Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE, DOMESTIC RELATIONS RULES, FOR THE 46TH JUDICIAL CIRCUIT, BRECKINRIDGE, GRAYSON, AND MEADE COUNTIES

Upon recommendation of the Judges of the 46th Judicial Circuit, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure, Domestic Relations Rules, for the 46th Judicial Circuit, Breckinridge, Grayson, and Meade counties, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 7th day of May 2014.

CHIEF JUSTICE JOHN D. MINTON, JR.

RULES OF PRACTICE
FOR DOMESTIC RELATIONS ACTIONS
46th JUDICIAL CIRCUIT
BRECKINRIDGE, GRAYSON and MEADE CIRCUIT COURTS

DrR (Domestic Relations Rule)

Pursuant to KRS 23A.010, RCr 13.02 and SCR 1.040 (3) (a), the following rules are adopted for practice before the Circuit Courts of the 46th Judicial Circuit. These rules may be cited by the abbreviation 46th followed by the appropriate rule number: ***Insofar as these rules conflict with any statute or rule promulgated by the legislature or Supreme Court, these rules are thereby superceded.***

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DrR Rule 1 – INTRODUCTION/ADMINISTRATIVE PROCEDURE

1.01 PREFACE:
These are the Uniform Rules of Court Practice and Procedure of the 46th Judicial Circuit Court, Domestic Relations Commissioner Docket. These rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP), the Kentucky Rules of Criminal Procedure (RCr) and the Kentucky Rules of Civil Procedure (CR). These rules shall be the only operative 46th Judicial Circuit Domestic Relations Rules. All previous Rules of Practice for Domestic Relations Actions adopted for the 46th Judicial Circuit are hereby rescinded.

1.02 EFFECTIVE DATE:
The effective date of these rules shall be the later of January 1, 2014 or thirty (30) days after Kentucky Supreme Court approval.

1.03 CITATION:
These rules shall be cited as 46th DrR.

1.04 DOMESTIC RELATIONS COMMISSIONER – QUALIFICATIONS AND POWERS:
There shall be a Part-Time Domestic Relations Commissioner for the 46th Judicial Circuit, with the qualifications as stated in FCRPP 4(2). The Commissioner shall have the powers enumerated in FCRPP 4.

1.05 STANDING REFERRALS:
Unless otherwise ordered by the Court, there shall be a standing referral to the Domestic Relations Commissioner (hereinafter "DRC") of all domestic relations matters including, but not limited to, the following:

A. Uncontested and contested matters arising from actions affecting the marital relationship of parties under KRS Chapter 403;

B. Child custody, support and maintenance under KRS Chapter 403, both *pendente lite* and post judgment;

C. Costs and attorneys' fees in those actions involving paragraphs A and B above.

Cases are assigned to each Circuit Judge pursuant to LRC-46-5.

1.06 HOLIDAYS:
Holiday schedules may be obtained at the Breckinridge, Grayson and/or Meade Circuit Court Clerk's Offices.

DrR Rule 2 – COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING

2.01 REGULAR MOTION HOUR SCHEDULE:
Hearings pursuant to DrR 2 shall be by motion set for a date and time certain before the Domestic Relations Commissioner, which time and date shall be provided by the Domestic Relations Commissioner if not on a regularly scheduled motion day of the Court set pursuant to Rules of Practice 46th Judicial Circuit LRC-46-3. The Domestic Relations Docket commences at 9:00 a.m. local prevailing time.

2.02 EXCEPTIONS TO REGULAR MOTION HOUR SCHEDULE:
On such occasions where it may be required to cancel the Domestic Relations Commissioner's regular Motion Day docket, whether because of sickness, vacation, inclement weather, conflicts or otherwise, notice of such cancellation shall be given as promptly as possible. Upon such cancellation, any cases docketed for hearing on the Motion Day so cancelled shall automatically be re-docketed for the next regular Motion Day in the order in which they appeared on the cancelled docket and before any subsequently docketed cases.

2.03 MOTION DAY DOCKET DEADLINE:
The Clerk shall keep a Motion Docket on which the Clerk shall docket all Motions noticed on each Motion Day.

Except for good cause shown, all Motions to be heard on Motion Day must have a facsimile copy or original filed with the Clerk of the Court wherein the matter is to be heard no later than the close of business on the fifth business day preceding said Motion Day. (Grayson, the preceding Tuesday; Breckinridge, the preceding Wednesday; Meade, the preceding Thursday). This rule is not intended and does not modify the applicable procedure rules regarding Notice; instead, this rule is adopted solely for docketing purposes. In the event any party desires to file the original document in addition to the facsimile previously filed to meet the docket deadline, (if the Court or DRC determines the original is needed for purposes of legibility, to prove an original signature or for some other reason), the filed original shall be the document which conforms exactly to the facsimile copy.

2.04 DOMESTIC RELATIONS DOCKET SHEET:
The Clerk of each Court shall establish a separate Domestic Relations Docket Sheet which shall not be co-mingled with matters to be heard by the Court.

2.05 Matters to be heard on the docket of the Domestic Relations Commissioner shall state same in the Notice section of the pleading as follows:

"Take Notice that the undersigned will appear before the Domestic Relations Commissioner of the Court on WEEKDAY, the ____ day of MONTH, YEAR at the hour of _____ local prevailing time, or as soon thereafter as may be heard

to make the following Motion."

2.06 Non-Motion Day Hearing: In addition to the initial Domestic Relations days after being served with notice of the filing of the report, any party may serve written objections thereto upon the other parties. If no objections are filed, the report will be submitted to the presiding Judge on the fourteenth (14th) day after the notice of the report was served on the parties if the motioning attorney notifies the clerk. If objections are filed, any party may apply to the Court for confirmation of the report by notice and motion properly filed.

DrR Rule 3 – ADOPTION/TERMINATION OF PARENTAL RIGHTS

3.01 All adoptions and/or termination of parental rights actions are randomly assigned to the two divisions of the circuit court and are not part of the Domestic Relations Commissioner's Docket.

3.02 INSPECTION OF ADOPTION RECORDS:
Applications regarding inspection of Adoption Records Requests shall be presented to the judge of the circuit court division which adjudicated the matter.

DrR Rule 4 – DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

4.01 A copy of the Twenty Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for Grayson, Breckinridge & Meade Counties is attached hereto as Appendix A and incorporated by reference as if set out in full.

DrR Rule 5 – DOMESTIC RELATIONS PRACTICE

5.01 REQUIRED CASE INFORMATION:
A Case Data Information sheet shall be filed with the petition (Form AOC-FC-3).

5.02 APPEARANCES, WAIVERS AND AGREEMENTS:
A. Any unrepresented party who signs and acknowledges appearance and waiver or agreement shall do so before a notary or deputy circuit clerk.

B. No entry and appearance shall be signed prior to the filing of the petition.

C. All Agreements and Agreed Orders shall contain the correct mailing address for all attorneys and parties.

5.03 STATUS QUO ORDERS. FCRPP 2(5):
FCRPP 2(5) provides that a Status Quo Order may be issued at the initial hearing. However, in the 46th Judicial Circuit, the initial court appearance may not occur for twenty-one days or more after the initial filing of an action for Dissolution of

Marriage. Therefore, a Motion Requesting Entry of the AOC 237, Status Quo Order, may be filed with the Petition. The Motion must state that the Respondent has ten days to file an objection to entry of said Order. The clerk shall include a copy of the Motion for service with the Summons and Petition. If no objection is filed within 10 days of service of the Summons, Petition and Motion, the Status Quo Order will be entered by the Court. If a Status Quo Order is not requested by the Petitioner, the Respondent may also seek a Status Quo Order at the initial court appearance or may file a motion as directed in this rule. However, the respondent must provide notice of the motion upon the petitioner without the assistance of the clerk.

5.04 Hearing shall be by motion set for a time and date certain before the Domestic Relations Commissioner, which time and date shall be provided by the Commissioner if not on a regularly scheduled motion day of the Court. All motions and hearings shall be conducted pursuant to the requirements of statute, the Family Court Rules of Procedure and Practice and the Rules of Civil Procedure.

5.05 If an adverse party is not personally before the Court, the motion shall be served upon the adverse party in the same manner as required for service of a summons. After a party is before the Court, service shall be had as provided in the Rules of Civil Procedure. Each motion shall be verified or supported by affidavit(s) of the Movant, which shall be served upon the adverse party with the motion.

5.06 If to be submitted orally before the Commissioner in uncontested matters, the parties shall submit a motion to submit the action before the Commissioner immediately upon the expiration of any statutory limitation. If to be submitted on written depositions, any party may notice/motion on the DRC docket for review and recommendation. The Commissioner shall submit his/her report to the Court within ten (10) working days thereafter.

5.07 In uncontested dissolution of marriages or dissolution of marriage wherein the parties reach an agreement on all issues, the following documents shall be filed with the Court:

A. A Final Verified Financial Disclosure required by FCRPP3(3)(b) or an Affidavit that there no changes in circumstances since the completion of the AOC-238, Preliminary Verified Disclosure Statement, if filed.

B. A Waiver executed by the Respondent acknowledging:
(a). that he/she has received the Petitioner's Final Verified Financial Disclosure,
(b) that it is a true and accurate statement of the parties' assets and liabilities,
(c) that the Respondent has not been advised by the Petitioner's attorney, and
(d) that the Respondent had an opportunity to seek individual counsel, and has either sought separate counsel or has declined to do so.

C. The Respondent shall sign the Waiver in front of a notary (not an employee of the Petitioner's counsel) or the Clerk/Deputy Clerk at the Circuit Court Clerk's Office.

5.08 Upon motion of a party, in contested matters, a pre-trial conference shall be held to establish a schedule and method of proof to be completed within sixty (60) days thereafter.

5.09 The provisions of FCRPP 4(4)(a)(b)(c) and (d) shall apply. It shall be the responsibility of the party filing Objections/Exceptions to notice same for hearing before the Judge of the Court.

5.10 In *pendente lite* matters, if civil summons had been served and written notice of a *pendente lite* hearing filed at least five (5) business days prior to the hearing, the *pendente lite* order may be reviewed only upon a showing of serious endangerment or a substantial change of circumstances occurring since the date of hearing.

5.11 At the conclusion of any pendente lite or final hearing, the Domestic Relations Commissioner may require the parties to file Proposed Findings of Fact, Conclusions of Law and Order/Judgment within fifteen (15) days, at which time the period of time for the Commissioner to file a report, finding or recommendation under KRS 454.350(2) shall begin. The parties shall be responsible to file individually or jointly AOC Form 280 to notify the Commissioner the matter is ready to be taken under submission. All reports and recommendations of the Commissioner in contested matters shall contain findings of fact and conclusions of law.

5.12 Restoration of Domestic Relations Proceedings to the Court Docket subsequent to the matter having been stricken therefrom may be made without notice, but no matters modifying existing orders or conditions therein shall be heard without appropriate service on and notice to all parties.

Any Agreed Order modifying an existing order(s) or conditions therein shall be noticed and docketed on the DRC docket prior to submission to the Judge of the Court.

5.13 TIME-SHARING/VISITATION

A. A parent shall be entitled to time-sharing/visitation as ordered by the Court, which may be in accordance with the Time-Sharing/Visitation Guidelines of the 46th Judicial Circuit attached hereto as Appendix B, unless otherwise agreed to by the parties or ordered by the Court. These Guidelines shall not be used as a default schedule, but shall be used as a basis for determining time-sharing/ visitation. The Order entered by the Court may or may not include all or some of the provisions contained therein.

B. All time-sharing/visitation previously ordered by this or any other Court shall remain in force and effect and shall remain unchanged unless subsequently modified upon appropriate notice, motion and hearing.

5.14 CONTEMPT AND INJUNCTIVE RELIEF PRACTICE

In any proceeding for contempt or injunctive relief in a Domestic Relations matter in which there are issues of fact to be resolved, the matter shall be referred to the Judge of the Court for the taking of proof and findings of fact.

5.15 MEDIATION:

A. MEDIATION:

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

B. REQUIREMENTS FOR MEDIATION:

The parties shall exchange and provide to the mediator, in no less than five (5) working days prior to the mediation conference, the following:

1. Supplement to financial disclosure statement regarding any material change:

2. A short statement including definition of the issue to be addressed by the mediator and a brief narrative statement of any special problems affecting the case (e.g. closely held corporation, medical problems of any family member, etc.)

a. Copies of all documents supporting valuation of assets;
b. Copies of all documents verifying monthly payments and outstanding balances on all debts; and
c. All information and copies of all documents requested by the mediator prior to the mediation conference.

C. QUALIFICATIONS AND APPLICATIONS FOR MEDIATORS:

Any mediator chosen by the parties or the Court shall have completed a minimum of forty (40) hours in a family mediation training program and shall have a college degree, prior basic education and training in the Behavioral Sciences, or be an attorney licensed to practice in the Commonwealth of Kentucky. The parties may select a mediator with equivalent experience.

D. DISQUALIFICATION OF A MEDIATOR:

Any party may move the Court to disqualify a mediator. Mediators have a duty to disclose any fact bearing on their qualifications, including any fact which would be grounds for disqualification of a judge. If the Court rules that a mediator is disqualified, an order shall be entered setting forth the name of a qualified

replacement. Nothing in this provision shall limit the discretion of a mediator to refuse any assignment. A mediator may elect to decline to act as the mediator, which is final upon written notification to the parties and the Court.

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

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

G. COMPENSATION OF MEDIATOR:
1. The mediator shall be compensated at the rate agreed upon by the mediator and the parties. The mediator's fee may include, but is not limited to:

a. Mediation sessions;
b. Preparation for sessions;
c. Travel time;
d. Postponement or cancellation of mediation sessions by the parties and the circumstances under which such charges will normally be assessed or waived; and
e. Preparation of the parties' written mediation agreement if prepared by the mediator; and,

2. Percentage Fee Schedule:
Each party shall be responsible for paying a percentage of the fee based on their proportional share of their combined annual adjusted Gross Income.

H. COMPLETION OF MEDIATION:
1. At the conclusion of mediation, the mediator shall report without comment to the Court the outcome of the mediation, (i.e. a full agreement, partial agreement or mediation terminated). A termination or non-agreement shall be without prejudice to either party.

a. Handwritten or recorded mediation agreements must be typed and signed by all parties and their counsel, if any, within ten (10) working days.

2. The Court shall retain final authority to accept, modify, or reject an agreement.

3. The parties shall have the affirmative duty to contact the court's secretary and

remand any pending hearings concerning resolved issues.

I. CONFIDENTIALITY:

1. Mediation proceedings shall be held in private and all communications, verbal or written, made in the proceedings shall be confidential. The same protection shall be given to communications between the parties in the presence of the mediator. The only exception to this Rule is that the mediator shall be responsible for reporting abuse according to KRS 209.030, KRS 209A.030 and KRS 620.030.

2. All conduct and communications made during a mediation conference shall be treated as settlement negotiations and shall be governed by K.R.E. 408.

3. Mediators shall not be subpoenaed regarding the disclosure of any matter discussed during the mediation which is considered confidential. This privilege and immunity resides with the mediator and may not be waived by the parties.

DrR Rule 6 – MISCELLANEOUS RULES RELATING TO DOMESTIC RELATIONS PRACTICE

6.01 REOPENING FEE:

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

6.02 IDENTIFICATION OF COUNSEL OR PARTY REQUIRED:

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

6.03 PROTECTION OF PERSONAL IDENTIFIERS:

A. Case Data Sheet (Form AOC-FC-3) 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(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. The clerk of the court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other

authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services, involved in child support matters attendant to the case, or a person authorized to view the copy 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.

6.04 NOTICE OF SUBMISSION:
In accordance with SCR 1.050(8), when any action stands submitted for final adjudication, counsel or unrepresented parties shall file an AOC Form 280 with the Judge, Circuit Court Clerk and Administrative Office of the Courts.

6.05 VIDEO COPIES OF IN-CHAMBER INTERVIEWS WITH CHILDREN:
Pursuant to FCRPP 17, the presiding Circuit Court Clerk's Office shall not release any video in-chamber interviews with children without a specific written order of the Circuit Judge. An individual requesting a judicial order must provide the presiding Judge a written explanation for the request which specifically indicates the portion of the video record being requested is an in-chamber interview with a child and specific purpose for the request.

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

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

6.07 RELEASING INDIVIDUALS IN CUSTODY:
As authorized by Court Order, the front counter deputy clerks in the Circuit Clerk's Office may sign releases for individuals in custody who purge themselves of contempt or post bond.

6.08 RECORDING DEVICES:
Parties and/or their counsel shall not bring any device capable of recording hearings into the DRC hearings and shall not record same. Copies of the non-confidential portions of the recorded proceedings shall be made available through

the circuit court clerk's office pursuant to civil rules of procedure. A party and/or counsel may file a motion to obtain copies of any portion of the record which is confidential which shall be subject to review and order of the presiding judge. A notice of this prohibition shall be posted on the DRC hearing room door as a General Order of the Court. Violation of this prohibition shall be subject to the contempt powers of the Court.

6.09 RESPONSIBILITY OF COUNSEL:

A. Counsel, whether appointed or retained, who has appeared on behalf of a party, will not be permitted to withdraw while the matter is still pending unless a Motion for withdrawal is made based upon good cause, filed at least sixty (60) days prior to trial.

B. For purposes of responsibility for the receipt of notices and motions in post judgment practice, it shall be presumed that the representation of any party by counsel of record ceases upon the expiration of thirty (30) days after the entry of a final, appealable order or decree with no appeal having been taken.

C. It shall be the responsibility of counsel to file (1) a completed child support guideline worksheet pursuant to FCRPP 4(1); and (2) the Uniform Child Support Order and/or Wage Income Withholding Order AOC 152 and CS-89 in IV-D cases (if applicable) pursuant to FCRPP 9(2).

D. In the event a matter is remanded to the DRC by the Judge of the Court upon objections/exceptions for additional hearing(s) or recommendations, it shall be the responsibility of counsel to file a notice and motion to notify the DRC and to schedule any additional hearing(s) or to comply with the Order of the Judge of the Court.

DrR Rule 7 - COSTS

7.01 Pursuant to FCRPP 4(5), in each original Domestic Relations action filed with the Clerk of the Court, the Clerk shall collect the sum of $15.00 as cost collected for Domestic Relations Commissioner, being the fee payable to the Commissioner in uncontested matters.

7.02 Pursuant to FCRPP 4(5), the domestic relations commissioner shall receive a fee of $60 per hour, assessed at a rate of $15.00 for each quarter hour or part thereof. Such fees shall be paid through the office of the circuit court clerk to the commissioner and shall be due on the 5th working day following the conclusion of the hearing.

A fee of $15 shall be paid upon the filing of any motion for hearing and will cover the first quarter hour or any portion thereof of the hearing on the motion. Any fee due for hearings beyond a quarter of an hour will be due 5 working days following any hearing and will be paid by the parties as directed by the Court. Any motion

not accompanied by the $15 fee will not be docketed; and, when there is an outstanding balance for hearings held, additional motions will not be docketed until the balance is paid in full. In the event the motioning party remands the motion prior to the hearing by notification to the clerk and the Domestic Relations Commissioner, the fee shall be refunded. For Grayson County, the notification must be made by Noon on the Friday before the motion day. For Breckinridge County, the notification must be made by Noon on Monday before the motion day. For Meade County, the notification must be made by Noon on Tuesday before the motion day. This payment of fees does not apply to the County Attorney's Office in IV-D child support matters or parties proceeding *in forma pauperis*.

7.03 In the event the Commissioner bills parties more than the $15.00 fee for a Motion Day hearing, the Domestic Relations Commissioner shall consider the financial resources of both parties and the cause for the motion. The bill shall be sent in care of the party's attorney. The fees shall be paid to the Clerk of the Circuit in which the action is pending within five days of the hearing pursuant to FCRPP 4(5).

7.04 Pursuant to FCRPP 4(5), the Clerk shall remit to the Commissioner the Commissioner's fees and costs received once each month.

Upon submission to and approval by the Chief Justice of the Supreme Court of the Commonwealth of Kentucky, the foregoing Rules are adoapted to be effective thirty (30) days thereafter.

The Honorable Bruce T. Butler
Circuit Judge, 46th Judicial Circuit
Division I

The Honorable Robert A. Miller
Chief Administrative Judge, 46th Judicial Circuit
Division II

APPENDIX A

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 46TH JUDICIAL CIRCUIT AND DISTRICT BRECKINRIDGE, GRAYSON & MEADE COUNTIES

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four 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 PROCESSING CASES

A. Circuit Court Clerks shall process domestic violence cases in accordance with the procedures set for the in the "Domestic Violence Proceedings" section of 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. Domestic Violence matters may be reassigned from the district court division to circuit court when there is a dissolution/custody proceeding pending.

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

E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

If it is discovered at any time that a dissolution or child custody proceeding is pending in another circuit in the Commonwealth.

Consistent with FCRPP 12, when the local domestic violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an 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 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:

Circuit Court Clerk and all sworn deputies; County Attorney and all appointed staff; Chiefs of Police and sworn officers; Sheriff and all sworn deputies; KSP and all assigned troopers.

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

Circuit Court Clerk and all sworn deputies; County Attorney and all appointed staff; Chiefs of Police and sworn officers; Sheriff and all sworn deputies; KSP and all assigned troopers.

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

Circuit Court Clerk's Office for the county in which the petition is filed.

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

The district judge or in his/her absence, the Trial Commissioner, or in their absence to the Circuit Judge or in his/her absence to any duly appointed Special District or Circuit Judge of the Commonwealth of Kentucky; all of whom may issue an emergency protective order if applicable.

E. Petitions will be reviewed within an hour of presentation to a Judge or Trial Commissioner unless it is impossible due to the unavailability of a Judge or Trial Commissioner.

F. The schedule for domestic violence hearing is as follows:

Breckinridge District Court	Tuesday, 1:00 p.m., CST
Grayson District Court	Thursday, 1:00 p.m., CST
Meade District Court	Wednesday, 1:00 p.m., EST

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:

Circuit Court Clerk or the County Attorney.

C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

The above protocol is adopted by all Judges in the Circuit/District.

THIS THE 27 DAY OF March, 2012

HON. ROBERT A. MILLER
CIRCUIT JUDGE
46TH JUDICIAL CIRCUIT

HON. BRUCE T. BUTLER
CIRCUIT JUDGE
46TH JUDICIAL CIRCUIT

HON. K. HAROLD GOFF, II
DISTRICT JUDGE
46TH JUDICIAL DISTRICT

HON. SHAN F. EMBRY
DISTRICT JUDGE
46TH JUDICIAL DISTRICT

APPENDIX B

TIME-SHARING/VISITATION GUIDELINES FOR THE 46TH JUDICIAL CIRCUIT

The following schedules are suggested as **guidelines** for the parents and the court in establishing time-sharing/visitation schedules. Each case will present unique facts or circumstances which shall be considered by the court in establishing a time-sharing/visitation schedule and **the final schedule established by the court or agreed to by the parents may or may not be what these guidelines suggest.**

1. The time-sharing/visitation schedule set by the Court for holidays, school breaks and summer break shall control over regularly scheduled time-sharing/visitation time, even if this allows successive time-sharing/visitation periods.

2. The parent exercising time-sharing/visitation shall be responsible for timely picking up the child(ren) at the beginning of the time-sharing/visitation period and returning the child(ren) in a timely manner at the end of the time-sharing/visitation period.

3. Times in a time-sharing/visitation schedule shall be set in the time zone where the child primarily resides.

4. For time-sharing/visitation times pertaining to school holidays, whether in a formal school or home-schooled, the school holidays where the child(ren) primarily resides shall apply.

5. Each parent shall provide to the other parent contact numbers and addresses (unless a domestic violence order is in effect) where the child(ren) can be located during their scheduled time-sharing/visitation time.

6. The parent exercising time-sharing/visitation shall be given a minimum of every other weekend as time-sharing/visitation time with the child(ren) commencing Friday at 6:00 p.m. and concluding Sunday at 6:00 p.m. and one midweek overnight time-sharing/visitation on Tuesday evening overnight commencing at 5:30 p.m. The parent having such time-sharing/visitation shall be responsible for delivering the child(ren) to school, child care, or the other parent's home the following Wednesday morning no later than 7:45 a.m.

7. Holidays.

   a. If a holiday is celebrated on a Monday following a parent's regularly scheduled time-sharing/visitation, then that parent shall be permitted to extend parenting time until 6:00 p.m. on the holiday, unless the parents agree otherwise.

   b. Other holidays.

      (i) Parent exercising time-sharing/visitation.

1) During the first full year after dissolution/custody proceedings have been filed, the non-residential parent shall have time-sharing/visitation scheduled as follows:

a) July 4th from 8:00 a.m. until 6:00 p.m.

b) Thanksgiving, beginning at 6:00 p.m. the day school ends until 3:00 p.m. Thanksgiving Day.

c) For the year in which the Decree of Dissolution is entered, and each alternate year thereafter, the Christmas visitation shall begin at 6:00 p.m. the last day of school immediately prior to the Christmas vacation and shall extend through Christmas Eve at 8:00 p.m. The second year, and each alternate year thereafter, visitation shall begin at 8:00 p.m. Christmas Eve and shall extend through noon on New Year's Day.

d) Holidays not listed that are of special interest to the family shall be assigned to the non-residential parent in time amounts similar to those in a), b) and c) above.

2) Holiday time not scheduled above to the parent exercising time-sharing/visitation shall be with the other parent.

3) Mother's Day and Father's Day, regardless of any conflict with the above proposed schedule, shall be spent with the appropriate parent from 8:00 a.m. until 6:00 p.m.

4) Fall Break, as allowed by the child(ren)'s school calendar, shall be scheduled for the parent with whom the child(ren) primarily resides in the first full year after the dissolution/custody proceedings are filed from 6:00 p.m. the day school ends until 6:00 p.m. the following Friday. In alternating years, the non-custodial parent Fall Break shall be scheduled with the non-custodial parent from 6:00 p.m. the day school ends until 6:00 p.m. the following Friday. If school breaks are longer than one week due to the school schedule, the parent with whom the child(ren) primarily resides shall be scheduled for the first half of the break and the other parent shall be scheduled for the last half.

5) Spring Break, as allowed by the child(ren)'s school calendar, shall be scheduled for the non-custodial parent in the first full year after the dissolution/custody proceedings are filed from 6:00 p.m. the day school ends until 6:00 p.m. the following Friday. In alternating years, the parent with whom the child(ren) primarily resides, Spring Break shall be scheduled with the parent with whom the child(ren) primarily resides from 6:00 p.m. the day school ends until 6:00 p.m. the following Friday. If school breaks are longer than one week due to the school schedule, the parent with whom the child(ren) primarily resides shall be scheduled for the first half of the break and the other parent shall be scheduled for the last half.

6) Summer Break shall be scheduled to allow the parent exercising time-sharing/visitation a minimum of two periods of two consecutive weeks during the Summer Break. Each parent shall provide the time periods he or she desires to the other parent before the end of the school

year, or at least 60 days in advance of the requested time. If a child(ren) must attend summer school in order to pass to the next grade, summer time-sharing/visitation shall not prevent school time.

7) Birthdays: Unless the birthday falls on a regularly scheduled time-sharing/visitation day, the parent exercising time-sharing/visitation shall be scheduled for birthday time from 5:00 p.m. until 8:00 p.m. If it is a regular day of the parent exercising time-sharing/visitation where the child(ren) does not primarily reside, the other parent shall have birthday time from 5:00 p.m. until 8:00 p.m.

(ii) Alternating years: For each year thereafter, the time-sharing/visitation set out above shall alternate between the parent with whom the child(ren) primarily resides and the parent exercising time-sharing/visitation.

8. Waiting/Tardiness/Cancellations.

a. In the event either parent will be more than 30 minutes late, due to reasonable unforeseen circumstances, to pick up the child(ren), he or she shall provide direct notice to the other parent or a designated third party and make suitable arrangements for exchange of the child(ren).

b. If time-sharing/visitation is missed through no fault of the parent, and reasonable notice has been given, that time shall be made up, if reasonable to do so.

c. If the child(ren) is ill, the parent who has the child shall give 24 hour notice, if possible, to allow for appropriate plans to be made.

9. Transportation: The parents shall transport the child(ren) in a safe manner, which includes utilizing the appropriate child restraint systems and not driving under the influence of intoxicants.

10. Holiday time-sharing/visitation shall override conflicting provisions of any othr Time-Sharing/Visitation Guidelines of the 46th Judicial Circuit.