APPENDIX 1

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 48th JUDICIAL CIRCUIT AND DISTRICT FRANKLIN COUNTY

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 forth 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/family court when there is a dissolution/custody proceeding pending.

D. Domestic violence cases are civil matters within the purview of CR 41.01.

E. Franklin County shall retain venue and jurisdiction of domestic violence proceedings filed here regardless of dissolution or child custody proceedings pending in any other county in the Commonwealth.

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:

During regular business hours, which are 8:00 a.m. to 4:30 p.m. Monday-Friday, a person who wishes to obtain an Emergency Protective Order (EPO) should go to the Offices of Family Court and file a Domestic Violence Petition.

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

The following persons are authorized to provide Domestic Violence Petition Forms to any person seeking an Emergency Protective Order and are hereby authorized to take the oath of the person making the petition affirming the truthfulness of its content, and to verify the signature of that person:

a. **Franklin Circuit Court Clerk and all deputy clerks;**
b. **Franklin County Attorney, Assistant County Attorneys and County Attorney Office staff;**
c. **Franklin County Crime Victims Advocate and staff;**
d. **Sheriff of Franklin County and all Deputy Sheriffs;**
e. **Members of the Frankfort City Police Department and the Kentucky State Police;**
f. **Franklin Circuit and District Judges.**
g. **Franklin Family Court Office Staff.**

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

The person receiving and verifying the completed Domestic Violence Petition shall immediately present the Petition to the Family Court Judge. If the Family Court Judge is unavailable, the Petition shall be presented to a Franklin Circuit or District Court Judge.

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

The person receiving and verifying the completed Domestic Violence Petition shall immediately present the Petition to the Family Court Judge. If the Family Court Judge is unavailable, the Petition shall be presented to a Franklin Circuit or District Court Judge. In such cases, the Judge may issue an order and summons, and have it served. Copies of said summons and order shall be presented to the Clerk for filing on the next business day.

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

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

Domestic violence proceedings are held each Wednesday at 10:00 a.m. in the Franklin County Courthouse in accordance with the Family Court schedule. All hearings will be held in Family Court regardless of whether a Circuit, District, or Family Judge issues the Emergency Protective Order.

III. Contempt Proceedings

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

B. Petitioners seeking to initiate contempt proceedings should contact:

1. **Criminal Contempt.**

   Violations of an Emergency Protective Order or Domestic Violence Order which has been served on the Respondent shall constitute contempt of court and/or a Class A Misdemeanor. Any peace officer having probable cause to believe that there has been a violation of either an Emergency Protective Order or a Domestic Violence Order shall arrest the Respondent without a warrant pursuant to KRS 403.760.

2. **Civil Contempt.**

   If an alleged violation of previously issued and in-effect Emergency Protective Order or Domestic Violence Order occurs, the Petitioner may go to the offices of Family Court during regular business hours, to file a Show Cause Order or Forthwith Order of Arrest to hold Respondent in contempt of court. Those persons authorized to take Petitions for Emergency Protective Orders are authorized to take the oath of the person charging contempt affirming the truthfulness of its content and to verify the signature of that person.

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.

D. The person receiving and verifying the completed Show Cause Order or Forthwith Order of Arrest shall immediately deliver the Order to the Family Court Judge. If the Family Court Judge is unavailable, the Order shall be presented to a Franklin Circuit or District Court Judge.

E. Based upon the allegations in the Show Cause Order or Forthwith Order of Arrest, the Judge to whom the Order is presented will make a decision on whether to issue a Show Cause Order or Forthwith Order of Arrest.

F. If a Show Cause Order or Forthwith Order of Arrest is issued, the Circuit Court Clerk shall, upon receipt of the Order, schedule a hearing during the next available Domestic Violence session of Family Court.

G. There shall also be a 24-hour availability of Forthwith Orders for Arrest for alleged violations of previously issued and in-effect Domestic Violence Orders.

All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

These Domestic Violence Procedures are incorporated into the local rules of the Franklin District, Circuit, and Family Courts, effective March 23, 2012. The above protocol is adopted by all judges in the circuit:

Dated this the 23 day of March, 2012

SQUIRE N. WILLIAMS III, FAMILY JUDGE

PHILLIP SHEPHERD, CHIEF CIRCUIT JUDGE

THOMAS WINGATE, CIRCUIT JUDGE

KATHY MANGEOT, DISTRICT JUDGE

CHRIS OLDS, DISTRICT JUDGE

SALLY JUMP, CIRCUIT CLERK