

Supreme Court of Kentucky

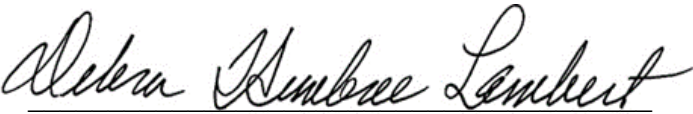
ORDER

IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 5TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, CRITTENDEN, UNION, AND WEBSTER COUNTIES

Upon recommendation of the Judges of the 5th Judicial Circuit, Crittenden, Union, and Webster counties, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 5th Judicial Circuit, Family Court Division, Crittenden, Union, and Webster counties, 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 13th day of January 2026.


CHIEF JUSTICE



LOCAL RULES OF COURT PRACTICE AND PROCEDURE

5th Judicial Circuit – Crittenden, Union, and Webster Family Courts



UPDATED 2026

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RULE 1 INTRODUCTION/ADMINISTRATIVE PROCEDURE

101 Preface. These are the Uniform Rules of Court Practice and Procedures of the Fifth Judicial Circuit, Family Division (Crittenden Family Court, Union Family Court, and Webster Family Court). These rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP) and the Kentucky Rules of Civil Procedure (CR). These rules shall be the only operative Family Court Rules of the Fifth Judicial Circuit. All previous rules adopted in the Fifth Judicial Circuit, Family Division, are hereby rescinded.

102 Effective Date. The effective date of these rules shall be thirty (30) days after Kentucky Supreme Court Approval.

103 Citation. These rules shall be cited as “LRFC” (Local Rules of the Family Court) or “Local Rules.”

104 Holidays. Holiday schedules may be obtained at the Crittenden Circuit Clerk’s Office, Union Circuit Clerk’s Office, and the Webster Circuit Clerk’s Office.

105 Jurisdiction. Pursuant to KRS 23A.100, the 5th Circuit Family Court has subject matter jurisdiction of the following types of cases: Adoptions, child custody and parenting time, child visitation, child support actions (URESA and UIFSA), juvenile dependency, neglect and abuse actions, dissolution of marriage and matters ancillary thereto, domestic violence actions, juvenile status offenses, paternity, termination of parental rights, and subject to jurisdictional limitations, other actions that may be transferred to the Family Court from 5th Circuit Court or 5th District Court for purposes of consolidation or convenience.

Pursuant to KRS 23A.100, the Family Court shall be the primary forum for these cases, except that nothing shall be construed to limit the concurrent jurisdiction of the District Court where necessary and applicable. Pursuant to KRS 23A.110, additional jurisdiction of the Family Court shall be liberally construed and applied to promote the underlying purposes outlined in the statute.

106 Penalties. The Court may assess costs and fees or impose any appropriate sanctions, including using its full contempt powers against a party or attorney not complying with one or more of these rules. This includes sanctioning attorneys or parties for failing to provide documents as required by FCRPP or failing to appear at scheduled court appearances.

107 Warning Order Attorney, Friend of the Court, and *Guardian Ad Litem*

- A. In all actions for adoptions of children or termination of parental rights, a *Guardian Ad Litem* shall be appointed for the child in accordance with KRS 199.473(11) and KRS 620.100(1)(a).
- B. Fees. All Warning Order Attorney, Friend of the Court, and *Guardian Ad Litem* fees paid pursuant to this rule are to be taxed as costs.
 - a. Motions for compensation shall be accompanied by an affidavit indicating:
 - i. The statutory basis for appointment;
 - ii. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
 - iii. That the action or proceeding has been concluded and date of disposition.
 - b. The *Guardian Ad Litem* fee in actions regarding termination of parental rights, paternity and/or dependency, abuse and neglect are governed by statute.
 - c. The Circuit Clerk shall pay any remitted fees to the Warning Order Attorney/Friend of the Court/*Guardian Ad Litem* upon the approval of the motion requesting compensation.
- C. Appointment.
 - a. *Guardians Ad Litem* and Friends of the Court shall be appointed from a list of attorneys who are in good standing with the local Bar Association, have completed the training provided by the Administrative Office of the Courts, and have been approved by the presiding Family Court Judge.
 - b. A Warning Order Attorney shall be appointed upon request.

RULE 2 COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING

201 Court Schedules. The following is a general schedule for matters routinely before the 5th Circuit Family Court. This schedule is subject to review and revision and may be modified by the Judge to accommodate holidays, weather conditions, circumstances of the parties, or other schedules, as the Judge deems necessary to efficiently and effectively accomplish the business of the Court.

201(A) Webster Family Court

- (1) All motions filed in Webster Family Court in cases assigned with a "CI" case number or filed in paternity proceedings, for which the motion relates to the establishment, enforcement, or collection of child support shall be heard on the first and third Monday of each month at 1:30 P.M., CST.
- (2) All motions filed in Webster Family Court in cases assigned with a "CI" case number or filed in paternity proceedings, for which the motion does not relate to the establishment, enforcement, or collection of child support shall be heard on the second and fourth Monday of each month at 1:30 P.M., CST.

- (3) Motions in Dependency, Neglect, and Abuse (DNA) and Domestic Violence (DV) and Interpersonal Protective Order (IPO) actions shall be noticed for and heard on the first, second, third, or fourth Monday of each month. DNA actions shall be heard at 9:00 A.M., CST. DV and IPO actions shall be heard at 11:00 A.M., CST.
- (4) Emergency Dependency, Neglect, and Abuse and status cases may be heard on any day of the week as ordered by the Court.
- (5) There will be no regularly scheduled motions to be heard on the fifth (5th) Monday of each month.

201(B) Union Family Court

- (1) All motions filed in Union Family Court in cases assigned with a “CI” case number or filed in paternity proceedings, for which the motion relates to the establishment, enforcement, or collection of child support shall be heard on the first and third Wednesday of each month at 9:00 A.M., CST.
- (2) All motions filed in Union Family Court in cases assigned with a “CI” case number or filed in paternity proceedings, for which the motion does not relate to the establishment, enforcement, or collection of child support shall be heard on the second and fourth Wednesday of each month at 9:00 A.M., CST.
- (3) Motions in Dependency, Neglect, and Abuse (DNA) and Domestic Violence (DV) and Interpersonal Protective Order (IPO) actions shall be noticed for and heard on the first, second, third, or fourth Wednesday of each month. DNA actions shall be heard at 1:30 P.M., CST. DV and IPO actions shall be heard at 11:00 A.M., CST.
- (4) Emergency Dependency, Neglect, and Abuse and status cases may be heard on any day of the week as ordered by the Court.
- (5) There will be no regularly scheduled motions to be heard on the fifth (5th) Wednesday of each month.

201(C) Crittenden Family Court

- (1) All motions filed in Crittenden Family Court in cases assigned with a “CI” case number or filed in paternity proceedings, including those motions that relate to the establishment, enforcement, or collection of child support, will be heard on the second and fourth Tuesday of each month at 1:30 P.M., CST.
- (2) Motions in Dependency, Neglect, and Abuse (DNA) and Domestic Violence (DV) and Interpersonal Protective Order (IPO) actions shall be noticed for and heard on the first, second, third, or fourth Tuesday of each month. DNA

actions shall be heard at 9:00 A.M., CST. DV and IPO actions shall be heard at 11:00 A.M., CST.

(3) Emergency Dependency, Neglect, and Abuse and status cases may be heard on any day of the week as ordered by the Court.

(4) There will be no regularly scheduled motions to be heard on the fifth (5th) Tuesday of each month.

202 Exceptions to Regular Motion Hour Schedule

A. There will be no Motion Hour during the week of the Judicial College or through period of December 24th through January 1st each year.

B. No Motion shall be noticed to be heard on a state holiday.

C. If the court is closed for any unforeseen reason, i.e., inclement weather, the Motion must be re-noticed by the party filing the Motion to be heard on a regular scheduled Motion Hour.

D. Any Motion expected to require a lengthy hearing, i.e., more than 15 minutes, may be assigned for a hearing at a specific time other than the regular scheduled Motion Day by the Office of the Family Court.

E. For good cause shown, a Motion may be heard by telephonic conference at the discretion of the Judge. Dates and Times for telephonic conference may be obtained through the Judge's Case Managers at the Office of the Family Court.

203 Filing, Notice, and Service of Motions

A. Except for good cause shown, as permitted by FCRPP or Statute, or waiver of notice requirements, all motions shall be filed at least seven (7) days prior to the scheduled hearing date. Any motion filed less than seven (7) days in advance may be denied as procedurally deficient or continued to a date more than seven days after the filing of the motion. Responses, if any, shall be filed and served at least two (2) days prior to the hearing date. Service of the motion shall occur at least three (3) business days prior to the hearing date. These time limits may be waived by the court on a showing of good cause or in the interest of justice.

B. Each motion and notice shall contain a certificate of service setting forth the party or attorney to whom the photocopy was delivered, the method(s) of delivery, and the date that the photocopy was delivered or transmitted. Photocopies of motions and/or notices shall be mailed, hand-delivered, faxed, or delivered in a manner otherwise approved by the Courts, to opposing parties or counsel on the same date the motion or

notice is filed. Courtesy copies of all motions shall be emailed to the Judge's office at 5thcircuitfamilycourt@kycourts.net.

- C. All motions, except those included in an answer, when served on the adverse party, shall contain a date on which said motion shall be heard. Any motion which fails to include the date of the hearing shall be treated as if no motion has been filed.
- D. All pleadings, motions, and documentation (except items of evidence) shall be typewritten. E-filing shall be the preferred method of filing. All parties with counsel should utilize the e-filing system for all Family Court matters when possible. Motions not e-filed may otherwise be filed in person at the appropriate Clerk's office, or by facsimile so long as a hard copy is subsequently file of record, within the time limits provided for in these rules. All pleadings shall contain the correct mailing address, email address, and telephone number of the party or attorney filing the pleading.
- E. All pleadings, motions, and documentation which include any material generated by artificial intelligence (AI) shall also include the following certification language within the document:

I further certify that no portion of any filing in this case will be drafted by generative artificial intelligence or that any language drafted by generative artificial intelligence—including quotations, citations, paraphrased assertions, and legal analysis—will be checked for accuracy, using print reporters or traditional legal databases, by a human being before it is submitted to the Court. Failure to comply will result in sanctions by the Court. I understand that any attorney or *pro se* litigant who signs any filing in this case will be held responsible for the contents thereof according to applicable rules of attorney discipline, regardless of whether generative artificial intelligence drafted any portion of that filing.
- F. Motions for post-judgment relief shall be served on the opposing party as well as any attorney of record. It is the responsibility of the parties to keep the Court apprised of any address changes.
- G. Motions to compel discovery shall contain a certificate, by counsel, that he or she has conferred or corresponded with opposing counsel and that they are unable to reconcile their difference without a hearing. The Court considers willful, deceptive, deliberate, or protracted noncompliance with discovery to be a serious matter. The Court may, at its discretion, allow attorneys' fees and impose appropriate sanctions against counsel who fails to reasonably comply with discovery requests as outlined in the Kentucky Rules of Civil Procedure.
- H. The Clerk shall keep a motion docket for those motions to be heard on regular motion days. The motion docket will be called on motion day. The Court, in its discretion, may hear and determine any motion or other matter before it at any time in accordance with the rules of civil procedure.

204 Motions Routinely Granted. Motions may be made under CR 78(2) which makes provision for the determination of motions without oral hearing upon a brief written statement of reasons in support and opposition. Movant shall state that the motion is made under CR 78(2) and this local rule. The notice shall specify that the motion may be routinely granted without hearing by the court, upon the expiration of ten (10) calendar days if no response is filed. The notice may take substantially the following form:

This motion is submitted to the Court for decision pursuant to CR 78 and Local Rule 204. This motion may be routinely granted by the Court ten (10) calendar days from the date of filing, without a hearing on the motion, unless a response or objection is filed. If the opposing party wishes to have this matter heard in open Court, s/he must so state in the response, and shall set the matter for determination on a regular motion hour docket, with appropriate notice to all parties and the Court.

If a party opposing the motion desires oral hearing, they shall so state, and proceed to notice the motion for the following motion day. Movants under CR 78(2) shall file an appropriate tendered order of relief with the Court. The Court reserves the right to alter or amend the tendered order to conform to its opinion as to the appropriate remedy of the Court.

205 Continuance of Motions. Any attorney or *pro se* party who will be unable to be present at the time scheduled in the motion shall immediately notify the moving attorney or *pro se* party and attempt to establish a mutually agreeable time for hearing the motion. If unsuccessful, the party seeking continuance shall immediately file a motion for continuance in writing, state the reasons for the continuance, and shall send a copy directly to the attention of the Family Court, as well as filing the motion with the Clerk. Any motion for continuance in a dependency, neglect, or abuse matter shall comply with the requirements of FCRPP 21. The Court shall have discretion to allocate costs by reason of a continuance upon a showing of good cause. The Court has final discretion in the granting or denying of any continuance and may require the hearing to proceed even if the parties agree to the continuance.

206 Entry of Orders and Judgements. The Court may direct an attorney or *pro se* party to prepare an order reflecting the findings of the Court, or take the matter under submission for preparation of an order by the Court. Any order prepared by an attorney or *pro se* party shall contain a signature as "Tendered By" or "Prepared By," and be submitted to the opposing attorney or *pro se* party for signature as "Have Seen." By signing the tendered order as such, neither the attorney nor a *pro se* party is waiving any objection to the content of the order, but is only agreeing that the order reflects the findings of the Court. All orders shall be prepared as separate instruments.

If the responding attorney or *pro se* party fails to sign the order, the submitting attorney or *pro se* party may file the order with the clerk with the notice of same. Within three (3) days after filing of the order with the clerk, the opposing attorney or *pro se* party may file any objections to the order, specifying the reasons therefore or submit an alternative order for consideration by the Court, after which time the matter shall stand submitted to the Court.

Any orders of the Court on the Court's calendar shall have full force and effect of law. Orders which are electronically signed, faxed, scanned, emailed as a scanned document, or otherwise personally authorized by the Court are enforceable orders. The time frames for filing Notices of Appeal or any motions to reconsider shall be from the date of the entry of the original order with the Circuit Court Clerk.

RULE 3 ADOPTIONS/TERMINATION OF PARENTAL RIGHTS

301 Strict Compliance. All actions for adoptions and terminations of parental rights shall be in strict compliance with the statutory requirements (See KRS Chapters 199 and 625). In all actions a *Guardian Ad Litem* shall be appointed for the child, unless falling under the exception enumerated by KRS 199.480(3). (See Local Rule 107, and KRS Ch. 625).

302 Inspection of Adoption Records. Applications regarding inspection of Adoption Records Requests are to be filed with the Circuit Clerk's Office, and once filed, the Circuit Clerk shall transmit the request along with the applicable file to the 5th Circuit Family Court Judge.

303 Temporary Custody Order. Temporary Custody Orders granted pursuant to KRS 199.473(7) shall be SEALED, and not opened to inspection by persons other than the parties to such proceedings and their counsel.

304 Obtaining Date and Time for Hearings in Adoption Cases

- A. Once all procedural requirements have been met, including the home investigation where necessary, the attorney for Petitioner(s) must submit all proposed Findings of Fact and Judgment of Adoption for approval by the Family Court Judge prior to obtaining a date for a Final Hearing in an adoption action. Proposed documents may be submitted to the Court by email.
- B. Once approval of the proposed orders has been obtained from the Family Court Judge, parties may secure a date and time for all hearings in adoptions via email or by Motion.

RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24-HOUR ACCESS POLICY

401 Procedures for Filing and Obtaining Emergency Protective Orders. Pursuant to KRS 403.725, the Twenty-Four Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol is attached hereto as Appendix A and incorporated herein by reference.

During the hours of 8:00 A.M. to 4:00 P.M. Monday through Friday, a person who wishes to obtain an Emergency Protective Order should go to the Circuit Clerk's Office in their respective county and file a Domestic Violence Petition. At times other than these regular Circuit Court Clerk business hours, the person seeking protection should contact any sworn peace officer (local city police, sheriff's office, or state police) or the County Attorney in their respective county to obtain a Domestic Violence Petition.

The above designated person, receiving a completed Domestic Violence Petition after regular Circuit Court Clerk business hours, is authorized to administer an oath to the Petitioner affirming the truthfulness as to the contents of the petition, and shall sign their name and office position to the petition as witness and verification of said oath.

The completed, sworn Domestic Violence Petition shall immediately be presented to the Family Court Judge of the 5th Judicial Circuit. If not available, the petition may be presented to any trial commissioner, District Judge, or Circuit Judge of the 5th Judicial Circuit. If no authorized individual can be found in the 5th Judicial Circuit, the office shall present the verified petition to the Family Court Judge, Circuit Judge, District Judge, or Trial Commissioner in any surrounding county.

402 Violation of Domestic Violence Orders

- A. Without limiting a party's choice of remedies, alleged violations of Domestic Violence Orders should be referred to the Crittenden District Court, Union District Court, and Webster District Court for possible prosecution, except as set forth in 402(B).
- B. Without limiting a party's choice of remedies, alleged violations of Domestic Violence Orders pertaining to visitation, child support, or firearms provisions should be initiated through the Crittenden Family Court, Union Family Court, and Webster Family Court and scheduled for contempt hearings on appropriate Crittenden, Union, and Webster Family Court dockets.

403 Cross-Referencing Cases. At the time the case is opened (whether the petition was taken during regular office hours or after hours), the Circuit Clerk, in accordance with the clerk's manual, shall check the index of circuit court cases to ascertain if a dissolution or child custody proceeding is pending. If it is determined a dissolution or child custody proceeding is pending and an EPO is issued, the Circuit Clerk shall, in accordance with the clerk's manual, cross-reference the "D" case with the dissolution or child custody case. Additionally, if a Domestic Violence Order is issued, upon entry, the Circuit Clerk shall place a copy of the EPO/DVO in the dissolution or child custody case file.

404 Guardians Ad Litem in Domestic Violence and Interpersonal Protective Matters. Pursuant to the holding by the Supreme Court of Kentucky in *Smith v. Doe*, 627 S.W.3d 903

(Ky. 2021), the Court must appoint a *Guardian Ad Litem* to represent an unrepresented minor in domestic violence order and interpersonal protective order matters.

RULE 5 PATERNITY

501 Motion Practice. All motions in Paternity cases shall be filed and noticed for a hearing in accordance with Rule 201 herein.

502 Reopening Fee. Pursuant to FCRPP 14(1), a \$50.00 reopening fee for cases that have been inactive for six months on a particular issue shall not be paid for motions in cases brought pursuant to Title IV-D of the Social Security Act for child support modification or enforcement. However, where an action is initiated pursuant to Title IV-D but subsequent motions regarding child support, custody, or visitation are brought by a private attorney or are filed by a party *pro se*, rather than by Title IV-D counsel, the fee shall be charged unless the motion is brought *in forma pauperis*.

503 Permission to Review and Copy Paternity Case Files

- A. An attorney seeking permission to review and copy a paternity case file must first file a Notice of representation signed by a party with a notarized release authorizing that attorney to inspect the parties' paternity case file for reasons relating to representation in that action of a party thereto. Regardless of the subsequent representation or non-representation of the party, any information contained in such file is confidential and subject to the attorney-client privilege.
- B. Either party to a paternity action shall be permitted to inspect the order entered in the action to which he is a party.
- C. The Clerk's office shall permit any County Attorney involved in the particular case, and attorneys and *Guardians Ad Litem* who are representing incarcerated parents in paternity cases, to have access to the records of these actions.
- D. All other persons desiring to inspect a paternity case file shall first obtain an order from the court permitting such inspection.

RULE 6 DEPENDENCY, NEGLECT, OR ABUSE ACTIONS

601 **Procedure for Emergency Custody Orders**

- A. During normal working hours, 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays, persons seeking an Emergency Custody Order (ECO) shall come to the Circuit Court Clerk's office in the County where the request is being made and the Circuit Clerk shall contact the Family Court Judge or the District Court Judge.
- B. After working hours, 5:00 p.m. to 8:00 a.m. Monday through Friday, and on weekends, the Family Court Judge or the District Court Judge shall be contacted by DCBS or the responding police agency.

602 Effect of Service on Only One Parent/Person Exercising Custodial Control. The Judge may permit the Temporary Removal Hearing or the Adjudication Hearing to go forward when the non-custodial parent has not been served in accordance with FCRPP 18(1) if it is established on the record that the Petitioner has made diligent efforts to serve all parties including initiating contact with the Child Support Division of the County Attorney's Office in an attempt to locate any absent parent. The Petitioner shall make continuing diligent efforts after the hearing to locate and notify all persons who were not served.

603 **Time for Temporary Removal Hearing**

- A. The Temporary Removal Hearing shall be held within 72 hours, excluding holidays and weekends, on the issuance of an ECO. The time and date for the Temporary Removal Hearing may be obtained by contacting the Office of the Family Court Judge.

604 *Guardian Ad Litem.* In every Dependency, Neglect, or Abuse proceeding, the court shall appoint a *Guardian Ad Litem* to represent the child, as required by KRS 620.100(1)(a). The *Guardian Ad Litem* shall be appointed as soon as the first document comes into the Circuit Clerk's office from a list of *Guardians Ad Litem* prepared by the Court. Any attorney desiring to be placed on the list of *Guardians Ad Litem* must first complete the training for dependency, neglect, or abuse cases offered by the Administrative Office of the Courts.

605 Court-Appointed Special Advocate (CASA). In every Dependency, Neglect, or Abuse proceeding in counties where the CASA Network is established, a CASA volunteer will be appointed for the child, as authorized by KRS 620.100(1)(e). The CASA Volunteer shall be appointed as soon as the first document comes into the Circuit Clerk's office.

606 Duty of Guardian Ad Litem, Parent Attorney, and CASA Volunteer to continue.

Except for good cause shown, after a *Guardian Ad Litem*, court-appointed attorney for the parent or person exercising custodial control, and CASA Volunteer accepts an appointment, representation shall continue through all stages of the dependency, neglect, or abuse proceedings. All parties shall be served with the notice of an attorney's request to withdraw.

607 Records and Transcripts. A videotaped record of all proceedings shall be kept, and copies shall be made available to the parties and their counsel upon request in accordance with the provisions of FCRPP 27.

RULE 7 DOMESTIC RELATIONS PRACTICE

701 Filing Fees. Unless permitted by the Court to proceed *in forma pauperis*, filing fees (as are required by the Kentucky Court of Justice, the Administrative Office of the Courts, and Kentucky Revised Statutes) shall accompany the filing of the petition and applicable motions. When a litigant is granted leave to proceed *in forma pauperis*, such determination allows the petition or motion to progress, but is not a final allocation of costs and fees. Absent the parties' agreement, the Court will determine this allocation in the final disposition of the matter.

702 Appearance, Waivers, and Agreements. Any unrepresented party who signs and acknowledges an appearance and waiver or agreement shall do so before a notary or deputy clerk.

703 Mediation

- A. Mediation allows parties an opportunity to resolve their issues through an informal process independent of, and outside of, the court process. Unless a party and/or their counsel specifically requests a private mediator, the Family Court Judge will refer cases it deems appropriate for mediation (after consideration of the factors in FCRPP 39(2)) to its on-staff trained mediator, which is available at no cost to the parties. The Court's mediator will act as a neutral third person who encourages and assists settlement by facilitating communication between the parties. The mediator will not provide legal advice or assist any party with their claim. The mediator shall keep mediation information confidential under CR 99.11, except for reporting obligations provided in CR 99.09.
- B. Mediation shall not be ordered in any case where one party may pose a risk of harm to other participants, and, in no event, shall mediation be ordered in conflict with KRS 403.036.

- C. The parties and their counsel, if represented, shall attend the scheduled mediation and participate in good faith. If either party should fail to appear without reasonable notice and/or good cause, at the conclusion of the case, the Court may, upon motion, award attorney's fees and/or costs or impose any other appropriate sanction, including contempt.
- D. Unless agreed by the parties, their counsel, and the mediator, mediation conferences shall be closed to all persons other than the parties and their legal representatives.
- E. No part of mediation may be recorded without express agreement of the parties, counsel, and the mediator.
- F. Any agreement reached during mediation by the parties on any issue shall be reduced to writing and signed by the parties and their counsel.
- G. Each party shall file **at least seven (7) days prior to the mediation** any related motions and any stipulations or agreements reached.
- H. For mediations conduct in dissolution cases, each party shall tender **at least seven (7) days prior to the mediation** their Preliminary Verified Disclosure Statement (AOC Form 238), and any objections thereto, to the mediator via the mediator's email address, or via mail to P.O. Box 417, Marion, Kentucky 42064. Failure to timely tender the Preliminary Verified Disclosure Statement may result in the mediation being vacated at the mediator's discretion.
- I. All conduct and communications made during a mediation conference shall be treated as settlement negotiations and shall be governed by Kentucky Rules of Evidence (KRE) 408.
- J. Mediators shall not be subpoenaed regarding the disclosure of any matter discussed during the mediation which is considered confidential. The privilege and immunity resides with the Mediator and may not be waived by the parties.

704 Final Evidentiary Hearings. After completion of the mediation, either party, or both jointly, may move the Court for a final hearing date to address the unresolved issues. The parties may also request a final hearing date from the Court's mediator at the conclusion of the mediation if the case is not resolved by agreement. Should the parties resolve the pending issues prior to the hearing date, they shall promptly notify the Court to request an Order vacating the hearing date.

705 Final Decree or Order in Uncontested Actions. Upon the expiration of the time requirement set forth by the applicable statute or civil rule, and upon completion of all requirements of the Kentucky FCRPP and these Local Rules, either or both parties may move for

the entry of a decree or final order. The motion shall be accompanied by a proposed decree, adopting any settlement agreement or order of the Court if applicable, and a uniform child support order (if minor children are involved and if an order has not previously been entered). Certificates of completion or enrollment in court-ordered counseling, treatment, education, or monitoring programs shall be filed prior to or with the motion for entry of the decree or order. Upon entry of the final decree or order, the action shall be removed from the Court's active docket.

RULE 8 STATUS OFFENSES

See Appendix D.

RULE 9 MISCELLANEOUS

901 Identification of Counsel or Party Required. Every pleading, motion, and any other paper filed in the record by counsel or party shall contain the case number, typed or printed name, address, telephone number, and email address of the attorney or party signing the document.

902 Protection of Personal Identifiers

- A.** The Family Court Case Data Sheet must be fully completed in all cases. In addition, 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 (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 by filing one copy from which any personal data has been redacted, and filing an un-redacted copy in a marked and sealed envelope. The clerk of the Court shall allow the un-redacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the Court. As used in this section, "personal identifier" means a Social Security number or 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 by KRS 199.570, KRS 610.340, KRS 625.045, and KRS 625.108.

903 Video Copies of In-Chamber Interviews with Children. Pursuant to FCRPP 25, the Circuit Clerk's Office shall not release any Family Court video of in-chamber interviews with children without a specific written order of the Family Court Judge. An individual requesting a judicial order must provide the Family Court Judge with a written explanation for the request which specifically indicates the portion of the video record being requested is an in-chamber interview with a child, and specific purpose for the request.

904 Requests for Confidential Video Records. The Circuit Clerk's Office shall not release any copies of a Family Court confidential video recording, except as authorized in Paternity actions, without a specific written order from the Family Court Judge. An individual requesting a judicial order must file a written motion, with notice to all parties, including the child's *Guardian Ad Litem*, if any, and set forth the purpose for the request.

Pursuant to KRS 610.340(2), this shall not apply to public officers or employees engaged in the investigation and prosecution of cases under KRS Chapters 600 through 645 or other prosecutions authorized by the Kentucky Revised Statutes, as certified by the public officer or employee. Said public officer or employee shall use and distribute this information only for investigation or prosecution of offenses under the Kentucky Revised Statutes.

905 Child Timesharing Guidelines and Code of Conduct. The 5th Circuit Family Court Timesharing Guidelines and Code of Conduct are attached hereto as Appendix B and C for the parties' convenience and discussion. The parties are also referred to the Model Time-Sharing Guidelines incorporated into the Kentucky FCRPP Appendix A. Both sets of guidelines are merely suggestions for the parties' use in attempting to reach a resolution; they do not create a presumption or a mandate of a particular timesharing schedule. The parties are encouraged to reach an agreement that will serve the needs of the family and that will be specific to their case. Because each case presents unique facts and circumstances, the final schedule as agreed by the parties or as established by the Court may or may not contain portions of these models.

906 Additional Assistance. The Family Court Staff is available and willing to provide information, referrals for services, and additional assistance when possible. However, pursuant to the Kentucky Court of Justice mandates, neither the Court, nor the Family Court Staff, nor the Circuit Clerk, nor any deputy clerk is permitted to provide legal services or advice to litigants.

APPENDIX A

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL FIFTH JUDICIAL CIRCUIT AND DISTRICT CRITTENDEN, UNION, AND WEBSTER COUNTIES

Pursuant to KRS 403.735, and in compliance with FCRPP Section IV, this local domestic violence protocol is established to ensure twenty-four (24) hour accessibility to emergency protective orders 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 domestic violence cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.
- B. 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.
- C. Marriage dissolution proceedings filed in the 5th Judicial Circuit Court or any other court shall not suspend, alter, or vacate domestic violence proceedings in the 5th Judicial Circuit Court. All Emergency Protective Orders and Domestic Violence Orders issued by either court shall remain in effect unless specifically altered or vacated by subsequent orders of the appropriate court. Once marriage dissolution is filed in the 5th Judicial Circuit Court or any other Circuit Court, all matters concerning visitation, custody and support, maintenance, and other items not concerned with individual protection shall be heard in the dissolution proceedings.
- D. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:
 - a. When it is discovered, subsequent to the entry of an EPO, that a dissolution or child custody proceeding is pending in another county, then the domestic violence case filed in this circuit shall be transferred to the circuit where dissolution/child custody case is pending. This Court shall continue reissuing the EPO until the matter can be heard by the Judge in the other circuit in accordance with KRS 403.740(4). (Consistent with FCRPP 12, when the local domestic violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an EPO shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of

the Petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer).

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:

During the hours of 8:00 a.m. to 4 p.m. Monday through Friday, a person who wishes to obtain an EMERGENCY PROTECTIVE ORDER should go to the Circuit Court Clerk's Office in their county and file a DOMESTIC VIOLENCE PETITION.

- B.** The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

At times other than these regular Circuit Court Clerk business hours, the person seeking protection should contact any sworn peace officer (local city police, sheriff's office, or the state police) or the County Attorney in their respective county to obtain a Domestic Violence Petition. The above designated person, receiving a completed Domestic Violence Petition after regular Circuit Court Clerk business hours, is authorized to administer an oath to the petitioner affirming the truthfulness as to the contents of the petition and shall sign their name and office position to the petition in witness and verification of said oath.

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

The completed, sworn Domestic Violence Petition shall be presented to the Family Court Judge of the 5th Judicial Circuit. If not available, the petition may be presented to any Trial Commissioner, District Judge, or Circuit Judge of the 5th Judicial Circuit. If no authorized individual can be found in the 5th Judicial Circuit, the officer shall present the verified petition to the Family Court Judge, Circuit Judge, District Judge, or Trial Commissioner in any surrounding county.

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

The completed, sworn Domestic Violence Petition shall be presented to the Family Court Judge of the 5th Judicial Circuit. If not available, the petition may be presented to any District Judge or Circuit Judge of the 5th Judicial Circuit. If no authorized individual can be found in the 5th Judicial Circuit, the officer shall present the verified petition to the Family Court Judge, Circuit Judge, or District Judge in any surrounding county.

- E.** Petitioners 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) Webster Family Court.** Domestic Violence hearings shall be held on the first, second, third, or fourth Monday of each month in Webster County Family Court at 11:00 a.m. except for state holidays or in the event of court being cancelled for any unforeseen reason.
- (2) Crittenden Family Court.** Domestic Violence hearings shall be held on the first, second, third, or fourth Tuesday of each month in Crittenden County Family Court at 11:00 a.m. except for state holidays or in the event of court being cancelled for any unforeseen reason.
- (3) Union Family Court.** Domestic Violence hearings shall be held on the first, second, third, or fourth Wednesday of each month in Union County Family Court at 11:00 a.m. except for state holidays or in the event of court being cancelled for any unforeseen reason.

III. Contempt Proceedings

- A.** Pursuant to KRS 403.763, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.
- B.** Petitioners seeking to initiate contempt proceedings should contact the Circuit Court Clerk's office in the county where the protective order is entered and file a completed affidavit on form AOC 275.5.
- 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.

APPENDIX B

5th Circuit Family Court Parenting Timesharing Guidelines

Parenting Time is a time for children to be with a parent. The preferred option is for parents, through communication and concern for their children's best interest, to establish an arrangement that maximizes the benefit to the children. Liberal parenting time arrangements are encouraged by the Court, as contact with both parents is important to the children. Changes or modifications can be made by the Court if need for such is shown.

If the parties are unable to agree, the following guidelines provide a basic structure which, in most cases, the Court finds to be reasonable parenting time. The Court has a duty to determine what parenting time is in the best interest of the parties' children based on the facts of the case. It may mean that parenting time will be consistent with these guidelines, more than these guidelines, or less than these guidelines. These guidelines are not meant to prevent parties from agreeing to parenting time other than or in addition to those days outlined herein.

A. TERMINOLOGY: For purposes of using these Parenting Timesharing Guidelines in cases where there is a designated "primary residential parent," PARENT 1 (P1) is assigned to the parent the child resides with primarily, and PARENT 2 (P2) is assigned to the parent the child does not reside with primarily. In cases where there is an equal parenting time arrangement or some other arrangement that otherwise does *not* designate a primary residential parent, the P1 and P2 designations can be assigned at random to either party or by agreement of the parties.

B. PARENTING TIME

1. In cases where the parties have agreed or have been ordered to follow a "Guideline" parenting time schedule for the nonresidential parent, the nonresidential parent's parenting time shall be as follows (with the nonresidential parent being designated as P2):
 - a. Weekends: P2 shall have alternate weekends from Friday at 5:30 P.M. until Sunday at 5:30 P.M. P2 shall pick up the child on Friday from the residence of P1 or other agreed upon location. P1 shall pick up the child on Sunday from the residence of P2 or other agreed upon location.
 - b. Midweek: P2 shall have one evening each week – Wednesday from 5:30 P.M. to 8:00 P.M. P2 shall pick up the child from the residence of P1 or other agreed upon location and return the child to the residence of P1 or other agreed upon location.
2. Holidays: The following holidays, and any other holidays of importance to the parties and the child, should be divided between the parents equally as follows:

New Year's Day	Martin Luther King Day
Easter	July 4 th

Memorial Day

Labor Day

Thanksgiving

Halloween

- a. In ODD-numbered years, the child will be with P1 on the holidays in the left column and the child will be with P2 on the holidays in the right column.
 - b. In EVEN-numbered years, the child will be with P1 on the holidays in the right column and the child will be with P2 on the holidays in the left column.
 - c. Parenting time for these holidays shall be from 9:00 A.M. until 7:00 P.M., unless the child is in school on the holiday, in which case parenting time will begin after school until 7:00 P.M.
 - d. If the holiday is connected to a scheduled weekend parenting time, the child is to stay through the holiday. (Example: If P2 has the weekend preceding Memorial Day in an ODD-numbered year, P2 will not return the child on Sunday, but instead retain the child until 7:00 P.M. on Memorial Day).
 - e. Mother's Day/Father's Day: These holidays are to be spent with the appropriate parent (Mother's Day with the mother and Father's Day with the father). Hours are as agreed or 9:00 A.M. to 7:00 P.M.
 - f. Christmas:
 - i. In ODD-numbered years, P2 will have the child beginning at the release of school for Christmas break until December 25th at 12:00 P.M. P1 will have the child from December 25th at 12:00 P.M. through New Year's Day at 9:00 A.M.
 - ii. In EVEN-numbered years, P1 will have the child beginning at the release of school for Christmas break until December 25th at 12:00 P.M. P2 will have the child from December 25th at 12:00 P.M. through New Year's Day at 9:00 A.M.
3. Birthdays: The child shall celebrate his/her birthday in the home of the parent scheduled to have the child on that day. The other parent can celebrate at another time if desired.
 4. Fall/Spring Break: For children who are enrolled in school which has both Fall and Spring Breaks – in EVEN-numbered years, P1 shall have Fall Break and P2 shall have Spring Break. In ODD-numbered years, P2 shall have Fall Break and P1 shall have Spring Break. For children who are enrolled in schools with only one break, the parents will alternate this break with P1 having EVEN-numbered

years and P2 having ODD-numbered years. The time shall begin at the release of school and continue until 3:00 P.M. on the day prior to school resuming. During these weeks, regular weekend/weekday timesharing is abated. If the child is required to attend extended school during these breaks, the party exercising timesharing shall bear the responsibility of ensuring the child's attendance and compliance.

5. Summer Break: Both parents shall have the opportunity to have the child with them for vacation periods. In cases with equal parenting time, each parent is entitled to one (1) 14-day period of uninterrupted summer vacation with the child each year. In cases with less than equal parenting time, P2 is entitled to two (2) non-consecutive 14-day periods of uninterrupted summer vacation with the child each year and P1 is entitled to one (1) 14-day period of uninterrupted summer vacation with the child each year. During these weeks, regular weekend/weekday timesharing is abated. However, *Mother's Day, Father's Day, Memorial Day, and July 4th* shall follow the holiday schedule.
 - a. Both parties shall provide notice to the other by May 1st of each year regarding when they wish to exercise their summer parenting time. The parent who gives notice first shall have priority for the time period they have chosen in the event of a conflict over the parents choosing the same and/or overlapping periods of time. If the parties cannot agree, either party may file a motion requesting the Court pick the dates.
 - b. Summer school necessary for the child to pass to the next grade must be attended.
 - c. A general itinerary should be provided for the other parent if the vacation will be out of town, including location and a phone number to be reached at in the case of an emergency.
6. Transportation: Unless otherwise set forth herein or agreed to by the parties, the parent receiving the child should pick up the child. Further, unless otherwise agreed to, the parent should handle the transportation of the child. All children shall be properly secured in age-appropriate restraints at all times during transportation.
7. Waiting: There is no duty to wait for the receiving parent to pick up the child for more than 15 minutes past the designated exchange time. A parent who is late to pick up their child forfeits their parenting time for that period unless the parties agree otherwise. A parent could be held responsible for costs the other parent is out-of-pocket due to tardiness.
8. Notice of Intent or Inability to Exercise Timesharing: If at all possible, a parent shall give a minimum of three (3) days' notice to the other parent of his or her intent NOT to exercise all or part of a scheduled period. When such notice is not

reasonably possible, the maximum notice permitted by the circumstances shall be given. If a scheduled period cannot occur due to illness or other good cause, a substituted and mutually agreeable timesharing period shall be arranged and shall occur as quickly as possible.

9. This schedule is an enforceable Order of the Court. Please put the interests of your child first and comply with the above provisions.

APPENDIX C

5th Circuit Family Court Parenting Code of Conduct

1. **Application.** This Code of Conduct shall only apply in cases where the parties have adopted it by agreement or where the Court has ordered the parties to abide by it. In such cases, failure to abide by these provisions may subject the violating party to contempt.
2. **Parenting Time as a Shared Experience.** It is intended that timesharing be a shared experience for siblings. Therefore, unless otherwise excepted, all children shall participate in the parenting time periods. It is recognized that the ages of the children, or the activities or illnesses of the children may occasionally prohibit this.
3. **Child's Participation and Activities.** Both parents shall be permitted to participate and attend the child's activities and shall equally meet the parental responsibilities (transportation when the child is in his or her care, supervision, booster work, etc.) that accompany those activities. Neither parent shall arrange for excessive activities that interfere with or prohibit the child from spending a meaningful time with the other party.
4. **Negative Conduct.** Both parents shall refrain from speaking negatively about each other in the presence of the child or within earshot of the child and shall ensure that other persons likewise refrain. Parents shall not attempt to negatively impact the child's relationship with the other parent and shall not request that the child choose one parent over another. Parents shall not interrogate the child regarding the activities or actions of another parent.

No parent shall discuss (or allow third persons to discuss) with the child the issues of custody, modification of custody, child support, or timesharing unless all parents have so agreed. No parent shall deny the child access to another parent and shall not threaten to do so as a method of disciplining the child.

5. **Communication between Parents.** So long as there is no current order preventing contact between the parents by this or any other Court, parents shall keep each other advised of current home and employment addresses and telephone numbers at which they (and the child when in their care) can be reached. Parents shall refrain from communicating or contacting each other at places of employment unless specifically prearranged or in the event of an emergency. Communication between the parents shall not be harassing or abusive in nature. Parents shall not require the child to deliver messages and shall not depend upon the child to advise the other party of any activities, schedules, school photos, school programs, or any other activity or event.
6. **Daily Routine.** Parents should coordinate plans for bedtimes, homework schedules, and other household rules as much as possible. Each parent shall ensure that when the child is in his or her care, homework assignments are completed and schedules are met. The parents shall discuss and attempt to agree upon how discipline will be consistently administered to the child and what actions by the child require discipline. The parents shall strive to ensure consistency in the child's routine and discipline.

7. **Relocation.** Relocation requirements are specifically addressed in Rule 7(2) of the Kentucky Family Court Rules of Procedure and Practice. The parents shall abide by these requirements.
8. **Medical Treatment and Insurance.** If the child has been prescribed medication or treatment, both parents shall ensure that a sufficient amount of medication, any necessary medical equipment, and appropriate instructions are transferred to the other parent for their parenting time period.

Each parent shall, as soon as possible, notify the other parent of any medical emergency or serious illness of the child. Elective medical procedures or psychotherapy/counseling shall only be performed after any and all parents having custody have been afforded the opportunity to discuss the options with the referring professional.

The parent who has secured health insurance for the child shall promptly supply insurance cards, forms, listings of approved healthcare providers, and procedures for using the health insurance to the other parent. The parent who, except in an emergency, takes the child to a provider who is not approved or qualified under the insurance plan shall bear the additional costs thus created. When one parent is obligated to pay part of all of the child's medical expenses, the billings shall be promptly furnished to the obligated parent.

9. **Religious Training.** Each parent is entitled to choose and follow his/her own religious beliefs and further, to teach those beliefs to the child. Each parent shall provide the other with information concerning any religious training or teaching in which the child has been formally enrolled, and shall provide the place of worship to the other parent.
10. **Clothing.** Both parents shall maintain an appropriate supply of clean clothing for the child for use during their parenting time. Any clothing supplied by a parent shall be returned to that parent in good repair. Parents should communicate plans for any special activities or events that may be scheduled so they can ensure the child has appropriate clothing for these events and activities (including special events, sports activities, etc.).
11. **Necessary Food, Supplies, and Hygiene.** Each parent shall be responsible for providing the food and supplies that are necessary for the child during the time the child is in his or her care. Both parents shall ensure that the child is properly bathed, groomed, and fed during the time the child is in his or her care. Each parent shall maintain adequate food and supplies for the child. These include, but are not limited to, an age-appropriate bed, linens, diapers, wipes, bottles, formula, humidifiers, shampoo, soap, lotion, diaper cream, toys, books, thermometer, over-the-counter medications, and first-aid supplies.
12. **Intoxicants.** No parent shall relinquish the child to anyone, including a parent, regardless of the parenting time schedule, who is under the influence of any intoxicant.
13. **Child Support.** Unless a court order otherwise provides, child support obligations continue through all timesharing periods. Child support and timesharing are mutually exclusive. Child

support may not be withheld because of the other parent's failure to comply with a court order.

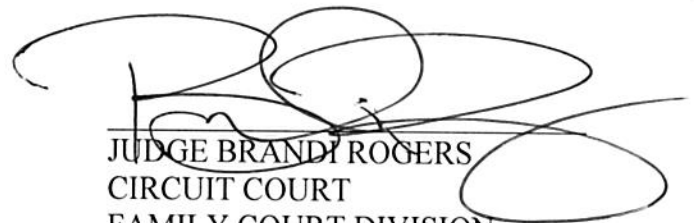
- 14. Childcare.** Where possible, the parents are encouraged to provide childcare for each other to both lessen the costs and to provide the child with more time with both parents. Parents that are joint custodians shall discuss proposed childcare arrangements prior to enrollment of the child.

APPENDIX D

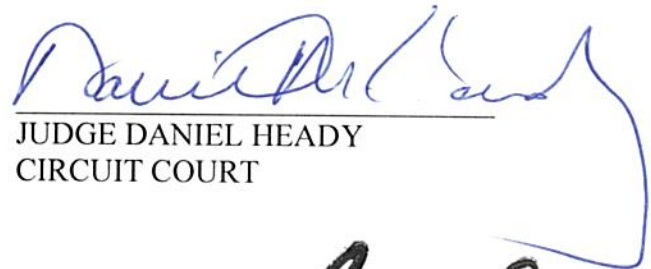
Jurisdiction for Status Offenses and IPO Actions

1. Given the concurrent jurisdiction of status offenses and IPOs as set forth in the Kentucky Revised Statutes, the Judges of the Circuit and District Courts have resolved the assignment of these actions to the dockets of the Family Court and District Court.
 - a. Family Court will have primary jurisdiction of any Petition requesting an EPO/IPO between dating persons pursuant to KRS Chapter 456.
 - b. District Court will have primary jurisdiction of any Petition alleging a status offense by a juvenile pursuant to KRS Chapter 630 due to the increased caseload and actions involving juvenile status offenders.
2. If, because of an emergency or conflict, the Court assigned primary jurisdiction is unable to hear the case, the other Court, having concurrent jurisdiction, may preside over the case.

The above jurisdiction is approved by all judges in the 5th Circuit.



JUDGE BRANDI ROGERS
CIRCUIT COURT
FAMILY COURT DIVISION



JUDGE DANIEL HEADY
CIRCUIT COURT



JUDGE BEN LEONARD
DISTRICT COURT