Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL FOR THE 4TH JUDICIAL CIRCUIT AND DISTRICT, HOPKINS COUNTY

Upon the recommendation of the judges of the 4th Judicial Circuit and District, Hopkins County, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol Domestic Violence Protocol for the 4th Judicial Circuit and District is 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 31st day of March 2023.

CHIEF JUSTICE

TWENTY-FOUR-HOUR ACCESSIBILTY TO PROTECTIVE ORDERS
AND
LOCAL JOINT JURISDICTION PROTOCOL
4TH Judicial Circuit and 4th Judicial District
Hopkins County, Kentucky
March 2023

Pursuant to *KRS 403.725* and *KRS 456.030*, and in compliance with the Kentucky Family Court Rules of Procedure and Practice, Section IV, this local 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 General Jurisdiction, Circuit Family, and District Courts.

I. **Uniform Protocol for Handling Cases.**

A. All petitions requested, completed, and signed by persons seeking protection under KRS Chapters 403 and 456 shall utilize AOC Form 275.1 and shall be accepted and filed with the court. *KRS 403.725; KRS 456.030.*

B. All protective order petitions, summons, orders, and other documents shall be processed in a manner consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.

C. All actions shall be assigned a "D" case number with the appropriate trailer number within the case data management system and may not be consolidated with any other action type.

D. No court shall employ a "No drop" policy or any other procedure which could limit a petitioner's right to modify or withdraw a petition for a protective order. Pursuant to *KRS 403.740* and *KRS 456.060,* the court may direct or prohibit the respondent to take certain actions which the court believes will be of assistance in eliminating future acts of domestic violence and abuse, dating violence, stalking, or sexual assault. However, any orders for relief shall not require the petitioner to take any affirmative action.

E. Cases may be reassigned within the judicial circuit and district where necessary to avoid conflicts of interests or lapsing of required statutory time limits. Pursuant to *FCRPP 12*, an action may be transferred to another circuit if there is a pending dissolution or custody matter in that other circuit. If reassignment or transfer occurs, when necessary, the issuing judge shall re-issue a summons with the reassigned court date of the receiving judge and shall ensure that all statutory time limits are maintained.

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; all persons seeking to file a petition shall be permitted to do so regardless of the allegation or relationship to the respondents. The person taking the petition shall not provide the petitioner with his or her opinion as to whether the petition meets the statutory criteria to grant relief and shall not contact any judge for an opinion regarding whether the petition meets the criteria before accepting the petition. All petitions that are completed shall be submitted to the judge without delay.

II. Twenty-Four Hour Accessibility.

A. The following agents and officers are authorized to accept protective order petitions, administer oaths to the petitioner, and complete the electronic filing process.

1. **During regular business hours** of the judicial center:
   Hopkins Circuit Court Clerk and Deputies,
   120 East Center Street, Madisonville, KY 42431.
2. **During hours outside the business hours** of the judicial center (nights, weekends, court holidays or other closures):
   Any local city or county law enforcement officer in Hopkins County, Kentucky;
   All Kentucky State Police Officers officially on duty.

B. Upon receipt of a petition **during the regular business hours** of the Hopkins County Judicial Center, the authorized agent or officer shall present the petition first to the Family Court Judge. If the Family Court Judge is unavailable, presentation shall be made to a district court judge or the general jurisdiction circuit court judge.

C. Upon receipt of a petition outside the regular business hours of the Hopkins County Judicial Center, the authorized agent or officer shall present the petition to the on-call district judge or to the family court judge. If no district or family court judge is available, presentation shall be made to the general jurisdiction circuit judge.

D. Judges shall review the petition within one hour of presentation unless such presentation is impossible due to the unavailability of a judge.

III. Assignment of Cases.

A. Pursuant to KR 403.725 and KRS 456.030, jurisdiction over petitions filed under either of these statutes shall be concurrent between district and circuit courts.

B. The judge reviewing a petition for an order of protection shall indicate on the order whether the resulting action is a domestic violence action (KRS 403) or an interpersonal protective order action (KRS 456).

C. The Circuit Clerk shall assign the family court judge to hear the actions filed under both chapters of KRS. Hearings shall generally be schedule pursuant to local rules of the Hopkins Family Court. On at least a quarterly basis, the family court judge shall provide a hearing schedule to the Hopkins County Circuit Clerk and to Hopkins County Central Dispatch; this schedule shall include the dates and times of hearing dates and shall ensure that hearings are set within the statutory time requirements.

D. Cases may be reassigned or transferred between circuit and district courts if it is determined that there are other actions pending or circumstances indicate that review by another court is proper. *KRS 403.725; KRS 456.030.* If reassignment or transfer occurs, the issuing judge shall reissue a summons to schedule the date and time on the docket of the receiving judge, ensuring that all statutory time limitations are observed.

IV. Contempt Proceedings.

A. Pursuant to *KRS 403.763* and *KRS 456.180*, civil and criminal proceedings for violation of a protective order are mutually exclusive if prosecuted for the same violation of the same protective order. Once a criminal action or a contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.

B. Petitioners seeking to initiate contempt proceedings should contact the Hopkins Circuit Clerk.

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

These protocols are adopted by all judicial officers in this circuit and district, this the 31 day of March 2023.

Hon. Christopher B. Oglesby,
Hopkins Circuit Judge, Division One

Hon. Susan Wesley McClure,
Hopkins Circuit Judge, Division Two

Hon. David Massamore,
Hopkins District Judge, Division One

Hon. Kimberly Poe Gilliam
Hopkins District Judge, Division Two