Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 52ND JUDICIAL CIRCUIT, GRAVES CIRCUIT COURT

Upon recommendation of the Circuit Judge of the 52nd Judicial Circuit, Graves Circuit Court, and being otherwise sufficiently advised,

The Local Rules of Practice and Procedure for the 52nd Judicial Circuit, Graves Circuit Court, are 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

RULES OF PRACTICE
OF THE
GRAVES CIRCUIT COURT

Rule 1 – Introduction and Administrative Procedure

Rule 2 – General Form of Motion and Docketing

Rule 3 - Civil (Non-Domestic) Cases

Rules 4-8 – Domestic and Confidential Cases

Rule 9 – Criminal Cases

Rule 10 – Jury Service

Rule 11 – Master Commissioner

Rule 1. Introduction/Administrative Procedure

101. Introduction/Preface

These rules shall, except for cause as determined by the Court, govern practice in the Graves Circuit Court, subject, however, to applicable Rules of Civil Procedure, Family Court Rules of Practice and Procedure, and Rules of Criminal Procedure.

102. Effective date

These rules shall be effective upon approval by the Chief Justice of the Kentucky Supreme Court.

103. Citation

These rules may be cited as "RGCC" of "Rules of the Graves Circuit Court."

104. Assignment of Cases

There is only one division of the Graves Circuit Court.

105. Holidays

Holidays shall be those recognized by the Court of Justice.

106. Courtroom Decorum.

In addition to expecting that the attorneys present in Court should be appropriately attired, the parties, witnesses and spectators shall also dress appropriately. Among other items, shorts, garments with inappropriate messages, and tank tops are inappropriate. Attorneys are expected to advise their clients and witnesses of the dress code. Unless otherwise ordered by the Court, children under the age of six (6) shall not be in the Courtroom.

Rule 2. Motions and Motion Docket

201. General Form of Motion and Docketing

A. With few exceptions, Motions and proposed orders, Notices and other pleadings shall be submitted to the Clerk through and in compliance with the filing requirements of the Courtnet e-filing system. No motion shall be accepted for filing by the Clerk unless accompanied by a separate proposed order. ALL tendered Orders shall be filed in both PDF and WORD format. Failure to tender in both formats will result in the Clerk rejecting the filing. Unless other arrangements have been made with the Court, pleadings delivered to the Court shall be treated as mere **courtesy copies**.

B. Each motion shall contain a Notice, which shall specify the date, time, and place for the hearing on the motion. All times referred to in this Rules ae Central Standard Time.

C. The Clerk shall maintain a motion docket and shall docket <u>in the order received</u> all motions assigned for hearing on each motion day, either by Court order or by notice duly served. This motion docket will be called on Motion Hour day.

D. All attorneys and their respective clients who attend Motion Hour day are to remain outside the jury rail in the gallery until their particular motion is called for hearing by the Court. When their particular motion is called for hearing,

the attorneys shall proceed to the two counsel tables or the podium and shall argue the motion from the counsel tables or podium and are not to approach the Bench until permission from the Court is requested and granted, or unless the Court so requests.

E. Every motion, other than the ones which may be heard *ex parte*, shall appear upon the motion docket, provided that any motion which is accompanied by an agreed order signed by counsel for all parties affected by the order shall not appear on the motion docket. All motions going to the merits of the case, including motion to dismiss, motion for summary judgment, motion to strike, and motion under CR 12.02, shall be accompanied by a brief statement of the grounds for the motion with citation of authorities relied upon. Failure to file a statement of grounds with supporting authorities may be grounds for overruling the motion. Any party properly served with a motion accompanied by a statement of grounds and authorities shall file a response containing a statement of grounds for opposing the motion with citation of supporting authorities. Failure to file a response may be grounds for sustaining the motion, but the time for filing a response may be extended for good cause shown.

F. If an agreed order signed by counsel for all parties affected is filed with the Clerk prior to the call of the motion docket, counsel need not attend the call of the motion docket.

G. If additional time is allowed in any proceeding for supplementation of the record, or for briefing, counsel shall, when the time has expired, or the

supplementation or briefing completed, advise the Court that the matter is ready for a decision.

H. Attorneys may attend Motion Hour via ZOOM upon request made to the office of the Circuit Judge to receive the link.

202. Entry of Orders and Judgments

Whenever any rule is made or opinion rendered, an order or judgment in conformity therewith shall be tendered by counsel for all parties thereto in conformity to the ruling or opinion and shall be presented to the Court. If the party against whom the order or judgment is to be entered is not represented by counsel, or is represented by counsel who declines to attest the order or judgment, such fact shall be endorsed thereon. When signed by the Judge, the order or judgment shall be delivered to the Clerk for entry. After entry, the Clerk shall **deliver** attested copies of the order or judgment to all parties or their respective attorneys as required by the Rules of Civil Procedure. Copies may be delivered by hand, U.S. Mail, electronically through the e-filing system, email, or fax.

203. Motions, Pleadings, Briefs and Orders

All civil, criminal, and domestic orders to be entered by the Court shall contain a Clerk's Certificate of Service for all parties.

204. Exhibits to Pleadings, Answers to Interrogatories, and Request for Admissions.

A. Any pleading that refers to an exhibit as attached to the pleading shall, in fact, be accompanied by such exhibit, and opposing counsel shall not be required to respond to such pleading which fails to include the referenced exhibit.

B. When answering interrogatories or request for admissions, the replying party shall, as a part of his answer, set forth immediately preceding the answer the questions or the request made with respect to which such answer is given.

205. Order of Submission

A. Upon submission of any action to the Court for final judgment, the parties shall prepare and present to the Court an order of submission setting forth in particular the issue or issues on which the action is submitted.

B. An action shall be submitted only upon the entry or an order of submission.

C. No further pleadings, proof, or briefs, unless ordered or allowed by the Court for good cause shown, shall be filed after the entry of the order of submission.

D. The Court may, but need not, pass upon any such action before such order of submission.

E. On any motions submitted to the Court for decision, the Court is to make all reasonable efforts to enter a decision on the motion within thirty (30) days after date of submission.

F. On all cases tried by the Court without the benefit of a jury, the Court shall make all reasonable efforts to enter a decision in the case within sixty (60) days after submission.

206. Procedure on Rules for Contempt.

The proper procedure in procuring a rule for contempt is as follows: A motion should be filed asking for the rule, and this should be supported by a sufficient affidavit showing that applicant is entitled to the same. When the motion and affidavit are filed, the Clerk

of the Courts may issue the rule *ex parte*, which rule shall not come on for hearing sooner than five (5) days from the date the rule is served, unless otherwise ordered; and no rule shall come on for hearing unless the same has been served upon the person in contempt by an officer authorized to serve a summons, accepted or acknowledged by the party or the party's counsel. The rule shall contain a short statement of the grounds for its issuance.

Rule 3. General Civil (Non-Domestic)

301. Motion Hour – Civil (Non-Domestic) Cases

A. Excepting legal holidays, Civil (Non-Domestic) motion days ("rule days") shall be conducted on second and fourth Fridays of each month, unless otherwise ordered by the Court.

B. Civil motions will be set for **9:30 a.m. the second and fourth Fridays of each Month**. This shall be referred to as Civil (Non-Domestic) Motion Hour. Ordinarily, no testimony will be heard at Civil Motion Hour. If more than very brief argument is to be presented, the motion shall be set by the Court for a time certain.

C. Exceptions to the regular motion hour schedule shall be only for cause, and upon Order of the Court.

D. Unless otherwise provided by statute, rule, or order, motions shall be filed with the Clerk by 4:00 p.m. on Friday preceding the Civil (Non-Domestic) Motion Hour and served that same day by fax, email, electronically through e-filing, or actual service on the opposing party or counsel. Service, if made by mail, shall require three (3) additional postal delivery days' notice. Responses and countermotions, if any, shall be filed at least two days prior to motion hour Friday, no later than 10:00 a.m. on the

Wednesday preceding Motion Hour on Friday.

302. Continued Motions

An attorney who will be unable to be present at the time set for a motion shall immediately contact the moving attorney and attempt to establish a mutually agreeable time for the hearing of the motion. Should this prove unsuccessful, a party desiring the continuance shall immediately file a motion for a continuance in writing, stating the reasons for the continuance, and shall send a copy directed to the attention of the Judge, as well as filing it with the Clerk. If no hearing can be scheduled prior to the date the motion was originally set for hearing, the motion will be automatically continued until an agreed-upon hearing date is scheduled or until the next Civil Motion Hour, whichever occurs first.

303. Motion Under CR 78(2)

A movant, at movant's option, may bring a motion under the provisions of CR 78(2) which makes provision for the determination of motions without oral hearings upon brief written statements of reasons in support and opposition. The movant, in his Certificate of Service or elsewhere in the motion, shall state that the motion is made under CR 78(2) and shall direct the opposing attorney's attention to the fact that under this local Rule, the motion may be granted routinely by the Court **ten (10) days after filing**, unless an objection is received or a response filed. Should the party opposing the motion under Rule CR 78(2) wish to have an oral hearing on the question, he may state so in his response and notice said response for hearing at Civil Motion Hour at a given time. Motions should be filed under either CR 78(2) or noticed for a date certain. Motions which are not filed under one or the other of these provisions may be considered

defective or even nugatory and void. A motion to set a case for trial shall not be brought under CR 78(2).

304. Trial and Case Management: Civil (Non-Domestic) Cases

A. Case management conferences shall be held as a matter of course in all jury actions and upon the motion of either party or upon the Court's own motion in all other actions.

B. A case shall be set for a pretrial conference or a trial if all discovery of the parties has been taken. If a party moves for a trial date and certifies that his discovery of a party has been taken and the other party's attorney states he is not through taking discovery of a party, then thirty (30) days shall be allowed for that discovery to be completed, at which time the attorney can re-notice his motion for a trial date.

C. No case shall be set for a pretrial conference or trial until the Plaintiff has certified to the Court that all medical and expert depositions have been scheduled.

D. Pretrial conferences in all jury actions shall be held at a time designated by the Court. The attorney attending the pretrial conference shall be familiar with the case and shall be prepared and authorized to make such arguments, stipulations, and decisions as may be required during said conference in conformity with the terms of the Pretrial Conference Order.

E. Except for good cause shown, before a case is heard at the pretrial conference, the parties shall comply with the following:

1. pleadings must be completed and the issues established;
2. discovery proceedings completed;

3. parties shall present to the Court at the pretrial conference written instructions incorporating the parties' then understanding of the issues and the law without prejudice to the right to present further instructions as may be indicated by subsequent proceedings;
4. the parties shall be prepared at the pretrial conference to stipulate certain facts as to the admissibility of certain documents or other evidence, or withdraw certain allegations or defenses appearing in the pleadings, whenever possible; and if same can be done, without prejudice to the presentation of the case by either party;
5. in tort actions involving personal injury, the parties shall be prepared to exchange such medical reports and copies of medical bills or evidence of special damages as are subject to discovery under the Rules of Civil Procedure;
6. at least sixty (60) days prior to the pretrial conference, all parties shall exchange a list of witnesses intended to be called at the trial with a brief summary as to the testimony of each witness;
7. at least thirty (30) days prior to the pretrial conference, all parties shall exchange a list of all documents, charts, etc., intended to be introduced as evidence at the trial, and shall exchange a list of all stipulations they believe can be agreed upon at the pretrial conference.

F. If a pretrial order is not entered at the time, the attorneys shall be responsible for preparation and submission of a pretrial order incorporating the Court's rulings, agreements, or stipulations of the parties and any matter designated by the Court not later than ten (10) days following the pretrial conference. The Court shall

require each party to submit a trial brief consisting of a short memorandum of the party's view of the facts and law on which that party will rely; and if so, the Court shall fix the time for filing such briefs in the pretrial order.

G. Any party that has failed to comply with the Court's pretrial order may be subject to any or all of the following:

1. an order that the matters set forth in the compliant party's compliance documents be taken as established;
2. an order prohibiting the non-compliant party from introducing a designated document or presenting instructions or taking further proof by deposition;
3. the Court may remove the action from the trial docket;
4. an order assessing all Court costs against the non-compliant party;
5. **if both parties fail to comply, the Court may, on its own motion, dismiss the action without prejudice and assess the costs accordingly**.

H. Cases that have been previously assigned for trial and continued shall not be given preference as to trial dates, except in those cases where good cause appears for giving such preference.

Rule 4. Court Scheduling/Motion Hour/Procedures for Filing - Domestic

401. Regular Motion Hour Schedule – Domestic Cases

A. Domestic motions will be set for 10:30 a.m. on the second and fourth Fridays of each month. This shall be referred to as the Domestic Motion Hour. The docket will be called at 10:30 a.m. on those days, but the attorneys and their respective clients shall be present at 10:00 a.m. for settlement conferences, negotiations, and for attempts to narrow the issues.

B. Exceptions to the regular motion hour schedule shall be only for cause, and upon Order of the Court.

C. Motions noticed for Domestic Motion Hour shall not be allowed extended testimony at that time. Those motions requiring more than ten (10) minutes of proof shall be docketed for hearing on a date to be assigned by the Court on motion of the moving party.

D. Motions, including those for Interlocutory Decrees or final Decrees, that are submitted for decision upon Depositions shall note that fact, and shall not be set for a time certain, and shall be noticed for the convenience of the Court.

E. At the time of the filing of any motion, the Petitioner shall file a proposed Temporary Order, along with a child support calculation, establishing shared custody with equal time sharing pursuant to KRS 403. Either party may file a motion seeking a deviation from the standard along with an accompanying affidavit setting forth specific grounds to rebut the presumption.

F. Pursuant to FCRPP 2(5), a completed AOC-237, *Status Quo* Order, may be filed at the time the petition for dissolution is filed, and shall be presented at the initial court appearance.

G. Either party's attorney, or the party if *pro se*, may file a motion requesting a Case Management Conference pursuant to FCRPP 2(6).

H. Pursuant to KRS 403.044, and upon proper notice, an Interlocutory Decree may be obtained. An Interlocutory Decree may be granted without a hearing only if agreed upon by the parties.

I. Motions for Interlocutory Decrees, and motions for uncontested final Decrees shall be accompanied by proposed Findings of Fact, Conclusions of Law, and a proposed Decree.

402. Deadlines for Serving and Filing Motions

Domestic motions to be heard on a particular Friday will be limited to those filed with the Clerk of the Court by 4:00 p.m. on the Friday preceding the scheduled motion hour and served that same day by fax, email, electronically through e-filing, or actual service on the opposing party or counsel. Service, if made by mail, shall require three (3) additional postal delivery days' notice. Responses and countermotions, if any, shall be filed **at least two (2) days prior to Domestic Motion Hour,** no later than 10:00 a.m. on Wednesday preceding Domestic Motion Hour on Friday.

Rule 5. Adoptions/Termination of Parental Rights

501. Regular Motion Hour Schedule-Confidential Cases

A. **Uncontested** adoptions and **uncontested** terminations of parental rights shall be noticed for immediate hearing at 11:30 a.m. at the Confidential Motion Hour, which is the second and fourth Fridays of each month. Motions to set **contested** adoptions or **contested** terminations of parental rights shall be noticed for 11:30 a.m. at the Confidential Motion Hour, and a hearing date shall be set at that time.

B. Exceptions to the regular motion hour schedule shall be only for cause, and upon Order of the Court.

C. Proposed Findings of Fact, Conclusions of Law, and Judgment, shall be tendered with any motion to set an adoption or termination. Petitioner's attorney, or Petitioner, if *pro se*, shall be responsible for placing adoption/termination matters on the Court's docket to be in compliance with the time limits, if applicable, set out in KRS 625.042 or FCRPP

502. Deadlines for Serving and Filing Motions

Confidential motions to be heard on a particular Friday will be limited to those filed with the Clerk of the Court by 4:00 p.m. on the Friday preceding the scheduled motion hour and served that same day by fax, email, electronically through e-filing, or actual service on the opposing party or counsel. Service, if made by mail, shall require three (3) additional postal delivery days' notice. Responses and countermotions, if any, shall be filed **at least two (2) days prior to Confidential Motion Hour,** no later than 10:00 a.m. on Wednesday preceding Confidential Motion Hour on Friday.

503. Incarcerated Party

If a party to an action is incarcerated, unless otherwise ordered by the Court, **at least two (2) business days prior to the incarcerated party's scheduled court appearance,** the attorney of record for the incarcerated party shall notify the Office of the Circuit Judge of the name and location of the facility where the party is incarcerated AND if the incarcerated party will appear before the Court virtually via ZOOM, or similar virtual program as utilized by the Court, or if the incarcerated party will appear in person. If the incarcerated party is to appear virtually, the attorney for the incarcerated party shall provide an ORDER TO APPEAR (noting the location and name of the facility of the incarcerated party) to the Office of the Circuit Judge **at least two (2) business days prior to the schedule court appearance date**. If the incarcerated party is to appear in person, the attorney for the incarcerated party shall provide a TRANSPORTATION ORDER (noting the location and name of the facility of the incarcerated party) to the Office of the Circuit Judge **at least two (2) business days prior to the scheduled court appearance date**. All ORDERS TO APPEAR and TRANSPORTATION ORDERS shall be **EMAILED to the Office of the Circuit Judge at least two (2) business days prior to**

the scheduled court appearance date. Unless otherwise ordered by the Court, transports from a County Detention Facility will be done by the GRAVES COUNTY JAILER, or their designee, OR the GRAVES COUNTY SHERIFF, or their designee. Samples of an ORDER TO APPEAR and TRANSPORTATION ORDER may be obtained by contacting the Office of the Circuit Judge.

Rule 6. Domestic Relations Practice

601. Contested Actions

A. In all contested domestic actions, prior to filing a motion for the Court to set a trial date, the parties shall attend a settlement conference, either in person or by telephone, at which all contested issues shall be identified, and a Report of Settlement Conference or a Memorandum of Remaining Issues, identifying all contested and settled issues shall be filed with the Motion.

B. All proceedings in contested actions for the dissolution of a marriage shall be heard by the Court, provided the testimony of any witness not a party may be taken by deposition. However, it is the responsibility of the attorney or party desiring to use the deposition of such non-party witness to see that the deposition is taken, transcribed, and filed prior to 48 hours in advance of the trial.

C. The hearing on the motion to set for trial shall be noticed for 10:30 a.m. on Domestic Motion Hour. Both parties and their respective counsel shall attend. The Court may, without hearing the evidence, inform the parties at that time of initial impression regarding each contested issue outlined in the settlement conference memorandum.

D. Each side shall furnish the opposing party with the names and addresses of all

witnesses that they intend to call at trial and a brief summary of the testimony not less than fourteen (14) days prior to the scheduled trial date.

E. In the event either party fails to comply with the requirements of paragraphs A and D. above, or either party files an incomplete schedule, or fails to comply with the FCRPP, the Court, upon its own motion or upon motion of any party, may make such orders in regard to the failure as are just, which, among other things, may include the following:

1. An order that the matters set forth in the compliant party's schedules be taken as established;
2. An order prohibiting the non-compliant party from introducing designated matters in evidence;
3. An order staying further proceedings until the disobedient party has filed the required schedules; or
4. an order assessing all Court costs, including attorney fees, against the non-compliant party.

602. Court Approved Child Visitation Schedule

Pursuant to FCRPP 8(2), the parties may utilize the timesharing/visitation schedule for the 52nd Judicial Circuit located in Appendix "A", which is for joint custody, primary residential custodian custody agreement. The Court has not adopted an equal timesharing schedule as the local bar prefers to have more options available.

603. Guardian Ad Litem /<u>Parent or Party Representation</u>

A. Attorneys desiring to serve as a Guardian *Ad Litem* for children in the Graves Circuit Court shall complete the Kentucky Court Family, Juvenile, Dependency, Neglect,

Abuse training program and provide the program Certificate of completion to the Graves Circuit Clerk to be kept on file in that office.

B. Any attorney regularly practicing before this Court may be appointed by the Court to represent a parent or incarcerated party.

604. Incarcerated Party

If a party to an action is incarcerated, unless otherwise ordered by the Court, **at least two (2) business days prior to the incarcerated party's scheduled court appearance,** the attorney of record for the incarcerated party shall notify the Office of the Circuit Judge of the name and location of the facility where the party is incarcerated AND if the incarcerated party will appear before the Court virtually via ZOOM, or similar virtual program as utilized by the Court, or if the incarcerated party will appear in person. If the incarcerated party is to appear virtually, the attorney for the incarcerated party shall provide an ORDER TO APPEAR (noting the location and name of the facility of the incarcerated party) to the Office of the Circuit Judge **at least two (2) business days prior to the schedule court appearance date**. If the incarcerated party is to appear in person, the attorney for the incarcerated party shall provide a TRANSPORTATION ORDER (noting the location and name of the facility of the incarcerated party) to the Office of the Circuit Judge **at least two (2) business days prior to the scheduled court appearance date**. All ORDERS TO APPEAR and TRANSPORTATION ORDERS shall be **EMAILED to the Office of the Circuit Judge at least two (2) business days prior to the scheduled court appearance date**. Unless otherwise ordered by the Court, transports from a County Detention Facility will be done by the GRAVES COUNTY JAILER, or their

designee, OR the GRAVES COUNTY SHERIFF, or their designee. Samples of an ORDER TO APPEAR and TRANSPORTATION ORDER may be obtained by contacting the Office of the Circuit Judge.

Rule 7. Miscellaneous Rules Relating to Domestic Practice

701. Redaction of Personal Identifiers (CR 7.03)

A. 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 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. As used in this section, "personal identifier" means a Social Security number or tax-payer 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.

702. Rules of General Application

Rules 702, 703, and 705 through 713 apply to Domestic practice in the Graves Circuit Court, as well as general civil procedure.

Rule 8. Domestic Violence Protocol and 24 hour Access Policy

The Domestic Violence Protocol and 24 Hour Access Policy is attached hereto as Appendix "B" and is incorporated herein as if copied in full.

Rule 9. Criminal Motion Hour

901. Criminal Arraignments and Motions

A. All criminal motions shall be filed with the Clerk and noticed for hearing at Criminal Motion Hour, which shall be each Monday that court is in session at 8:30 a.m. Generally private or conflict counsel whose clients are out of custody will be heard at 8:30 a.m. At the conclusion of private and conflict counsel cases, all other cases will be heard. One docket set at 8:30 a.m. shall list all criminal cases to be heard in the morning session. Add-On cases will be set by separate docket on each Monday court is in session.

B. Pleas of guilty will be placed on a separate docket and shall be set for entry at 1:30 p.m. on any available Monday that court is in session.

C. Exceptions to the regular motion hour schedule shall be only for cause, and upon Order of the Court.

D. All attorneys, both privately retained and appointed, shall timely file a written Entry of Appearance with the Court. If the Department of Public Advocacy contracts with Conflict Counsel, the contracted attorney shall timely file a written Entry of Appearance with the Court.

E. All prosecutors, including Graves County Commonwealth attorneys, shall timely file a written Entry of Appearance with the Court. If a Special Prosecutor is requested and appointed to a case, upon receipt of the appointment by the Special Prosecutor, the Special Prosecutor shall timely file a written Entry of Appearance with the Court.

F. The formal arraignment on the Indictment may not be waived except upon motion of the counsel for the Defendant with the Defendant present before the Court either virtually or in person.

G. Both the Defendant and his attorney must be present at the arraignment. The attorney appearing for the defendant at the arraignment shall represent the Defendant in all future stages of the proceeding. An attorney shall not withdraw from employment after arraignment in a criminal proceeding without permission and Order of the Court.

H. Arraignments shall be held on the day of the Grand Jury at a time certain in Graves Circuit Court. All Defendants whose cases have been bound over by the Graves District Court will have received an Order to Appear (AOC 465.4 form) from the Graves District Court for the specific Arraignment time. At the time of the arraignment, each Defendant shall be assigned a date for a status conference with the Commonwealth's Attorney and a pretrial conference date. Unless incarcerated, the Defendant must appear in person at the Status Conference. Unless incarcerated, the Defendant must appear in person at the Pretrial Conference. A Defendant may only appear virtually by leave of Court upon request by their attorney of record. Failure to appear for the status or pretrial conference without just cause shown, shall result in a bench warrant. Defense counsel shall notify their respective clients of these requirements and of the consequences of failing to appear. Any Defendant whose case was submitted directly to the Grand Jury (bypassing District Court) may result in issuance of a Criminal Summons or Warrant of Arrest on Indictment to appear before the Court for Arraignment. Arraignment on such Defendants shall occur once the Defendant is served at the next available criminal motion hour.

I. Revocation and other hearings and sentencings may be set on days other than Mondays, as designated by the Court.

902. Status Conference and Pretrial: Criminal Cases.

A. The Commonwealth Attorney's office shall set aside at least one day every other month for scheduled Status Conferences between the Commonwealth and defense counsel. If not incarcerated, the Defendant's presence shall be required. Failure of the Defendant to appear at the scheduled Status Conference, absent good cause shown, shall result in a bench warrant.

B. At least ten (10) days prior to the Status Conference, the Commonwealth Attorney shall file a copy of the indictment and a notice of compliance with discovery requirements. The Commonwealth Attorney shall be prepared to make the Commonwealth's offer at the Status Conference.

C. Absent good cause shown, a Defendant who has not entered into an agreement at the Pretrial Conference shall be set for jury trial.

D. After the plea is entered, a sentencing hearing will be scheduled.

E. Absent good cause shown, all pretrial motions, excluding motions *in limine,* shall be filed and served prior to the pretrial conference, requesting a special hearing date for any motion requiring testimony or argument anticipated to last more than fifteen (15) minutes.

F. The attorney having filed an entry of appearance or stand in counsel shall attend the Pretrial Conference.

Rule 903. Motions

Unless otherwise provided by statute, rule, or order, motions shall be filed with the Clerk by 4:00 p.m. on Monday preceding the Criminal Motion Hour and served that same day by fax, email, electronically through e-filing, or actual service on the opposing

party or counsel. Service, if made by mail, shall require three (3) additional postal delivery days' notice. Responses and countermotions, if any, shall be filed at least two business days prior to motion hour Monday, no later than 10:00 a.m. on the Thursday preceding Motion Hour on Monday.

Motions for Shock Probation may be filed under the 10-day Rule to allow time for a response to be filed. At the end of the 10 days, if not before if a response has been filed or received by the Court, the Court will rule on said motion.

Rule 904. Incarcerated Party

If a party to an action is incarcerated, unless otherwise ordered by the Court, **at least two (2) business days prior to the incarcerated party's scheduled court appearance,** the attorney of record for the incarcerated party shall notify the Office of the Circuit Judge of the name and location of the facility where the party is incarcerated AND if the incarcerated party will appear before the Court virtually via ZOOM, or similar virtual program as utilized by the Court, or if the incarcerated party will appear in person. If the incarcerated party is to appear virtually, the attorney for the incarcerated party shall provide an ORDER TO APPEAR (noting the location and name of the facility of the incarcerated party) to the Office of the Circuit Judge **at least two (2) business days prior to the schedule court appearance date**. If the incarcerated party is to appear in person, the attorney for the incarcerated party shall provide a TRANSPORTATION ORDER (noting the location and name of the facility of the incarcerated party) to the Office of the Circuit Judge **at least two (2) business days prior to the scheduled court appearance date**. All ORDERS TO APPEAR and TRANSPORTATION ORDERS shall be **EMAILED to the Office of the Circuit Judge at least two (2) business days prior to the scheduled court**

appearance date. Unless otherwise ordered by the Court, transports from a County Detention Facility will be done by the GRAVES COUNTY JAILER, or their designee, OR the GRAVES COUNTY SHERIFF, or their designee. Samples of an ORDER TO APPEAR and TRANSPORTATION ORDER may be obtained by contacting the Office of the Circuit Judge.

Rule 905. Motion to Enter Guilty Plea/Commonwealth Offer/Pretrial Diversion Paperwork

Copies of signed motion to enter Guilty Plea, Commonwealth Offer, Pretrial Diversion paperwork shall be filed and emailed to the Circuit Judge's Office **at least two (2) business days prior to the scheduled court appearance date, absent good cause shown**.

Rule 10. Jury Service

1001. PETIT Jury

Petit Jury terms will be set by the Court sufficient to meet the jury trial needs of the Court. However, a juror will not be required to serve more than thirty (30) court days in any given term. The term may vary at the discretion of the Court.

1002. GRAND Jury

A. Grand Jury shall be empaneled for a period of time not less than three (3) months nor more than six (6) months and shall consist of twelve (12) members and sufficient alternates to meet the needs of a twelve (12) member grand jury, as determined by the Court.

B. The Grand Jury shall meet in regular session every month during the calendar year on a date designated by the Circuit Judge.

C. The Indictments will be returned in open Court, on the record, after the Grand Jury finishes the session. If an open courtroom is not available for the Indictments to be returned, the Indictments may be returned in another location and recorded virtually.

D. The Court will designate a date for arraignments, generally the afternoon after the Grand Jury meets and Indictments are returned unless otherwise ordered by the Court.

Rule 11. Master Commissioner

1101. References to Master Commissioner

A. References shall be made to the Master Commissioner as provided by the Rules of Civil Procedure, Part IV of the Administrative Procedures of the Court of Justice, by the Kentucky Revised Statutes, by these Rules, or by Court order in individual cases. The Order shall be sufficiently specific to indicate clearly the purposes of the reference and the duties to be performed by the Master Commissioner.

B. Unless otherwise directed by the Court, matters requesting a judicial sale shall be automatically referred to the Master Commissioner and shall not be docketed for a hearing or motion hour.

1102. Judicial Sales

A. Sales under Execution or Attachment. Unless specific provisions are made to the Judgment or Order directing sale, all judicial sales may be made by the Master Commissioner. The Sheriff shall make sales under execution or attachment.

B. Time and Place. Unless otherwise provided in the Judgment or Order of Sale, all judicial sales by the Master Commissioner shall be held, as provided in the Commissioner's sale handbill, on the dates and at the times scheduled by the Master

Commissioner and at a location designated for the judicial sales. The Master Commissioner's scheduling of judicial sale dates and times shall be based on availability of the designated sale location. During the conduct of a judicial sale, the Master Commissioner shall have power to keep order or may have the Graves County Sheriff do so.

C. Deposit-Resale if not Made. In every case, except where a person ordering the sale shall direct otherwise, the cash deposit specified in the Order or Judgment of Sale shall be made. If the deposit is not made immediately, the Master Commissioner shall reject the bid and resell the property forthwith. In making a resale, the Master Commissioner shall receive no bid from the rejected bidder. A deposit paid to the Master Commissioner shall stop interest on the bid to the extent of the deposit as of the date of payment.

D. Amount to be Raised.

1. The party requesting the sale shall file a statement of the amount to be raised and serve a copy on all parties and the Master Commissioner. A new statement shall be filed if a sale is rescheduled. The statement shall itemize all amounts included in the party's Judgment, the statement shall include a per diem rate and party's itemized courts costs. The statement will not include reserved amounts and matters not adjudicated.
2. The Commissioner's sale handbill shall include the amount to be raised as set for the in the statement of the party requesting the sale.
3. The Commissioner shall withdraw the sale if the debtor pays the Receiver in full the amount to be raised in the Commissioner's sale handbill.

1103. Bidding Procedures.

Bids shall be increased in amounts equal to or greater than the following minimum increments: All bids between $500.00 and $50,000.00 shall be increased in increments of no less than $100.00. Bids of $50,000.00 up to $100,000.00 shall be increased in increments of $1,000.00. All bids more than $100,000.00 shall be increased in increments of $2,000.00.

The Master Commissioner shall accept bids from the Plaintiff only, prior to sale, with instructions to make a one-time only bid.

1104. Sale Bond.

The purchase of the property at the Master Commissioner Sales shall sign a sale bond promising to pay the winning bid pursuant to the terms of the sale, including either the entire purchase price or ten percent (10%) of the purchase price on the day of sale, plus interest pursuant to Judgment on the remainder until paid in full. If the purchaser fails to secure financing or fails to pay the purchase price for any reason, then the purchaser shall be solely responsible for all costs of the sale including the Master Commissioner's costs.

1105. Inclusion by Reference in Judgment of Procedure of Sale.

Unless the Judgment specifically states otherwise, every Judgment directing the Master Commissioner to sell real estate will be considered to include the following provisions, which will be a part of the Judgment by reference to this Rule:

The Master Commissioner is directed to sell the real estate described in the Judgment at public auction to the highest bidder, on the date, at the time, and at the location designated in the Commissioner's sale handbill. Notice of the judicial sale shall be given by the posting of handbills at the at the Graves County Temporary Court Facility (or the permanent Graves County Judicial Facility once it is built), the Graves County Clerk/Deed Room, at or near the property,

and by placing an advertisement in the Mayfield Messenger newspaper two (2) times. Sale advertisement shall be in accordance with Part IV of the Administrative Procedures of the Court of Justice.

The real estate shall be sold on terms as set forth in Part IV of the Administrative Procedures of the Court of Justice. Where the property sold includes insurable improvements, the successful bidder, at the bidder's own expense, shall carry fire and extended coverage insurance on the improvements from the date of the sale until the purchase price is paid to the extent obtainable or to the court appraised value of the improvements or to the unpaid balance of the purchase price, whichever is less as a minimum, with a loss clause payable first to the Master Commissioner of the Graves Circuit Court, or first to the person or persons entitled under the Judgment to receive the purchase price. Failure of the purchaser to effect the insurance shall not affect the validity of the sale or the purchaser's liability but shall allow the party or parties entitled to receive the purchase price to purchase this insurance and the premium paid, or the proper portion thereof, shall be charged to the purchaser as purchaser's costs.

All Judgments tendered by Plaintiff shall contain the entire legal description, source of title Deed Book and page #, and Map # and address.

1106. Confirmation

Report of Sale shall be filed in accordance with Part IV of the Administrative Procedures of the Court of Justice. A successful bidder at a sale may move for an Order confirming the sale ten (10) or more days after the filing of a Master Commissioner's Report of Sale. The motion shall be docketed for a hearing at motion hour unless (1) all parties who are not in default (including purchaser) waive notice; (2) the Plaintiff is the purchaser and all other parties are in default for failure to appear.

1107. Master Commissioner Reports.

A. Reports of the Master Commissioner shall be confirmed by the Court without the necessity of motion if no objections are filed within the time period prescribed by Civil Rules.

B. Objections to a Master Commissioner's Report shall not be noticed for a motion hour and shall be filed directly with the Court. A response to the objections may be filed within five (5) days of the filing of the objections. The objections will then stand submitted upon the filing of Form AOC 280. Prior to submission, counsel may request a hearing.

C. Objections to the Master Commissioner's Report shall be made with particulars and with a memorandum of authorities, if appropriate.

1108. Master Commissioner's Fees.

A. The Master Commissioner shall assess all judicial sale fees in accordance with Part IV of the Administrative Procedures of the Court of Justice.

B. The Master Commissioner shall assess all report fees in accordance with Part IV of the Administrative Procedures of the Court of Justice. Sanction fees may be authorized by the Court in cases where repeated corrective action is required, or where individual attorneys or firms repeats the same mistakes causing cases to be reviewed repeatedly by the Master Commissioner's office. Any sanction fee assessed shall be paid to the Graves Circuit Court Clerk.

C. The Master Commissioner shall assess all deed fees in accordance with Part IV of the Administrative Procedures of the Court of Justice. In cases which do not involve a Master Commissioner sale and the Master Commissioner does not draft the deed, a $90.00 deed fee shall be assessed for review and execution.

D. A $25.00 fee shall be assessed for a Letter of Arrest.

1109. Appraisals.

A. In all sales of real estate under Judgment or Decree of Court where an appraisal is required the fee for each appraiser shall be $200.00 and taxed as costs.

B. However, in sales of real estate under Judgment or Decree of Court involving an appraisal of commercial, industrial real estate or real estate consisting of multiple apartments or multiple parcels, the Court may order a fee of more than $200.00 for each appraiser taking into consideration the time, labor and skill involved.

C. Where an appraisal of personal property is directed by a Judgment or Decree of sale, the fee of each appraiser shall be determined by the Court on evidence as the Court may require showing the kind of property appraised, the number of items of property involved, its value and the time, labor and skill involved in making the appraisal.

D. The appraisal shall be in writing, signed by the persons making it and filed in the Court record prior to the sale.

1110. Possessory and Attachment Hearings.

A. Actions brought pursuant to KRS Chapter 425 shall be automatically referred to the Master Commissioner. The Master Commissioner and Deputy Commissioners shall act as the "judicial officer: to perform whatever duties are statutorily required.

B. After an *ex parte* action brought under KRS Chapter 425 has been filed, the Clerk shall deliver the court file to the Master Commissioner's office. The Clerk shall also deliver files in other actions where the Defendant requests a hearing or where Plaintiff's counsel wants the Master Commissioner to act.

C. Required preliminary hearings in possessory and attachment actions shall be held before the Master Commissioner each Wednesday at 2:00 p.m. or at a day and hour designated by the Master Commissioner. *Ex Parte* Motions and Applications may be heard by the Master Commissioner or the Court at any convenient time.

D. The demand required by KRS 425.012 and KRS 425.301 informing the Defendant of the right to be heard shall include the following statement:

> If you want a hearing, you must notify the Master Commissioner in writing within seven (7) days, and send a copy of your request to the attorney for the Plaintiff.

When the Defendant's request is received, the Master Commissioner's office shall set a date and time for a hearing and notify the Defendant and counsel for the Plaintiff of the date and time.

E. If no request for a hearing has been made within seven (7) days of the demand notice, the Clerk shall issue the writ or Order, upon receipt of the required complaint affidavit and bond, unless the attorney for the Plaintiff and/or the Court request findings of Master Commissioner.

1111. Uncontested Cases to Enforce Liens-Reference to Master Commissioner.

An uncontested action involving the enforcement of any lien on real or personal property shall be submitted for final judgment (whether submission be upon complaint or cross-compliant) to the Master Commissioner. The Master Commissioner shall examine the record and report promptly whether the case is ready for judgment and what judgment is justified by the record. Unless specifically limited by the Court in a particular action, he Master Commissioner may exercise the general powers set out in CR 53.03 and 55.01, including the power to require the filing of briefs prior to making a report.

1112. Uncontested Cases to Sell Real Estate other than Cases to Enforce Liens.

An uncontested action involving the sale of real estate (other than a sale to enforce a lien or private sale), shall be automatically referred to the Master Commissioner for final judgment (whether submission be upon complaint or cross-compliant). The Master Commissioner shall examine the record and report promptly whether the case is ready for judgment and what judgment is justified by the record. Unless specifically limited by the Court in a particular action, the Master Commissioner may exercise the general powers set out in CR 53.04 and 55.01, including the power to require the filing of briefs prior to making a report.

1113. Procedure for Attachment and Garnishment/Service Thereof.

A. All writs and orders of attachment and garnishment directed to third-party garnishees, such as employers and financial institutions, may be served, at the option of counsel for Plaintiff, by regular first class mail, certified mail return receipt requested, or may be personally served by any person authorized to serve a subpoena pursuant to CR 45.03. Funds attached or garnished pursuant to a writ or order shall, within twenty (20) days of service, be forwarded by the garnishee directly to the attorney for the party on whose behalf the writ or order was issued, unless the order directs otherwise.

B. All actions in enforcement of garnishment pursuant to KRS 425.501, et seq., shall be brought before the Commissioner. They may be instituted by payment of the fee set forth in JRP 508 and will be docketed for the same day and time as the Bills of Discovery.

1114. Collection of Judicial Sale Administrative Fee.

In all mortgage foreclosure or real estate lien enforcement cases filed in Graves County, The JSAF (Judicial Sale Administrative Fee) required by Part IV of the Administrative Procedures of the Court of Justice shall be collected by the Graves Circuit Clerk along with the

original filing fee. The fee shall be transmitted by the Circuit Court Clerk to the Administrative Office of the Courts on a quarterly basis as requested.

These Rules are adopted pursuant to the authority granted by Rule 78 of the Kentucky Rules of Civil Procedure and SCR 1.040(3), and these Rules, as amended, and any revision and/or addition or deletion to these Rules shall become effective and apply with full force and effect to all actions filed or pending as of the date of their approval by the Chief Justice of the Supreme Court. These Rules shall become effective upon approval of the Chief Justice of the Supreme Court.

WITNESS MY HAND this 22nd day of May, 2024.

Kevin D. Bishop, JUDGE
GRAVES CIRCUIT COURT

APPENDIX "A" – Visitation / Timesharing Schedule

VISITATION/TIMESHARING SCHEDULE

In addition to the Model Timesharing / Visitation Guidelines referred to in FCRPP 8, the parties may utilize the following timesharing / visitation schedule in the 52nd Judicial Circuit adopted at the request of the Graves County Bar Association. This schedule is not to be used as a default schedule when the parties are unable to agree, but rather, should be used as a basis for determining a schedule that meets the needs of the family. This minimum schedule for timesharing / visitation may apply both as a temporary order and/or a final visitation order and as otherwise ordered by this Court:

- Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m.
- Wednesdays or Thursdays (at the discretion of the non-residential parent) of the week there is no weekend visitation from the time school is out until the following morning. The alternate night will be the same each week.
- Spring Break in even numbered years (regardless of length).
- Summer Break will be as follows: The non-residential parent shall have visitation from June 1st through June 30th of each year, with the residential parent to then have alternate weekend and alternate mid-week visitation. The parties shall divide July equally, with one parent to have from July 1st through July 15th and the other from July 16th through the 31st. These weeks will be alternated annually. This summer schedule only applies where alternate weekend visitation is applicable and both parents are willing and able to keep all scheduled activities for the child(ren) while in their respective care.
- Fall Break in odd number years (regardless of length).
- Thanksgiving Day on even-numbered years. If it falls on the Thursday before the non-residential parent's scheduled weekend visitation, then visitation shall continue through 6:00 p.m. Sunday.

- Christmas Break shall be divided as follows: The residential parent shall have visitation in odd-numbered years from the time school is out until 1:00 p.m. on Christmas Day and the non-residential parent shall have the child from 1:00 p.m. Christmas Day until 6:00 p.m. on New Years' Day. In even-numbered years the non-residential parent shall have visitation from 5:00 p.m. on the day school is out until 1:00 p.m. on Christmas Day.

- The mother shall have visitation on each Mother's Day, and the father shall have visitation on each Father's Day. Visitation shall be from 9:00 a.m. until 9:00 p.m.

The following General Rules shall apply to all visitation:

1. In the event that the non-residential/visiting parent is 30 minutes late for any period of visitation, the visitation is forfeited.

2. The custodial/residential parent has the right to refuse visitation if the other parent is under the influence of alcohol, drugs or intoxicants.

3. Both parents must secure the child in an approved child restraint system while transporting the child.

4. Despite the specifics of the standard order of visitation, the custodial/residential parent is encouraged to permit additional visitation with the other parent and is directed to accommodate and encourage such visitation.

5. The above-referenced school schedules (spring, fall break, holidays) shall also apply to children not yet of school age.

6. Both parties shall have reasonable and open contact with the children by telephone, except in those cases where a Domestic Violence Order prohibits such contact.

7. Each parent should 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 timesharing visitation time.

8. The Timesharing/Visitation Schedule set by the Court for holidays, school breaks, and summer break should control over regularly scheduled timesharing/visitation time even if this allows successive timesharing/visitation periods.

9. If a child is ill, the parent who has the child should give 24 hour notice, if possible, to allow for appropriate plans to be made.

When a joint custodian seeks to relocate, he or she shall comply with the requirements of FCRPP7(2)(a). When a sole custodian seeks to relocate, he or she shall comply with the requirements of FCRPP7(2)(b).

Supreme Court of Kentucky

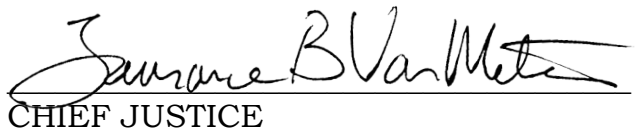
ORDER

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