Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR 8TH CIRCUIT AND 38TH DISTRICT, EDMONSON COUNTY

Upon the recommendation of the judges of the 8th Judicial Circuit and 38th Judicial District, Edmonson County, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for Edmonson County is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this 16th day of May 2023.

CHIEF JUSTICE

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

EDMONSON COUNTY

Pursuant to KRS 403.725 and KRS 456.030, this local protective order protocol is established to ensure twenty-four hour accessibility to emergency protective orders (EPOs) and temporary interpersonal protective orders (TIPOs) and to establish written procedures for matters in which there may be concurrent jurisdiction between the Circuit Family Courts and District Courts.

I. Uniform Protocol for Handling Cases

A. All petitions requested, completed, and signed by persons seeking protection under KRS Chapter 403 or KRS Chapter 456 shall be made on form AOC-275.1, and shall be accepted and filed with the court. KRS 403.725, KRS 456.030.

B. All protective order cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.

C. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.

D. "No drop" policies, which place limitations on a petitioner's right to modify or withdraw a petition for a protective order, are not permitted.

E. Pursuant to KRS 403.740 and KRS 456.060, any orders for relief issued directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault shall not order the petitioner to take any affirmative action.

F. Cases may be reassigned within the judicial circuit, and, pursuant to FCRPP 12, a case may be transferred to another circuit if there is a pending dissolution or custody matter. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.

G. The court shall review a petition for a protective order immediately upon its filing. KRS 403.730, KRS 456.040. Petitioners shall not be sent away or left waiting for extended periods of time. Petitions should be reviewed within an hour of presentation to a judge unless impossible due to no judge being available.

II. Twenty-four Hour Accessibility

A. **During regular business hours** (8:00 a.m.- 4:00 p.m. Monday thru Friday) a verified petition for an Emergency Protective Order (EPO) or Temporary Interpersonal Protective Order (TIPO) may be filed at the Office of the Edmonson County Circuit Court Clerk located at:

Edmonson County Courthouse
110 West Main Cross Street
Brownsville, Kentucky 42210
(270) 597-2584

Language interpretation will be provided at the Edmonson Circuit Court Clerk's Office.

B. **After the regular business and during the weekends**, requests for an EPO or a TIPO may be filed at the Edmonson County 911 dispatch office located at:

Edmonson County 911 Dispatch
247 Mohawk Street
Brownsville, Kentucky 42210
PHONE 270-597-2729

C. Upon receipt of a petition for either an EPO or TIPO during regular business hours, the authorized agency shall present the petition to the assigned Family Court Judge. If the assigned Judge is not available, then the clerk shall present the petition to an available Family Court Judge. If neither Family Court Judge is available, then the clerk shall present the petition to an available District or general jurisdiction Circuit Judge.

D. Upon receipt of a petition after regular business hours, the authorized agency/law enforcement shall present the EPO/IPO petition to the on-call District Judge for Edmonson County. Further, all after business hours emergency custody orders (ECOs) shall be presented to the on-call Family Court judge.

III. Assignment of Cases

A. Pursuant to KRS 403.735 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent between district, circuit, and family court. The judge reviewing a petition for an order of protection shall indicate in the "Court Action" section of the petition whether the resulting action is a domestic violence action under KRS Chapter 403 or an interpersonal protective order action under KRS Chapter 456.

B. The circuit clerk shall assign domestic violence hearings and interpersonal protective

order cases to the Family Court.

C. The schedule for hearings on protective orders is as follows:

Edmonson Circuit, Division 3 - The third Tuesday of each month at 9:00 a.m.
Edmonson Circuit, Division 4- The first Tuesday of each month at 9:30 a.m.

These dates are subject to change as may be ordered by the court for good cause.

D. Cases may be reassigned or transferred between courts if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. KRS 403.725, KRS 456.030. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.

IV. Contempt Proceedings

A. Pursuant to KRS 403.763 and KRS 456.180, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding

B. Petitioners seeking to initiate contempt proceedings should contact the Edmonson Circuit Court Clerk's office at 110 West Main Cross Street, Brownsville, Kentucky 42210.

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

The undersigned hereby acknowledge that all general orders, forms, policies, and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

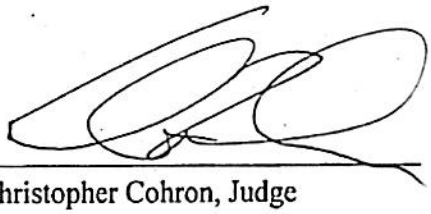
The attached protocol is adopted by all judicial officers in the circuit:

5.9.23

David A. Lanphear, Judge
Eighth Judicial Circuit, Div. 3

5/11/2023

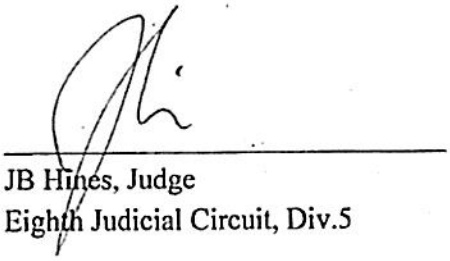
Catherine Rice Holderfield, Judge
Eighth Judicial Circuit, Div. 4



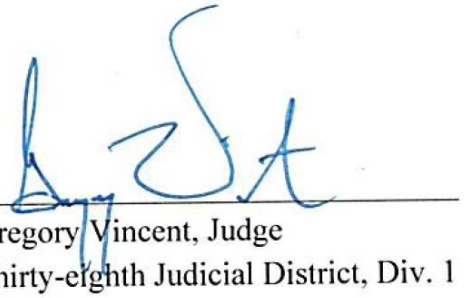
Christopher Cohron, Judge
Eighth Judicial Circuit, Div. 1



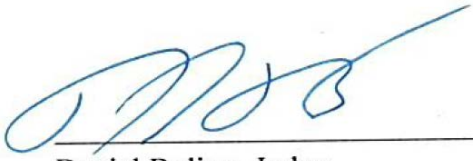
John R. Grise, Judge
Eighth Judicial Circuit, Div. 2



JB Hines, Judge
Eighth Judicial Circuit, Div.5



Gregory Vincent, Judge
Thirty-eighth Judicial District, Div. 1



Daniel Boling, Judge
Thirty-eighth Judicial District, Div. 2