Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 57TH JUDICIAL CIRCUIT AND DISTRICT AND 40TH JUDICIAL DISTRICT, RUSSELL AND WAYNE COUNTIES

Upon the recommendation of the Judges of the 57th Judicial Circuit and District and 40th Judicial District, Russell and Wayne counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 57th 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 11th day of December 2015.

CHIEF JUSTICE

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL
57th JUDICIAL CIRCUIT AND 40TH JUDICIAL DISTRICT
RUSSELL and WAYNE COUNTIES

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rule of Practice and Procedure Section IV, 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 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 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, 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 protective order petitions and administer oaths to petitioner **during** regular business hours (Monday through Friday, 8:00 a.m.—4:30 p.m.):

A verified petition for a Domestic Violence Order (DVO) and ex parte Emergency Protective Order (EPO) shall be filed at the Circuit Clerk's Office in Russell or Wayne County during regular business hours (Russell County: Monday through Friday 8:00 a.m. – 4:30 p.m. C.S.T., and the 1st and 3rd Saturdays of each month 8:00 a.m. – 11:00 a.m. C.S.T. and Wayne County: Monday through Friday 8:00 a.m. – 4:00 p.m. **E.S.T.** and the 1st and 4th Saturdays of each month 9:00 a.m. – 11:45 a.m. **E.S.T.**).

B. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **outside** regular business hours and weekends:

Outside regular business hours, on weekends and holidays, the Circuit Clerk of each county and all the sworn deputies; the County Jailer of each county and all sworn deputies; the County Sheriff of each county and all sworn deputies; the County Attorney of each county and all office staff; the Chiefs of Police for the Cities of Jamestown, Russell Springs, Monticello, and all sworn officers within those departments, Russell and Wayne County 911 staff; and any Kentucky State Police Officers assigned to Russell and Wayne County, are authorized to provide and verify Domestic Violence Petitions to any person seeking same and administer the oath. Upon administering the oath the person shall affix their signature and office position to the petition in witness and in verification of the oath.

C. Upon receipt of a petition for a domestic violence order under KRS Chapter 403 **during** regular business hours, the authorized agency/officer shall present the petition to the following:

In Russell and Wayne Counties, the Family Circuit Judge, or if unavailable, the Russell/Wayne Trial Commissioner or if unavailable, a Russell/Wayne District Judge.

D. Upon receipt of a petition for an interpersonal protective order action under KRS Chapter 456 **during** regular business hours, the authorized agency/officer shall present the petition to the following:

The Family Circuit Judge or the District Judge assigned to preside over interpersonal protective order actions that calendar month according to the schedule in Section III(C) below.

E. Upon receipt of a petition for a domestic violence order under KRS Chapter 403 **outside** regular business hours, the authorized agency/officer shall present the petition to:

In Russell and Wayne Counties, the Family Circuit Judge, or if unavailable, the Russell/Wayne Trial Commissioner or if unavailable, a Russell/Wayne District Judge.

F. Upon receipt of a petition for an interpersonal protective order action under KRS Chapter 456 **outside** regular business hours, the authorized agency/officer shall present the petition to the following:

The Family Circuit Judge or the District Judge assigned to preside over interpersonal protective order actions during that calendar month according to the schedule in Section III(C) below or if unavailable, a Russell/Wayne Trial Commissioner or if unavailable, a Russell/Wayne Family Circuit or 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 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 interpersonal protective order cases to the Family Circuit Court, District Court Division 1 and District Court Division 2 according to the following schedule:

January	Family Circuit
February	District Division 1
March	District Division 2
April	Family Circuit
May	District Division 1
June	District Division 2
July	Family Circuit
August	District Division 1

September	District Division 2
October	Family Circuit
November	District Division 1
December	District Division 2

D. The schedule for hearings on domestic violence orders under KRS 403 is as follows:

RUSSELL COUNTY

2nd and 4th Thursdays of each month at 10:00 a.m. CST

WAYNE COUNTY

2nd and 4th Tuesdays of each month at 10:00 a.m. CST

E. The schedule for hearings on interpersonal protective orders under KRS 456 is as follows:

On calendar months such cases are to be heard in Family Circuit Court:

RUSSELL COUNTY

2nd and 4th Thursdays of each month at 10:00 a.m. CST

WAYNE COUNTY

2nd and 4th Tuesdays of each month at 10:00 a.m. CST

On calendar months such cases are to be heard in District Division 1:

1st + 3rd Mondays in Wayne Co. at 11:00 am E.S.T,
2nd + 4th Monday in Russell Co at 11:00 am of E.S.T

On calendar months such cases are to be heard in District Division 2:

1st and 3rd Mondays of each month at 10:00 A.M. CST

F. 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 re-issue a summons until the matter may be heard by the receiving judge.

2015-11-18 13:28 Family Crt Judge 2703431361 >> 6063878682 P 5/6
2015-11-19 09:23 Judge Latham 6063870471 >> Family Crt Judge P 5/6

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 Circuit Clerk in the County where the existing protective order was entered.

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 undersigned hereby acknowledge that 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 judicial officers in the circuit:

11/18/15
Jennifer Upchurch Edwards Date
Family Circuit Judge
57th Judicial Circuit

11-19-15
Vernon Miniard Date
Circuit Judge
57th Judicial Circuit

11-18-15
James M. Lawson Date
District Judge, Division 1
40th Judicial District

11/19/15
Scarlett B. Latham Date
District Judge, Division 2
40th Judicial District

2015-11-19 09:23 Judge Latham 6063870471 >> Family Crt Judge P 6/6
2015-11-18 13:29 Family Crt Judge 2703431361 >> 6063878682 P 6/6