Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 55TH JUDICIAL CIRCUIT AND DISTRICT, BULLITT COUNTY

Upon the recommendation of the Judges of the 55th Judicial Circuit and District, Bullitt County, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 55th 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 8th day of April 2020.

CHIEF JUSTICE

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL 55th JUDICIAL CIRCUIT and DISTRICT BULLITT COUNTY

Pursuant to KRS 403.725 and KRS 456.030, and in compliance with Family Court Rules of Practice and Procedure, 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 among Circuit/Family and District Courts.

I. Uniform Protocol for Handling Cases

A. All petitions requested, completed and signed by persons seeking protection under KRS 403 or KRS 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 with 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 403.470 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 FCRPP 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, 456.060. Petitions 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. During regular business hours Deputy Circuit Court Clerks are authorized to accept protective order petitions and administer oaths to petitioners.

B. After regular business hours and during holidays and on weekends, Deputy Jailers and Deputy Circuit Court Clerks are authorized to take protective order petitions and administer oaths to petitioners.

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

1. Either Family/Circuit Court Judge
2. District Court Judge
3. If none of the above 3 are available, the Circuit Court Judge

D. Upon receipt of a petition after regular business hours or during a holiday or on a weekend, the authorized agency/officer shall present the petition to the on-call Judge which assignment rotates among the Family/Circuit Court Judges and the District Judge.

III. Assignment of Cases

A. Pursuant to KRS 403.725 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent among the Family, District, and Circuit Courts.

B. The Judge reviewing a 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 protective order cases to the Family/Circuit Court.

D. Hearings for protective orders shall be schedule every Tuesday at 9:00 AM in the assigned division of the Family/Circuit Court.

E. Cases may be reassigned or transferred between courts if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. KRS 403.725, KRS 456.030. If reassignment or transfer occurs, the issuing judge shall reissue a summons until the matter may be heard by the receiving judge.

IV. Contempt Proceedings

A. Pursuant to KRS 403.763 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 or 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 Bullitt County Attorney's Office prior to filing a *pro se* (self-represented) motion for contempt as the filing of such motion shall preclude the use of the criminal sanction as a remedy and in some circumstances the criminal sanction may be a preferred remedy.

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

The undersigned hereby acknowledge that all general orders, forms, policies and procedures relating to domestic violence/interpersonal protection within the judicial circuit are incorporated into this protocol by reference as though wholly set forth herein.

This protocol is adopted by all judicial officers in the circuit this the 1st day of April, 2020.

Hon. Rodney Burress
Circuit Judge, Division I

Hon. Jennifer Porter
District Judge

Hon. Elise' Givhan Spainhour
Family/Circuit Court Judge, Division II

Hon. Monica K. Meredith
Family/Circuit Court Judge, Division III