

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND  
PROCEDURE FOR THE 55TH JUDICIAL CIRCUIT, FAMILY  
COURT DIVISION, BULLITT COUNTY**

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

The Rules of Court Practice and Procedure for the 55th Judicial Circuit,  
Family Court Division, Bullitt County, are 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 the 8<sup>th</sup> day of April 2020.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

**LOCAL RULES  
BULLITT CIRCUIT COURT  
55<sup>TH</sup> JUDICIAL CIRCUIT  
FAMILY COURT**

**RULE 1. INTRODUCTION/ADMINISTRATIVE PROCEDURE**

**101 Preface**

- A. These are the Uniform Rules of Practice and Procedures of the Bullitt Circuit Court, Family Division (Bullitt Family Court). These Rules supplement the Kentucky Rules of Civil Procedure (CR), the Kentucky Family Court Rules of Procedure and Practice (FRCPP), the Kentucky Rules of Criminal Procedure (RCr), the Juvenile Court Rules of Procedure and Practice, the Kentucky Rules of Evidence, the Rules of the Supreme Court, and the Administrative Rules of Practice and Procedure for the Kentucky Court of Justice Electronic Filing Project, and the successor to such rules of practice and procedure as may be adopted subsequent to the adoption of these rules. These rules shall be the only operative Bullitt Family Court Rules. All previous rules adopted by the Bullitt Family Court are hereby rescinded.
- B. The Court may assess cost and fees or impose appropriate sanctions against a party not complying with these Rules.

**102 Effective Date**

The effective date of these Rules shall be thirty (30) days after Kentucky Supreme Court order approving them.

**103 Citation**

These Rules shall be cited as RBFC or “Rules of Bullitt Family Court” followed by the applicable rule number.

**104 Assignment of Cases**

The Bullitt Family Court is comprised of two divisions – Division 2 and Division 3. Information regarding the assignment of cases may be obtained from the Bullitt Circuit Court Clerk’s Office.

**105 Holidays**

Holiday schedules for the Kentucky Court of Justice may be obtained from the Bullitt Circuit Court Clerk’s Office or on the Family Court website. :  
<https://kycourts.gov/pages/holidaycalendar.aspx>

## 106 Style and Case Numbers

- A. Information regarding case numbers may be obtained from the Bullitt Circuit Court Clerk's Office.
- B. The heading of the case shall read (division as applicable):

COMMONWEALTH OF KENTUCKY  
BULLITT CIRCUIT COURT  
FAMILY COURT, DIVISION TWO (2)/THREE (3)  
CIVIL ACTION NO.: \_\_\_\_\_

- C. The signature line for the judge shall read (division as applicable):

\_\_\_\_\_  
HON. (INSERT APPROPRIATE NAME)  
JUDGE, BULLITT CIRCUIT COURT  
FAMILY COURT, DIVISION TWO (2)/THREE (3)

- D. In all pleadings after the initiating document the parties shall use the names of the parties as indicated in the style of the original initiating document **unless a court order has been entered in the interim to amend the style**. This purpose of this rule is to avoid confusion created when the names of parties are informally changed and used in the style of an existing case (for example when a party's name has changed because of divorce or marriage). The Clerk cannot modify the style of a case in the computer record without a court order.

## 107 Separate and Distinct Motion for Each Pleading

To accommodate the process of e-filing and the computerized documentation of the record, it is required that each plea for relief be made as a separate Motion and include a separate proposed Order.

If multiple motions are to be made for hearing at the same time and all are reliant upon information provided in an affidavit or affidavits, the affidavit(s) may be filed with one Motion and reference to that Motion be made in succeeding Motions relying upon the same affidavit(s).

## 108 Distribution List

- A. The attorney shall affix to the bottom of any tendered Order or Judgment the distribution list of individuals to receive copies of the tendered Order or Judgment. In addition to the names of the individuals, the attorney shall include the delivery address of each individual. The attorney shall also affix the following:

Distribution by:

\_\_\_\_\_  
Deputy Bullitt Circuit Court Clerk

Date:

- B. The Circuit Court Clerk or Deputy Circuit Court Clerk who processes the Order/Judgment shall affix his or her name to signify that distribution has been completed.
- C. If a party is represented by Counsel, the distribution list should include only the name and address of the attorney, not the attorney and the party (client of the attorney).

## **109 Forms**

Unless otherwise specified below, all forms may be downloaded from the **KENTUCKY COURT OF JUSTICE** website:

<https://kycourts.gov/resources/legalforms/Pages/legalformlibrary.aspx>

## **110 Case Data Information Sheet AOC-FC-3 and VS-300**

- A. The party filing an original action for Dissolution, Legal Separation, Custody, or Child Support **shall** submit with the Petition/Complaint a properly completed Case Data Information Sheet using form AOC-FC-3 which shall adhere to CR 7.03.
- B. The Circuit Court Clerk **shall** decline to file into the record and return unrecorded any original Petition/Complaint for Dissolution, Legal Separation, Custody, or Child Support which is not accompanied by a properly completed Case Data Information Sheet AOC-FC-3 prepared in accordance with CR 7.03.
- C. The party filing an original action for Dissolution, Legal Separation, Custody, or Child Support **shall** submit with the Petition/Complaint a properly completed Certificate of Divorce or Annulment using form VS-300.
- D. The Circuit Court Clerk **shall** decline to file into the record and return unrecorded any original Petition/Complaint for Dissolution, Legal Separation, Custody, or Child Support which is not accompanied by a properly completed Certificate of Divorce or Annulment using form VS-300.

### **111 Name of Minors**

In all pleadings and court documents submitted concerning Dissolution, Legal Separation, Custody, or Child Support, except the Case Data Information Sheet AOC-FC-3, minors shall be referenced by their initials and year of birth.

### **112 Scheduling of Initial Case Management Conference**

Subsequent to the proper filing of a Petition/Complaint for Dissolution, Legal Separation, Custody, or Child Support, the Bullitt Circuit Court Clerk shall submit to the appropriate Judge an Order setting the date for an Initial Case Management Conference (hereafter CMC) for the action. The CMC shall be scheduled for the first Motion Hour for the Family Court Division to which the action is assigned occurring after sixty (60) days of the date of filing. If service has not been made prior to the date of this CMC a subsequent date will be calendared to maintain review of the case pending service.

No later than seven (7) working days prior to the date set for the Initial Case Management Conference, except for good cause shown, the parties shall file with the Circuit Court Clerk and serve upon the other party(ies) a full and complete Verified Financial Disclosure Form. The parties are required to use form AOC-238. The parties are NOT required to file the supporting documentation/attachments into the Court record with the Verified Disclosure Form but are not relieved from having exchanged such information between/among themselves as is required by FCRPP 2 (3).

### **113 Status Quo Order**

Subsequent to the proper filing of a Petition/Complaint for Dissolution or Legal Separation, the Bullitt Circuit Court Clerk shall submit to the appropriate Judge a Status Quo Order using AOC-237 with notice for hearing. Relief from the terms included in the standard form or additional terms may be considered by the Court on proper motion.

### **114 Friend of the Court / *Guardian Ad Litem* Motions**

In any action not requiring the appointment of a guardian *ad litem*, but where a Party believes that appointment of a Friend of the Court or guardian *ad litem* is in the best interest of the child(ren), the party shall file the appropriate motion. When the Court sustains the motion and appoints a Friend of the Court or guardian *ad litem*, the guardian *ad litem* shall receive a guaranteed compensation for the appointment. Thus, when the Order of Appointment is filed in the record of the action identifying the appointed FOC/GAL, the movant shall, within fifteen (15) days, tender to the appointed FOC/GAL the sum of \$750.00 which the FOC/GAL shall place in escrow until the Court enters an Order dispersing said funds as payment for services. The appointed FOC/GAL is not required to render any service in the action until the

initial fee is tendered. In the event that no fee is tendered within thirty (30) days of the entry of an Order appointing, the FOC/GAL shall file notice with the Court for hearing to relieve the appointment.

#### **115 Warning Order Attorney/Military Warning Order Attorney**

The Bullitt Circuit Court Clerk shall maintain a list of attorneys approved by the presiding Family Court Judges and in good standing with the Bar Association who regularly practice in the Bullitt Family Court and who are willing to serve as Warning Order Attorney to make notice in Family Court actions. Said attorneys agree by their participation to accept a flat fee of \$200.00 for the service, except for good cause shown.

Any party, except one permitted to proceed *in forma pauperis*, who desires the appointment of a Warning Order Attorney/ Military Warning Order Attorney (WOA/MWOA), shall file a Motion for the Appointment of same which Motion complies with CR 4.05 and 4.06 and a fee of two hundred (\$200.00) dollars.

Unless a Motion for additional fee is filed accompanied by an affidavit supporting the basis for same, the Clerk shall pay the deposited fee to the Warning Order/Military Warning Order Attorney upon the entry of an Order by the presiding Judge which acknowledges the filing of the report of the WOA/MWOA in satisfaction of the appointment in conformance with the applicable statutes and CR 4.05 et seq. Failure of the WOA/MWOA to file a Motion with supporting affidavit for additional fee prior to or contemporaneous with the filing of the WOA/MWOA Report shall be deemed acceptance of the standard fee herein established.

Any attorney appointed as WOA/MWOA for a proceeding permitted to go forward *in forma pauperis* shall be appointed in the next two non-pauper actions for which the attorney is eligible.

#### **116 Written Entry of Appearance**

Attorneys engaged for representation after an action is initiated shall file a written entry of appearance with the Circuit Clerk and certify to all parties as soon as possible after engagement to include all necessary contact information and whether electronic service is accepted.

### **RULE 2. COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING**

#### **201 Regular Motion Hour and Hearing Docket Schedule**

- A. Motion hour for matters concerning Adoptions (AD), Custody, Dissolution, Separation, Child Support (CI) shall be noticed for hearing at 8:30 AM for Division 2 and 10:30 AM for Division 3 on the Monday of each week except a



Monday which falls on a recognized holiday that state government is closed (see Rule 105).

Temporary Removal Hearings (TRH) scheduled as the result of Emergency Custody Orders entered on the preceding Thursday or Friday shall be scheduled each Monday for 10:00 AM in Division 2 and 11:00 AM in Division 3 unless the Monday falls on a recognized holiday that state government is closed in which case the TRH shall be scheduled for Tuesday at such times in the respective divisions.

- B. Hearings on original petitions for Domestic Violence/Interpersonal Protective (DV/IP) Orders shall be scheduled for Tuesday of each week at 9:00 AM in the assigned Division. Motions to modify or review DV/IP Order or for hearings subsequent to the issuance of a DV/IP Order shall be noticed and scheduled for 9:00 AM on Tuesday in Division 2 and for 10:00 AM on Tuesday in Division 3.

Show cause hearings arising from DV/IP Orders assigned to Division 2 shall be scheduled at 12:45 PM on the second and fourth Tuesday of each month and those assigned to Division 3 shall be scheduled for 11:00 AM each Tuesday.

- C. Paternity and civil non-support cases with a juvenile case designation assigned to Division 2 shall be noticed and scheduled at 1:00 PM on the second and fourth Tuesday of each month and those assigned to Division 3 shall be noticed and scheduled at 1:30 PM for the first and third Tuesday of each month.
- D. Status offense cases assigned to Division 2 shall be heard on each Wednesday of the month at 1:30 PM. Status offense cases assigned to Division 3 shall be heard only on the first Thursday of each month at 1:30 PM.

Dependency, neglect and abuse cases set for arraignment, temporary removal hearing, pre-trial conference, review, or motion assigned to Division 2 shall be heard each Wednesday beginning at 9:00 AM. Dependency, neglect and abuse cases assigned to Division 2 set for adjudication or for hearing other than a temporary removal hearing shall be set each Wednesday beginning at 10:00 AM.

Dependency, neglect and abuse cases set for review or motion assigned to Division 3 shall be heard each Thursday beginning at 9:00 AM. Dependency, neglect and abuse cases set for temporary removal hearings, 10 day hearings, pre-trial conference, or disposition shall be heard beginning at 9:30 AM. Dependency, neglect and abuse cases assigned to Division 3 set for adjudication, annual permanency review, or for hearing other than a temporary removal hearing shall be set each Thursday beginning at 10:30

AM. All dependency, neglect and abuse cases arising primarily from school attendance or school behavior assigned to Division 3 shall be scheduled for hearing at the respective time indicated above ONLY ON THE FIRST THURSDAY OF EACH MONTH.

All attorneys and Cabinet for Health and Family Services (CHFS) personnel necessary for the conferencing of cases on the DNA docket are required to appear for the commencement of conferencing at 8:00 AM unless excused by the Court. Documents shall not be added into the Court file in the course of conferencing cases. No annotations to documents shall be made onto the pleadings or filings in the Court record except by the Clerk of the Court and with the knowledge and permission of the Court.

- E. Parties and other persons necessary to address the cases set on the juvenile docket are advised that to participate in conferencing before their appearance before the Court they should arrive to the courthouse no less than thirty (30) minutes prior to the time the case is to be called. The Court will not delay consideration of the matter at the docketed time solely on the basis that such persons did not arrive to the courthouse until the time the matter was set to be considered by the Court and thus did not have time to confer with Counsel or conference the case with the other parties.

## **202 Exceptions to Regular Motion Hour Schedule**

There shall be no motions noticed for hearing or other regular dockets conducted during the week of the Judicial College. If the Court is closed for any other unforeseen reason, e.g. inclement weather, the Motion Hour shall be passed to the next available Motion Hour.

## **203 Deadlines for Serving and Filing Motions; Miscellaneous Pleadings Rules**

- A. All Circuit Court motions to be heard on the Monday motion docket shall be filed, clocked and noticed no later than 2:00 P.M. on the preceding Wednesday.
- B. All motions for Paternity, Child Support (J cases), Domestic Violence, dockets shall be filed, clocked and noticed no later 2:00 PM on the preceding Thursday
- C. All motions and pleadings seeking hearing before the Court related to the Dependency, Neglect and Abuse docket for Division 2 shall be filed, clocked and noticed no later than 11:00 AM on the preceding Friday. All motions and pleadings seeking hearing before the Court related to the Dependency, Neglect and Abuse docket for Division 3 shall be filed, clocked and noticed no later than 4:00 PM on the preceding Friday.



- D. Motions filed by mail shall be mailed to the following address or such other mailing address as the Bullitt Circuit Court Clerk shall designate as the official mailing address:

Bullitt Circuit Court Clerk  
P.O. Box 746  
Shepherdsville KY 40165

- E. All motions shall be accompanied by an Order stating the requested relief and an Order setting the issue(s) for hearing with the appropriate blanks for the Court to insert the time and date of the hearing and a blank for the time allotted for the hearing.

Any motion not bearing the appropriate division assignment, filed for a date and time at which the assigned division schedules the hearing of such, and not accompanied by the requisite order(s) shall be declined for filing by the Circuit Court Clerk and returned unrecorded to the movant.

A "fill-in-the-blank" form of Order is available from the Circuit Court Clerk which may be used to satisfy this requirement.

- F. All pleadings shall be original documents. Hardcopy originals shall contain the original signature of the individual filing the document. Electronically filed documents shall comply with current "eFiling Rules". No pleadings generated by facsimile or transmitted by email shall be filed by the Bullitt County Court Clerk's Office.
- G. All civil motions shall be heard on the regularly scheduled date and time unless a different time is designated by the Court.
- H. Motions, including motions for Temporary Restraining Orders, involving an emergency that will cause irreparable harm or injury to the persons or to the property by delay in waiting for the next scheduled motion day may be heard by the Court as the Court's schedule permits and with prior approval of the Court.
- I. Except for exhibits properly introduced into evidence in the course of a hearing or trial, all filings shall be made through the Circuit Court Clerk's Office and not directly to the Court. Documents shall not be added into the Court file in the course of conferencing cases. No annotations to documents shall be made onto the pleadings or filings in the Court record except by the Clerk of the Court and with the knowledge and permission of the Court.
- J. All motions for Custody/Parenting Time, in addition to the required affidavit(s), shall be accompanied by a proposed Parenting Time Schedule that shall consider the presumption that parenting time should be shared equally between the parties. Any objection to a motion for

Custody/Parenting Time shall also be accompanied by a proposed parenting time schedule that shall consider the presumption that Parenting Time should be shared equally between the parties. The proposed Parenting Time Schedule should also consider the geographic implications of the residences of the parties who will share parenting time and the work schedule of the parties and school schedule of the child(ren).

## **204 E-filing Rejections**

The Clerk of the Court is tasked with rejecting pleadings that are electronically filed that fail to comport with the Administrative Rules of Practice and Procedure for the Kentucky Court of Justice Electronic Filing Pilot Project or the Rules of the Bullitt Family Court ("RBFC").

When the Clerk has rejected a pleading the filing party shall NOT refile the same pleading without addressing and correcting the reason the pleading was rejected.

## **RULE 3. ADOPTIONS/TERMINATION OF PARENTAL RIGHTS**

### **301 Petition**

Upon the filing of a Petition, the case shall be brought, along with any related Dependency, Neglect and Abuse and/or Termination of Parental Rights case(s), to the Family Court Judge.

### **302 Guardian *ad Litem***

In all actions for termination of parental rights or adoption that require appointment of a guardian *ad litem*, a party *pro se* or counsel shall make a motion and tender an Order for appointment of a guardian *ad litem* for the child(ren). In the best interest of the child(ren), the Court shall appoint a guardian *ad litem* (GAL) taking into consideration any previously appointed guardian *ad litem* in any related Dependency, Neglect and Abuse and/or Termination of Parental Rights case(s).

### **303 Counsel for Parents**

- A. Whenever a parent in an action for involuntary termination of parental rights requests an appointment of counsel, supported by an affidavit of indigency, the Clerk shall bring the Court any related Dependency, Neglect and Abuse file(s).
- B. If the appointment of counsel is appropriate, the Court may offer the parent the option of being represented by the same counsel who represented the parent in the Dependency, Neglect and Abuse proceeding(s).

### **304 Involuntary Termination of Parental Rights**

In accordance with FCRPP 32 (1), the petitioner shall obtain a pretrial date by filing a motion noticed for the first available Motion Hour occurring twenty-one (21) days post-filing. The Court shall, at that pre-trial date, schedule the matter for a final hearing or for good cause shown by any party schedule an additional pretrial conference. Per FCRPP 32 (1), if the parent(s) have not been served prior to the pretrial date, the pretrial shall be used as a case status review to expedite the proceeding.

### **305 Guardian *ad Litem*/Court Appointed Counsel Fee Disbursement**

Attorneys who are on the approved appointment list to serve as guardians *ad litem* and whose fees are not paid by the Finance and Administration Cabinet shall not withdraw from escrow any funds tendered for compensation until proper motion has been made to and approved by the Court.

Motions for compensation for fees that are paid by the Finance and Administration Cabinet shall be accompanied by the FINGAL-1 form available for download from the Kentucky Finance & Administration Cabinet website. <https://finance.ky.gov/services/legalsvcs/Pages/GuardianAdLitem.aspx>

## **RULE 4. DOMESTIC VIOLENCE and INTERPERSONAL PROTECTION ORDERS**

The current Uniform Protocol for handling Domestic Violence Cases for the 55<sup>th</sup> Judicial Circuit and District Court is available for review on the Court of Justice website incorporated herein by reference as if copied and set forth verbatim herein.

## **RULE 5. PATERNITY**

For statewide uniform rules of procedure see FCRPP 13.

## **RULE 6. DEPENDENCY, NEGLECT AND ABUSE**

### **601 Court Reports**

CHFS workers and CASA volunteers, if applicable, shall file with the Clerk of the Court any report, test result, or other information to be considered by the Court for scheduled reviews or dispositional purposes no less than seven (7) days prior to the docket and distributed to the attorneys of record including the County Attorney and guardian *ad litem*, the Cabinet, and CASA. The Division 2 filing deadline is the Friday before the docket; and the Division 3 filing deadline is the Monday before the docket.

## **602 Case File**

When requested, a copy of each entire juvenile file, as well as all subsequent Orders, shall be provided by the Clerk of the Court to CASA, the guardian *ad litem* and the social worker when each enters a case.

## **603 Motions**

Copies of each motion filed in a case shall be served by the movant upon CASA (if appointed in the case), the social worker (if assigned to the case), the guardian *ad litem*, the County Attorney and each attorney of record in the case. These parties shall be listed under the notice section of the motion and service upon them shall be certified by the attorney or *pro se* party filing the motion.

## **604 Cases with Siblings**

In actions involving multiple children (each child having her/his individually assigned case number), an original of each motion/pleading shall be filed in each individual sibling's case before the Court.

The County Attorney shall complete and file in each DNA action an AOC-CFCRB-14 form that includes the name and last known address of the father and mother of each child. Where "FOSTER PARENT" is indicated the form shall not include the foster parent's name and address, but shall instead state that the Cabinet has custody. When a child is placed with a relative or fictive kin the form shall include the name of the relative and relationship to the child or the name of the fictive kin and the basis for a fictive kin relationship. Where "OTHER" is indicated the form shall include the name of any paramour or former paramour who is the parent of a half-sibling to the child. The case numbers of other siblings and half-siblings shall be included with the name of the corresponding child in the NOTE section.

## **605 Juvenile Petitions**

Any petition filed in the juvenile division of the Family Court must be completed in full by the person filing the petition. If information is requested in the form that is not known to the person completing the petition that section of the forms should be marked as "unknown".

## **RULE 7. DOMESTIC RELATIONS PRACTICE**

### **701 Hearing of Cases**

Trials in chief of all domestic relations cases and all hearings related to child custody shall be heard by the Judge. The Foregoing provisions shall not preclude the use of depositions as provided in CR 32.01. This rule does not affect the method of taking proof in uncontested or settled actions.

## **702 Required Case Information**

- A. A Case Data Information Sheet shall be filed with the petition for dissolution and/or child custody. (Form AOC-FC-3).
- B. In any divorce or child custody action (except those with a related DV/IP Order) where the parties are ordered to attend Families in Transition Program, the Bullitt Circuit Court Clerk's Office shall provide a copy of the redacted Case Data Information sheet to each party for delivery to the program provider.
- C. A Certificate for Divorce or Annulment, VS-300, shall be filed with the petition for dissolution.

## **703 Appearances, Waivers, and Agreements**

- A. An Entry of Appearance, Waiver, or Agreement signed by a person not represented by counsel (*pro se* party) shall be signed and acknowledge before a Notary or Deputy Circuit Court Clerk. Signatures of a *pro se* party shall NOT be notarized by the attorney (or staff in the office of the attorney) who represents the opposing party.
- B. All Agreements and Agreed Orders shall contain the correct mailing addresses for the attorneys and parties.
- C. No one shall submit any pleading or other document through electronic filing unless the person is authorized by the Administrative Office of the Courts to utilize electronic filing. No one shall circumvent this rule by filing any pleading or other document on behalf of anyone who is NOT authorized by the Administrative Office of the Courts to utilize electronic filing with the exception of attorneys filing on behalf of their clients.

## **704 Mandatory Case Disclosure**

- A. Unless waived by the Court for good cause shown, no final Judgment or Decree of Dissolution will be entered by the Court until both parties have filed a completed Form AOC-238/239.
- B. At the option of the parties, the Respondent may, in lieu of filing the Form AOC-238/239, sign and file an acknowledgement of the Petitioner's mandatory case disclosure before a notary or Deputy Circuit Court Clerk. The acknowledgment shall state that there are no other assets or debts other than those listed in the Petitioner's mandatory case disclosure and that the Respondent agrees with the contents as stated in the Petitioner's statement.

- C. A complete mandatory case disclosure for each party, or a complete mandatory case disclosure of the Petitioner coupled with an acknowledgement by the Respondent as provided for in RBFC 704(B), shall be filed in all cases even if all issues are resolved by agreement except in cases where dissolution is granted by default judgment and all other issues are reserved.

## **705 Families in Transition Program, Procedure and Failure to Attend**

- A. Families involved in a divorce proceeding involving minor children or a child custody action shall, unless otherwise waived by the Court, be ordered to participate in the Families in Transition (FIT) Program. Parents and children between the ages of five (5) and seventeen (17) shall attend the FIT sessions, but children under the age of five (5) are not required to attend.
- B. Scheduling of Attendance
  - 1. Both the Petitioner and Respondent shall enroll in the Families in Transition Program within thirty (30) days of the date of entry of the Order of Attendance and shall complete the program within sixty (60) days.
  - 2. If any minor children of the parties are required to attend the Families in Transition Program, the parent who has possession of the child(ren) at the time of the FIT session shall be responsible for taking the child(ren) to the program and ensuring the child(ren) attend and participate in that session, and have completed their participation in the program with the time period set forth above.
  - 3. Unless for good cause shown, a party's failure to attend the Families in Transition Program when ordered may result in delay of the court action, imposition of costs, attorney's fees any other appropriate sanctions, including contempt.

## **706 Mediation**

- A. Parties are encouraged and may be ordered to engage in mediation on all substantive issues pursuant to FCRPP 2 (6).
- B. Confidentiality
  - 1. Mediation proceedings shall be held in private and all communications, verbal or written, made in the proceedings shall be confidential. The same protections shall be given to communications between the parties in the presence of the mediator, and to all mediation communications, verbal or written, with Court staff. This



Rule notwithstanding, the mediator shall be responsible for reporting suspected abuse or exploitation of an adult according to KRS 209.030 or dependency, abuse, or neglect of a child, according to KRS 620.030.

2. All conduct and communications made during a mediation conference shall be considered part of settlement negotiations and shall be governed by KRE 408.
3. Mediators shall not be subpoenaed regarding disclosure of any matter discussed during the mediation. This privilege and immunity resides with the mediator and may not be waived by the parties.

## **707 Requirements for Entry of Decree**

- A. In addition to all statutory and procedural requirements, local practice requires motions for final decree shall be accompanied or preceded by filing:
  1. In default cases, a military affidavit.
  2. A written request for restoration of a party's former name, if desired, unless the request is provided for in prior pleadings, entries of appearance or the agreement.
  3. Certificates demonstrating that both parties and their children have completed the Families in Transition Program, if applicable, unless otherwise waived by the Court.
  4. AOC Form 238/239 or AOC Form 238.3/239.3 unless filed in the Court's record prior to the Motion for Entry of Decree.
- B. Proof in uncontested or settled cases:

When a motion for final decree is made more than sixty (60) days after proof has been taken, an affidavit shall be filed stating that there has been no resumption of the marital relationship and that no material change in circumstances has occurred since the taking of the proof. Such affidavit shall be accompanied by certification that notice of filing has been sent to the other party of the motion for final decree.

Where proof is submitted by written interrogatories and the parties have executed a settlement agreement resolving all issues, a motion to enter a decree need not be placed upon the Court's docket for Motion Hour but may be submitted directly to the Court with notice to the opposing party unless a waiver of notice has been filed. The Circuit Court Clerk shall then deliver the file to the Court for consideration of the submission.

**CHILD WITNESS**

If a litigant intends to call a child to testify at a domestic relations hearing, the litigant shall seek prior approval of the Court by Motion to be heard no later than the Monday Motion docket immediately preceding the hearing date. In no case shall a child be held out of school to testify in a domestic relations matter without the prior approval of the Court.

Litigants are advised that, except in the most unusual of circumstances the Court shall require the appointment of a guardian *ad litem* for any child who is to be called as a witness. Litigants are advised to make their motion to have the child testify with sufficient time for the court to appoint a guardian *ad litem* to meet with the child and prepare for the proceedings; failure to do so will likely result in a continuance of the evidentiary hearing.

**709 Holiday Parenting Time Guidelines**

Please refer to the Appendix for the Holiday Parenting Time Guidelines.

**RULE 8. STATUS OFFENSES**

There are no local rules pertaining to Status cases. For statewide uniform rules of procedure see the JUVENILE COURT RULES OF PROCEDURE AND PRACTICE.

**RULE 9. MISCELLANEOUS****901 Protection of Personal Identifiers and Other Information**

- A. The Case Data Information sheet (Form AOC-FC-3) must be fully completed in all cases. In addition, 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 B 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) by filing one copy from which all personal identifiers have been redacted. As used in this section, "personal identifier" means a Social Security number, taxpayer 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 according to statute.
- C. When a party to a case wishes, for purposes of personal safety, to conceal any personal information not defined as a "personal identifier", including but not limited to the party's phone number or physical or mailing address, from any

other party to the case, the party shall file redacted copies of any pleadings or other documents requiring such information, or of any pleadings or other documents otherwise necessitating such information for the purpose of distribution of any Orders or other documents filed by the Court, along with unredacted copies in a sealed envelope. The envelope shall be marked with an admonition stating that it may be opened only by the party filing said envelope or by any other participant in the case upon written permission of the filing party or by Order of this Court. The written permission must be signed and acknowledged before a notary or Deputy Circuit Court Clerk. As well, the Circuit Court Clerk or Deputy Circuit Court Clerk is permitted access to the sealed and unredacted copy for the sole purpose of distributing any Orders or other documents filed by the Court.

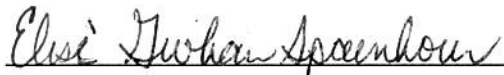
## **902 Guardians *ad Litem***

All guardians *ad litem* appointed to represent children in any litigation shall attend all court appearances involving their clients.

## **903 Preparation of Exhibits and Process for Introduction**

- A. For the purpose of conserving hearing time, litigants are required to pre-mark any document or physical evidence such as photographs, reports of drug screens, school records, etc. that the litigant intends to introduce at the hearing.
- B. For evidence to properly be admitted into the record and considered by the Court the party seeking to introduce the evidence shall:
  - 1. Mark the item with an exhibit number for identification purposes, to maintain clarity of the record, the Clerk shall provide the next available number. The Exhibit shall also be marked with the case number, identification of the introducing party and the date of submission to the record.
  - 2. Provide copies for opposing party.
  - 3. Request the bailiff (court security) show the proposed exhibit to the opposing party that said party may have an opportunity to agree or object before passing the proposed exhibit to the Judge.
  - 4. Verbally explain what the proposed exhibit is (i.e. photograph, email message, physical object, etc.) and what it purports to evince (i.e. photograph of bruises sustained from an act of domestic violence, email statement threatening to keep children away from a parent, broken cell phone, etc.)

5. Explain (via witness) how the object is relevant to the issue being addressed by the Court.
  6. Verify (via witness) that the photograph, recording, document, etc. fairly and accurately depicts what it is intended to portray into evidence.
  7. Ask that the exhibit be admitted into evidence.
- C. The courtrooms utilized for Family Court are equipped with devices to assist in the introduction of documentary, photographic and digital media evidence. It is expected and required that those persons practicing before the Court shall familiarize themselves with the technology prior to the commencement of the hearing. Court personnel are not available to facilitate the introduction of evidence for the litigants. If a party requires access to the courtroom prior to the scheduled court event to practice the use of the technology and/or to insure that the media intended to be used by the party is compatible with the evidence presentation system available in the courtroom, the party should contact the office of the Judge before whom the matter is to be heard and schedule a time through the Judge's secretary to have access to the courtroom to do so.



Hon. Elise' Givhan Spainhour  
Judge, Bullitt Circuit Court  
Family Court, Division 2



Hon. Monica K. Meredith  
Judge, Bullitt Circuit Court  
Family Court, Division 3

### **Holiday Parenting Time**

- A. In all cases, unless the parties shall otherwise agree in writing, wherein the parties have a minor child or children over two (2) years of age, regardless of whether custody is joint or sole, holiday visitation is required with the following schedule, which shall apply until further order of the Court, unless there is good cause shown.
- B. The parents shall alternate possession of the minor children during the following holidays: New Years Day, Easter, Memorial Day, July 4<sup>th</sup>, Labor Day, Halloween, Thanksgiving Day, Christmas Eve from 10:00 a.m. until 10:00 a.m. Christmas Day, and Christmas Day after 10:00 a.m.
- C. The Petitioner shall have the following holidays:
  - 1. Even Years: New Years Day, Easter, July 4<sup>th</sup>, Thanksgiving Day, and Christmas Day after 10:00 a.m.
  - 2. Odd Years: Memorial Day, Labor Day, Halloween, and Christmas Eve from 10:00 a.m. to 10:00 a.m. Christmas Day.
- D. The Respondent shall have the following holidays:
  - 1. Odd years: New Years Day, Easter, July 4<sup>th</sup>, Thanksgiving Day, and Christmas Day after 10:00 a.m.
  - 2. Even Years: Memorial Day, Labor Day, Halloween, and Christmas Eve from 10:00 a.m. to 10:00 a.m. Christmas Day.
- E. On Birthdays, Mother's Day and Father's Day:
  - 1. Possession of a child for his or her birthday shall alternate with the Petitioner having even numbered years and with Respondent having odd numbered years, regardless of other visitation scheduled.
  - 2. The father shall have the children on Father's Day and his birthday, regardless of any other visitation scheduled.
  - 3. The mother shall have the children on Mother's Day and her birthday, regardless of any other visitation scheduled.
- F. School Break Periods:

1. The Petitioner shall have the children:
  - a. Even Years: Christmas Day at 10:00 a.m. to the first day of school, last day of school beginning spring break until 12:00 noon on Wednesday.
  - b. Odd Years: Last day of school before break through 10:00 a.m. Christmas Day, Wednesday at 12:00 noon through resumption of school ending the spring break.
2. The Respondent shall have the children:
  - a. Odd Years: Christmas Day at 10:00 a.m. to the first day of school, last day of school beginning spring break until 12:00 noon on Wednesday.
  - b. Even Years: Last day of school before break through 10:00 a.m. Christmas Day, Wednesday at 12:00 noon through resumption of school ending the spring break.
3. Fall breaks shall be alternated between the parents.
4. This visitation shall apply regardless of weekend alternation. Alternation of weekend visitation shall resume following the end of holiday visitation.
5. Petitioner shall be responsible to ensure that a child or children are delivered to visitation and Respondent shall ensure that the child or children are returned from visitation. Holiday visitation begins at 8:00 a.m. and lasts until 8:00 p.m. on the holiday unless the holiday follows a weekend visitation in which case the weekend visitation will continue through the holiday until 8:00 p.m. except as set out herein regarding Christmas Eve, Christmas Day, and spring break.
6. Any other Monday or Friday holidays not previously mentioned shall attach to the weekend so that the parent having the weekend shall receive the holiday.



**TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS  
AND LOCAL JOINT JURISDICTION PROTOCOL  
55<sup>th</sup> 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.

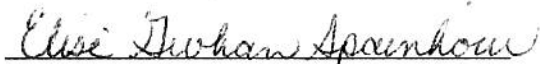
This protocol is adopted by all judicial officers in the circuit this the 1<sup>st</sup> day of April, 2020.



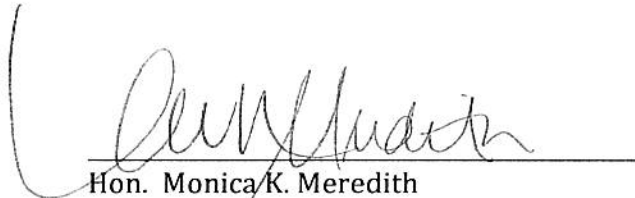
Hon. Rodney Burress  
Circuit Judge, Division I



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