Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING LOCAL COURT RULES FOR THE 9th JUDICIAL CIRCUIT, HARDIN FAMILY COURT

Upon recommendation of the Judges for the 9th Judicial Circuit, Hardin Circuit and District Courts; and being otherwise sufficiently advised,

The Court Rules for Hardin Family Court 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 the 24th day of August 2026.

Debra Hembree Lambert
CHIEF JUSTICE

COMMONWEALTH OF KENTUCKY
NINTH JUDICIAL CIRCUIT
FAMILY COURT DIVISIONS
HARDIN COUNTY

HARDIN FAMILY COURT LOCAL RULES OF PROCEDURE AND PRACTICE

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COMMONWEALTH OF KENTUCKY
NINTH JUDICIAL CIRCUIT
FAMILY COURT DIVISIONS
HARDIN COUNTY

HARDIN FAMILY COURT LOCAL RULES OF PROCEDURE AND PRACTICE

HFCRPP 1. INTRODUCTION / ADMINISTRATIVE PROCEDURE

1.01 Mission

Pursuant to KRS 23A.110, the jurisdiction of the family court division of Circuit Court shall be applied to promote the underlying purposes, which are as follows:

A. To strengthen and preserve the integrity of the family and safeguard marital and familial relationships;

B. To protect children and adult family members from domestic violence and abuse;

C. To promote the amicable settlement of disputes that have arisen between family members;

D. To assure an adequate remedy for children adjudged to be dependent, abused, or neglected, and for those children adjudicated as status offenders;

E. To mitigate the potential harm to the spouses and their children caused by the process of legal dissolution of marriage; and

F. To make adequate provision for the care, custody, and support of minor children of divorce and for those children who have been born out of wedlock.

1.02 Introduction

A. These HARDIN FAMILY COURT LOCAL RULES OF PROCEDURE AND PRACTICE, which includes Appendices 1 through 7, shall be cited as "HFCRPP." The HFCRPP shall supplement the Kentucky Rules of Civil Procedure (CR) and the Family Court Rules of Procedure and Practice (FCRPP).

B. The HFCRPP shall also supplement the Rules of Court Practice and Procedure for the 9th Judicial Circuit and all subsequent Administrative Orders. The HFCRPP shall supersede the rules of the District and Circuit Courts in all instances where such rules are inconsistent herewith for cases within the jurisdiction of Family Court and the former Hardin Family Court Rules prior to the establishment of Division IV of Hardin Circuit Court-Family Court.

C. Cases filed in the Family Court shall be styled as follows:

COMMONWEALTH OF KENTUCKY HARDIN CIRCUIT COURT FAMILY COURT - DIVISION I CASE NO. _____	OR	COMMONWEALTH OF KENTUCKY HARDIN CIRCUIT COURT FAMILY COURT - DIVISION IV CASE NO._____

D. These HFCRPP shall be effective upon the approval of the Chief Justice of the Kentucky Supreme Court.

1.03 Jurisdiction

A. Pursuant to Kentucky Constitution § 112(6),

> "The Supreme Court may designate one or more divisions of Circuit Court within a judicial circuit as a family court division. A Circuit Court division so designated shall retain the general jurisdiction of the Circuit Court and shall have additional jurisdiction as may be provided by the General Assembly."

B. Pursuant to KRS 23A.100, KRS 403.725, and KRS 456.030, the Ninth Judicial Circuit's Family Court Divisions shall retain jurisdiction over:

1. Dissolution of marriage;
2. Child custody;
3. Visitation;
4. Maintenance and support;
5. Equitable distribution of property in dissolution case;
6. Adoption;
7. Termination of parental rights;
8. Domestic violence and abuse proceedings under KRS Chapter 403 subsequent to the issuance of an emergency protective order in accord with local protocols under KRS 403.725;
9. Interpersonal protective order proceedings under KRS 456.050;
10. Proceedings under the Uniform Act on Paternity, KRS Ch. 406, and the Uniform Interstate Family Support Act, KRS 407.5101 to 407.5902;
11. Dependency, neglect, and abuse proceedings under KRS Chapter 620; and,
12. Juvenile status offenses under KRS Chapters 244, 428, and 630, except where proceedings under KRS Ch. 635 or KRS Ch. 640 are pending.

1.04 Consolidation of related cases

Pursuant to CR 42.01, when two or more different actions are pending in Family Court involving the same parties and common questions of law or fact, those cases may be consolidated at the discretion of the presiding Family Court Judge. Even when such cases are consolidated, the files shall be maintained separately, and cross-referenced.

1.05 Appeal from Family Court matters

Pursuant to KRS 22A.020(1), an appeal may be taken as a matter of right to the Court of Appeals.

1.06 Court holidays

The Family Court shall adhere to the list of Court holidays as set out by the Court of Justice's Holiday Calendar.

1.07 Disqualification of Judge

If disqualification is necessary in a case, the Family Court Judge shall complete the appropriate AOC form (Notice of Disqualification) or other disqualification document. The matter may be transferred to the other Family Court Division.

1.08 Rulings from the Bench

Parties are expected to follow verbal orders and directions from the court until incorporated into a written order. Contempt motions shall only be permitted from written orders.

HFCRPP 2. COURT SCHEDULING / MOTION HOUR / PROCEDURES FOR FILING

2.01 Court Schedule and Calendar

See Appendix No. 1.

2.02 Rule day/motion hour and motion practice

A. Motion Hour for Domestic Relations cases:

1. **Division 1**: Rule Day/Motion Hour for Domestic Relations cases shall begin at 11:00 a.m. each Tuesday except the fifth Tuesday of any given month and except the last two Tuesdays of July and December.

2. **Division IV**: Rule Day/Motion Hour for Domestic Relations cases shall begin at 11:30 a.m. each Tuesday except the fifth Tuesday of any given month and except the last two Tuesdays of July and December.

3. For both Division and Division IV: Fifteen (15) minute hearings for motions will begin at 1:00 p.m. on Tuesdays. All matters requiring more than 15 minutes shall be scheduled for a date certain other than motion day by the presiding Family Court Judge or by the Judge's staff to promote judicial economy.

B. Motion Practice for Domestic Relations Cases

1. Any motion accompanied by an "Agreed Order" and any motion for default judgment may be filed with the Clerk and sent directly to the presiding Family Court Judge for his or her signature. All other motions must be noticed for a hearing at Motion Hour on a Rule Day, except for those contempt matters applying to HFCRPP 2.05.

2. Each motion to be heard on a Motion Day shall be filed with the Clerk no later than 3:00 p.m. on the Wednesday immediately preceding the Motion Day for which the motion has been noticed. Any motion filed after 3:00 p.m. may be placed on the docket at the discretion of the presiding Judge. Each motion shall be served upon opposing counsel, or party not represented by counsel and entitled to notice, no later than midnight on the Wednesday immediately preceding the Rule Day for which the motion has been noticed. "Service" shall be as described in CR 5.02 or by placing a copy of the motion in the mail slot allotted to that opposing counsel in the Clerk's office located in the Hardin County Justice Center. All post-judgment motions must be served upon the opposing party.

3. Each notice shall state therein, in general terms, the subject matter of the motion and the action of the Court requested by the movant.

4. No motion will be heard by the Court unless same is accompanied by a tendered order which the movant desires the Court to enter and by tendered Findings of Fact and Conclusions of Law if the requested order will be a final and appealable order and such Findings and Conclusions are required by law. Any substantive motion (excluding scheduling or procedural) shall be accompanied by an affidavit.

5. Any "Agreed Order," except one dealing solely with a procedural matter such as the method of presenting proof, shall be accompanied by a proposed Findings of Fact, and Conclusions of Law, if involving a final and appealable matter or otherwise required by law.

C. Deadlines for Serving and Filing Motions

1. All contested domestic relations motions and hearings designated to be heard in the Family Court shall be filed with the Hardin Circuit Court Clerk assigned to Family Court, hereinafter referred to as "Clerk".

2. All juvenile matters, paternity matters, and domestic violence matters shall be filed with the Clerk and scheduled according to the calendar established by the Family Court Judge or requested for immediate review by the Court in

accordance with the Domestic Violence Protocol (Appendix No. 3) if involving Domestic Violence.

3. All matters involving paternity and child support connected with a paternity case/child support, juvenile status, dependent, neglected or abused, and domestic violence will be filed one week in advance of the docket set for such matters, unless good cause is shown and advance permission is obtained from the Family Court Judge. There will be no separate motion hour for these matters.

2.03 Hardin Family Court Case Disclosure Form

Each and every new petition* filed within Hardin Family Court shall be accompanied with a completed Hardin Family Court Case Disclosure (see Appendix No.2) signed by the petitioning party and petitioner's counsel, if represented. The Clerk of this Court shall use this information when assigning a Family Court Judge to each matter and, where possible, any new case shall be assigned to the same Judge that is presiding over any existing cases of the parties. If multiple cases are pending in different divisions, then the clerk shall notify Family Court Staff and the Family Court Judges shall confer to determine which division would be more appropriate for said case to be assigned or transferred to.

*New petitions include all dissolution of marriage, custody, child support, adoption, termination of parental rights, emergency protective and domestic violence, DNA, status and paternity actions.

2.04 Distribution requirement on Orders

Each motion filed in Hardin Family Court shall be accompanied by an Order specifying the requested relief of the movant. Further, this Order shall include a distribution list which names the parties to the action or the counsel representing said parties.
The Clerk shall distribute copies of all orders by mail to any unrepresented party or delivery or placement in the receptacles assigned for the attorneys in the clerk's office to the persons listed under DISTRIBUTION and shall certify such mailing, delivery or placement by making a check mark by the person listed and shall initial and date the same at the bottom of the distribution list. All orders and judgments shall contain a distribution list, same to include any acts required of the Clerk by said order or judgment, as set out in the following example:

Distribution:
Hon. John Doe [_____]
(Address)
Hon. Michelle Doe [_____]
(Address)
Clerk to provide copy to Master Commissioner [_____]

_____
Clerk's initials and date

2.05 Contempt, Motions for Contempt of Court, Restraining Orders or Injunctions

Contempt motions involving all Family Court cases shall be heard by the presiding Family Court Judge and shall be noticed for a hearing pursuant to the Court's docket as contained in HFCRPP 2.01/Appendix 1, or at any other time in the sole discretion of the presiding Family Court Judge for judicial economy and in the following manner:

A. The party moving for a ruling against another party in a Family Court case shall file the following with the clerk:

1. A motion for a rule and for a hearing date which shall be set by the Family Court Judge or his/her staff.
2. An affidavit setting forth facts supporting the motion.
3. An order for the responding party to appear and show cause why he/she should not be held in contempt. This order shall incorporate the allegation of the affidavit and shall include a notice statement with blank a blank date for the Judge or his/her staff to set a date for the hearing. For example:

[CAPTION]

On _____, Respondent/Petitioner was ordered to pay/do _____ _____. Petitioner/Respondent has filed an affidavit showing prima facie that the Respondent/Petitioner has failed to _____.

WHEREFORE, IT IS HEREBY ORDERED that the Respondent/Petitioner appear in the Court on ____at____am/pm to show cause why he/she should not be held in contempt of Court.

This ____day of _____, 20_____.

_____
JUDGE, HARDIN CIRCUIT COURT
FAMILY COURT-DIVISION _____

B. Proposed Findings of Fact, Conclusions of Law and Order, or contempt orders following a finding of contempt, or any other order or judgment shall be tendered by the prevailing party if requested by the presiding Family Court Judge.

C. The Clerk shall submit these papers to the presiding Judge. If the affidavit shows prima facie that the responding party is in violation of a previous court order, the show cause order will be signed, a hearing date set by the Family Court Judge or Court Staff, and all papers returned to the Clerk's Office.

D. Once any applicable court fees have been paid, the motion, affidavit, and order will then be served on the responding party as follows:

1. Pre-Judgment Proceedings - A pre-judgment motion for a Rule for failure to abide by the provisions of a pendente lite order shall be served upon opposing counsel, or party not represented by counsel, no later than midnight on the Wednesday immediately preceding the Rule Day on which the motion is to be heard. "Service" shall be pursuant to CR 5.01 and as described in CR 5.02, or by placing a copy of the motion in the mail slot allotted to opposing counsel in the Clerk's Office.

2. Post-Judgment Proceedings - A post-judgment motion for a Rule for failure to abide by the provisions of any order or judgment must be filed with the Clerk no later than ten days prior to the Rule Day on which the motion is to be heard. Notice of such a motion must be served upon the adverse party and his attorney of record, if any, at least ten days prior to the Rule Day for which the motion is noticed. Service upon the adverse party shall be as described in CR 4.01. Service upon the opposing attorney of record shall be as described in CR 5.02, or by placing a copy of the motion of same in the box provided for them in the Office of the Hardin Circuit Court Clerk.

E. Proof of service on the adverse party must be filed in the record or by placing same in the mail slot allotted to opposing counsel in the Clerk's office before the motion will be heard.

2.06 Warning Order Attorneys and Guardians ad Litem Appointment

For cases other than dependency, neglect and abuse (DNA) cases (also referred to as "dependency cases"), warning Order Attorneys and Guardians ad Litem shall be appointed from a list of attorneys who are in good standing with the Hardin County Bar Association and have been approved by the presiding circuit judges, with each attorney on the list to receive an equal number of appointments. Any attorney wishing to be added to the list or removed from the list may have his or her name shall file a written request with the Circuit Court Clerk.

2.07 Fees

A. Any litigant, except one permitted to proceed in forma pauperis, who desires the appointment of a Warning Order Attorney/Military Attorney, shall deposit with the clerk when the request is made, the sum of $200.00 as a Warning Order/Military Attorney fee. Unusual circumstances or expenses (not including typical postage expenses) may justify an additional fee. A request for an additional fee must be addressed by motion to the court.

B. For fees paid, per statute, by the Finance and Administration Cabinet, attorneys shall prepare and file a FINGAL-1 (Order for GAL/CAC Attorney Fees) with the clerk.

C. For cases in which fees are not paid by the Finance and Administration Cabinet, any litigant, except one permitted to proceed in forma pauperis, who desires the appointment of a Guardian ad Litem, shall deposit with the clerk when the request is made, the sum of $250.00 as a Guardian ad Litem fee. Unusual circumstances or expenses (not including typical postage expenses) may justify an additional fee. A request for an additional fee must be addressed by motion to the court.

D. Unless objection has been filed, the Clerk shall pay the deposited fee to the Warning Order/Military Attorney or Guardian ad Litem upon filing of the attorney's report, or upon entry of final judgment.

2.08 Paupers

Any attorney appointed as Warning Order Attorney or Guardian ad Litem in an in forma pauperis proceeding will also be appointed in the next non-pauper action where appointment of a Warning Order Attorney or Guardian ad Litem is requested and in which that attorney is eligible for appointment.

2.09 Mediation

Mediation is an informal process in which a neutral third person, called a mediator, facilitates the resolution of a dispute between two or more parties. The process is designed to help disputing parties reach an agreement on all or part of the issues in dispute. Decision-making authority remains with the parties, not the mediator. The mediator assists the parties in identifying issues, fostering joint problem-solving, and exploring settlement alternatives. Duties of the Mediator are set out in attached Appendix No. 4.

A. **Referral of cases to mediation**
Pursuant to FRCPP 39(2), the Court may order mediation to occur.

B. **Mediator compensation**
If the mediator is chosen by agreement, the mediator shall be compensated at the rate agreed upon between the mediator and the parties. If the mediator is appointed by the Court, the fee for the mediator shall be reasonable and no greater than the mediator's standard rate as a mediator. Unless otherwise agreed by the parties or ordered by the Court, the parties shall equally divide the mediator's professional fees.

C. **Mediation procedure**

1. Following selection of the mediator, the mediator shall set an initial mediation conference within forty-five (45) days. The mediation conference shall be held in Hardin County unless some other site is agreed to by the parties. The mediator may meet with the parties or their counsel prior to the mediation conference for the purpose of establishing a procedure for the mediation conference. The

mediator may require the parties to submit a confidential statement of the case or other materials that the mediator may reasonably believe appropriate for efficiently conducting the mediation conference.

2. Counsel for each party or a party, if pro se, shall file an updated Verified Financial Disclosure Statement no less than 5 days prior to the mediation conference and, on the day of filing, shall provide, to the mediator, a copy of the Verified Financial Disclosure Statement and a copy of any statement of the case or other materials requested by the mediator.

3. Counsel for each party or a party, if pro se, shall in no less than 5 days prior to the mediation conference shall provide the mediator with a copy of the following documents:

   a. A short statement including definition of the issues to be addressed by the mediator and a brief narrative statement of any special problems affecting the case (i.e. closely held corporations, medical problems of any family members, etc.);
   b. The updated Verified Disclosure Statement filed with the court as required by the above rule; and
   c. All information and copies of all documents requested by the mediator prior to the mediation conference.

E. **Attendance at mediation conference**
All parties and, if applicable, their Counsel shall attend the mediation conference unless otherwise specifically ordered by the Court.

F. **Completion or termination**
The mediator may terminate the mediation conference after a settlement is reached or when the mediator determines that continuation of the process would be unproductive. After the initial mediation conference, mediation shall continue only by the agreement of the parties, their counsel, and the mediator, or by order of the Court.

G. **Failure to appear for mediation**
If either party should fail to appear without reasonable notice and good cause for any mediation session or if either party does not participate in good faith, the Court may, at the conclusion of the case and upon a motion, award attorney's fees and costs or impose any other appropriate sanction, including contempt.

H. **Report to the court**
The mediator shall report to the Court that the mediation has not occurred, has not been completed, or has been completed with or without an agreement on any or all issues. With the consent of the parties, the mediator may also identify those matters that, if resolved or completed, would facilitate the possibility of a settlement.

I. **Agreement**
If an agreement is reached during the mediation conference, it shall be reduced to writing and signed by the parties. The mediator shall draft the agreement and have the parties sign said document prior to the conclusion of the mediation session. Said agreement shall be filed with the Court within 5 days of the conclusion of the mediation session.

J. **Confidentiality**

1. Mediation sessions shall be closed to all persons other than the parties, their legal representatives, and other persons invited by the mediator with the consent of the parties.

2. Mediation shall be regarded as settlement negotiations for purposes of KRE 408.

3. Mediators shall not be subject to process requiring the disclosure of any matter discussed during the mediation, but rather, such matters shall be considered confidential and privileged in nature except on order of the Court for good cause shown. This privilege and immunity reside in the mediator and may not be waived by the parties.

4. Nothing in this rule shall prohibit the mediator from reporting abuse according to KRS 209.030, KRS 620.030, or other applicable law.

HFCRPP 3. ADOPTION AND TERMINATION OF PARENTAL RIGHTS

3.01 Petition and case number assignment

Pursuant to FCRPP 30(2)(b), every petition in an adoption or termination action shall include the case number of any related dependency case and the name of any Guardian ad Litem and/or attorney previously appointed.

3.02 Guardian ad Litem

Guardian ad Litem standards and expectations of practice are articulated by Family Court Policy contained in attached Appendix No. 5. Pursuant to KRS 199.480(3), no Guardian ad Litem need be appointed in an adoption proceeding if the requirements of the statute are met.

3.03 Voluntary termination of parental rights

Within three (3) days after a petition for the voluntary termination of parental rights is filed, the Court shall set a date for a hearing which shall not be more than thirty (30) calendar days after the petition is filed, unless for good cause. See KRS 625.042(1).

3.04 Guardian ad Litem in post-judgment reviews

A. In all cases where post-judgment reviews of terminations of parental rights are conducted pursuant to Public Law 96-272 ("Adoption Assistance and Child Welfare Act of 1980," codified at 42 U.S.C. §§ 670-679 (1988)) where a Guardian ad Litem has been previously appointed by the Court, that individual shall continue to serve in such capacity unless otherwise ordered.

B. If the previously appointed guardian is unable or unwilling to serve or if no guardian has been appointed, a Guardian ad Litem shall be appointed by the Court.

3.04 Submission of Pay Orders

A. Adoption Cases. No later than fourteen days (14) after the conclusion of the final hearing in an adoption case, appointed attorneys shall file respective pay orders. Failure to tender or file said pay orders may result in the pay order being denied in part or in total.

B. Termination of Parental Rights Cases. Attorneys seeking payment for appointed representation in a termination of parental rights case shall submit a FINGAL-1 to the court no later than fourteen days (14) after the entry of a disposition hearing order. Any FINGAL-1 submitted after this deadline may be refused.

HFCRPP 4. DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

4.01 24-Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol

The Twenty-Four Hour Accessibility Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol of the 9th Judicial Circuit and District is attached as Appendix 3 and incorporated into these Rules by reference as if fully set out herein.

HFCRPP 5. PATERNITY ACTIONS

5.01 Introduction/scope and applicability/case number assignment

These Rules shall govern paternity and child support actions pursuant to KRS Chapters 405, 406, and 407.

5.02 Court calendar and filing deadlines

A. Paternity and child support matters with a "J" designation shall be heard pursuant to the schedule in HFCRPP 2.01/Appendix 1, unless otherwise scheduled by the Family Court Judge.

B. Contempt motions arising from paternity/child support action with a "J" shall be heard pursuant to HFCRPP 2.05, unless otherwise scheduled by the Family Court Judge.

C. Any motion filed on the Paternity/Child Support "J" docket shall be filed one week in advance of the court date.

5.03 Guardians ad Litem and military attorneys

A. Guardians ad Litem for minor defendants and military attorneys in paternity cases shall be appointed from a panel of attorneys who have registered their willingness to accept appointments with the Circuit Court Clerk's Office. Appointments shall be made in rotation according to the register, except in those cases where an emergency exists, a member of the panel previously represented the party, or special language or communication skills are necessary for adequate representation of a party.

B. Within sixty (60) days of the appointment, the Guardian ad Litem or Military Attorney shall either file an answer on behalf of the Respondent or a report stating that after careful examination of the case that the Respondent is unable to present a defense.

5.04 Custody, visitation or other ancillary matters

No custody, visitation, or other ancillary matters shall be heard in the paternity docket. Parties wishing to litigate these issues shall file an appropriate separate civil action or file a motion in an existing appropriate action.

5.05 Pre-trial procedures for genetic testing

A. Genetic Testing

1. Pursuant to FCRPP 13(1), in a case in which paternity is denied or in which the parties request genetic testing, on motion made by any party, a pretrial order shall be entered by the court forthwith which requires both parties and the child to submit to genetic tests in accordance with KRS 406.081 or 406.091 unless an agreed order is entered.

2. Pursuant to FCRPP 13(2), within thirty (30) days of receipt of the genetic report, the Petitioner shall file the original report with the Court in support of a motion to dismiss, to set for trial, or for summary judgment.

3. Pursuant to FCRPP 13(3), in cases in which the genetic test report excludes the defendant from paternity, the Court after the expiration of thirty (30) days from the date of the filing of the exclusionary report, shall enter an order of dismissal in favor of the defendant unless a motion for additional testing is filed prior to the expiration of the thirty (30) days.

HFCRPP 6. DEPENDENCY, NEGLECT AND ABUSE

6.01 Introduction/scope and applicability

These Rules shall govern dependency, neglect, or abuse (DNA) actions as defined by the Kentucky Unified Juvenile Code and known collectively as "dependency actions."

6.02 Service of process and notice

A. The Clerk may prepare and deliver to the Sheriff for service a summons requested by appointed counsel and Guardians ad Litem. The attorneys shall prepare the subpoenas for their cases.

B. The Hardin County Attorney shall notify all parties, including CASA and the Foster Care Review Board, if applicable, and counsel of all proceedings which have not been previously noticed to them, including dispositional reviews.

C. Except in cases where good cause is shown or an emergency exists, all parties shall be given a minimum of five (5) days notice of all hearings and reviews.

6.03 Effect of service on only one parent/person exercising custodial control or supervision

A. The Judge may permit the temporary removal hearing or the adjudicatory hearing to go forward when one parent has not been served if it is established on the record that Petitioner has made diligent efforts to serve all other parties in time to permit them to prepare for and participate in the hearing, including initiating contact with the Child Support Division of the County Attorney's Office in an attempt to locate any absent parent and including taking other measures in compliance with statutory requirements.

B. The Petitioner shall make continuing diligent efforts after the hearing to locate and notify all persons who were not served. If the second parent or persons exercising custodial control or supervision has not been served with the petition prior to a hearing but subsequently notified of the proceedings, the Court shall hear the matter, giving preference to statutory actions seeking entitlement of custody.

6.04 Petition and case number assignment

A. Any petition for dependency, neglect and abuse filed with this Court shall include:

1. Citations to the specific statute and factual allegations relied upon in asserting the Court's jurisdiction; and
2. Full information concerning the child's parents and their addresses, if known, after diligent efforts to locate them have been made by the Petitioner.

B. Upon the filing of a juvenile petition with the Clerk, the Clerk shall enter the case into the court case management information system, prepare the Guardian ad Litem appointment order, and issue a packet of process. Pursuant to FCRPP 18, the packet of process shall include a copy of the petition, a copy of the Emergency Custody Order, and the original summons which has a statement of the rights of the parents, and an affidavit of indigency.

C. A Family Court Judge, or if not available, a District Court Judge, shall review the petition. If the reviewing Judge finds that removal is in the best interest of the child pursuant to KRS 620.060, then the Judge shall issue an Emergency Custody Order and schedule a hearing in the Family Court pursuant to KRS 620.060 consistent with HFCRPP 2.01/Appendix 1.

6.05 Court calendar and filing deadlines

A. Dependency, neglect and abuse matters, including contempt, shall be heard every Wednesday, pursuant to the schedule set out in HFCRPP 2.01/Appendix 1 and at any other time deemed necessary by the Family Court Judge to promote judicial economy.

B. Any motion, except contempt, filed in a dependency, neglect or abuse shall be filed one week in advance of the court date.

6.06 Pre-trial conferences

Pre-trial conferences shall be conducted by the Family Court Judge, the staff attorney or other court personnel at the discretion of the Family Court Judge. The pre-trial conference shall be limited to 30 minutes, except for good cause shown.

6.07 Appointment of counsel for indigent parents and persons exercising custodial control or supervision

Counsel shall be appointed from a panel of attorneys who have registered their willingness to accept appointments with the Hardin Circuit Court Clerk's Office. Appointments shall be made in rotation according to the register, except in those cases where an emergency exists, a member of the panel previously represented the party, or special language or communication skills are necessary for adequate representation of a party.

6.08 Appointed Attorney Payment Requests

Attorneys seeking payment for appointed representation in a dependency, neglect and abuse case shall submit a FINGAL-1 to the court no later than 6 months after the entry of a disposition hearing order. Any FINGAL-1 submitted after this deadline may be refused.

6.09 Guardians ad Litem

The Family Court has adopted guidelines for attorneys representing children, attached as Appendix No. 5.

6.10 Court Reports

The Court requires all reports in dependency, neglect and abuse cases to be forwarded to the Court no later than 72 business hours prior to the hearing. Additionally, reports should be forwarded to all parties or their counsel.

6.11 Miscellaneous

After a dependency, neglect or abuse case has been removed from the active docket, any custody, visitation or other modification/enforcement motion(s) proceedings shall be taken up in an appropriate Circuit Court (CI) action; unless otherwise agreed upon.

6.12 Family Recovery Court

Rules applying specifically to Family Recover Court are found in Appendix 7 of these rules.

HFCRPP 7. DOMESTIC RELATIONS PRACTICE

7.01 Restraining orders

Pursuant to FCRPP 2(5) the Court may enter a Status Quo Order regarding marital assets. The requesting party may file the Status Quo Order, AOC-237, with the Court upon the filing of a motion.

7.02 Preliminary Verified Disclosure Statements (PVDS) and Final Verified Disclosure Statements (FVDS)

A. In each contested action for divorce or legal separation, parties shall comply with FCRPP 2(3).

B. Final Verified Disclosure Statements (FVDS) shall be filed no later than 14 days prior to any scheduled final hearing.

C. Failure to file the Final Verified Disclosure Statement (FVDS), within 5 days prior to the final hearing, may, at the sole discretion of the presiding Family Court Judge, result in a continuance of any scheduled hearing.

7.03 Obtaining a Decree of Dissolution in uncontested actions for divorce or legal separation

A. For Purposes of this Rule, an "uncontested action" is defined as follows:

1. An action in which there has been filed a separation agreement executed by both parties, and in which no motion to set aside that agreement is pending;

2. An action in which the Respondent is before the Court only by warning order service of process, the warning order attorney's report has been filed, and the moving party is requesting only dissolution of the marriage, custody of children over which this Court has jurisdiction and/or division of property located in Kentucky; or

3. An action in which the Respondent has been served with process pursuant to CR 4.01 and has filed no responsive pleading, and in which the moving party is requesting only limited relief, evidence in support of which can be presented in 15 minutes or less.

B. Proof by Deposition or Interrogatory:

1. Proof in an uncontested action shall be taken by deposition or interrogatory pursuant to CR 43.04(1). The motion to submit need not be noticed for a regular Motion Hour, but may be tendered to the Family Court Judge by filing the motion in the Clerk's office.

2. Any motion to submit an uncontested action must be accompanied by a proposed "Findings of Fact, Conclusions of Law, Judgment and Decree" that the moving party desires the Court to adopt.

3. Any Separation Agreement or Agreed Judgment providing for a child support obligation shall include as an attachment thereto a Commonwealth of Kentucky Worksheet for Monthly Child Support Obligation. If the child support obligation established in the Separation Agreement does not correspond to the child support guidelines contained in KRS Chapter 403, the agreement must state the reason for deviation from the guidelines.

7.04 Discovery in contested actions for Divorce or Legal Separation

A. Discovery shall be completed thirty (30) days prior to the final trial date.

B. It shall be the duty of the party to supplement all required responses in accordance with CR 26.05 not later than thirty (30) days prior to the hearing date or trial date.

C. Upon motion to the Court, discovery time may be extended in custody issues and complex economic issues, at the discretion of the Court and for good cause shown.

7.05 Subpoenas for medical, psychiatric, or other privileged records

A. Subpoenas for hospital records shall be issued pursuant to KRS 422.300 et seq.

B. Subpoenas and accompanying orders for release of psychiatric and other privileged records shall only be issued by the Family Court upon motion by the requesting party, accompanied by an appropriate affidavit which shall set forth legitimate grounds for the request. Said affidavit shall specifically state a statutory and/or common-law basis for the issuance of the subpoena and order. The Court shall require a hearing prior to ordering the release of any privileged information.

7.06 Domestic violence waiver

In any matter before this Court, any party may seek an order from the Court waiving the requirement to share specific information with the opposing party if release of such information would endanger the safety and welfare of the party or another involved person.

7.07 Motions to set for trial

A motion to set a domestic relations action for trial shall be noticed for any regular Motion Hour. On receipt of such a motion, the Family Court Judge may in his or her discretion set a trial date. Prior to setting a trial date, the Family Court Judge may in his or her discretion set a pretrial conference, which shall be conducted in accordance with HFCRPP 7.08.

7.08 Pretrial conference

A. Either party or the presiding Family Court Judge can schedule a pretrial conference in addition to the case management conference thirty (30) days prior to the final hearing date.

B. Both parties and/or their counsel shall be present except for good cause shown.

C. Agreements and stipulations shall be entered on the record or submitted in writing.

D. A hearing order listing proposed exhibits and witnesses shall be submitted.

E. Settlement possibilities shall be discussed.

F. The FVDS shall be filed by the parties.

7.09 Trials

A. Presentation of Evidence.

1. All contested actions shall be tried orally before the Family Court Judge unless the Family Court Judge finds pursuant to motion by either party that there is good

cause to permit evidence to be presented by deposition or interrogatory and has entered an order permitting proof to be taken in that manner.

2. No motion or tendered "Agreed Order" to take proof by deposition will be considered by the Family Court Judge unless at least one of the parties has filed a Verified Disclosure Statement, or unless waived by the parties and approved by the Court.

3. Cases heard orally shall be reported either by videotape or audiotape. Depositions and interrogatories shall be on 8-1/2 x 11 inch paper, shall be typewritten in 12-point type, and double spaced.

B. Pretrial Compliance

No later than ten (10) days prior to the trial/hearing date, each party shall file with the Clerk of this Court a list of names and addresses of all witnesses (excepting parties) to be used by them at the hearing, together with an itemized list of exhibits proposed to be introduced as evidence which shall be shown by certificate of attorney. A copy of all exhibits listed with the Clerk shall be provided to all opposing counsel or parties answering and not represented by counsel, unless said exhibits are too cumbersome and voluminous as to make same impracticable, in which case such exhibits shall be made available for viewing by all opposing counsel or parties answering and not represented by counsel. No other witnesses may be introduced, or exhibits received in evidence than those disclosed as above set out, except by agreement of all parties or in the sound discretion of the Court for good cause shown. The prefiling of exhibits is not encouraged.

7.10 Briefs/statement of desired findings, conclusions and judgments

A. Each party may submit to the Family Court Judge at the time of trial proposed Findings of Fact, Conclusions of Law and Decree/Judgment which he or she desires the Judge to enter. Following the trial and upon a ruling, the Judge may require the parties to submit Findings, etc., and may set reasonable time limits for the filing of these documents. If briefs are submitted, the Court may set limits as to the length of said briefs and the time for filing with the Court.

B. In any case tried by deposition or interrogatory, a motion to submit shall be accompanied by a statement of desired Findings of Fact, Conclusions of Law and Judgment. The responding party shall have seven (7) days in which to file a similar statement or object to the motion to submit. If no objection is filed, the case shall stand submitted seven (7) days after the hearing on the motion to submit.

7.11 Parents and Children Education Clinics

If there are minor children of the marriage or initial custody proceeding, a proceeding for dissolution of marriage or custody proceeding may not be assigned for final hearing until

the parties have attended and completed the approved education program and the parties' children who are enrolled in school grades 1-8 have attended the approved education program, if ordered by the Court pursuant to FCRPP 6(4).

7.12 Failure or refusal to attend

If a party fails or refuses to attend the approved divorce education program when ordered by the Court, the Court may make such orders in regard to the failure or refusal as are just, including but not limited to the following:

A. An order refusing to assign a trial date until the party requesting the trial date attends the program;

B. In lieu of any of the foregoing orders or in addition thereto, an order treating as contempt of court the failure to obey an order to attend the program.

7.13 Fee for attendance of PEC

The costs associated with counseling or divorce education shall be at the expense of the parties.

7.14 Disputed child custody and/or parenting arrangements

A. The parties are encouraged to reach an agreement regarding custody and parenting times that are in the best interests of the children.

B. At such time that it is determined that custody and/or parenting time arrangements are in dispute, and the parties are unable to resolve the conflict, a party may seek or the Court, sua sponte, may order appropriate action to address the custody and/or parenting time arrangement pursuant to FCRPP 6. Such appropriate actions may consist of one or more of the following:

1. Custody evaluation;

2. Psychological evaluation(s) of a party or parties, and/or children;

3. Family counseling;

4. Mediation/evaluation (except in cases of domestic violence) where the parties are assisted in reaching their own resolution of conflict; however, if this process fails, the Court may order a custody evaluation which is to be reported to the Court and the parties;

5. Appointment of a Guardian ad Litem to represent the best interest of children;

6. Appointment of independent counsel to represent the children;

7. The appointment of other suitable professionals for opinions or advice which the Court deems appropriate;

8. Such other action deemed appropriate by the Court. In requesting one of the alternatives presented above, counsel for a party shall provide in detail the reasons supporting the request.

C. It is the policy and the request of the Family Court to use the term "parenting time" in lieu of visitation.

7.15 Time-Sharing/Visitation

Pursuant to FCRPP 8(1), the Hardin Family County Time-Sharing/Visitation Guidelines shall be applicable and are located in Appendix 6 to these rules.

7.16 Modification

Each Separation Agreement and Final Decree that includes provisions for parenting time shall include a statement incorporating the parenting time-sharing schedule ordered by the Court or agreed to by the parties and approved by the Court, and shall also include the following language:

> The agreed parenting time-sharing schedule is based on the current residences of the parties. Prior to relocation of either party to another county or state, or a move which would require modification of the present agreement, the party intending to relocate shall tender an Agreed Order modifying parenting time or said party shall petition the Court for mediation or a hearing to modify parenting time. A possessory parent shall not relocate the child/children prior to Court approved modification.

7.17 Motions to set or modify child support or maintenance

A. All motions to set or modify child support or maintenance shall comply with the requirements of FCRPP 9 and FCRPP 5. The Hardin County Attorney's Office may be allowed to rely upon its federal/state wage data reports as comparable information.

B. All child support shall be paid by wage assignment unless otherwise agreed to by the parties.

HFCRPP 8. STATUS OFFENSES

8.01 Review

A. Truancy/Educational Neglect and all other status offense arraignments, appearances, adjudications, dispositions, reviews and contempt matters shall be scheduled pursuant

to the schedule in HFCRPP 2.01 and Appendix 1, or at any other time set by the Family Court Judge to promote judicial economy.

B. Any motion, except contempt, filed on the Status "J" docket shall be filed one week in advance of the court date. All Motions for Contempt shall comply with HFCRPP 2.05.

HFCRPP 9. MISCELLANEOUS

9.01 Compliance with KRS 403.135; KRS 403.150; and KRS 403.211 regarding personal data identifiers

A. In order to protect the identity of the parties and their minor children and keeping in compliance with KRS 403.135, KRS 403.150 and KRS 403.211, each document filed with the Hardin Circuit Court Clerk's office which is required by statute to include social security numbers shall be filed in duplicate. The first unredacted original shall contain the social security numbers as required under the statutes, shall be filed in a sealed envelope and shall be retained by the Clerk of this Court as part of the record and not subject to review of the public. The second redacted original shall be made part of the public record.

B. Only official court personnel may view the sealed portion of the record. All other individuals may view the sealed information with a properly noticed motion and the entry of a certified court order of the Judge to whom the matter has been assigned.

C. It is the sole responsibility of the counsel and the parties to ensure that all pleadings and other papers comply with the local rules of this Court requiring redaction of personal data identifiers. The clerk will not review each document for redaction.

These rules, including the appendices, have been seen and approved by:

Dawn Lonneman Blair, Judge
9th Judicial Circuit, Division I

John D. Simcoe, Judge
9th Judicial Circuit, Division II

Larry D. Ashlock, Judge
9th Judicial Circuit, Division III

M. Brent Hall, Judge
9th Judicial Circuit, Division IV

APPENDIX NO. 1

Court Schedule

HARDIN FAMILY COURT SCHEDULE

	Monday:	9:00 a.m.	EPO/DVO
Contact Clerk for dates for paternity docket		1:00 p.m.	Paternity/child support
		1:00 p.m.	Domestic Relations Hearings
	Tuesday:	9:00 a.m.	Domestic Relations Hearings
		11:00 a.m.	Domestic Relations Cases Division I Motion Hour
		11:30 a.m.	Domestic Relations Cases Division IV Motion Hour
		1:00 p.m.	Domestic Relations Hearings (15 minute hearings)
	Wednesday:	8:15 a.m.	Dependent, Neglect and Abuse, Status – Division I
		1:00 p.m.	Dependent, Neglect and Abuse, Status –Division IV
	Thursday:	9:00 a.m.	Domestic Relations Hearings
		1:00 p.m.	Domestic Relations Hearings
	Friday:	9:00 a.m.	Domestic Relations Hearings

***Emergency custody or detention hearings or other emergency matters may be scheduled any weekday by the presiding Family Court Judge, within the statutory mandates, as the need arises. The Family Court Judge, at his or her discretion, can assign a special adjudication date on any weekday to promote judicial economy and for statutory compliance.**

APPENDIX NO. 2

HARDIN FAMILY COURT CASE DISCLOSURE

_____ PETITIONER

vs.

_____ RESPONDENT

1. Does either party, or parties' child(ren), presently have an action pending in Hardin Family Court?

Yes _____ No_____

2. If Yes, please check what type of action and include case number and Judge:

a) Divorce _____
b) EPO/DVO _____
c) Custody _____
d) Paternity _____
e) DNA _____
f) Status _____
g) Adoption _____

3. Has there been a previous related action filed in Hardin Family Court?

Yes _____ No _____

4. If Yes, please check what type of action and include case number and Judge:

a) Divorce _____
b) EPO/DVO _____
c) Custody _____
d) Paternity _____
e) DNA _____
f) Status _____
g) Adoption _____

5. Are there pending cases in any other jurisdiction? If so, give case number and location. _____

We hereby certify that the above information is true as we verily believe.

_____
Petitioner

_____
Counsel for Petitioner

APPENDIX NO. 3

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 9th JUDICIAL CIRCUIT AND DISTRICT HARDIN COUNTY

Pursuant to KRS 403.725 and KRS 456.030, and in compliance with Family Court Rules of Procedure and Practice (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 procedure set forth in the Kentucky Circuit Court Clerk's Manual.

B. All cases with be assigned a "D" case number with the appropriate trailer number within the court case management system and may be consolidated with any other case type.

C. Domestic violence matters may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending.

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

Domestic violence cases shall be reassigned or transferred to another circuit if there is a pending dissolution or custody matter in another circuit. Consistent with FCRPP 12, when the case is transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.730 and KRS 456.040, 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:

Hardin Circuit Clerk's Office, 120 East Dixie, Elizabethtown, KY 42701

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

Elizabethtown Police Department, Radcliff Police Department, Hardin County Sheriff's Department, Kentucky State Police, or any other local police agency.

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

The clerk shall deliver the petition to one of the Family Court Judges and if both are not available then to any available Circuit Judge or District Judge.

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

The petition shall be delivered to one of the Family Court Judges and if both are not available then to any available Circuit Judge, District Judge or trial commissioner.

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

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

Domestic violence hearings are held every Monday at 9:00 a.m. with the exception of Court of Justice holidays.

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 Hardin Circuit Clerk to complete a Domestic Violence Affidavit (see Attachment).

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.

All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

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

Dawn Lonneman Blair, Judge
9th Judicial Circuit, Division I

John D. Simcoe, Judge
9th Judicial Circuit, Division II

Larry D. Ashlock, Judge
9th Judicial Circuit, Division III

M. Brent Hall, Judge
9th Judicial Circuit, Division IV

Deborah Lewis Shaw, Judge
9th Judicial District, Division I

Kimberly W. Shumate, Judge
9th Judicial District, Division II

COMMONWEALTH OF KENTUCKY
HARDIN CIRCUIT COURT
FAMILY COURT – DIVISION I
CASE NO. _____

DOMESTIC VIOLENCE AFFIDAVIT

_____ PETITIONER

VS.

_____ RESPONDENT

Information about Respondent::

Current Residence: _____

_____

Usual Residence: _____

_____

Occupation: _____

Employer Name: _____

Employer Address: _____

Sex	Race	Date of Birth	Height	Weight	Social Security #	Operator License #	State

Caution: ( ) Weapon involved ( ) Believed to be armed and dangerous

_____

_____

_____

_____

_____

_____

_____

X_____
AFFIANT

Subscribed and sworn to before me on _____, 201 _____.
Deanna Simcoe, Hardin Circuit/District Clerk
By:_____D.C.

_____ IT IS ORDERED that a Domestic Violence Summons be issued.
_____ IT IS ORDERED that a Show Cause Order be issued.
_____ IT IS ORDERED that a Domestic Violence Forthwith Order of Arrest be issued.
_____ IT IS ORDERED that the Motion for Contempt is denied.
_____ IT IS ORDERED that Affiant is referred to the Hardin County Attorney for possible criminal proceedings or for substantial violation.

_____
HON DAWN LONNEMAN BLAIR
JUDGE, HARDIN CIRCUIT
FAMILY COURT, DIVISION I

APPENDIX NO. 4

DUTIES OF THE MEDIATOR

The Mediator has a duty to define and describe the process of mediation and its costs during an orientation session with the parties at the commencement of the mediation conference. The Mediator shall comply with the HFCRPP. The orientation for parties prior to mediation should include the following:

1. A description of the roles and responsibilities of the mediator, counsel, and the parties;

2. The fees per session;

3. A statement that any agreement reached will be reached by mutual consent of the parties;

4. An explanation that mediation differs from other forms of conflict resolution including therapy, counseling, arbitration, and the practice of law;

5. A description of the circumstances under which the mediator may meet privately with either of the parties and their counsel, if represented, or with any other person, i.e. during scheduled mediation, the mediator may meet and consult privately with any party or parties and their counsel;

6. An explanation that statements made during mediation hearings by any party shall be privileged, exempt from subpoena and discovery, and shall not be admissible in any proceeding for any purpose. Such statements shall also be deemed confidential except for the purposes of the mediator reporting to the court as outlined in these Rules and will be released to no other person or agency without the express written consent of both of the parties to the dispute. The only exception is that the mediator shall be responsible for reporting abuse according to KRS 209.030 and KRS 620.030;

7. The acquisition of any information necessary to define the disputed issues;

8. An explanation by the mediator that during the process of mediation the parties may, by agreement, employ a third party to help resolve factual disputes, e.g. valuation of assets, determination of tax consequences, psychological evaluations, child custody evaluations, etc.;

9. A statement by the mediator that he/she shall conduct the mediation in accordance with these rules; and

10. Scheduling by the mediator of any further mediation sessions for the parties.

MEDIATOR'S CHARGES

1. A mediator shall give a written explanation of the fees and related costs, including time and manner of payment, to the parties prior to the mediation. The explanation shall include the basis for and amount of charges, if any, for:

   a. Mediation sessions;

   b. Preparation for sessions;

   c. Travel time;

   d. Postponement or cancellation of mediation sessions by the parties and the circumstances under which such charges will normally be assessed or waived;

   e. Preparation of the parties' written mediation agreement if prepared by the mediator; and

   f. All other items billed by the mediator.

2. A mediator should provide mediation services pro bono or at a reduced rate of compensation whenever appropriate.

APPENDIX NO. 5

RESPONSIBILITY OF APPOINTED GUARDIAN AD LITEM

Any attorney appointed Guardian ad Litem (GAL) in either a voluntary termination of parental rights, an involuntary termination of parental rights, or an adoption case must be prepared to be available on short notice. Cases of this nature are, by statute, entitled to expedited hearings and it is extremely important that Guardians carry out their functions property and efficiently. GALs appointed to represent an underage birth parent or an infant in a termination of parental rights should:

1. **VOLUNTARY TERMINATION**

   a. GALs representing an underage birth parent shall:

      i. Review the pleadings in the case and the applicable statutes to make sure that the case is "in order" for the termination hearing; and,

      ii. Meet with or speak by phone with the birth parent and/or next of friend prior to the day of the hearing

   b. GALs representing an infant shall:

      i. Review the pleadings in the case and the applicable statutes to make sure that the case is "in order" for the termination hearing; and,

      ii. Meet with or speak by phone with the birth parent and/or next of friend prior to the day of the hearing.

2. **INVOLUNTARY TERMINATION**

   a. GALs representing an underage birth parent shall:

      i. Review the pleadings in the case and the applicable statutes to make sure that the case is "in order" for the termination hearing; and,

      ii. Meet with or speak by phone with the birth parent and/or next of friend prior to the day of the hearing

   b. GALs representing an infant shall:

      i. Review the pleadings in the case and the applicable statutes to make sure that the case is "in order" for the termination hearing; and,

      ii. Meet with or speak by phone with the birth parent and/or next of friend prior to the day of the hearing.

APPENDIX NO. 6

TIME-SHARING / VISITATION GUIDELINES FOR THE
9TH JUDICIAL CIRCUIT
HARDIN FAMILY COURT

The following schedules are suggested as **guidelines** for the parents and the Court in establishing time-sharing/visitation schedules. Each case will present unique facts or circumstances which shall be considered by the court in establishing a time-sharing/visitation schedule and **the final schedule established by the court or agreed to by the parents may or may not be what these guidelines suggest.**

1. If the parties live in the same county or the non-custodial/non-primary possessory parent resides in a county adjoining that in which the children reside, the following parenting-time schedule may apply in the absence of an agreement except for good cause being shown.

   A. Periodic Parenting Time:

      1. Weekends: Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

      2. Telephonic: One hour per week.

      3. Weekday: One evening during the week that alternate weekend parenting time is not being exercised.

   B. Holidays:

      1. In odd-numbered years, the custodial or primary possessory parent has the child/children on Easter, 9:00 a.m. to 6:00 p.m., and Halloween from after school until 8:00 p.m. and the non-custodial parent has the child/children July 4th, 10:30 a.m. to 10:30 p.m., and Thanksgiving, 10:00 a.m. to 6:00 p.m. In even-numbered years, the schedules are reversed.

      2. Memorial Day, Martin Luther King Jr. Day, President's Day and Labor Day attach to the preceding weekend and the child/children are with the parent who had them that weekend.

      3. Christmas: In odd-numbered years, the custodial parent/primary possessory parent has from the end of school until 7:00 p.m. Christmas Eve and the non-custodial/non-primary possessory parent has from 7:00 p.m. Christmas Eve until 6:00 p.m. on the day before the children return to school. In even-numbered years, the schedules are reversed.

4. This schedule does not preclude an agreement or specific order to share the children on Christmas Eve and Christmas Day; if such is agreed, the Christmas Eve parenting time will be from 8: a.m. to 10: p.m.

C. Summer Vacation:

The summer vacation period shall include three (3) weeks of parenting time with the non-custodian/non-primary possessory parent notifying the other parent in writing by May 1 of each year when parenting time will be exercised. The custodian/primary possessory parent must give the other notice of special plans for the child/children to avoid planning conflicts by May 1 of each year.

1. Summer school necessary for the child/children to pass to the next grade must be attended.

2. A general itinerary should be provided if the vacation will be out of town.

3. Each party will have telephone numbers and addresses to permit contact during periods of extended parenting time.

4. The custodian/primary possessory parent shall be entitled to telephonic parenting time one time each week during the extended parenting time.

D. Spring/Fall Break:

The parties will alternate possession during the spring and fall breaks in the alternative school calendar.

E. Other Parenting time:

The non-custodian/non-primary possessory parent may also exercise parenting time for one week per month, 8 times per year, but not in the months when the non-custodial parent is exercising any other extended parenting time, i.e. spring, summer, fall or Christmas holidays, with prior notice and with the understanding that said visiting parent will be responsible for insuring the child's daily attendance at his/her regular school each day during such parenting time. This week of parenting time shall include the non-custodian/non-primary possessory parent's weekend to total 7 consecutive days.

The non-custodian/non-primary possessory parent may give to the custodian/primary possessory parent a proposed calendar of the desired eight weeks for each year by December 1, of the preceding year. Then the custodian/primary possessory parent shall notify the non-custodian/non-primary possessory parent if the calendar is acceptable by December 15 of each year. If the custodian/primary possessory parent does not send written notification to the non-custodian/non-primary possessory parent by December 15, then the non-custodian/non-primary possessory parent's calendar

shall be deemed accepted. If, for some reason, the calendar is not provided by the non-custodian/non-primary possessory parent, or not accepted by the custodian/primary possessory parent, or the parties cannot agree otherwise, then it is deemed that the five week days following the first weekend parenting time of each month shall comprise of the 7 consecutive days of parenting time eight times during the year. The first weekend is defined as the first weekend of a month that includes both a Saturday and Sunday.

2. **If the parties do not live in the proximity identified in 1. above, the following parenting time schedule may apply in the absence of a written agreement, signed by both parties, except for good cause being shown.**

A. Periodic parenting time:

Telephonic: One hour two times per week.

B. Holidays:

1. In odd-numbered years, the custodian/ primary possessory parent has Easter, July 4th, and Thanksgiving from the end of school on Wednesday until Sunday at 6:00 p.m. In even-numbered years, the schedules are reversed. Unless otherwise agreed upon by the parties the non-custodial parent is responsible for the travel.

2. Memorial Day, Martin Luther King Jr. Day, President's Day and Labor Day attach to the preceding weekend and the child/children are with the parent who had them that weekend. Unless otherwise agreed upon by the parties, the noncustodial parent is responsible for the travel.

3. Christmas: In odd-numbered years, the custodial parent/primary possessory parent has from the end of school until 7:00 p.m. Christmas Eve and the non-custodial/non-primary possessory parent has from 7:00 p.m. Christmas Eve until 6:00 p.m. on the day before the children returns to school. In even-numbered years, the schedules are reversed. Unless otherwise agreed by the parties, travel costs share be shared equally.

4. This schedule does not preclude an agreement or a specific order to share the children on Christmas Eve and Christmas Day.

C. Summer Vacation:

The summer vacation period the parties shall include five (5) weeks of parenting time with the non-custodial/non-primary parent notifying the other parent in writing by May 1 of each year when the parenting time will be exercised. The custodian/primary parent must give the other parent notice of special plans for the child/children to avoid planning conflicts prior to May 1 of each year. Transportations costs shall be shared equally by the parties.

Additionally, the parties shall:

1. Ensure the child/children attend summer school necessary for the child/children to pass to the next grade must be attended.

2. A general itinerary should be provided if the vacation will be out of town.

3. Each party will have telephone numbers and addresses to permit contact during periods of extended parenting time.

4. The child/children shall be permitted to phone the non-possessory parent.

D. Spring/Fall Break:

The parties will alternate possession during the spring and fall breaks in the alternative school calendar sharing equally any transportation costs.

E. A non-custodial/non-primary possessory parent who lives more than 125 miles from the primary/custodial parent, may elect to exercise parenting time as indicated in these Guidelines with the understanding that he/she will be responsible for any additional transportation requirements and that such election will not adversely affect the child/children's welfare.

3. Miscellaneous

A. Terms:

1. A holiday that falls on a weekend should be spent with the parent who is supposed to have the child/children for that holiday. The rest of the weekend is to be spent with the parent who would normally have that weekend. These do not have to be made up.

2. Mother's Day and Father's Day are to be spent with the appropriate parent. Hours as agreed upon by parties or from 10:00 a.m. to 7:30 p.m.

3. Birthdays: Preferably, the child shall spend time with each parent on the child's birthday. If the parties are unable to agree, then the child shall celebrate his/her birthday in the home of the custodial parent, unless it falls on a parenting time day, and the other parent can celebrate at another time if desired.

4. The child/children and custodial parent have no duty to await the visiting parent for more than 30 minutes of the parenting time. A parent who is late forfeits parenting time for that time period. The custodial parent or acceptable representative must be home at the return time to receive the child/children.

5. The following shall control cancellation: If a child is ill, the custodial parent should give 24-hour notice, if possible, so appropriate plans can be made. The non-custodial parent should give 24-hour notice to cancel. The time canceled by the non-custodial parent is forfeited. Time lost for a child's illness should be made up within 30 days.

6. The custodial parent shall send adequate and appropriate clothing for the parenting time which will be returned.

B. Transportation:

Unless otherwise specified by these rules or unless parties have reached an agreement, each party shall be responsible for the transportation costs for transporting the child/children to their own home. Minor children shall be picked up and dropped off at the custodial parent or non-custodial parent's residence unless otherwise agreed upon in writing or ordered by the Court.

APPENDIX NO. 7

9TH JUDICIAL CIRCUIT
HARDIN FAMILY COURT

FAMILY RECOVERY COURT PROGRAM
LOCAL RULES

Family Recovery Court Program

1. Pursuant to the Rules of Administrative Procedure, AP Part XX, these rules establish the Hardin Family Recovery Court (FRC) Program.

2. The Hardin Family Recovery Court Program shall operate in conformity with the Rules of Administrative Procedure, AP Part XX, which established statewide requirements related to local FRC Programs. Should any of these rules conflict with AP Part XX, AP Part XX shall control.

3. The Hardin FRC program shall consist of completing three (3) phases, the requirements of which may overlap, and all required milestones. The phases and requirements are as follows:
   - A. Phase 1: Establish and Maintain Sobriety
     - i. Participate in substance use disorder treatment;
     - ii. Maintain at least weekly contact with FRC Case Manager;
     - iii. Appear in court weekly or as otherwise ordered;
     - iv. Allow monthly home visits; and
     - v. Comply with FRC case plan, including but not limited to drug screening and support group meetings.
   - B. Phase 2: Address Parenting and Mental Health
     - i. Complete Parenting Through Recovery– a trauma-informed therapy group;
     - ii. Maintain at least biweekly contact with FRC Case Manager;
     - iii. Appear in court biweekly or as otherwise ordered;
     - iv. Allow monthly home visits; and
     - v. Comply with FRC case plan, which may be expanded to address additional therapeutic needs of the individual, child, and family.
   - C. Phase 3: Obtain Independence and Stability
     - i. Complete Life Skills training with the FRC Case Manager;
     - ii. Maintain at least biweekly contact with FRC Case Manager;
     - iii. Appear in court monthly or as otherwise ordered;
     - iv. Allow monthly home visits;
     - v. Comply with FRC case plan, which may be expanded to include requirements for stable housing and employment; and
     - vi. Complete any outstanding program requirements or milestones.