Supreme Court of Kentucky

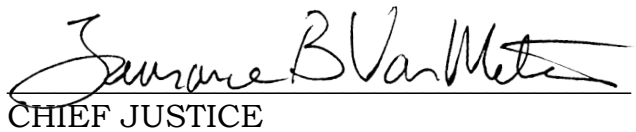
ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL FOR THE 52ND CIRCUIT AND DISTRICT, GRAVES COUNTY

Upon recommendation of the Judges of the 52nd Judicial Circuit and District, Graves County, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the 52nd Judicial Circuit and District, Graves County, is hereby approved. This Order shall be effective December 16, 2024, and shall remain in effect until further orders of this Court.

Entered this 5th day of December 2024.



CHIEF JUSTICE

APPENDIX "B" – Domestic Violence Protocol and 24 Hour Access Policy

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL
52ND JUDICIAL CIRCUIT AND DISTRICT
GRAVES COUNTY

Pursuant to KRS 403.725 and KRS 456.030, and in compliance with Family Court Rules of Practice and Procedure (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four (24) hour accessibility to emergency protective orders (EPOs) and to temporary interpersonal protective orders (TIPOs) 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 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 which 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 FCRRP 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 domestic violence petitions and administer oaths to Petitioner **during** regular business hours:

Graves Clerk of the Courts or any Deputy Clerk at the Graves County Temporary Court Facility, 1102 Paris Road, Mayfield, Kentucky, from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding state holidays when the Facility is closed.

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

1. Graves Circuit Court Clerk and all Deputy Clerks;
2. Graves County Attorney, Assistant County Attorney and County Attorney's office staff;
3. Graves County Jailer and all Deputy Jailers;
4. Sheriff of Graves County and all Deputy Sheriffs;
5. All officers of the Kentucky State Police;
6. All police officers for the City of Mayfield, Kentucky.

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

During regular business hours the person receiving and verifying the Petition shall, if possible, deliver the Petition to the Circuit/District Court Clerk's Office and that officer shall immediately present the Petition to the District Judge of the 52nd Judicial District found within Graves County. If the District Judge cannot be located within the county, the Petition shall be presented to the Circuit Judge of the 52nd Judicial Circuit found within Graves County. In the event neither Judge can be found within the county, the Petition shall be presented to a District or Circuit Judge found in any county adjoining Graves County.

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

During hours other than regular business hours, the person receiving and verifying the complete Domestic Violence Petition shall deliver the Petition to the Mayfield Police Department or other appropriate law enforcement agency and an officer of that agency shall immediately present the Petition to the District Judge of the 52nd Judicial District found within Graves County. If the District Judge cannot be located within the county, the Petition shall be presented to the Circuit Judge of the 52nd Judicial Circuit found *within the county*. In the event neither Judge can be found within the county, the Petition shall be presented to J. Foster Cotthoff (Chief Regional District Judge). If this Judge is not available, the

Petition shall be presented to a District or Circuit Judge found in any county adjoining Graves County.

1. **Circuit Court** - domestic violence hearings shall be scheduled during the Court's regular domestic relations motion hour, with all cases being scheduled for the 2nd or 4th Friday at 10:30 a.m. (excluding holidays) unless otherwise ordered by the Circuit Judge.

2. **District Court** - domestic violence hearings shall be scheduled for any Monday morning at 8:30 a.m. (excluding holidays) unless otherwise ordered by the District Judge.

III. Assignment of Cases

A. Pursuant to KRS 403.735 and KRS 456.030, jurisdiction over Petitions filed under this chapter is concurrent between District, Circuit, and Family Court.

B. The Judge reviewing the Petition for an order of protection shall indicate in the "Court Action" section of the Petition whether the resulting action is a domestic violence action under KRS Chapter 403 or an interpersonal protective order action under KRS Chapter 456.

C. The Circuit Clerk shall assign interpersonal protective order cases to the District Court.

D. The schedule for hearings on protective orders is as follows:

1. **Circuit Court** - domestic violence hearings shall be scheduled during the Court's regular domestic relations motion hour, with all cases being scheduled for the 2nd or 4th Friday at 10:30 a.m. (excluding holidays) unless otherwise ordered by the Circuit Judge.

2. **District Court** - domestic violence hearings shall be scheduled for any Monday morning at 8:30 a.m. (excluding holidays) unless otherwise ordered by the District Judge.

IV. Contempt Proceedings

A. Pursuant to KRS 403.760 and KRS 456.180, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive. Once a criminal 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:

During regular business hours, the Graves Clerk of the Courts, or the Graves County Attorney's Office. After regular business hours, the Petitioner may request law enforcement to initiate a criminal proceeding.

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 undersigned hereby acknowledge 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 and district.

_____ /Date May 22, 2024
Kevin D. Bishop
GRAVES CIRCUIT JUDGE

_____ /Date 5/22/24
Scott R. Robbins
GRAVES DISTRICT JUDGE