APPENDIX 1

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 50th JUDICIAL CIRCUIT AND DISTRICT BOYLE AND MERCER 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 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. Therefore, this jurisdiction does not have a "no-drop" policy.

E. Domestic violence cases may be reassigned or transferred to another circuit under the discretion of the Family Court Judge. Consistent with FCRPP 12, when the Family Court Judge orders 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:

The Boyle Circuit Court Clerk and all deputy clerks
The Mercer Circuit Court Clerk and all deputy clerks
The Boyle County Jailer and all sworn deputies
The Mercer County Jailer and all sworn deputies
The Boyle County Sheriff and all sworn deputies

The Mercer County Sheriff and all sworn deputies
The Boyle County Attorney and Assistant County Attorneys and office staff
The Mercer County Attorney and Assistant County Attorneys and office staff
The Chiefs of Police of the Cities of Danville and Harrodsburg and all sworn officers within their departments
Kentucky State Police Officers
Burgin Police Officers
Junction City Police Officers
Perryville Police Officers

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 Boyle Circuit Court Clerk and all deputy clerks
The Mercer Circuit Court Clerk and all deputy clerks
The Boyle County Jailer and all sworn deputies
The Mercer County Jailer and all sworn deputies
The Boyle County Sheriff and all sworn deputies
The Mercer County Sheriff and all sworn deputies
The Boyle County Attorney and Assistant County Attorneys and office staff
The Mercer County Attorney and Assistant County Attorneys and office staff
The Chiefs of Police of the Cities of Danville and Harrodsburg and all sworn officers within their departments
Kentucky State Police Officers
Burgin Police Officers
Junction City Police Officers
Perryville Police Officers

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 first to the District Judge or District Court Trial Commissioner. If the District Judge or Trial Commissioner is unavailable, the petition shall be presented to the Family Court Judge. If the Family Court Judge is unavailable, the petition shall be presented to the Circuit Judge. If all judges in the Circuit and District are unavailable, the petition shall be presented to any judge in the Commonwealth for consideration.

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

Any serving District Judge, District Court Trial Commissioner, Family Court Judge or Circuit Judge of the Commonwealth of Kentucky

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 hearings is as follows:

Mercer County	Every Tuesday	9:00 A.M.
Boyle County	Every Thursday:	9:00 A.M.

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:

   The Circuit Court Clerk in the county in which the protective order was issued.

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.

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

The above protocol is adopted by all judges in the circuit/district:

March 15, 2012
Name/Date

Name/Date

3/15/12
Name/Date

Name/Date

3/19/12
Name/Date

Name/Date