Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL FOR THE 56TH JUDICIAL CIRCUIT AND DISTRICT, CALDWELL, LIVINGSTON, LYON, AND TRIGG COUNTIES

Upon the recommendation of the judges of the 56th Judicial Circuit and District, Caldwell, Livingston, Lyon, and Trigg counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol Domestic Violence Protocol for the 56th 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 13th day of March 2023.

CHIEF JUSTICE

APPENDIX 1:

COMMONWEALTH OF KENTUCKY
56TH JUDICIAL CIRCUIT AND DISTRICT
LIVINGSTON, LYON, CALDWELL AND TRIGG COUNTIES

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL

Pursuant to KRS 403.725 and KRS 456.030, and in compliance with Section IV of the Kentucky Family Court Rules of Procedure and Practice (FCRPP), this local protective order protocol is established to ensure 24-hour accessibility to emergency protective orders (EPOs) and temporary interpersonal protective orders (TIPOs) (collectively, "orders of protection") and to establish written procedures for matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Effective Date

A. This protocol is effective upon written approval of the Supreme Court of Kentucky.

II. Uniform Protocol for Processing 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. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence and Interpersonal Protective Orders" section of 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. Domestic violence matters may be reassigned from the district court division to circuit court when there is a dissolution/custody proceeding pending.

E. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.

F. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

1. If it is discovered a pending dissolution or custody matter is pending in the 56th Circuit Court, the District Court will transfer the case to Circuit Court if either party requests, otherwise the District Court shall hear the case.

2. If it is discovered there is a pending dissolution or custody matter in another district, an emergency protective order shall continue and the summons shall be reissued by the initiatin.g court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the court determines it necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

G. 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.

III. 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:

1. All circuit court clerks, 8 a.m. - 4 p.m.
2. All law enforcement, 8 a.m. - 4 p.m.

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. All law enforcement.

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

1. District judges
2. Trial commissioners

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

1. District judges
2. Trial commissioners

E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

F. The schedule for domestic violence hearings is as follows:

1. Livingston -	Tuesday, 1:00 p.m.
2. Lyon -	Monday, 1:00 p.m.
3. Trigg -	Thursday, 1:00 p.m.
4. Caldwell-	Wednesday, 1:00 p.m.

IV. Contempt Proceedings

A. Pursuant to KRS 403.736 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:

1. Circuit clerk - Mon - Fri, 8 a.m. to 4 p.m.
2. All law enforcement - after office hours

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

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

Hon. James Redd, III — Date 3/7/23

Hon. Natalie White — Date 3/7/23

Hon. R. Brandon Knoth — Date 3/8/2023

Hon. Matt Schalk — Date 3/8/23