supersedes the standard weekly schedule set out above:

a. FALL AND SPRING BREAKS: The parties will alternate spring break to begin at 5:00 p.m. on the last day of school and end at 6:00 p.m. on the Sunday before school resumes. The Father will have fall break in every even-numbered year, and the Mother will have fall break every odd-numbered year. If there is a fall break of one (1) week, the parties will alternate fall break to begin at 5:00 p.m. on the last day of school and end at 6:00 p.m. on the Sunday before school resumes. The Mother will have the one week of spring break in every odd-numbered year and the Father will have the one weekof spring break in every even-numbered year. All school break visitation shall take precedence over regular alternating visitation periods, but the pattern of alternation shall remain the same.

b. CHILD'S BIRTHDAY: In even-numbered years, the child and any siblings shall spend his/her birthday with the Mother from 4:00 p.m. until 9:00 p.m. In the even-numbered years, the Father shall have the child and any siblings from 4:00 p.m. until 9:00 p.m. either the day before or the day after the child's actual birthday. In odd-numbered years, the child and any siblings shall spend his/her birthday with the Father from 4:00 p.m. until 9:00 p.m. In odd-numbered years, the Mother shall have the child and any siblings from 4:00 p.m. until 9:00 p.m. either the day before or the day after the child's actual birthday. Birthdays shall take precedence over all other visitation periods.

c. Halloween/Trick or Treating: In odd-numbered years the Respondent will have the child(ren) on the day in which the county in which the child(ren) resides sets trick or

treating hours from the time the county states the hours available for trick or treating. In even-numbered years the Petitioner will have the child(ren) on the day in which the county in which the child(ren) resides sets trick or treating hours from the time the county states the hours available for trick or treating.

d. Thanksgiving: In odd-numbered years, the Petitioner shall have the child(ren) for the Thanksgiving holiday. That holiday shall be defined as beginning on the last day of the child(ren)'s school before Thanksgiving break at 6:00 p.m. and ending at 6:00 p.m. on the following Sunday. In even-numbered years, the Respondent shall have the child(ren) for the Thanksgiving holiday as described herein.

e. Christmas: Christmas is to be alternated with the Respondent having the odd-numbered years beginning at 5:00 p.m. on the day school lets out for the break until Christmas Day at 1:00 p.m. and the Petitioner having the child(ren) from 1:00 p.m. on Christmas Day until 6:00 p.m. on New Year's Day. In even-numbered years, the Petitioner shall have the child(ren) from 5:00 p.m. on the day school lets out for the break until Christmas Day at 1:00 p.m. and Respondent having the child(ren) from 1:00 p.m. on Christmas Day until 6:00 p.m. on New Year's Day.

f. Easter: In even-numbered years Petitioner is to have visitation with the child(ren)(ren) from the Saturday evening before Easter Sunday at 6:00 p.m. through Easter Sunday at 6:00 p.m. In odd-numbered years Respondent is to have visitation with the child(ren)(ren) from the Saturday evening before Easter Sunday at 6:00 p.m. through Easter Sunday at 6:00 p.m.

g. Mother's/Father's Day: In the event the child(ren) are not scheduled to be with Mother on Mother's Day or Father on Father's Day, then, in that event, Mother shall have the child(ren) on Mother's Day and Father shall have the child(ren) on Father's Day from 9:00 a.m. to 6:00 p.m.

h. Parents Birthday: If the parent's birthday falls on a weekend that is not their regularly scheduled time for visitation with the child(ren), the parent will have their birthday visitation with the child(ren) from 9:00 a.m. to 5:00 p.m. on the parent's birthday. If the parent's birthday falls on a weekday that is not their regularly scheduled time for visitation with the child(ren) the parent will have visitation with the child(ren) from 4:00 p.m. to 9:00 p.m.

i. Summer Vacation Visitation: Each parent will be allowed to elect a nine-day period of time to exercise a summer vacation period with the child(ren). The time period will begin on a Friday at 6:00 p.m. and will end two Sundays later at 6:00 p.m. The parties will elect their nine-day period by communicating with each other on May 1st each year. If the parties elect the exact same nine-day period of time, then the Respondent will get first preference in odd-numbered years and the Petitioner will get first preference in even-numbered years.

j. **The above references to school schedules (spring and fall break, Thanksgiving, and Christmas) shall apply to children not yet of school age as well as those actually attending school.**

3. **Miscellaneous Expenses**

In addition to any child(ren) support that may be ordered, the following school expenses are to be divided between joint custodians:

a. School lunches;
b. School sign up fees;
c. School supplies list fees; and
d. School field trip expenses.

The division shall be in accordance with the parties' percentage of their gross incomes as determined in the order of custody. Not included in the list are expenses related to extracurricular activities, including, but not limited to participation in sporting events and summer camp; the division of such expenses shall be as agreed to between the parties.

SCHEDULE "B"

Guidelines for Custody and Visitation "Close Proximity" Residential Parent/Non-Residential Parent

I. Parental Rights

Unless otherwise ordered by the Court or unless otherwise prohibited by school, hospital or physician policy and procedures, both the residential parent (RP) and the non-residential parent (NRP) have the following rights with regard to their child(ren):

1. The right to receive notice and relevant information as soon as practical (but within 24 hours) in the event of hospitalization, major illness, or death of the child(ren);

2. The right to, upon written request, receive, directly from the school, copies of the child(ren)'s report cards, attendance records, names of teachers, class schedules, standardized test scores, and any other records customarily made available to parents.

3. Unless otherwise prohibited by law, the right to receive copies of the child(ren)'s medical, health or other treatment records directly from the physician or health care provider who provided such treatment or health.

4. The right to be free of derogatory remarks from the other parent in the presence of the child(ren) or on social media.

5. In the event the other parent leaves the state with the child(ren) for more than two (2) nights, the right to receive an itinerary, including where the child(ren) will be and telephone numbers for use in the event of an emergency.

6. The right to have access and participation in education, including the right of access to the minor child(ren) for lunch and other activities, on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the child(ren)'s/children's educational performance.

II. Parental Responsibilities

Unless otherwise Court ordered, the RP and NRP shall comply with the following orders and conditions:

1. The RP shall take the necessary action with school authorities to:
   a. List the NRP as a parent of the child(ren);
   b. Authorize the school to release to the NRP any and all information concerning the child(ren); and
   c. Ensure that the NRP receives copies of any notices regarding the child(ren).

2. The RP shall promptly transmit to the NRP any information received concerning parent-teacher meetings, school programs, athletic schedules and any other school activities in which the child(ren) may be engaged or interested.

3. The RP shall promptly, after receipt of same, furnish to the NRP a photocopy of the child(ren)'s/children's grades or report and copies of any other reports concerning the child(ren)'s/children's status or progress.

4. The RP shall, when possible, arrange appointments for parent-teacher conferences at a time when the NRP can be present and, whenever possible and not prohibited by any active court order, they shall be attended by both parents.

5. The RP shall promptly inform the NRP of any illness of the child(ren) which shall require medical attention. Elective surgery shall only be performed after consultation with the NRP. Emergency surgery necessary for the preservation of life or to prevent a further serious injury or condition may be performed without consultation provided, however, if time permits, the NRP shall be consulted and, in any event, the NRP shall be informed as soon as same is possible.

6. Both parents shall be allowed to freely contact the child(ren) via mail, telephone or computer at all reasonable times, duration and frequency. Each party is to inform the other of their contact information.

7. Both parents shall refrain from criticizing the other parent in the presence of the child(ren) or on social media.

8. Neither parent shall consume or be otherwise under the influence of any intoxicating substance during or immediately prior to their custodial period with the child(ren).

9. For all visitations, each parent is responsible to pick up the child(ren) from the other parent's residence or a previously agreed to location for each period that the child(ren) will be with that parent. Both parents shall be diligent in having the child(ren) ready and available at the appointed times. The transporting parent shall be prompt in picking up and delivering the child(ren) provided that the transporting parent shall have a grace period of fifteen (15) minutes for pick-up and delivery if both parents live within a distance of thirty (30) miles from one another. If the one-way distance to be traveled is in excess of thirty (30) miles, the grace period shall be thirty (30) minutes. In the event the parent exceeds the grace period, the custodial period is forfeited unless prior notification and arrangements have been made unless the parent lives in excess of thirty (30) miles away and suffers an unavoidable breakdown or delay en route and that parent promptly notifies the other parent by phone or text of the delay.

10. Unless otherwise agreed to by the parents, the RP shall send with the child(ren) sufficient clothing and outer wear appropriate for the season to last the period of the custodial time. In the case of infants, the RP shall provide the other parent sufficient bottles, formula and diapers to last the custodial period.

11. If the child(ren) have been prescribed medication by a licensed physician or health care provider, the parents shall keep the other parent informed of the medication and dosage and shall provide the other parent during their custodial time with the medication required by the child(ren), which should then be returned with the child(ren).

12. The child(ren) shall be in seat belts or child(ren) restraint seat, as appropriate, at all times when being transported in an automobile.

III. Visitation

Unless otherwise Court ordered, the NRP shall have visitation with his/her child(ren) as follows and pursuant to the following terms and conditions:

1. **Alternate Weekends**
   The child(ren) shall be with the NRP on alternate weekends, from 5:00 p.m. on Friday until the same time on the following Sunday.

2. **Alternate Thursdays**
   In the event the NRP lives within a 60-mile radius of the RP's home, the child(ren) shall be with the NRP on the alternate Thursday nights following the scheduled weekend visitation, beginning at 5:00 p.m. If the child(ren) attend(s) school that Friday, the NRP shall take the child(ren) to school the following Friday morning and the RP shall be responsible for the pick-up of the child(ren) after school. Should the child(ren) not be in school that Friday, then the child(ren) will be picked up by the RP on Friday, at 5:00 p.m.

3. **Summer**
   The child(ren) shall be with each parent equally during summer break with a week on week off schedule. The first Friday at 5:00 p.m. after school is let out for summer break through the following Friday at 5:00 p.m. will be the NRP's first summer break week and every other week thereafter. This schedule will continue until the Friday at 5pm before school begins in the fall.

4. **Holidays**
   Unless otherwise agreed to between the parents, the following holiday schedule shall be observed by the parents and supersedes the standard weekly schedule set out above:

   a. FALL AND SPRING BREAKS: The parties will alternate spring break to begin at 5:00 p.m. on the last day of school and end at 6:00 p.m. on the Sunday before school

resumes. The Petitioner will have fall break in every even-numbered year and the Respondent will have fall break every odd-numbered year. If there is a fall break of one (1) week, the parties will alternate fall break to begin at 5:00 p.m. on the last day of school and end at 6:00 p.m. on the Sunday before school resumes. The Respondent will have the one-week spring break in every odd-numbered year and the Petitioner will have the one-week spring break in every even-numbered year. All school break visitation shall take precedence over regular alternating visitation periods, but the pattern of alternation shall remain the same.

b. CHILD(REN)'S BIRTHDAY: In even-numbered years, the child(ren) and any siblings shall spend his/her birthday with the Respondent from 4:00 p.m. until 9:00 p.m. In the even-numbered years, the Petitioner shall have the child(ren) and any siblings from 4:00 p.m. until 9:00 p.m. either the day before or the day after the child(ren)'s actual birthday. In odd-numbered years, the child(ren) and any siblings shall spend his/her birthday with the Petitioner from 4:00 p.m. until 9:00 p.m. In odd-numbered years, the Respondent shall have the child(ren) and any siblings from 4:00 p.m. until 9:00 p.m. either the day before or the day after the child(ren)'s actual birthday. Birthdays shall take precedence over all other visitation periods.

c. HALLOWEEN/TRICK OR TREATING: In odd-numbered years the Respondent will have the child(ren) on the day in which the county in which the child(ren) resides sets trick or treating hours from the time the county states the hours available for trick or treating. In even-numbered years the Petitioner will have the child(ren) on the day in which the county in which the child(ren) resides sets trick or treating hours from the time the county states the hours available for trick or treating.

d. THANKSGIVING: In odd-numbered years, the Petitioner shall have the child(ren) for the
Thanksgiving holiday. That holiday shall be defined as beginning on the last day of the child(ren)'s school before Thanksgiving break at 6:00 p.m. and ending at 6:00 p.m. on the following Sunday. In even-numbered years, the Respondent shall have the child(ren) for the Thanksgiving holiday as described herein.

e. CHRISTMAS: Christmas is to be alternated with the Respondent having the odd-numbered years beginning at 5:00 p.m. on the day school lets out for the break until Christmas Day at 1:00 p.m. and the Petitioner having the child(ren) from 1:00 p.m. on Christmas Day until 6:00 p.m. on New Year's Day. In even-numbered years, the Petitioner shall have the child(ren) from 5:00 p.m. on the day school lets out for the break until Christmas Day at 1:00 p.m. and Respondent having the child(ren) from 1:00 p.m. on Christmas Day until 6:00 p.m. on New Year's Day.

f. EASTER: In even-numbered years Petitioner is to have visitation with the child(ren)(ren) from the Saturday evening before Easter Sunday at 6:00 p.m. through Easter Sunday at 6:00 p.m. In odd-numbered years Respondent is to have visitation

with the child(ren)(ren) from the Saturday evening before Easter Sunday at 6:00 p.m. through Easter Sunday at 6:00 p.m.

g. MOTHER'S/FATHER'S DAY: In the event the child(ren) are not scheduled to be with Mother on Mother's Day or Father on Father's Day, then, in that event, Mother shall have the child(ren) on Mother's Day and Father shall have the child(ren) on Father's Day from 9:00 a.m. to 6:00 p.m.

h. PARENT'S BIRTHDAY: If the parent's birthday falls on a weekend that is not their regularly scheduled time for visitation with the child(ren), the parent will have their birthday visitation with the child(ren) from 9:00 a.m. to 5:00 p.m. on the parent's birthday. If the parent's birthday falls on a weekday that is not their regularly scheduled time for visitation with the child(ren) the parent will have visitation with the child(ren) from 4:00 p.m. to 9:00 p.m.

i. SUMMER VACATION VISITATION: Each parent will be allowed to elect a nine-day period of time to exercise a summer vacation period with the child(ren). The time period will begin on a Friday at 6:00 p.m. and will end two Sundays later at 6:00 p.m. The parties will elect their nine-day period by communicating with each other on May 1st each year. If the parties elect the exact same nine-day period of time, then the Respondent will get first preference in odd-numbered years and the Petitioner will get first preference in even-numbered years.

j. **The above references to school schedules (spring and fall break, Thanksgiving, and Christmas) shall apply to children not yet of school age as well as those actually attending school.**

5. **Miscellaneous Expenses**

In addition to any child(ren) support that may be ordered, the following school expenses are to be divided between joint custodians:

a. School lunches;
b. School sign up fees;
c. School supplies list fees; and
d. School field trip expenses.

The division shall be in accordance with the parties' percentage of their gross incomes as determined in the order of custody. Not included in the list are expenses related to extracurricular activities, including, but not limited to participation in sporting events and summer camp; the division of such expenses shall be as agreed to between the parties.

SCHEDULE "C"
Guidelines for Custody and Visitation
"Long Distance"

I. Parental Rights

Unless otherwise ordered by the Court or unless otherwise prohibited by school, hospital or physician policy and procedures, both the residential parent (RP) and the non-residential parent (NRP) have the following rights with regard to their child(ren):

1. The right to receive notice and relevant information as soon as practical (but within 24 hours) in the event of hospitalization, major illness, or death of the child(ren).

2. The right to, upon written request, receive, directly from the school, copies of the child(ren)'s report cards, attendance records, names of teachers, class schedules, standardized test scores, and any other records customarily made available to parents.

3. Unless otherwise prohibited by law, the right to receive copies of the child(ren)'s medical, health or other treatment records directly from the physician or health care provider who provided such treatment or health.

4. The right to be free of derogatory remarks from the other parent in the presence of the child(ren) or on social media.

5. In the event the other parent leaves the state with the child(ren) for more than two (2) nights, the right to receive an itinerary including where the child(ren) will be and telephone numbers for use in the event of an emergency.

6. The right to have access and participation in education, including the right of access to the minor child(ren) for lunch and other activities, on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the child(ren)'s/children's educational performance.

II. Parental Responsibilities

Unless otherwise court-ordered, the RP and NRP shall comply with the following orders and conditions:

1. The RP shall take the necessary action with school authorities to:
   a. List the NRP as a parent of the child(ren);
   b. Authorize the school to release to the NRP any and all information concerning the child(ren); and
   c. Ensure that the NRP receives copies of any notices regarding the child(ren).

2. The RP shall promptly transmit to the NRP any information received concerning parent-teacher meetings, school programs, athletic schedules and any other school activities in

which the child(ren) may be engaged or interested.

3. The RP shall promptly, after receipt of same, furnish to the NRP a photocopy of the child(ren)'s/children's grades or report and copies of any other reports concerning the child(ren)'s/children's status or progress.

4. The RP shall, when possible, arrange appointments for parent-teacher conferences at a time when the NRP can be present and, whenever possible and not prohibited by any active court order, they shall be attended by both parents.

5. The RP shall promptly inform the NRP of any illness of the child(ren) which shall require medical attention. Elective surgery shall only be performed after consultation with the NRP. Emergency surgery necessary for the preservation of life or to prevent a further serious injury or condition may be performed without consultation provided, however, if time permits, the NRP shall be consulted and, in any event, the NRP shall be informed as soon as same is possible.

6. Both parents shall be allowed to freely contact the child(ren) via mail, telephone or computer at all reasonable times, duration and frequency. Each party is to inform the other of their contact information.

7. Both parents shall refrain from criticizing the other parent in the presence of the child(ren) or on social media.

8. Neither parent shall consume or be otherwise under the influence of any intoxicating substance during or immediately prior to their custodial period with the child(ren).

9. For all visitations, each parent is responsible to pick up the child(ren) from the other parent's residence or a previously agreed to location for each period that the child(ren) will be with that parent. Both parents shall be diligent in having the child(ren) ready and available at the appointed times. The transporting parent shall be prompt in picking up and delivering the child(ren) provided that the transporting parent shall have a grace period of fifteen (15) minutes for pick-up and delivery if both parents live within a distance of thirty (30) miles from one another. If the one-way distance to be traveled is in excess of thirty (30) miles, the grace period shall be thirty (30) minutes. In the event the parent exceeds the grace period, the custodial period is forfeited unless prior notification and arrangements have been made unless the parent lives in excess of thirty (30) miles away and suffers an unavoidable breakdown or delay en route and that parent promptly notifies the other parent by phone or text of the delay.

10. Unless otherwise agreed to by the parents, the RP shall send with the child(ren) sufficient clothing and outer wear appropriate for the season to last the period of the custodial time. In the case of infants, the RP shall provide the other parent sufficient bottles, formula, and diapers to last the custodial period.

11. If the child(ren) have been prescribed medication by a licensed physician or health care provider, the parents shall keep the other parent informed of the medication and dosage and shall provide the other parent during their custodial time with the medication required by the child(ren), which should then be returned with the child(ren).

12. The child(ren) shall be in seat belts or child(ren) restraint seat as appropriate at all times when being transported in an automobile.

III. Visitation

The NRP shall have visitation with his/her child(ren) as follows and pursuant to the following terms and conditions:

1. **Summer Visitation**
   The NRP shall be entitled to five (5) weeks of summer visitation each year, commencing on the Sunday of the first full week in June. The first part of summer visitation shall be three (3) consecutive weeks, then back with the RP for two (2) weeks and then back with the NRP for two (2) additional weeks of summer visitation. During the NRP's June summer visitation, the RP may exercise one weekend visitation upon fourteen (14) days' notice to the NRP.

2. **Monthly Visitation**
   During the months of March, April, August and October, the NRP is to have one weekend visitation commencing the second Friday in the month at 6:00 p.m. and ending on the following Sunday at 6:00 p.m. with the exception that the RP shall receive the child(ren)'s/children's fall break in odd-numbered years and the child(ren)'s/children's spring break in even-numbered years (see sections 3 and 4 below). In January, February, May and September, the NRP shall have visitation on the weekend of the birthday of Martin Luther King, Jr., President's Day, Memorial Day and Labor Day. The visitation shall last through the following Monday at 6:00 p.m. if school is not in session, otherwise, visitation ends the following Sunday. During all these months and upon fourteen (14) days' notice to the RP, the NRP may elect a second weekend visitation (e.g., Friday through Sunday) to be exercised within a 50-mile radius of the RP's home.

3. **Spring Break**

   The NRP shall be entitled to the full spring break in odd-numbered years and the RP shall be entitled to the full spring break in even-numbered years commencing on the Friday before spring break at 6:00 p.m. and ending on the Sunday following spring break at 6:00 p.m. In the event the NRP's monthly visitation, as set forth in section 2 above, is interrupted by the RP exercising the spring break visitation, the NRP shall be entitled to make up the monthly visitation the following weekend. This provision applies regardless of the child(ren) being school age and regardless if the child(ren) is/are home schooled, private schooled or public schooled. If the child(ren) is/are not school age or not otherwise entitled to the break, the public school calendar where the child(ren) reside(s) shall determine the dates of the break.

4. **Fall Break**

The NRP shall be entitled to the full fall break in even-numbered years and the RP shall be entitled to the full fall break in odd-numbered years commencing on the Friday before fall break at 6:00 p.m. and ending on the Sunday following fall break at 6:00 p.m. In the event the NRP's monthly visitation, as set forth in section 2 above, is interrupted by the RP's exercising the fall break visitation, the NRP shall be entitled to make up the monthly visitation the following weekend. This provision applies regardless of the child(ren) being school age and regardless if the child(ren) is/are home schooled, private schooled or public schooled. If the child(ren) is/are not school age or not otherwise entitled to the break, the public school calendar where the child(ren) reside(s) shall determine the dates of the break.

5. **November**

In even-numbered years, the NRP shall have visitation commencing the Wednesday immediately before Thanksgiving until Sunday immediately following Thanksgiving. In odd-numbered years, the NRP may have weekend visitation the weekend prior to the Thanksgiving weekend, commencing on Friday and ending on the following Sunday. Upon fourteen (14) days' notice to the RP, the NRP shall be entitled to a second weekend visitation during the month to be exercised within a 50-mile radius of the RP's home.

6. **December**

The parties are to split the two weeks of Christmas vacation with the child(ren) being with the NRP the second week of the Christmas vacation each year with the visitation ending on the Sunday before school returns for the spring semester. With regard to the beginning date, the parties are to alternate Christmas Day with the NRP's visitation starting on December 23rd in odd-numbered years and starting on December 26th in even-numbered years. It is acknowledged that, depending on when Christmas falls each year, this may not always be an equal split of the Christmas break.

7. **Miscellaneous Expenses**

In addition to any child(ren) support that may be ordered, the following school expenses are to be divided between joint custodians:

School lunches;
School sign up fees;
School supplies list fees; and
School field trip expenses.

The division shall be in accordance with the parties' percentage of their gross incomes as determined in the order of custody. Not included in the list are expenses related to extracurricular activities, including, but not limited to participation in sporting events and

summer camp; the division of such expenses shall be as can be agreed to between the parties.

APPROVED this the 20th day of December, 2024.

Stephanie Judy Perlow
Family Court Judge/Chief Circuit Judge
42nd Judicial Circuit, Division II

Andrea Moore
Circuit Court Judge
42nd Judicial Circuit, Division I

Randall Hutchens
District Court Judge
42nd Judicial District

Jack Telle
District Court Judge
58th Judicial District