Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 6TH JUDICIAL CIRCUIT FAMILY COURT, DAVIESS COUNTY

Upon recommendation of the Judges of the 6th Judicial Circuit, Family Court, Daviess County, and being otherwise sufficiently advised,

The Local Rules of Practice and Procedure for the 6th Judicial Circuit, Family Court, Daviess County, are hereby approved. This order shall be effective immediately and shall remain in effect until further order of the Chief Justice.

Entered this 1st day of July 2025.

Debra Hembree Lambert
CHIEF JUSTICE

TABLE OF CONTENTS

RULE 1 INTRODUCTION AND ADMINISTRATION

Rule 1.01 Introduction.....3
Rule 1.02 Citation.....3
Rule 1.03 Pleading Style.....3-4
Rule 1.04 Distribution List.....4
Rule 1.05 Court Decorum.....4

RULE 2 SCHEDULING / MOTION HOURS / PROCEDURES

Rule 2.01 Case Management Conference 4-6
Rule 2.02 Mediation.....6
Rule 2.03 Court Calendar.....6-7
Rule 2.04 Scheduling..... 8
Rule 2.05 Monday Motion Hour.....8
Rule 2.06 Hearing Procedures.....8
Rule 2.07 Deadline for Serving and Filing Motions.....8-9
Rule 2.08 Expediting Court Business.....9-10
Rule 2.09 Multimedia Court Practice and Virtual Attendance.....10

RULE 3 DISSOLUTION OF MARRIAGE AND CUSTODY

Rule 3.01 General Co-Parenting Holiday and Co-Parenting Time Guidelines.....10-11
Rule 3.02 Co-Parenting Education/Parenting Conduct Order.....11
Rule 3.03 Video Copies of In-Chambers Interviews with Children....11
Rule 3.04 Requests for Confidential Video Records.....11

RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24-HOUR ACCESS POLICY 11

RULE 5 DEPENDENCY, NEGLECT, AND ABUSE (DNA)

Rule 5.01 Attorney Training.....12
Rule 5.02 Attorney Coverage.....12
Rule 5.03 Motion Filing in Active Cases.....12
Rule 5.04 Motions Post Removal from Active Docket.....12
Rule 5.05 Duty of Guardian Ad Litem and Parent Attorney to Continue.....13

RULE 6 ADOPTIONS/TERMINATION OF PARENTAL RIGHTS

Rule 6.01 Pre-Trial Conference.....13

RULE 7 PATERNITY **13**

RULE 8 CONFLICT OF LAW **13**

APPENDIXES

Appendix 1 – 2025 General Co-Parenting Guidelines
Appendix 2 – 2025 Holiday Co-Parenting Guidelines
Appendix 3 – Domestic Violence Protocol

LOCAL RULES
DAVIESS CIRCUIT COURT
FAMILY DIVISIONS III and IV

RULE 1 INTRODUCTION AND ADMINISTRATION

RULE 1.01 Introduction

These are the Local Rules of Court Practice and Procedure of the Daviess Circuit Court, Family Divisions.

These rules supplement the Kentucky Rules of Civil Procedure (CR), the Kentucky Family Court Rules of Procedure and Practice (FCRPP), and the Kentucky Rules of Criminal Procedure (RCr).

These rules shall be the only operative local Daviess Family Court Rules. All prior rules adopted by Daviess Circuit Court, Family Divisions are amended or rescinded as reflected herein. Any previously Ordered General Co-Parenting Guidelines and/or Holiday Co-Parenting Guidelines in any actions shall remain in full force and effect, unless otherwise agreed or modified by Court Order.

The effective date of these Rules shall be the date of approval by the Kentucky Supreme Court.

RULE 1.02 Citation

These rules shall be cited as "DFCR 2025" (Daviess Family Court Rules 2025).

RULE 1.03 Pleading Style

The heading of all Family Court Actions shall read:

COMMONWEALTH OF KENTUCKY
DAVIESS CIRCUIT COURT
FAMILY DIVISION _____
CASE NO. _____

The signature line for the Family Court Judges shall read:

Judge, (Insert Judge) Daviess Family Court Division III	Judge, (Insert Judge) Daviess Family Court Division IV

RULE 1.04 Distribution List

All pleadings shall include a clear distribution list showing notice to appropriate parties, attorneys, and/or appointed individuals in said action. The distribution list shall name the party or attorney name, address, and email (if available), unless such information is otherwise protected.

RULE 1.05 Court Decorum

During court proceedings, all attorneys, staff, and litigants shall dress in an appropriate style and manner. The Court will not dictate fashion but requires that one's appearance be suitable to the situation and respectful of the forum.

At a minimum, apparel with inappropriate graphics or messages, sexually suggestive clothing, or other attire that is improper for the setting is prohibited. No one shall wear sunglasses, hats, or gloves unless medically necessary or required for religious purposes; everyone must wear shoes.

Weapons, chewing gum, unauthorized use of cellular telephones, profanity, and the use of tobacco products are prohibited in the courtroom. To endure safety and civility in the courtroom, additional restrictions may be imposed by the Court or the court security officers.

RULE 2 SCHEDULING / MOTION HOUR / PROCEDURES

RULE 2.01 Case Management Conferences

All matters shall have a Case Management Conference except Motions for Contempt, Emergency Motions, and *Pendente Lite (temporary)* Motions. During Case Management Conferences, attorneys and litigants shall display attitudes of respect, conciliation, and negotiation, with an objective of improving relations between the parties.

Parties are required to provide their own interpreters for Case Management Conferences as the Court will not provide one.

The attorneys, litigants, and the Court Staff shall strive to accomplish the purposes of the conferences, which include, *inter alia*:

- Determining the issues on which the parties agree;
- Reducing those agreements to written orders;
- Ascertaining what issues remain unresolved;
- Attempting resolution of those issues;
- Outlining the issues and necessary proof for the final evidentiary hearing;
- Assisting the parties in reducing and resolving conflict;
- Ensuring the identification and exchange of documentation which would be utilized at trial; and
- Bringing about closure and conclusion for the parties.

At any time after discovery is complete and in compliance with FCRPP 40, the attorney for either party shall contact the Family Court Staff to schedule a case management conference. The Court Staff shall provide available dates and times and shall schedule the conference at a mutually agreeable time; a Case Management Conference Order shall be entered accordingly.

Court Staff shall conduct the conferences after notice to attorneys and *pro se* litigants. All parties and attorneys shall be present at the Case Management Conference. Children are not permitted to attend the conference.

The parties and their attorneys are expected to arrive prepared to discuss the issues and with a goal toward resolution of such issues if possible. Parties and their attorneys shall bring documentation necessary to establish values, incomes, and expenses, if applicable to the action.

In Dissolution of Marriage actions only, the Preliminary Verified Disclosure Statements (AOC-239) shall be exchanged with a copy provided to the Court Staff at least seven (7) calendar days prior to the date scheduled for the Case Management Conference. The parties and their attorneys shall provide all documentation requested by the Court Staff and shall be prepared to identify witnesses, documents, and exhibits.

Failure to comply with the above-referenced procedures, may result in rescheduling the Case Management Conference or sanctions against a party or attorney. Cancellation, delay, or rescheduling of a Case Management Conference without cause, may result in sanctions.

Offers of settlement made during the Case Management Conferences are NOT admissible during the final evidentiary hearing pursuant to Kentucky Rules of Evidence. However, if the parties reach an agreement settling all or any portion of the pending issues, the verbal agreements shall be audio-recorded by Court Staff in the presence of the litigants and attorneys and shall be reduced to writing in an agreed order within ten (10) days.

Should the parties resolve the contested issues prior to the Case Management Conference, they shall promptly notify the Court Staff so other actions may be scheduled in the reserved slot and a Notice of Cancellation shall be filed with the Courts and the party's agreement reduced to writing within a reasonable amount of time.

If, in preparation for the conference, the parties, attorneys, or Court Staff determine it will not be possible to competently participate in the conference, they shall cancel and reschedule the conference as soon as possible and a Notice of Cancellation or Re-Notice shall be filed with the Courts.

RULE 2.02 MEDIATION

The Daviess County Family Court will adhere to CR 99 regarding mediation and FCRPP 39.

Nothing in these Rules shall be construed to discourage or to prohibit voluntary mediation. Additionally, the Court may, in its discretion, refer the parties to mediation services for resolution of some or all the issues pending before the Court.

RULE 2.03 Court Calendar

The following is a general schedule for matters routinely before the Daviess Family Court, Division III and IV. This schedule is subject to review and revision and may be modified by the Family Court Judges, as they deem necessary, to accommodate holidays, weather conditions, circumstances of the parties, or other schedules, to accomplish the business of the Court efficiently and effectively.

	Division III	Division IV
Monday	1:00 p.m. → 2:30 p.m. Virtual Motion Hour 2:30 p.m. → 4:00 p.m. In-Person Motion Hour	9:00 → 10:30 a.m. Virtual Motion Hours 10:30 → Noon- In-Person Motion Hour
Tuesday	8:30 a.m. – Juvenile Dependency and Neglect 10:30 a.m. Temporary Removal Hearings 2:00 p.m. – (1st/3rd) Tuesday's School/Status Offense Actions; (3rd) START	8:00 a.m. → 9:00 a.m.- Emergencies/Adoptions, etc... 9:00 a.m. → 4:00 p.m. – Final Hearings
Wednesday	8:00 a.m. → 9:00 a.m.- Emergencies/Adoptions, etc... 9:00 a.m. → 4:00 p.m.- Final Hearings	8:30 a.m.- Non-Served EPO/DVO's 9:00 a.m. → Noon- EPO/DVO's
Thursday	8:30 a.m.- Non-Served EPO/DVO's 9:00 a.m. → Noon- EPO/DVO's 1:00 p.m. Child Support Hearings	8:30 a.m. – Juvenile Dependency and Neglect 10:30 a.m. – Temporary Removal Hearings 1:00 p.m. – Child Support Hearings 2:00 p.m. (1st/3rd) Thursday's School/Status Offense Actions; (3rd) START
Friday	8:00 a.m. → 9:00 a.m.- Emergencies/Adoptions, etc... 9:00 a.m. → 4:00 p.m.- Final Hearings	8:00 a.m. → 9:00 a.m.- Emergencies/Adoptions, etc... 9:00 a.m. → 4:00 p.m.- Final Hearings

RULE 2.04 Scheduling

All matters shall be set on both the Daviess Circuit Court Clerk's docket and the Daviess Family Court's calendar in order to be properly noticed and heard.

If a hearing needs to be cancelled and/or reset, party/counsel shall contact both the Daviess Circuit Court Clerk's Office and the appropriate Daviess Family Court staff to cancel and/or reset the matter and file the appropriate notice therein.

RULE 2.*05* Monday Motion Hour

Monday Motion Hour shall be matters that can be heard in thirty (30) minutes or less, unless otherwise authorized by the Court. Strict compliance to time shall be adhered to. When scheduling during virtual Monday Motion Hours, unless otherwise agreed by the Court, the movant shall include the following on the Notice of Hearing:

Division III - "Please contact the Daviess Family Court Judicial Support Specialist, at (270) 689-0169 or via email to receive the virtual link information."

Division IV – "Please contact the Daviess Family Court Judicial Support Specialist, at (270) 686-7299 or via email to receive the virtual link information."

RULE 2.06 Hearing Procedures

The Court reserves the right to lengthen or shorten any requested block of time depending on the nature of the hearing. The parties shall adhere to the time allocated. The Court in its discretion may allocate time equally between the parties. The Court may terminate any hearing that exceeds the scheduled allotted time and issue a ruling based on the pleadings and the evidence heard at the hearing.

RULE 2.07 Deadline for Serving and Filing Motions

All motions, except emergency, *ex-parte* motions, and motions with timeframes governed by statewide rules or statute, shall be filed with the Daviess Circuit Court Clerk's Office at least seven (7) calendar days prior to the date the action is scheduled to be heard. Except for good cause shown, permitted by FCRPP or statute, all motions filed less than seven (7) days in advance of the scheduled

hearing may be denied as procedurally deficient or continued to a date more than seven (7) days after the filing of the motion. Pursuant to the applicable Kentucky Rules of Civil Procedure, the parties should allow three (3) additional days for any motion served by the U.S. Mail only. All notices of hearings shall include the length of time reserved for the hearing so that the opposing party can schedule additional time if needed.

If the Daviess Circuit Court Clerk's Office is closed on the date which is seven (7) calendar days in advance of the hearing, then the Motion shall be filled by 4:00 p.m. on the first day thereafter which the Daviess Circuit Court Clerk's Office reopens.

Motions for post judgment relief in the Daviess Family Court filed more than six (6) months after final order 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 change.

RULE 2.08 Expediting Court Business

Motions under CR 78(2): A movant may bring a motion under the provisions of CR 78(2), which makes provision for the determination of motions without oral hearings upon brief written statements of reasons in support and opposition. The movant shall give notice that the motion is made under CR 78(2) and shall direct the attention of the opposing attorney (or party if there is no attorney) to the fact that under this local rule, the motion may be granted routinely by the Court ten (10) days after filing, unless a response is filed. The notice shall be substantially in the following form:

> The foregoing motion is submitted to the court for decision pursuant to CR 78(2). This motion will routinely be granted by the court in ten (10) days unless a response is filed. Should the party opposing the motion under Rule CR 78(2) wish to have an oral hearing on the issue raised in the motion, they may in their response so state, and shall proceed to set the motion for a hearing with the Family Court Staff.

In the interest of judicial economy, parties are encouraged to utilize CR 78(2) in matters which the parties, in good faith, believe that there will be no objection to the relief sought.

The party making any Motion under CR 78(2) shall file an appropriate tendered order of relief with the Court at the time of filing the motion. The Court reserves the right to alter or amend the tendered order to conform with its opinion as to the appropriate remedy of the Court or may schedule the matter for a hearing.

RULE 2.09 Multimedia Courtroom practice and Virtual Attendance

If party/counsel will be utilizing multimedia in the Courtroom, party/counsel shall be responsible for the technological function and support of the device. Please contact the Judicial Support Administrative Specialist corresponding with the Division prior to the hearing in order to schedule a time to ensure the electronics work properly.

Unless otherwise Ordered by the Court, if party/counsel/witness desires to appear virtually and the parties to the action agree on such virtual attendance, the party requesting virtual attendance shall contact the Judicial Support Specialist corresponding with the Division twenty-four (24) hours in advance of the scheduled hearing to obtain a link for virtual attendance.

In the event the parties are unable to agree on participation by virtual attendance, either party may file an appropriate Motion to be heard by the Court prior to the hearing date in which virtual attendance is requested.

RULE 3 DISSOLUTION OF MARRAIGE AND CUSTODY

RULE 3.01 General Co-Parenting Guidelines and Holiday Parenting Time Guidelines

The Daviess Family Court General Co-Parenting Guidelines and Holiday Co-Parenting Guidelines are attached hereto as Appendix 1 and Appendix 2 for the parties' convenience and discussion. The parties are also referred to the Model Time-Sharing Guidelines incorporated into the Kentucky FCRPP. 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 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.

Any prior Orders and/or agreements reached between parties pertaining to other guidelines shall remain in full force and effect unless a subsequent order is entered adopting the above-referenced Appendix 1, 2025 General Co-Parenting Guidelines and Appendix 2, 2025 Holiday Co-Parenting Guidelines. See attached hereto and incorporated herein by reference.

RULE 3.02 Parenting Conduct Order/Co-Parenting Education

Upon filing any new dissolution of marriage or a custody action, the Petitioner shall tender the AOC-242 Parenting Conduct Order. The Court may *sua sponte* enter the AOC-242 Parenting Conduct Order in dissolution of marriage or a custody action.

Families involved in a dissolution of marriage proceeding where there is a minor child may be ordered to participate in parenting classes or co-parenting education courses.

RULE 3.03 Video Copies of In-Chamber Interviews with Children

The Daviess County Circuit Court Clerk's Office shall not release any Daviess Family Court in-chamber video interviews with a child without specific written order of the Family Court Judge presiding over the case.

RULE 3.04 Requests for Confidential Video Records

The Daviess County Circuit Court Clerk's Office shall not release any copies of the Daviess Family Court confidential video records without specific written order of the presiding Family Court Judge, unless otherwise agreed by the parties and Guardian Ad Litem, if applicable, and upon the filing of an Agreed Order to that effect. Absent an agreement, the requesting party shall file an appropriate Motion requesting same.

RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24-HOUR ACCESS POLICY

The Uniform Protocol for handling Domestic Violence Actions is attached hereto and incorporated herein as referenced, as Appendix 3 and shall be followed as outlined in said protocol.

RULE 5 DEPENDENCY, NEGLECT, AND ABUSE (DNA)

Rule 5.01 Attorney Training

The DNA list of attorneys requesting appointments shall be maintained by the Daviess Circuit Court Clerk. Failure to provide the following documentation may require removal of the attorney from the list until such time as the following requirements have been met:

- Completion of the Administrative Office of the Courts' Legal Training for Dependency, Neglect and Abuse Cases as required by FCRPP 37(1);
- Four (4) hours relevant legal or multi-disciplinary training in last (2) years as required by FCRPP 37(2); and
- Proof of good standing with the Kentucky Bar Association as required by FCRPP 36(2).

Proof of completion of the following shall be supplied to the Daviess Family Court Case Manager by all attorneys wishing to remain and/or be placed on the Dependency, Neglect and Abuse (DNA) list every two (2) years prior to any new year in which their requirements need to be updated.

Rule 5.02 Attorney Coverage

If counsel is unavailable for a DNA hearing, counsel shall ensure they have substitute counsel for the hearing in order to prevent removal from the action. A counsel's failure to attend or repeated failure to appear timely may result in a removal from an action.

Rule 5.03 Motion Filing in Active Actions

Any Motions regarding active dependency, neglect and abuse issues shall be filed seven (7) days prior to the scheduled hearing date; and notice shall be provided to all parties, counsel of record, and the County Attorney.

RULE 5.04 Motions Post Removal from Active Docket

Unless otherwise ordered by the Court, once a case has been removed from the active dependency, neglect and abuse docket all issues regarding custody and parenting time shall be heard in an appropriate Circuit Court action.

Rule 5.05 Duty of Guardian Ad Litem and Parent Attorney to Continue

Except for good cause, after a Guardian Ad Litem or parent attorney accepts an appointment, representation shall continue through all stages of the dependency, neglect and abuse, termination of parental rights, and adoption actions.

RULE 6 ADOPTIONS/TERMINATION OF PARENTAL RIGHTS

Rule 6.01 Pre-Trial Conference

All adoption and termination of parental rights actions shall be set for a pre-trial conference with the presiding Judge prior to a final hearing in the action.

RULE 7 PATERNITY

In the event custody and/or parenting time has been previously determined in a paternity action, any motion for modification of custody/parenting time may be heard in the underlying paternity action.

If custody/parenting time has not been established in the underlying paternity action, a separate custody/parenting time action shall be filed.

Rule 8 CONFLICT WITH LAW

Daviess Family Court Rules 2025 shall be interpreted so as to conform to all applicable Kentucky and federal statutes and case law. Where there appears to be a conflict between these rules and the law, these rules must be interpreted so as to comply with all applicable laws.

Nothing in the Daviess Family Court Rules 2025 shall be deemed to override Kentucky Court of Justice policies and requirements or those of the Administrative Office of the Courts. When in conflict, these rules shall yield to policies, requirements, and procedures of those agencies.

IT IS HEREBY ORDERED THAT pursuant to the Order of the Chief Justice of the Kentucky Supreme Court, the enclosed Daviess County Family Court Rules, including Appendix 1, Appendix 2, and Appendix 3, are hereby submitted to the Kentucky Supreme Court for its review. Once signed by the Chief Justice of the Kentucky Supreme Court, these Daviess County Family Court Rules are ordered to be followed in all Family Court actions in the Sixth Judicial Circuit.

SO ORDERED this the 30th day of June, 2025.

Hon. Jennifer L. Hendricks
Sixth Judicial Circuit Judge
Daviess County Circuit Court
Family Court, Division III

Hon. Angela L. Thompson
Sixth Judicial Circuit Judge
Daviess County Circuit Court
Family Court, Division IV

APPENDIX 1

2025 GENERAL CO-PARENTING GUIDELINES

The following general guidelines are recommended to be followed unless otherwise agreed in writing, or otherwise ordered by the Court. *If an Emergency Protective Order, Domestic Violence Order, Temporary Interpersonal Protective Order, or Interpersonal Protective Order is entered by any court all party contact, visitation, and third-party contact is governed by the protective order.*

1. Exchanges

Parenting time exchanges shall be at the child(ren)'s school or day care with the party ensuring timely arrival of the child(ren) at school or day care. If school / day care exchanges are not applicable, the party beginning parenting time shall be responsible for timely picking up the child(ren) at the beginning of the parenting time period.

2. Waiting/Tardiness

In the event either party will be more than thirty (30) minutes late to pick up the child(ren), he or she shall provide notice to the other party and make suitable arrangements for the exchange of the child(ren).

Neither party shall be required to wait more than thirty (30) minutes for the other party to exchange the child(ren). After thirty (30) minutes, the waiting party may leave. A party more than thirty (30) minutes late to begin a timesharing period shall forfeit that day of parenting time, excepting in cases of emergencies. If agreed, the party whose parenting day was forfeited may resume their scheduled parenting time the following day at 8:00 a.m.

When one party is responsible for the loss of the other party's parenting time, the loss of parenting time shall be made up at the next regularly scheduled parenting time unless the parties otherwise agree.

3. Phone Contact

The party not exercising parenting time shall be permitted to have reasonable phone contact with the child(ren) once per day. If the party exercising parenting time is not able to answer the phone, the party shall return the call within a reasonable period of time. Phone calls with the child(ren) shall be made at a reasonable time, be reasonable in duration

given the child(ren)'s age and be for the purpose of communicating with the child(ren).

4. Intoxicants

Neither party shall transport the child(ren) at any time while they are under the influence of alcohol and/or drugs. Neither party shall be intoxicated during any parenting time.

5. Miscellaneous

A. Parties are required to secure the child(ren) in appropriate child restraint systems when transporting the child(ren), as provided by the Kentucky Revised Statutes. The party transporting the child(ren) shall hold a valid driver's license.

B. Parties shall put the child(ren)'s needs ahead of their own, to utilize the parenting time granted, and be responsible for getting the child(ren)'s homework and other activities completed during their respective parenting time with the child(ren).

C. There may be circumstances from time to time with regard to work schedules and/or activities of the child(ren) that require flexibility and cooperation, so changes in the scheduling may be required. Parties shall refrain from communicating or contacting the other party at their place of employment, unless agreed or in the event of an emergency.

D. Both parties shall keep the other party advised as to their current residential address, email address, telephone numbers for home, work, and cell phone for the purpose of notification unless otherwise ordered by the Court.

E. Both parties shall have the right to obtain schedule and activity information regarding the child(ren)'s school, day care, or any other organized activity from any third-party including schedule and activities associated with the child(ren)'s healthcare.

F. Both parties shall ensure the child(ren) is/are not tardy to school while the child(ren) is/are in that party's care.

G. Both parties shall have the opportunity to complete and view school records for the child(ren), including emergency contact information with the school.

H. Both parties shall keep the other party advised as to the child(ren)'s illness, serious illness, or any other change in the child(ren)'s medical, dental, vision, mental health, or educational needs.

I. Timesharing with either party shall take precedence over extracurricular activities when visitation cannot be reasonably scheduled so as not to conflict with said activities. Either party shall be permitted to participate and attend the child's activities and shall meet the parental responsibilities (E.g., transportation when the child is in your care) that accompany said activities.

J. Each party shall provide the other with copies of any health, dental, vision, or other insurance verification necessary to obtain treatment for the child(ren).

6. <u>Rules for Shared Parenting / Parenting Time</u>

Each party is under an affirmative duty to foster the love and affection of the child(ren) for the other party. Neither party shall do or say anything that would interfere with the love and affection of the child(ren) for the other party. Neither party shall allow third parties to do or say anything to or in the presence of the child(ren) that would interfere with the love and affection of the child(ren) for the other party. In addition to these general duties, **<u>neither</u>** party shall:

A. Have the child(ren) deliver money or messages from one party to the other party and thus place the child(ren) in the middle.

B. Ask the child(ren) to keep a secret from the other parent and, in effect, teach the child(ren) to lie.

C. Quiz the child(ren) about what is going on at the other parties' home and thus turn the child(ren) into a spy.

D. Say unkind things about the other party to the child(ren) or in the presence of the child(ren).

E. Try to conduct parental business when exchanging the child(ren) for parenting time.

F. Make any threats or start arguments with the other party when exchanging the child(ren) for parenting time.

G. Ask the child(ren) directly or subtly, "Which of us do you really want to be with?" and thus place the burden on the child(ren).

H. Allow the child(ren) to take control of parenting time whenever they want to.

I. Have the child(ren) refer to a stepparent or future stepparent as "mother" or "father".

J. Eavesdrop on the child(ren)'s telephone conversation with the other party.

K. Discuss court proceedings with the child(ren) or attempt to influence the child(ren)'s testimony.

L. Not schedule or enroll the child(ren) in activities that affect parenting time without first consulting and obtaining written consent of the other parent.

7. <u>Violations</u>

Violations of these rules may affect or limit a party's right to parenting time or shared parenting time and/or subject them to sanctions of the court.

APPENDIX 2

2025 HOLIDAY CO-PARENTING GUIDELINES

Holidays of importance to the parties should be divided between the parties pursuant to a mutually agreeable schedule. In the event there is no agreement, then the following shall apply. All Orders adopting these guidelines shall designate which party is "Caregiver 1" and "Caregiver 2" for purposes of these guidelines. *If an Emergency Protective Order, Domestic Violence Order, Temporary Interpersonal Protective Order, or Interpersonal Protective Order is entered by any court all party contact, visitation, and third-party contact is governed by the protective order.*

1. **Holiday Schedule Controls**

   The parenting time schedule set by the court for holidays, school breaks, and summer break should control over regularly scheduled parenting time even if this allows successive parenting time periods.

2. **Non-School Aged Children and Home-Schooled Children**

   In cases of children not currently enrolled in school, the following Holiday Parenting Time shall still apply. Parties shall utilize the public-school calendar of the school district in which the child resides. If parties reside in different school districts, then the parties shall utilize the Daviess County Public Schools calendar for elementary school students as a default.

3. **Thanksgiving**

   Caregiver 2 shall be entitled to parenting time beginning after school on the day school ends for the Thanksgiving holiday until 8:00 a.m. on the day following Thanksgiving Day in every even-numbered year; and from 8:00 a.m. on the day following Thanksgiving Day until school begins again after the Thanksgiving holiday every odd-numbered year.

   Caregiver 1 shall be entitled to parenting time beginning after school on the day school ends for the Thanksgiving holiday until 8:00 a.m. on the day following Thanksgiving Day in every odd-numbered year; and from 8:00 a.m. on the day following Thanksgiving Day until school begins again after the Thanksgiving holiday every even-numbered year.

4. **Christmas**

Caregiver 2 shall be entitled to parenting time beginning after school on the day school ends for the Christmas holiday until 12:00 noon on December 25th in every odd-numbered year, and from 12:00 noon on December 25th until 8:00 a.m. on January 1st in every even-numbered year.

Caregiver 1 shall be entitled to parenting time beginning after school on the day school ends for the Christmas holiday until 12:00 noon on December 25th in every even-numbered year, and from 12:00 noon on December 25th until 8:00 a.m. on January 1st in every odd-numbered year.

5. **Mother's Day and Father's Day**

Regardless of any apparent conflict herein, the father shall have the child(ren) on Father's Day. The mother shall have the child(ren) on Mother's Day. Mother's Day and Father's Day parenting times shall be from 8:00 a.m. to 8:00 p.m.

6. **Child's Birthday**

Both parties shall be allowed an opportunity to celebrate the child's birthday with the child. The child shall celebrate their birthday in the home of the party exercising the normal parenting time on that day. If the party not exercising parenting time on the child's birthday does not have regularly scheduled parenting time on the weekend before or after the child's birthday, that party shall receive an additional, non-scheduled parenting time day from 8:00 a.m. to 8:00 a.m. on a day chosen by the party not exercising parenting time with the child on his/her birthday.

7. **Other Holidays**

New Year's Day, Easter, July 4th, and Halloween shall be divided between the parties as follows:

In odd-numbered years, Caregiver 1 shall be entitled to parenting time on New Year's Day and July 4th, and Caregiver 2 shall be entitled to parenting time on Easter and Halloween.

In even-numbered years, Caregiver 2 shall be entitled to parenting time on New Year's Day and July 4th, and Caregiver 1 shall be entitled to parenting time on Easter and Halloween.

Parenting time on Halloween shall be from 8:00 a.m. until 8:00 p.m., unless it is a school day, in which case parenting time shall be after school until 8:00 p.m. that same evening.

Parenting time on New Year's Day, Easter, and July 4th shall be from 8:00 a.m. until 8:00 p.m.

School Break Parenting Time

8. **Fall Break**

In odd-numbered years, Caregiver 2 shall be entitled to parenting time from after school on the day school ends for the break until 6:00 p.m. the following Saturday before school begins, at which time Caregiver 1 shall be entitled to parenting time until school begins.

In even-numbered years, Caregiver 1 shall be entitled to parenting time from after school on the day school ends for the break until 6:00 p.m. the following Saturday before school begins, at which time Caregiver 2 shall be entitled to parenting time until school begins.

9. **Spring Break**

In odd-numbered years, Caregiver 2 shall be entitled to parenting time from after school on the day school ends for the break until 6:00 p.m. the following Saturday before school begins, at which time Caregiver 1 shall be entitled to parenting time until school begins.

In even-numbered years, Caregiver 1 shall be entitled to parenting time from after school on the day school ends for the break until 6:00 p.m. the following Saturday before school begins, at which time Caregiver 2 shall be entitled to parenting time until school begins.

10. **Summer Break**

Each party shall be entitled to summer parenting time of one (1) period of ten (10) consecutive days. Each party shall give the other party at least sixty (60) days written notice of his or her vacation schedule so that both caretakers can have the child(ren) during their vacation. If adequate notice is provided, the first party to reserve a specific vacation period shall be granted that time, regardless of the other caretaker's response or lack thereof.

A parents' ten (10) day summer parenting time period shall begin with the parents' regularly scheduled parenting time and shall continue for a maximum of ten (10) consecutive days.

No summer parenting time shall interfere with the child(ren)'s attendance at summer school if necessary for the child(ren) to pass to the next grade.

APPENDIX 3
DOMESTIC VIOLENCE AND INTERPERSONAL PROTECTIVE ORDER PROTOCOL

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE AND INTERPERSONAL PROTECTIVE ORDER PROTOCOL SIXTH JUDICIAL FAMILY CIRCUIT DAVIESS COUNTY

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.

A. Circuit Court Clerks shall process domestic violence cases in accordance with the 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. Domestic violence cases are civil matters within the purview of CR 41.01.

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 403.730, KRS 403.740, KRS 456.040 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, stalking, or sexual assault shall not order the petitioner to take any affirmative action.

E. Domestic violence cases shall be reassigned or transferred to another circuit or district court under the following circumstances: Where there is a recusal pursuant to KRS 26A.015, or when a Judge determines on the record that it is in the interest of justice or judicial economy to do so.

When a case is transferred to another court, the Emergency Protective Order shall remain in effect, and the summons shall be reissued by the transferring court 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 receiving the transfer.

E. The Daviess Circuit Court Clerk's Office shall maintain a Guardian Ad Litem appointment list for minors in domestic violence order cases and interpersonal protective order cases.

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:

The Daviess Circuit Court Clerk's Office may receive Petitions and administer oaths. Any Judge or notary public may also administer oaths, but the Petition itself and any Emergency Protective Order must still be received by the appropriate Circuit Division.

1. The necessary forms for an order of protection can be obtained through the office of the Daviess Circuit Court Clerk's, Owensboro Police Department, Daviess County Sheriff's Office and the Kentucky State Police.

2. The completed forms shall be presented to the office of the Daviess Circuit Court Clerk's. The Daviess Circuit Court Clerk's Office shall assign the case to a division of the Daviess Circuit/Family Court.

3. The Daviess Circuit Court Clerk shall give copies of all documents to the Petitioner and shall notify law enforcement to serve Respondent or shall provide Petitioner an extra copy to be given to the law enforcement agency who will serve the Respondent.

B. The following agencies and officers are authorized to take petitions for an order of protection and administer oaths to petitioner **after** regular business hours and weekends:

1. Persons seeking an Emergency Protective Order should contact the Owensboro Police Department, the Daviess County Sheriff's Office or the Kentucky State Police.

2. The Circuit/Family Judge serving on-call duty, or such other Judge as may be available in the event the on-call Judge cannot be reached, shall review the petition, enter an order granting or denying the request for an emergency order.

3. Upon receipt of the documents, the Daviess Circuit Court Clerk's Office shall open a file and assign the case to the appropriate Division. If upon review, the Daviess Circuit Court Clerk's Office finds the case should be assigned to a different Division, the Daviess Circuit Court Clerk's Office shall, if practicable, cause an amended notice of hearing to be sent to the parties. If sending an amended notice of hearing is not possible, the Daviess Circuit Court Clerk's Office shall notify the sitting Judge of the pre-existing or pending case and the

sitting Judge may choose to transfer the case and reset the hearing if it serves the interests of justice to do so.

C. Upon receipt of a petition **during or after** regular business hours, the authorized agency/clerk or officer shall present the petition to the Judge.

D. **Scheduling:** All petitions shall be set for hearing no more than fourteen (14) days from the issuance of the Emergency Protective Order/Temporary Interpersonal Protection Order/Summons. At that time, parties should be present with evidence, necessary witnesses, and counsel if represented. For lack of service or other good cause, the Judge may continue the hearing and re-issue the Emergency Protective Order/ Temporary Interpersonal Protection Order/Summons. The schedule for domestic violence hearings is as follows:

Domestic Violence Hearings are conducted routinely in each of the Divisions of Daviess Circuit/Family Court on Wednesdays and Thursdays. Where there is a holiday, or when a regular session of Circuit/Family Court has been cancelled, it may be necessary for a Judge who is not assigned the case to conduct the hearing on another date and time.

III. 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.

B. Petitioners seeking to initiate contempt proceedings should contact: The Daviess County Attorney's Office ("County Attorney") for explanation of remedies and possible criminal prosecution.

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.

D. Motions for Contempt shall be served upon the Respondent no less than five (5) days before the scheduled hearing.

E. Pursuant to FCRPP 11(2), the Court shall advise Respondent of his or her rights and, if Respondent cannot afford counsel, shall appoint a Public Defender. The Judge may reset the hearing for the appearance of the Public Defender or for Respondent to obtain counsel.

All general orders, forms, policies, and procedures unique to this jurisdiction and relating to domestic violence are contained in the Local Rules of the Daviess Circuit/Family Court or contained in this protocol. The standard AOC forms for Petition, Emergency Protective Order, Summons, Domestic Violence Order, and Motions in Domestic Violence proceedings are utilized throughout this jurisdiction and can be obtained through the Daviess Circuit Court Clerk's Office or downloaded from the AOC website at www.courts.ky.gov/forms. AOC also

offers an online guided interview program that will create the petition based on information provided by the petitioner. That program is available at https://www.kycourts.gov/Legal-Help/Pages/Self-Help-Portal.aspx.

This protocol is adopted by all judges of the 6th Judicial Circuit.

Hon. Bryce Caldwell
Sixth Judicial Circuit Judge
Daviess County Circuit Court
Division I

Hon. David C. Payne
Sixth Judicial Circuit Judge
Daviess County Circuit Court
Division II

Hon. Jennifer L. Hendricks
Sixth Judicial Circuit Judge
Daviess County Circuit Court
Family Court, Division III

Hon. Angela L. Thompson
Sixth Judicial Circuit Judge
Daviess County Circuit Court
Family Court, Division IV