

# Supreme Court of Kentucky

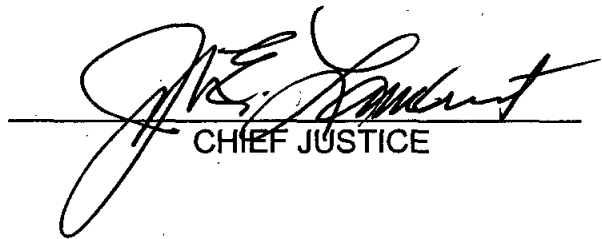
## ORDER

**IN RE: ORDER APPROVING AMENDMENTS TO THE LOCAL RULES OF PRACTICE FOR THE 30<sup>TH</sup> JUDICIAL DISTRICT, JEFFERSON DISTRICT COURT**

Upon recommendation of the Judges of the 30<sup>th</sup> Judicial District, Jefferson District Court, and being otherwise sufficiently advised,

The amendments to the Local Rules of practice for Jefferson District 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 14 day of January, 2008.

  
CHIEF JUSTICE

## **RULES OF PRACTICE OF THE JEFFERSON DISTRICT COURT**

The Conference of Chief Justices, the Conference of State Court Administrators, the National Conference of State Trial Judges, the American Bar Association, and the Commission on Trial Court Performance Standards have all urged the adoption of time standards and of steps to promote expeditious case-flow management. The rules that follow reaffirm the commitment of the Jefferson District Court to fair and timely justice for all parties.

Under these rules, the Court shall actively supervise the progress of all cases from filing to disposition, and all Judges shall continue to set and monitor the pace of litigation. In addition to overall standards of timely disposition, the Courts, under these rules, shall use differentiated case management whenever possible, recognizing that time expectations for disposition of more complex cases are properly different from those for cases with simpler issues and fewer parties. In service to the parties and the bar, the Courts, under these rules, shall seek accurate scheduling to achieve trial date credibility to maintain court control of the pace of litigation.

**RULES OF PRACTICE**  
**OF THE**  
**JEFFERSON DISTRICT COURT**  
**THIRTIETH JUDICIAL DISTRICT**  
**OF**  
**KENTUCKY**

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## **RULE 1**

## **INTRODUCTION**

### **101 Purpose and Scope.**

These rules apply to the civil and criminal practice of law in the Jefferson District Court and are intended to supplement the Kentucky Rules of Civil Procedure and the Kentucky Rules of Criminal Procedure. These rules shall be enforced in all divisions of Jefferson District Court.

### **102 Effective Date.**

The effective date of these rules shall be January 1, 2007.

### **103 Citation.**

These rules shall be cited as JDR\_\_\_\_\_.

### **104 Time Frames.**

- A. All areas of practice shall adhere to time frames as mandated by the Kentucky Supreme Court, and as adopted by Jefferson District Court. Examples of these time frames are illustrated in **Appendix A** of these rules. Reasonable notice of significant changes in the time frames shall be provided to the bar.
- B. Any elapsed time, other than reasonably necessary for pleadings, discovery and court events to enable the just and efficient disposition of District Court cases, is unacceptable. The Court shall firmly and uniformly enforce its case-flow management procedures through any necessary steps, including a strict policy limiting continuances. No request for continuance shall be granted except for good cause shown on the record.

### **105 Disqualification of Judge.**

A Judge shall complete Form AOC-SJ-5 (Notice of Disqualification) to provide notice to the Chief Regional District Judge of the necessity of his/her disqualification. Upon receipt of said notice, the Chief Regional District Judge shall determine whether the disqualification is necessary, and if so, shall assign a Special Judge. The forms are available in the Jefferson District Court Administrator's Office.

**RULE 2     SESSIONS OF COURT & HOLIDAYS**

**201     Sessions of Court.**

The Jefferson District Court will be in session, with regular dockets, starting as set forth within these Rules, Monday through Friday of each week. In addition, there will be an arraignment docket on Saturday and some of the below-listed holidays as determined by the Chief District Judge. The Saturday arraignment docket shall be assigned a rotation among all the Judges of the District Court.

**202     State Holidays.**

- A.     With the exception of the arraignment docket as noted above, the Court shall be closed on the following holidays, subject to the policy of the Kentucky Administrative Office of the Courts (AOC):

New Years Day*	January 1
Martin Luther King Jr. Day	Third Monday in January
Spring Holiday	One-half Day (AOC determined)
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day*	Fourth Thursday in November
Christmas Day*	December 25
Presidential Election Day	Tuesday after the first Monday in November in leap years

\* An extra day is allotted for New Years Day, Thanksgiving and Christmas. When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. When the holiday falls on a Sunday, the following Monday shall be observed as the holiday, subject to the AOC's holiday schedule.

- B.     Judges shall keep light dockets on the dates of the Annual Convention of the Kentucky Bar Association. No regular docket will be heard during the dates of any District Court judicial conference; only emergency hearings, adult arraignments and juvenile arraignments shall be held during such conferences.



**203 Times and Locations.**

- A. The times and locations of the sessions of District Court, and any changes thereto, shall be available at the Court Administrator's Office. Reasonable notice of significant scheduling changes shall be provided to the bar.
- B. Where there is more than one Judge in a division, cases will be assigned equally to the Judge's dockets, except companion cases, which will be kept together on one of the Judge's dockets.

**204 Teams and Rotation.**

The District Term is divided into two teams. Each team is assigned the same number of divisions of District Court as the number of Judges that are on the team, with some additional arraignment dockets. Every two years, the teams will switch the assigned divisions.

Each team shall select a team leader to coordinate schedules. Each team may determine the manner and duration of the rotation of its Team members. Team members shall cover dockets for other team members, to the extent possible, for judicial leave.

Team composition, the Courts assigned to each team and the length of the assignment is subject to the discretion of the Chief Judge of the District Court.

**205 Judicial Leave.**

- A. Each Judge shall take leave in a manner consistent with the commitment of the Jefferson Courts to fair and timely justice to all parties.
- B. Mindful of the necessity to retain sufficient judicial staffing levels at all times to permit the prompt and effective disposition of the business of the Court, each team shall be responsible for covering the dockets of team members absent for any reason. Each team is encouraged to prepare a combined leave schedule for all Judges on its team to promote the prompt and efficient operation of court business. In the event of an extended absence of a team member (e.g. serious illness, judicial vacancy), the Chief District Court Judge shall have the authority to redistribute temporarily a portion of that team's workload.

**206 Submission.**

Any matters pending and ready for decision prior to rotation shall be decided by the presiding District Court Judge in compliance with the AOC policy regarding time, even though that Judge may rotate to another division prior to making the decision.

**207 Duty Judge Assignment and Trial Commissioners.**

The Chief District Court Judge shall assign a Judge to be on duty each day from 7:00 a.m. to 7:00 a.m. the following day to take care of emergency matters. District Court Trial Commissioners, with the approval of the Chief Justice of the Supreme Court and appointed by the Chief Judge of District Court, shall be on duty simultaneously with a District Court Judge every night from 11:00 p.m. to 7:00 a.m. for specific emergency matters. Presently, the Trial Commissioner's duties from 11:00 p.m. to 7:00 a.m. are to review and set bail, review emergency protective petitions, review emergency custody petitions, review juvenile detentions, and review adult mental inquest petitions. Appropriate agencies may contact the Trial Commissioners directly; but all other contact, e.g: search warrants and juvenile mental inquest petitions, should be through the District Court Judge on duty.

**208 Pleadings.**

CR 11 is supplemented to also require the attorney's telephone number.

## **RULE 3     CIVIL PRACTICE**

### **301    Civil Divisions.**

There shall be two civil divisions of Jefferson District Court: Division I and Division II. The style of all pleadings, briefs, motions and judgments shall include the action number, the civil division number, and the designation of Jefferson District Court.

### **302    Assignment to Division.**

At the time of filing or transfer of each case, the District Court Clerk shall assign a division by RANDOMLY alternating I and II.

### **303    Scheduling.**

Trial dockets shall be called Monday, Tuesday, Wednesday and Thursday of each week, except during recess or holidays under JDR 202.

### **304    Motion Practice.**

A.    In accordance with CR 78, each Friday shall be known as Motion Day. Motions shall be docketed for 10:30 a.m. in Division I and 11:00 a.m. in Division II, or at such other times designated by the Chief District Court Judge, with reasonable notice to the bar. All times and locations are subject to change. A current schedule is available at the District Court Administrator's Office. All motions to be heard at motion hours shall be filed and clocked no later than noon on the preceding Wednesday, with service of copies to be mailed by Tuesday or hand-delivered by noon on Wednesday. Unless otherwise ordered by the Court, motions filed after noon on such Wednesday shall be automatically passed to the next following motion hour.

#### **B.    Motions for Discovery.**

1.    Motions for Bills of Discovery are only made with the Court after notice has failed, and a subpoena has issued.
2.    Motions for Discovery shall be docketed at motion hour.

#### **C.    Trial Assignment.**

Upon written notice to the clerk requesting a trial assignment date, the clerk of Civil Division II shall give trial dates of Mondays between the hours of 9:00 a.m. and 3:30 p.m., and the clerk of Civil Division I shall give trial dates of Tuesdays between the hours of 9:00 a.m. and 3:30 p.m. If an objection is raised by any party as to the assignment of a trial date, the motion shall be continued to the next regularly scheduled motion hour.

- D. Motions may be made orally during the progress of trial. All other motions must be in writing. Motions to dismiss, motions for summary judgment and motions for judgment on the pleadings shall not be noticed for hearing; but, where appropriate, shall be filed along with affidavits, exhibits, and/or a memorandum of authorities. Opposing party's response time shall be twenty (20) days from the certification date on the motion. At the expiration of the twenty (20) day period, either party may submit the case for final adjudication by issuing AOC Form 280 "Notice of Submission of Cases for Final Adjudication." Counsel, or the Court on its own motion, may request oral argument.

Failure to file affidavits, exhibits and/or a memorandum of authorities by either party may be grounds for denying or granting the motion. Any matter under submission to a Judge will be decided by that Judge even though the Judge may rotate to another division. Matters under submission shall include any matter taken under submission by a particular Judge and those matters where an AOC Form 280 "Notice of Submission of a Case for Final Adjudication" has been filed with the clerk prior to the Judge rotating from that division.

E. Motions for Default Judgment.

1. Motions for default judgment shall not be noticed for a hearing but shall be filed with the Court and will stand submitted upon filing. If the Court determines a hearing is necessary under CR 55.01, a hearing date will be assigned.
2. All motions for default judgment in claims involving a liquidated amount shall be accompanied by a default judgment certificate as follows:

## DEFAULT JUDGMENT CERTIFICATE

Plaintiff (by counsel) certifies that:

1. No papers have been served on Plaintiff (or Plaintiff's counsel) by the defendant(s) in default.
2. Defendant(s) were served on \_\_\_\_\_.
3. The balance is due as follows:
  - (a) The amount of the original obligation is \$ \_\_\_\_\_.
  - (b) The amount paid by defendant(s) to be deducted from the original obligation is \$ \_\_\_\_\_.
  - (c) If the obligation contained pre-computed interest, and other pre-computed charges, the amount to be deducted pursuant to statute is \$ \_\_\_\_\_.
  - (d) The balance due from defendant(s) is \$ \_\_\_\_\_.
  - (e) The balance due on Line (d) is different from the amount sought in the default judgment because \_\_\_\_\_.

**Affidavit as to military status of defendant.**

**All claims for liquidated damages shall be supported by sufficient written documentation to establish that the amount claimed is accurate, including but not limited to, the following proof:**

- (a) If the basis of plaintiff's claim is a promissory note, the original note, a duplicate original or a photocopy, if not previously filed.
- (b) If the basis of the plaintiff's claim is property damage of an automobile, a copy of the repair or estimate or other document evidencing the damages sought, if not previously filed. If none is available, a statement as to the reasons for non-availability and the basis for the estimate.

**When a party seeking an award of an attorney's fee relies upon a writing to establish entitlement to the fee, a copy of the writing shall be attached with the applicable portion highlighted.**

### **305 Discovery.**

- A. The Kentucky Rules of Civil Procedure and JDR 314, Time Guidelines, pertaining to discovery shall be applicable in Jefferson District Court.
- B. Notice for the taking of discovery shall designate the location of the attorney's office, Monday through Friday, during business hours. Upon failure to comply with said notice, counsel shall draft a subpoena summoning the person to Court. Once served, if the party fails to comply, a Forthwith Order of Arrest may issue.

- C. Post-judgment bills of discovery may only be made every six (6) months unless otherwise granted by the Court for good cause shown.

**306 Jury Trial.**

Any party upon obtaining a date certain for jury trial under CR 38.02 shall pay the jury fee to the clerk as required by CR 3.03(3). Failure to pay the jury fee may be deemed a waiver of the right to trial by jury. Any party desiring a jury trial shall make a demand in conformance with CR 38.02; otherwise, the right to a jury trial is waived.

**307 Notice of Settlement.**

Promptly upon settlement of a case, if a trial or hearing has been scheduled, counsel shall notify the clerk of the division in order that the case may be taken from the docket. Failure to comply with this rule may result in sanctions against counsel.

**308 Schedule of Preliminary Hearings.**

All preliminary hearings brought pursuant to KRS Chapter 425 shall be held each Friday at 10:30 a.m. in Civil Division I and at 11:00 a.m. in Civil Division II, or at such other times designated by the Court. All times and locations are subject to change, and a current schedule is available at the District Court Administrator's Office. Ex parte motions and applications for relief may be heard by the Court at any convenient time, and writs of possession or attachment and temporary restraining orders may issue in accordance with the grounds specified in KRS Chapter 425.

**309 Fees.**

All monies ordered paid into Court shall be paid to the Clerk of District Court and may be withdrawn only by order of the Court upon proper notice to all interested parties.

**310 Bonds.**

The personal appearance of any person, including the judgment debtor, in aid of execution of a judgment may be secured. If this person fails to appear, having been personally served with a subpoena, the Court may issue a Forthwith Order of Arrest to compel the person's appearance.

**311 Appearance.**

Whenever a defendant, party or witness has appeared and been examined under oath on discovery proceeding upon a judgment, such person shall not be compelled to appear again within six (6) months unless an affidavit is filed by counsel showing a change of conditions or circumstances warranting same.

### **312 Answer to Garnishment.**

Proceedings to compel an answer to a garnishment shall be by contempt subpoena or by a rule issued on the garnishee directing the filing of an answer within ten (10) days of service of the rule, and said rule shall be made absolute upon the failure of the garnishee to file said answer in a timely manner. Proceedings under this rule shall be heard on Motion Day.

### **313 Special Bailiffs.**

Special bailiffs shall be appointed upon the record showing unsuccessful service under CR 4.01 or upon affidavit showing good cause. Special bailiffs shall be compensated as prescribed by law. KRS 454.145. However, additional compensation may be awarded by the Court pursuant to CR 3.03(4) upon affidavit of the special bailiff. Special bailiff fees shall be taxed as costs of the action.

### **314 Time Guidelines.**

The following time guidelines are hereby adopted by the Jefferson District Court for disposition of civil cases:

- A. All active cases as defined herein, shall be disposed of in an expeditious manner.

**Ninety percent (90%) of those cases should be disposed of within six (6) months;**

**One hundred percent (100%) of those cases should be disposed of within twelve (12) months.**

Active cases are defined as those cases where summonses have been served upon the defendants and the actions have not been stayed because of bankruptcies or for some other good cause shown.

- B. Any elapsed time, other than reasonably necessary for pleadings, discovery and court events to enable the just and efficient resolution of civil cases, is unacceptable. The Court shall firmly and uniformly enforce its time guidelines through any necessary steps, including a strict policy limiting continuances. Continuance of any pretrial event shall not extend the date set for trial. No request for continuance shall be granted except for good cause shown on the record.

**315 Small Claims Practice.**

- A. All pre-trial motions must be filed in the Clerk's office five (5) days before the trial date. Post-trial motions will be scheduled not less than five (5) days from the date of filing.
- B. Amended complaints and counterclaims per KRS 24A.290, must be filed at least five (5) days before the trial date. Service of a copy delivered to the defendant/plaintiff may be effected as follows:
  - 1. By hand delivery at least five (5) days prior to the trial; or
  - 2. By first class mail at least eight (8) days prior to the trial per CR 6.05.
- C. Bonds on Forthwith Orders of Arrest may be in the amount of the judgment plus court costs and then rounded up to the nearest dollar, or in an amount deemed appropriate by the Judge.
- D. Agreed settlements must be in the form of a money judgment reduced to a writing and signed by the parties.
- E. In cases of service of process on the Secretary of State, once the Small Claims Clerk has received the memo from the Secretary of State indicating that the statutory requirements have been satisfied, the case will be scheduled for trial. When the Secretary of State returns the memo after the court date, a new court date will be given and notices mailed to the parties.
- F. The time standards of KRS 24A.280 will govern the scheduling of trials. Hearing time shall not be less than twenty (20) days nor more than forty (40) days after service of process.
- G. Upon the filing of an appeal, the Judge will review any motions for supersedeas bond.
- H. Post-judgment Bills of Discovery and show cause rules shall be heard as assigned by the clerk at the direction of the Court. Post-judgment Bills of Discovery may only be made every six (6) months unless otherwise granted by the Court for good cause shown.
- I. All motions and service to the other party must be in writing, except those made orally during the process of trial.
- J. Special bailiffs shall be paid as prescribed by law. Additional compensation may be awarded by the Court pursuant to CR 3.03(4) upon affidavit of the special bailiff. Service fees are taxed as costs of the action.
- K. To request a jury trial, pursuant to KRS 29A.270(2), the claim must be over \$250.00 and the defendant must file a written motion with service to the



other party. In addition, the defendant shall give notice to the division at least seven (7) days prior to the time set for the hearing pursuant to KRS 24A.320(2).

- L. A Consumer Guide shall be available from the Small Claims Clerk which provides step-by-step guidance through the small claims process and collection procedures.

### **316 Forcible Detainers and Evictions.**

- A. Upon the filing of the Petition, the Civil District Court Clerk shall assign trial dates in the order in which the petitions are filed, Monday through Friday.
- B. The assignment of jury trial dates will be made at the time that the motion for jury trial is granted. Jury fees must be paid at that time.
- C. All motions shall be docketed at 9:30 a.m. Monday through Thursday in the appropriate division. All times and locations are subject to change, and a current schedule is available at the District Court Administrator's Office.
- D. The following guidelines are established for the disposition of cases:

Ninety percent (90%) are to be disposed of within thirty (30) days of filing; ninety-five percent (95%) are to be disposed of within forty-five (45) days of filing; and one-hundred percent (100%) are to be disposed of within ninety (90) days of filing.

### **317 Petition Authorizing or Prohibiting Cremation.**

- A. Petitions initiated pursuant to KRS 367.97527(3) shall be filed with the Clerk of the Civil Division. Petitions may be filed by an authorized agent, as defined by KRS 367.97501(1), or by the crematory authority.
- B. Unless extraordinary circumstances exist, the Court shall give due deference to the desires of the deceased as expressed in the pre-need cremation authorization form.
- C. Petitions can be obtained from the Clerk of the Civil Division.

### **318 Civil Jurisdiction.**

The Jefferson District Court Civil Division has jurisdiction over the following matters:

- A. Small Claims Complaints;
- B. Civil Complaints up to and including \$4,000.00;
- C. Evictions (Forcible Entry & Detainer);

- D. Petitions for Emancipation by Minors;
- E. Petitions Authorizing or Prohibiting Cremation;
- F. Appellate Jurisdiction from Administrative Agencies, including:
  - 1. Denial or Suspension of the Carry Concealed Deadly Weapon License;
  - 2. Parking Tickets; and,
- G. All matters reserved pursuant to KRS 23A.100(3).

## **RULE 4     PROBATE PRACTICE**

### **401   Scheduling.**

The Probate Division of the Jefferson District Court shall convene pursuant to JDR 203. The regular docket shall be called at 1:00 p.m., the rule docket shall be called at 2:00 p.m. and the hearing docket shall be called immediately thereafter each day, or at such other times as designated by the Chief District Court Judge. Updated schedules are available at the District Court Administrator's Office.

### **402   Filing and Payment of Fees.**

Any initial petition for appointment of a fiduciary, probate of a will, or similar initial proceeding shall be filed in the Probate Division of the Jefferson Circuit Clerk's Office (Clerk), and all District Court fees shall be paid upon the filing of the Petition.

The fee to record the will shall also be tendered to the Clerk upon the filing of a petition to probate a will. The Clerk will then attach that check to the will and forward both the will and the recording fee to the Jefferson County Clerk's Office, upon the will being admitted into probate.

Any petition filed with the Probate Division that does not include the appropriate fees shall be rejected by the Clerk until the full amount of fees is tendered.

Matters shall be filed and placed on the Court's docket not later than the preceding day, unless by leave of Court. Cases may be placed on the docket at the time of filing or after filing by calling the Clerk's Office and advising the date desired and the style of the estate or other matters involved.

### **403   Pleadings.**

All pleadings and other papers presented to the Court shall be typewritten. The most recent AOC form shall be used at all times. Where appropriate, an order should be presented with a motion or a petition.

- A.    The full name of the attorney and his/her address, including zip code and telephone number, shall be typed on each petition.
- B.    The petitioner shall indicate if the will is self-proven.

### **404   Petition.**

The Court requires the names, ages and post office addresses of heirs at law unless good cause is shown and ordered otherwise by the Court (KRS 394.145). The petitioner shall list all the real and personal property individually owned by the deceased, including the total amount of the market value of all such real and personal property, to allow the Court to set bond in the proper amount. If the fiduciary requesting the appointment by the

Court is a non-resident of the Commonwealth of Kentucky, the full name and address of the process agent residing in Kentucky shall be typed on the petition.

#### **405 Bond Guidelines.**

In exercising its discretion under KRS 395.130(1), the Probate Division hereby adopts the following guidelines:

- A. The bond of the personal representative shall continue to be set in the amount of the probatable estate even though a testamentary instrument excuses bond or surety. The value of the real estate will be excluded unless an instrument grants the power of sale or the fiduciary has petitioned the Court to sell the real estate under KRS 389A.010.
- B. Surety will be excused (in the absence of a compelling reason) where a testamentary instrument requests that surety not be required. A waiver of surety executed by all parties in interest will be honored by the Court (in the absence of compelling reason) upon the Court being satisfied that all interests are adequately protected. Said waivers need not be notarized by the parties executing the waivers.
- C. Banks and trust companies may continue to pledge their capital stock in the amount of the bond.
- D. Surety on other fiduciary bonds will be required in the amount of the bond, where persons under disability are involved, unless the facts clearly indicate that no surety bond or a surety bond in a lesser amount will adequately protect all interests. (Example: KRS 387.122 – blocked accounts.)
- E. Whenever a fiduciary is required to execute a bond, the fiduciary may, by special power of attorney, grant another person the power to sign the bond of the fiduciary and execute the fiduciary's oath on his/her behalf. The power of attorney shall be in a separate instrument and shall be notarized.

#### **406 Increase/Reduce Bond.**

A motion to increase bond shall be made whenever it is learned that the previous bond is inadequate on probatable assets. A motion to reduce bond on probatable assets of a fiduciary may be made any time after the inventory or periodic settlement has been filed showing a reduction in the assets remaining in the hands of the fiduciary.

#### **407 Matters Not Scheduled on Court Docket.**

There shall be a pre-docket consisting of petitions to:

- (1) Dispense with administration;
- (2) To probate (only) self proven wills;

- (3) To probate (only) by affidavit pursuant to KRS 394.230 and
- (4) Uncontested motions and orders, unless otherwise placed on the docket by the Court, such as:
  - (a) Motions for extension of time (If the extension of time is for longer than sixty (60) days from the original due date, Jefferson District Court Probate Form #407 (2003) is required [See **Appendix B** for Form]);
  - (b) Motions to increase or decrease bonds; and,
  - (c) Motions to sell real property. (An affidavit will is required indicating that all interested parties have notarized waivers, which must be attached, and that no interested parties are under disability. An affidavit of descent is required for the record.)

#### **408 Settlements.**

All settlements shall include the checklist provided by the Probate Clerk, along with an affidavit by counsel or personal representative indicating compliance with each item on said checklist.

An affidavit of descent shall be filed with all settlements except when the will distributes all assets to specifically named individuals. Guardianship settlements are exempted by this requirement.

Settlements shall include the following:

- A. Formal Settlements
  - 1. Date of death,
  - 2. Date of appointment of fiduciary,
  - 3. Statement indicating decedent is testate or intestate,
  - 4. Description of the settlement as periodic or final,
  - 5. A photocopy of the first page of the Kentucky Inheritance Tax Return for Final Settlements of decedents' estates, along with copies of the Kentucky Inheritance Tax Acceptance forms or Affidavits of Exemption if taxes are exempt by statute,
  - 6. Description of all distributions under a will in sequence of their mention in the will, indicating either that the distribution occurred or a statement explaining the failure of distribution,

7. A summary itemization of all assets received and all disbursements and distributions with amounts listed,
8. A provision for all formal settlements indicating all forms of compensation and commission received by any attorney or fiduciary, the total thereof, and the basis of its determination, and,
9. An affidavit of settlement, the example of which follows:

**FORMAL SETTLEMENT AND PERIODIC SETTLEMENT  
AFFIDAVIT OF ATTORNEY OR FIDUCIARY**

The undersigned states the settlement tendered in this Court has been reviewed, and the following is provided to the Court:

- \_\_\_ 1. **Distribution is in conformance with the Will and Codicil [see JDR 408(6)].**
- \_\_\_ 2. **Vouchers or cancelled checks are provided and attached.**
- \_\_\_ 3. **Checks are listed individually.**
- \_\_\_ 4. **Gross summary page and/or tax clearance or affidavit of exemption is attached.**
- \_\_\_ 5. **Distribution is in accordance with the statute of intestate succession.**
- \_\_\_ 6. **Six (6) months have passed since date of appointment.**
- \_\_\_ 7. **Explanation of any guardianship funds is attached.**
- \_\_\_ 8. **There are no outstanding Proof of Claim(s) filed.**
- \_\_\_ 9. **Infant(s) are now of age and have signed a release or matters of guardianship are resolved.**
- \_\_\_ 10. **Personal representative's fee with supporting evidence is attached.**
- \_\_\_ 11. **Attorney's fee with supporting evidence is attached.**
- \_\_\_ 12. **An Inventory has been filed.**
- \_\_\_ 13. **There is attached an itemization, in summary form, with a running total, of all assets received, including any income, and all disbursements and distributions.**
- \_\_\_ 14. **Receipts and/or disbursements balance.**
- \_\_\_ 15. **OTHERS: \_\_\_\_\_**

**B. Informal Settlements**

1. Informal settlements shall reflect all forms of compensation and commission received by any attorney or fiduciary, the total amount, and the basis of its determination.
2. An affidavit as follows shall be submitted with all informal settlements:

**INFORMAL SETTLEMENT  
AFFIDAVIT OF ATTORNEY OR FIDUCIARY**

The undersigned states the informal settlement tendered in this Court has been reviewed and the following is provided to the Court:

1. Each beneficiary has signed a notarized waiver stating BOTH that he/she has received his/her share and he/she is waiving a formal accounting and settlement (in compliance with KRS 395.605).
2. Receipts or checks for individual bequests are attached.
3. TAXES: Gross summary page, tax clearance or tax exemption is attached.
4. Six (6) months have passed since date of appointment.
5. Explanation of any guardianship funds is attached.
6. There are no outstanding Proof of Claim(s) filed.
7. Infant(s), now of age, has(ve) signed receipt of disbursements.
8. Personal representative's fee with supporting evidence is attached.
9. Attorney's fee with supporting evidence is attached.
10. An Inventory has previously been filed.

**C. Guardianship: (see AOC forms)**

All disbursements shall be supported by the original vouchers, receipts or bank proof of processed check(s) filed with the settlement, and in the order shown on the settlement.

**D. Settlements shall be accompanied by checks payable to the "Jefferson Circuit Clerk" in the appropriate amounts.**

**E. When required by KRS 395.610(1) a fiduciary shall make an appointment with the Court, through the Clerk, to present for review all securities reflected on the periodic settlement as being in the hands of the fiduciary or in the alternative, file with the settlement a certificate as permitted by KRS 395.610(1).**

**F. If no exceptions to the settlement are filed following advertising pursuant to KRS 395.625, the settlement will be automatically confirmed on the**

confirmation date. If exceptions are filed, the attorneys involved should move the Court for a date when the matter may be heard.

- G. Subsection E and F of this rule shall not apply to an estate in which an informal settlement is filed in accordance with KRS 395.605.

**409 Guardian Accountability.**

Guardians shall render their accountings and file settlements annually after the first accounting pursuant to discretion granted the Court under KRS 387.175. [See JDR 405(D) for bond matters.]

**410 Name Change.**

In a petition for a name change, the fee to record the name change shall be tendered to the Probate Division of the Jefferson Circuit Court Clerk's Office, along with the filing fee for the petition. If the Court grants the order changing the name, the recording fee and a true copy of the order shall be forwarded to the Jefferson County Clerk's Office for recording. The order shall state if the order is to be sent to the Office of Vital Statistics.

**411 Inventory or Other Settlement.**

Whenever an inventory, account, or report pursuant to KRS Chapter 387 is not filed by the Guardian within the time required by appropriate statute, the Clerk shall issue a notice of the failure to file any such report or any notice of a rule motion to the current counsel of record for the guardian, if any. If there is no attorney of record for the Guardian, then the notice shall be sent to the Guardian. If a second or subsequent notice relating to failure to file reports or a rule motion is necessary, said notice shall be sent to the Guardian and to the counsel of record, if any.

**412 Filing Incomplete.**

Any filing determined to be incomplete by the accepting Clerk shall be clocked and the filer notified that it is incomplete. The file shall be placed on hold for a period not to exceed ten (10) days in order that it might be corrected by the filer. If at the end of the correction period the filing has not been corrected, the Clerk shall forward the file to the District Court Judge presiding in the Probate Division with proper notification as to the deficiency. This time period shall not be used to extend any filing deadline.



**RULE 5      GUARDIANSHIP PRACTICE (KRS CHAPTER 387)**

**501    Interdisciplinary Teams.**

The Court shall maintain separate Interdisciplinary Teams consistent with the provisions of KRS 387.540(1). If the person evaluated is a poor person as defined in KRS 453.190, the compensation of the physician, the psychologist, and the social worker team members shall be paid by the Louisville Metro Government pursuant to KRS 387.540(8), upon a finding by the Court that the fees are reasonable. Additional compensation may be allowed upon a finding by the Court of extraordinary work.

**502    Appointed Counsel.**

The Court shall maintain an approved attorney list for appointment as counsel in initial or renewal disability proceedings, restoration proceedings and Guardians Ad Litem for the sale of real estate. Counsel shall be appointed by the Court. Procedures for listing and selection should be identical to JDR 903.

**503    Emergencies.**

Emergency hearings shall be set by the Court within statutory time frames upon Petitioner's affidavit establishing reasonable grounds to believe the presence of a need for immediate action under KRS 387.740(1).

**504    Motion Hour.**

Motion hour shall be on each Thursday at 9:30 a.m., or at such other times as designated by the Chief District Court Judge with reasonable notice to the bar, with the following matters to be heard by the Court:

- A.    Sales of real estate pursuant to KRS Chapter 389A, including appointments of Guardians Ad Litem;
- B.    Removal of limited or full guardians or conservators appointment of successors and increases of bond;
- C.    Guardian appointments under KRS Chapter 388, where no jury trial has been demanded;
- D.    Modifications of prior disability declarations or restoration proceedings under KRS 387.620;
- E.    Petitions for renewal of appointments of limited guardian or conservator under KRS 387.610;
- F.    Rules to compel filing of inventories, periodical and final reports, annual reports and plans preserving the ward's estate;

- G. Rules to compel payment of any fees or monies awarded by the Court or due under any provisions of these rules or KRS 387.500, et seq.;
- H. Request for advice from the Court concerning the duties and responsibilities of guardianship or conservatorship; and,
- I. Such other matters as the Court in its discretion may direct to be heard.

**505 Verification of Annual Reports.**

Where the ward's residence is not licensed or monitored by the Kentucky Cabinet for Health and Family Services, the Court shall appoint an appropriate person or agency to verify by personal contact the contents of the annual report. This person or agency shall be compensated by the Louisville Metro Council if the ward is indigent, or by the ward's estate if not.

**506 Record-keeping.**

After biennial reports are filed pursuant to KRS 387.710 and have been approved by the Court, all cancelled checks and receipts shall be returned by the deputy clerk to the guardian/conservator for safe keeping with an order from the Court directing them to keep said items for five (5) years unless otherwise ordered by the Court.

**507 Guardian Inventories, Accounts and Reports.**

Whenever an inventory, account, or report pursuant to KRS Chapter 387 is not filed by the Guardian within the time required by appropriate statute, the Clerk shall issue a notice of the failure to file any such report or any notice of a rule motion to the current counsel of record for the Guardian, if any. If there is no attorney of record for the Guardian, then the notice shall be sent to the Guardian.

If a second or subsequent notice relating to failure to file reports, or a rule motion is necessary, said notice shall be sent to the Guardian and to the counsel of record, if any.

**RULE 6     TRAFFIC/CRIMINAL PRACTICE**

**601     Schedule for Traffic Offenses.**

The District Court of Jefferson County adopts the pre-payable schedule for traffic offenses, as set out in AOC Form AOC-056-19, attached hereto as **Appendix C**.

**602     Scheduling.**

- A.     Regularly scheduled court dates shall be assigned by the Chief District Judge or his/her designee.
  
- B.     Subject to the schedule established under Subsection (A) of this Rule, all persons arrested and in custody of Louisville Metro Corrections shall be arraigned on the date of arrest, or the next following scheduled court day. A person held in custody shall not be detained for more than forty-eight (48) hours from the time of arrest without being arraigned, unless there are exigent circumstances to be determined by a judge, which prevent arraignment within the forty-eight (48) hour period.
  
- C.     If a defendant appears before the Court and there is an unserved summons or warrant pending against him/her, the Court shall do the following:

Summons:

- 1.     Have the summons served upon the defendant and set a date certain for the defendant to return to the appropriate Court for further proceedings; or,

Arrest Warrant:

- 2.     Remand the defendant to the custody of the sheriff and determine the validity of the unserved warrant as soon as practicable. If the warrant has not previously been set aside, the Court may set bail, release the defendant on his/her own recognizance, or remand the defendant to custody, and set a date certain, pursuant to Subsection (B) of this Rule, in the appropriate Court for arraignment.

**603     Driver Education.**

Traffic School (Driver Re-education) shall be set at the discretion of the Court, or as specified by statute.

**604     Motion Practice.**

All motions shall be in writing and shall be delivered to the District Court Clerk and served on the prosecution and/or opposing counsel at least twenty-four (24) hours prior to being brought on the docket, except by leave of Court.

**605 Notice.**

At all arraignments, the Court shall ensure that the defendant is given in-hand notice of the next scheduled court date.

**606 Continuances.**

When a trial date has been set, the prosecution and defense attorney will make diligent preparation and notify all witnesses. No continuances will be granted except in proper circumstances with good cause shown.

**607 Notice of Warrant.**

The County Attorney shall notify the maker in writing ten (10) days prior to the issuance of an arrest warrant for theft by deception involving a dishonored check that such a warrant has been sought. Copy of such notice shall be filed with the Court's copy of any warrant subsequently issued.

**608 Copies of Search Warrants.**

Copies of all search warrants and affidavits in support thereof issued by a District Court Judge shall be filed immediately with the Circuit Court Clerk. An executed copy shall also be filed by the applicant with the Circuit Court Clerk within twenty-four (24) hours of execution.

**609 Motions for Shock Probation.**

Motions for shock probation, pursuant to KRS 439.267, shall contain the following certification in writing prior to being placed on the Court's docket:

1. The name of the sentencing Judge;
2. List of any and all charges to which the defendant is serving time;
3. Length of sentence(s);
4. Date of the sentence(s)/date of the defendant's reporting to jail if applicable;
5. Number of days actually served in jail;
6. Number of days requested to be shock probated;
7. Statement as to whether fines, service fees, court cost and/or restitution has been paid; and,
8. Photocopy of the Judge's Court docket showing the defendant's conviction shall be attached.

**610 Time Guidelines.**

The time guidelines adopted for the District Court Criminal Division are:

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**Traffic and misdemeanor cases:**

**Seventy-five percent (75%) of the cases should be disposed of within forty-five (45) days;**

**Ninety-eight percent (98%) of the cases should be disposed of within ninety (90) days; and**

**One-hundred percent (100%) of the cases should be disposed of within 180 days.**

Time guidelines are subject to modification by the Chief District Court Judge or District Court Administrator with the approval of the Chief Justice of the Supreme Court. Failure to meet these time guidelines shall not alone be grounds for dismissal. The model code definition of the institution of and disposition of a criminal case is adopted; i.e. a case is considered opened and the time begins to run when an arrest is made, or when a citation, summons, or warrant is served.

Citations must be properly delivered to the District Court Clerk within seven (7) days of issuance or they will not be processed, unless good cause is shown or as otherwise ordered by the Chief Judge of Jefferson District Court.

Disposition of a case occurs at the time of dismissal, plea of guilt, finding of guilt, or transfer to the Grand Jury. The following occurrences specifically do not count toward measurement of the time: show cause date; sentencing date; pre-trial diversion; drug court referral; Department of Transportation referral; mental health diversion; competency and/or criminal responsibility evaluations; or, arrest/or bench warrants.

**611 Collection of Fees Pursuant to KRS Chapter 31.**

- A. Partial fees for public defender services shall be set at arraignment, subject to review at each stage of the proceedings.
- B. Upon disposition, a form order shall be entered indicating the total amount of fees due, and the date (or dates if installment payments) upon which they shall be paid.
- C. The form order shall be in quadruplicate, with one (1) copy delivered to the defendant, one (1) copy for the court file, one (1) copy for the Jefferson County Court Administrator, and one (1) copy for the Department of Public Advocacy in Frankfort.
- D. Fee(s) paid to the Jefferson County Circuit Court Clerk shall be duly recorded by case number. If the fee, or any portion thereof, is not paid by the due date, the court's order is a civil judgment subject to collection pursuant to Kentucky law.

## 612 No Liability Insurance Diversion Program.

The Pre-Trial Services Department of the Administrative Office of the Courts (AOC) shall provide a monitoring program for all defendants who have entered a plea of guilty to having no liability insurance and who have, at the time of the plea of guilt, shown proof of current liability insurance covering the vehicle for which he/she was charged, or any subsequently owned vehicle or, in the event that he/she no longer owns a vehicle, proof of non-owner's insurance covering him/her on any other vehicles as follows:

- A. If the person is a first time offender within a five (5) year period:
  1. Upon the recommendation of the county attorney and the consent of the defendant, the District Court Judge shall approve participation in the monitoring program, unless the District Court Judge, in his or her discretion believes that:
    - a. There is a substantial risk that the defendant will abscond from the jurisdiction of the court prior to fulfillment of the terms of the monitoring contract;
    - b. There is a substantial risk that the defendant will commit another crime prior to fulfillment of the terms of the monitoring contract;
    - c. The defendant is in need of correctional treatment that can be provided most effectively by commitment to the county jail; or,
    - d. Participation in the program would unduly depreciate the seriousness of the defendant's crime.
  2. The county attorney's recommendation of a defendant's participation in the program shall not be unreasonably withheld. If the county attorney refuses to consent to a defendant's participation in the program, he or she shall state on the record the reasons therefore.
  3. Upon referral to the program, sentencing on the underlying charge shall be withheld. Notice to the Department of Transportation (DOT) of a finding of guilt shall be withheld until, and only if, sentencing is pronounced upon the defendant.
  4. Upon approval for participation in the program, the defendant shall meet with a monitoring officer to establish a formal contract which specifies the court ordered conditions, the length of the contract and, if required, the need for the defendant to make restitution. The contract shall commence upon approval by the District Court Judge. Individual contract lengths shall be determined by the District Court Judge not to exceed twenty-four (24) months.

5. The program participant shall be required to comply with all provisions of the monitoring contract. (See **Appendix F**). If the program participant fails to comply with the conditions of the contract, the monitoring officer shall refer the matter to the sentencing Court, with notice to the defendant and/or the defendant's attorney, for a decision whether to terminate the contract and sentence the defendant or to modify the terms of the contract. Notice to the defendant to show cause why the defendant has failed to comply with the terms of the contract shall be deemed sufficient if sent by regular mail to the defendant's last known address listed by the monitoring program. Violation of any of the terms of the contract may be shown by way of sworn affidavit of the monitoring officer or the county attorney. The trial judge shall enter an order reflecting the court's decision. As with the original monitoring contract, the participant must agree to any contract modifications prior to reinstatement.
6. When the defendant fully complies with all of the terms of the contract, the monitoring officer shall notify the county attorney. The county attorney shall move the Court to set aside the plea of guilt and dismiss the charge. The Court shall enter an Order reflecting said determination.
7. All program records and all statements made by a defendant to the monitoring officer regarding the contract shall be privileged; shall not be admissible or discoverable for any purpose; shall be exempt from subpoena; and shall be deemed confidential. However, program staff, the District Court Judge, the county attorney, and the Chief District Court Judge may access the information for purposes of program review, monitoring and supervision. The information shall not be released to any other person or entity without prior written consent of the District Court Judge or the defendant. Nothing in this paragraph shall be deemed to prohibit release of information to the victim regarding a defendant's participation in the program.
8. The fee for participation in the program shall be in an amount set by the Director of the Administrative Office of the Courts. The Court may assess the fee on a sliding scale basis upon ability to pay or waive the fee entirely in the case of indigence.
9. Court costs shall be assessed in all cases unless the District Court Judge determines that the defendant is indigent.

B. If the defendant is a second or subsequent offender within a five (5) year period:

1. The Court may order, at sentencing, participation in the monitoring program as a term of probation or conditional discharge of the sentence.
2. All rules and regulations set forth in subsections (A) 4, 5, 7, 8, and 9 above, for first time offenders shall be applicable to second or subsequent offenders.
3. Violation of the terms of probation or conditional discharge may be proven by way of sworn affidavit of the monitoring officer or the county attorney.



**RULE 7     CITIZENS COMPLAINTS/MEDIATION**

**701    Obtaining Warrants and Summons.**

Citizen Complaints may be made by individuals at the Jefferson County Attorney's Office during normal business hours. Domestic Violence Criminal Complaints may be filed in the Domestic Violence Intake Center during normal business hours. For an emergency criminal complaint after hours, the individual may go to the Deputy Sheriff on duty who will contact the on-call Assistant Jefferson County Attorney, who will then make the determination of whether the matter needs to be addressed immediately or may wait until the next regular business day.

**702    Mediation.**

**1.     In General.**

- A.    The Jefferson District Court General Term finds that under some circumstances mediation may provide an efficient and cost effective alternative to traditional litigation or criminal matters. Further, the wise and judicious use of mediation may benefit all participants.
  
- B.    Mediation is an informal process in which a neutral third person, called a mediator, facilitates the resolution of a dispute between two (2) or more individuals. The process is designed to help individuals reach an agreement on some or all of the issues in dispute. The decision making authority rests with the participants, not with the mediator. The mediator assists in identifying issues, fostering joint problem solving and exploring resolution alternatives.
  
- C.    The Court may refer any case or portion of a case to mediation, except as otherwise provided in these rules.
  
- D.    When referring a case to mediation, the Court shall consider:
  - 1.    The nature of the issues presented;
  - 2.    The value to the individuals involved in the mediation of confidentiality, rapid resolution or the promotion or maintenance of ongoing relationships;
  - 3.    The willingness of the individuals involved in the mediation to mutually resolve the dispute or issue;
  - 4.    Other attempts by the individuals to resolve the dispute or issue; and,
  - 5.    The ability of the individuals involved to participate in the mediation process.

**2. Mediation Session.**

- A. Mediation sessions shall be closed to all persons other than the individuals subject to the mediation, their counsel and any other person(s) invited by the mediator with the consent of the individuals involved.
- B. The mediation session and the mediator's conduct shall be governed by the Rules of Administrative Procedure of the Court of Justice, Part XII, mediation Guidelines for Court of Justice mediators.
- C. If the matter is resolved, the mediator shall reduce the agreement to writing for the signatures of the participants.
- D. With the exception of those conducted by private mediators who charge a fee, all mediations in Jefferson District Court shall take place in the Hall of Justice, unless another location is agreed upon by the mediator and all individuals subject to the mediation. Private mediators offering pro bono services may conduct mediations for Jefferson District Court in the Hall of Justice.

**3. Report of Mediation Status.**

- A. After the scheduled mediation date, the mediator shall provide the District Court Administrator with a Report of Mediation Status utilizing the forms and procedures directed by the Administrative Office of the Courts.
- B. If the case/matter is not resolved by mediation, the matter shall be referred to the District Court Judge for further action.

**4. Confidentiality.**

- A. Except as otherwise provided by this rule, all mediation documents and mediation communications shall be confidential and shall not be released to any other person or agency without the written consent of the individuals subject to the mediation. Further, the mediation documents and communications shall not be subject to disclosure through discovery or any other process and are not admissible as evidence in any judicial or administrative proceeding.
- B. The mediator shall not be subject to process requiring the disclosure of any matter pertaining to the mediation, and such matters shall be considered privileged and confidential. The privilege and resulting immunity reside with the mediator. Mediation occurring as part of a civil case is protected as a settlement negotiation for purposes of KRE 408.
- C. No part of the mediation shall be considered public record.
- D. No restriction on disclosure shall be required, and the privilege may be waived under this rule, if:

1. All parties consent to the disclosure in writing and the mediator agrees; or,
2. The mediator learns of abuse subject to mandatory reporting by KRS 209.030, KRS 209A.030, KRS 620.030, or other applicable law.
3. Nothing in this Rule shall prevent the AOC from reviewing mediation information for the purpose of evaluation and supervision.

**5. Civil Mediation.**

- A. The procedures in this Rule shall pertain to all District Court civil cases.
- B. A District Court Judge may refer cases to mediation at any time by referring the parties to Civil District Court Clerk's office for scheduling.
- C. Following the scheduled mediation, the mediator shall file a Report of Mediation Status with the District Court Administrator, along with a signed copy of any agreement reached by the parties.

**6. Mediating Citizen's Criminal Complaints.**

**A. Citizen Criminal Complaints.**

1. A citizen's criminal complaint may be made as follows:
  - a) During normal business hours, the criminal complaint shall be made to the Jefferson County Attorney's Office.
  - b) During normal business hours, domestic violence criminal complaints may be made in the Domestic Violence Intake Center.
  - c) After normal business hours, emergency criminal complaints may be made with the deputy sheriff on duty, who shall contact the on-call Assistant Jefferson County Attorney. The on-call Assistant Jefferson County Attorney shall make a determination as required by subsection (5) below.
2. For a matter to be referred for mediation, the complaining witness and the alleged offender shall be eighteen (18) years of age or older, and the alleged offense must have occurred in Jefferson County, Kentucky.
3. Where related complaints (cross-complaints) are filed, every effort shall be made to refer such complaints to the same reviewing authorities, and to schedule any subsequent proceedings on the same dates.
4. When a complaint is referred to mediation, a mediation conference shall be scheduled within fourteen (14) days of the referral, absent extraordinary circumstances.

5. Citizen complaints shall be referred to mediation according to the following procedures:
- a) The Assistant Jefferson County Attorney shall interview the complaining witness to determine if probable cause exists to believe a criminal offense has been committed. If probable cause does not exist, the Assistant County Attorney shall reject the matter and it shall be presented to the District Court Judge.
  - b) If the Assistant County Attorney determines that there is probable cause to believe an offense was committed, the complaining witness should be afforded an opportunity to request mediation as a resolution to his or her complaint with the alleged offender.
  - c) If there is a determination of probable cause, the Assistant County Attorney shall complete an AOC Form 315.B, Criminal Complaint, which shall include a sworn statement of the complaining witness, the recommended criminal charge(s), and one of the following recommendations for disposition to the District Court Judge:
    - i. Request that the District Court Judge issue a warrant (in complaints presented after-hours, the on-call Assistant County Attorney shall determine whether to contact the on-call District Court Judge immediately or make the request on the next regular business day);  
or
    - ii. Request that the District Court Judge issue a summons; or,
    - iii. Request that the District Court Judge refer the matter to mediation.
  - d) The AOC Form 315.B shall be tendered to the District Court Administrator for submission to the District Court Judge.
  - e) The District Court Administrator shall present the completed AOC form 315.B containing the complaining witness's sworn statement and the Assistant County Attorney's recommendations to a District Court Judge, who may take one of the following actions:
    - i. Issue a summons or arrest warrant for the defendant;
    - ii. Refer the matter to mediation; or,
    - iii. Reject the action.

Any action taken by the District Court Judge shall be in writing and signed. For a mediation referral, the District Court Judge shall refer the matter to the District Court Administrator to schedule the mediation and assign a mediation number in the Mediation Division of KY Courts II.

6. Any agreement reached between the complaining witness and the alleged offender shall be voluntary. The terms for compliance with the agreement shall not exceed one (1) year from the date the alleged offense occurred,

and shall not be legally enforceable by the complaining witness, the alleged offender, the County Attorney, the mediation program, or the courts. Failure by the alleged offender to comply with the terms of the agreement may result in the re-initiation of the underlying criminal complaint.

7. If the criminal complaint is not resolved at mediation, the following may occur:
  - a) If the complaining witness fails to appear at the scheduled mediation, the matter shall be closed, and shall only be reinitiated if the complaining witness comes forward again to swear to the allegations and the County Attorney determines there is probable cause to believe an offense has been committed.
  - b) If the alleged offender fails to appear at the scheduled mediation and the complaining witness wishes to proceed, the County Attorney shall request that the District Court Judge issue an arrest warrant or summons for the alleged offender.
  - c) If the complaining witness and alleged offender both appear, but the mediation is unsuccessful and the complaining witness wishes to proceed, the County Attorney shall request that the District Court Judge issue an arrest warrant or summons for the alleged offender.

**B. Judicial Referral of Criminal Cases.**

1. Once the complaint has been signed by a District Court Judge and criminal prosecution has commenced by the assignment of a case number in the Criminal Division of the Jefferson District Court and the defendant has been served, a District Court Judge may continue the case by referring it to mediation, if:
  - a) The County Attorney agrees to the mediation;
  - b) The complaining witness agrees to the mediation;
  - c) The defendant agrees to the mediation; and,
  - d) The County Attorney agrees to dismiss the case if the complaining witness and the defendant reach an agreement.
2. Mediations should be scheduled at least fourteen (14) days in advance of the next scheduled hearing date.
3. Following the scheduled mediation, the court mediator shall send a Report of Mediation Status to the District Court Administrator.

4. If the criminal complaint is resolved, the defendant shall not be required to return to court, and the County Attorney shall move to dismiss the case at the scheduled hearing date.
5. If the criminal complaint is not resolved, the defendant shall return to court on the next scheduled court date for further action.
6. If any citizen, attorney, or peace officer is denied a warrant or summons by a Judge of the District Court, the decision of the reviewing judge shall be final. The same case shall not be presented to any other District Court Judge for reconsideration, unless new or different circumstances from those originally presented for review are found to exist.

### **703 Sworn Complaint.**

- A. Complainants must be informed of the general court process by the Jefferson County Attorney's Office. They shall be informed of the following:

Their sworn statement will be reviewed by an Assistant County Attorney, who must determine whether probable cause exists to believe a criminal offense has been committed in order to go forward. The sworn statement and recommendations of the County Attorney will be reviewed by a District Court Judge as well. Once a warrant is signed by a District Court Judge, it becomes the case of the Commonwealth of Kentucky and cannot be dropped by the Complainant. The Complainant's failure to appear in court may result in sanctions, including arrest. False swearing is a criminal offense, for which the Complainant may be prosecuted. Complainants may be required to testify at trial.

- B. The Jefferson County Attorney's Intake Officer shall prepare a complaint/warrant form for review by the County Attorney, and thereafter, review by a District Court Judge.
- C. No action shall be taken if the County Attorney determines that the Complainant has not made a valid criminal complaint. The County Attorney shall indicate the reason for rejection in the space provided on the warrant form, and it shall be reviewed by a District Court Judge.
- D. All warrants being reviewed shall be in the Jefferson District Court Administrator's Office. If any warrants are removed for any reason, the person removing them shall inform the Court Administrator where in the building they are being taken, and they must be returned to the Jefferson District Court Administrator's Office the same day. Unless the Chief Judge of District Court specifically provides otherwise, no warrant under review shall be located any place other than in the Jefferson District Court Administrator's Office overnight.
- E. The County Attorney or District Court Judge may determine that the case is best suited for disposition through the Mediation program, even if not the chosen means of resolution by the Complainant. However, the County Attorney will recommend a

criminal charge even if mediation is recommended. (The mediator will advise the County Attorney and Judge if mediation has previously been attempted in this matter and has failed.) If mediation is ordered by the District Court Judge and thereafter fails, the Complaint will be re-reviewed by a District Court Judge.

- F. If any citizen, attorney, or peace officer is denied a warrant or summons by a Judge of the District Court, the decision of the District Court Judge who considered the matter is final. The same case shall not be presented to any other District Court Judge, unless new or different circumstances exist from those originally presented to the District Judge first considering same.

#### **704 Domestic Violence Protocol.**

The District Court of Jefferson County adopts the Domestic Violence Protocol, attached hereto as **Appendix D**.

## **RULE 8     JUVENILE SESSION**

### **801   Definitions.**

- A.    "Juvenile Court" or "Court" as used in this Rule 8 means either the morning or afternoon juvenile session of Jefferson District Court.
- B.    "DJJ" means the Department of Juvenile Justice and applies to any successor agency.
- C.    "Emergency" means imminent risk of harm to persons or property.

### **802   Session.**

The Court will be in session daily, Monday through Friday, excluding holidays. The Chief Judge of the Jefferson District Court may authorize special dockets to be held on weekends and holidays.

### **803   Detention of Juveniles.**

All detention facilities maintained and operated by the Louisville-Jefferson County Metro Government, pursuant to the requirements of KRS 67.0831(1) and subject to the provisions of KRS 67.0831(3) shall receive and maintain custody of juveniles in accordance with the pre-adjudicative detention criteria as outlined on AOC Form JW-39 and the provisions of the Kentucky Revised Statutes.

When a child who is alleged to be a public offender or a youthful offender, prior to his or her arraignment in either of the juvenile sessions of Jefferson District Court, is ordered by a Judge or Trial Commissioner to be released from the Louisville Metro Youth Detention Center (LMYDC) to the custody of Cabinet for Health and Family Services (CHFS), that child must be picked up from the LMYDC as soon as practical. In any event, no such child who is ordered to be released shall remain in detention for any period exceeding twelve (12) hours, exclusive of weekends or holidays, from the time of the original order of release. This rule, while taking into consideration the special situations involved in the placing of children who are in the care and custody of CHFS, reflects the policy that children who are in the temporary custody of or committed to CHFS should not be required to spend more time in secure detention than non-CHFS involved children who are otherwise similarly situated.

### **804   Allotment of Cases.**

Cases are to be assigned to the two (2) divisions of the Juvenile Court on the basis of the first letter of the alleged offender's last name. The Chief Judge of the Jefferson District Court shall determine the letter allocation among the two (2) divisions of the Juvenile Court. Cases having multiple defendants in connection with a specific case shall all be assigned to the Juvenile Court division to which the senior action has been assigned, regardless of the defendants' last names.



**805 Arraignments.**

When a person is taken into custody and not released, and is charged with a criminal offense for which the Juvenile Court has jurisdiction, that person shall be arraigned in the division to which that person's case has been assigned no later than the next regularly scheduled Juvenile Court session. The in-detention arraignment dockets shall convene at 9:00 a.m. and 1:00 p.m., or at such other times as designated by the Chief District Court Judge with reasonable notice to the bar. Current schedules are available at the District Court Administrator's Office.

**806 Form of Pleadings.**

All pleadings, motions, briefs, orders and judgments shall be styled as follows:

NO. _____	JEFFERSON DISTRICT COURT JUVENILE SESSION DIVISION _____
IN THE INTEREST OF:	
_____, A CHILD,	

**807 Motion Practice.**

**A. In General**

An application to the Court for an Order shall be by motion, which shall be in writing unless made during a hearing or trial, shall state with particularity its grounds and relief sought. Motions shall be filed in the Juvenile Court Clerk's Office. Motions shall be signed by counsel and, when required by law, shall contain an affidavit in support thereof signed by the person having knowledge of the matters which are sought to be brought before the Court.

**B. Procedures**

The Juvenile Court will entertain motions on any day that the District Court is in session. No motion shall be heard by the Court unless the moving party has complied with the notice requirements set forth in JDR 809, excepting motions made during a hearing or trial. When a motion is initially called by the Court, the Court shall set a hearing date within twenty-one (21) days if a hearing is necessary to resolve the matter before the Court. The twenty-one (21) day hearing date may be waived by the parties for good cause shown.

**808 Motion for Release of Confidential or Privileged Information in Juvenile Delinquency Cases.**

- A. All requests for the release of confidential and/or privileged information, with regard to Juvenile Delinquency case files, shall be made by motion before the Juvenile Session of the Jefferson District Court, or before the Court in which the information is sought to be used.
- B. When the motion is made before the Juvenile Session of District Court, if the Court makes a preliminary determination that the party requesting the release of such information may be entitled to relief, the Court may release the name, address, and age of the person against whom the relief of information is sought, and the name and address of person's most recent counsel of record. The Court will then schedule a hearing within twenty-one (21) days to determine whether the law allows the release of any confidential or privileged information to the moving party. Notice of the motion and hearing date shall be prepared and served by the moving party upon the person against whom the release of such information is sought and upon his or her counsel.

**809 Notice.**

No motion shall be heard by the Court unless the responding party has received written notice of the motion at least forty-eight (48) hours, excluding weekends and holidays, prior to the matter being heard by the Court. The notice requirement may be waived by the responding party. The forty-eight (48) hour notice rule may also be waived by the Court when the Court determines that immediate court action is necessary because of the existence of an emergency or as is otherwise appropriate.

**810 Court Procedures – Conferencing and Calling of Cases.**

- A. Attorneys seeking to conference cases that appear on the Court's docket should sign the case name on the sheet posted for that purpose in the conference room area. Assuming that all persons necessary for the conference are physically present, cases shall be conferenced in the order that they are signed up on that sheet. It is recommended that the DJJ worker having case responsibility participate in the conference.
- B. At the conclusion of the conference, the case file shall be delivered to the Deputy Sheriff assigned to that Court to be called formally before the bench. Assuming that all necessary persons are available, the cases shall be called in the order in which they are provided to the Deputy Sheriff. If a case requires the taking of sworn testimony or extensive argument by counsel, the Court may direct that the case be heard at the foot of the Court's docket.

## **811 Disposition.**

- A. The pre-dispositional investigation report prepared in connection with an adjudicated offender's dispositional hearing shall be provided to the Court and to counsel for the parties three (3) days prior to the adjudicated offender's dispositional hearing. The three (3) day requirement may be waived by the adjudicated offender.
- B. If the Court commits an adjudicated offender to the DJJ, the Court shall set a date certain for the DJJ to take custody of that offender. If the offender is held in a secure juvenile detention facility, the Court shall order the DJJ to pick up and place the offender by a date certain. The time specification is set out in statute as thirty-five (35) days from the date of commitment. KRS 635.060(3). In the event that the DJJ is unable to secure an appropriate placement for the committed offender by the date specified by the Court, a representative of the DJJ shall notify the Juvenile Court Clerk at least twenty-four (24) hours prior to the previously ordered placement of the DJJ's inability to place the offender. Upon the receipt of this information, the Clerk shall redocket the offender's case for a hearing before the Juvenile District Court on the date that the child was previously scheduled to be placed in the DJJ's custody, and notify counsel for the Commonwealth and counsel for the offender of the time, date and purpose of the hearing. At that hearing, the Court will enter an appropriate order with respect to the placement of the offender.

## **812 Treatment Plans.**

Individualized treatment plans for all children committed to the DJJ shall be forwarded by the DJJ to the Court and the child's counsel of record within forty-five (45) days of placement in any setting outside of the home. Copies of any progress reports shall also be forwarded to the Court and the child's counsel.

## **813 Scheduling of Cases – Time Guidelines.**

The scheduling of cases for the Juvenile Session of District Court is found in **Appendix E**. Any elapsed time, other than is reasonably necessary for pleadings, discovery and Court events to enable the just and efficient initial disposition and timely post-disposition exercise of court jurisdiction of juvenile cases, is unacceptable. The Court shall firmly and uniformly enforce its time guidelines through any necessary steps, including a strict policy limiting continuances. No request for continuance should be granted in a delinquency case except for good cause shown on the record.

**RULE 9      APPOINTMENT OF GUARDIANS AD LITEM**

**901    Appointment Eligibility.**

In order to be appointed as a Guardian Ad Litem in District Court, any licensed attorney in good standing with the Kentucky Bar Association may apply, subject to continued ratification by a majority of the members of the General Term of District Court. The appointment is to be made and compensation paid according to the statute, case law, or civil rule authorizing the appointment.

**902    Application.**

Application is to be made by submitting the appropriate form, which is available in the Jefferson County District Court Administrator's Office. Appointees serving as Guardians Ad Litem who fail to demonstrate appropriate knowledge of the statutes, law and procedures in the area in which appointment is made, or who fail to discharge diligently the duties for which the appointment is made, may be stricken from the list by a majority vote of the members of the General Term of District Court Judges.

**903    Procedure for Appointment.**

- A.    Appointments shall be made by blind rotation under the following procedures, except for good cause shown by the Court on the record. Examples of good cause may include, but are not limited to: reappointment for prior representation, same sex appointments for sexually abused child, if indicated, etc.
  
- B.    The Clerk of each division of District Court in which the Guardians Ad Litem are appointed shall maintain a list containing each attorney's name, upon which the style of the case and date of appointment as Guardian Ad Litem shall be noted by the clerk. And after each appointment the attorney shall be rotated to the end of the list. Each new applicant shall be placed at the end of the list.

**904    Compensation.**

Motions for compensation shall be accompanied by an affidavit indicating:

- A.    The statutory basis for appointment;
  
- B.    The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and,
  
- C.    That the action or proceedings have been concluded.

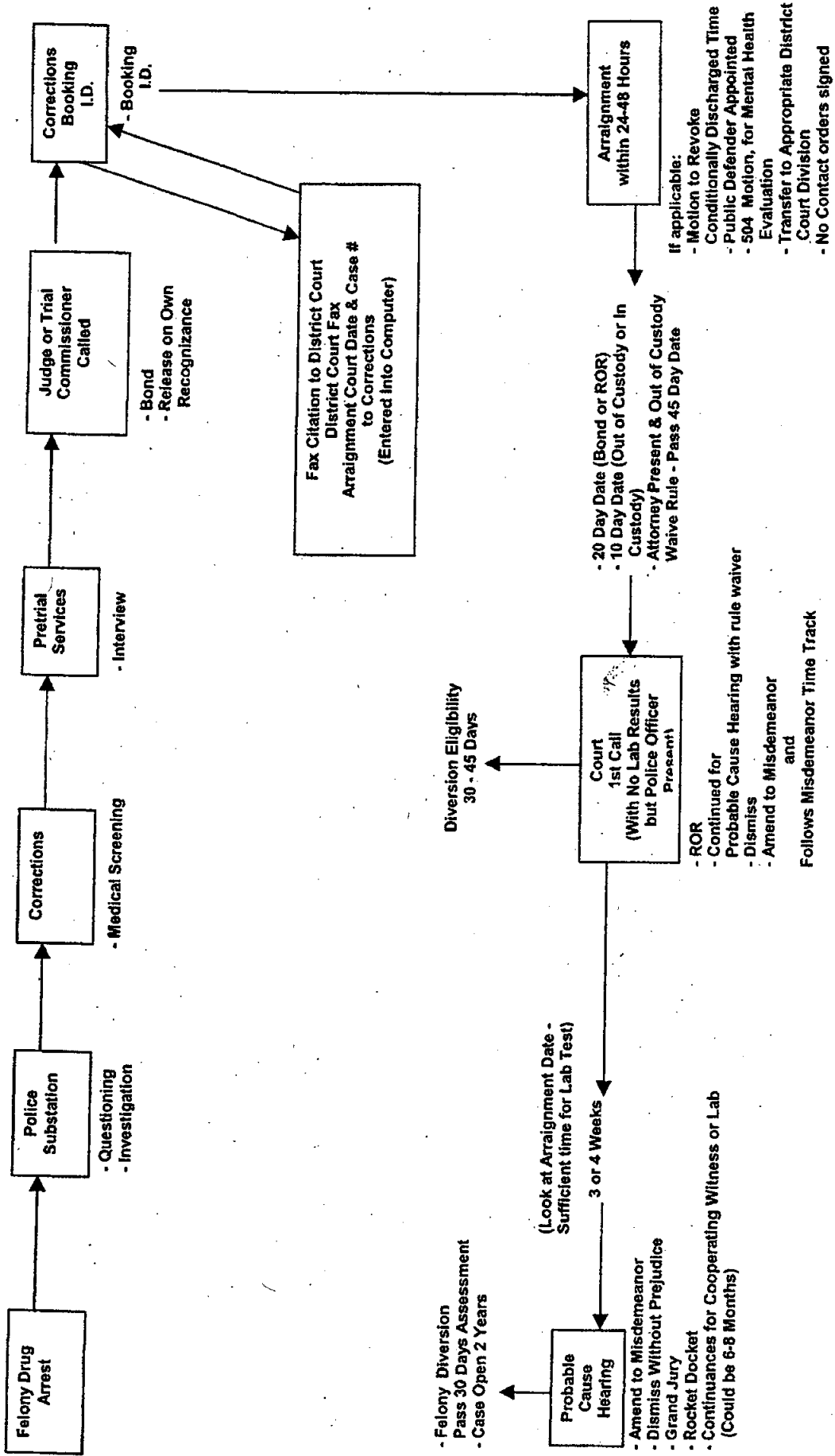
**RULE 10     REDUCTION OF WITNESS APPEARANCES IN DISTRICT COURT**

Recognizing that excessive appearances as witnesses in court proceedings take citizens away from other important activities, and in particular, that excessive court appearances by law enforcement officers interfere with their availability to be present in the community to protect and serve the citizens of Jefferson County, the District Court shall take all reasonable steps to reduce excessive witness appearances in Court.

All cases continued from arraignment in Court should be continued without process for a pretrial conference with the exception of all felony cases and all citizens' warrants. Pass dates from arraignment should be scheduled within two (2) weeks, if possible.

# District Court - Felony Drug Case Processing

Updated: 01/10/07



- Felony Diversion  
- Pass 30 Days Assessment  
- Case Open 2 Years

(Look at Arraignment Date - Sufficient time for Lab Test)

3 or 4 Weeks

Probable Cause Hearing

- Amend to Misdemeanor
- Dismiss Without Prejudice
- Grand Jury
- Rocket Docket
- Continuances for Cooperating Witness or Lab (Could be 6-8 Months)

Diversion Eligibility  
30 - 45 Days

Court 1st Call  
(With No Lab Results but Police Officer Present)

- ROR
- Continued for Probable Cause Hearing with rule waiver
- Dismiss
- Amend to Misdemeanor and

Follows Misdemeanor Time Track

20 Day Date (Bond or ROR)  
10 Day Date (Out of Custody or In Custody)  
- Attorney Present & Out of Custody Waive Rule - Pass 45 Day Date

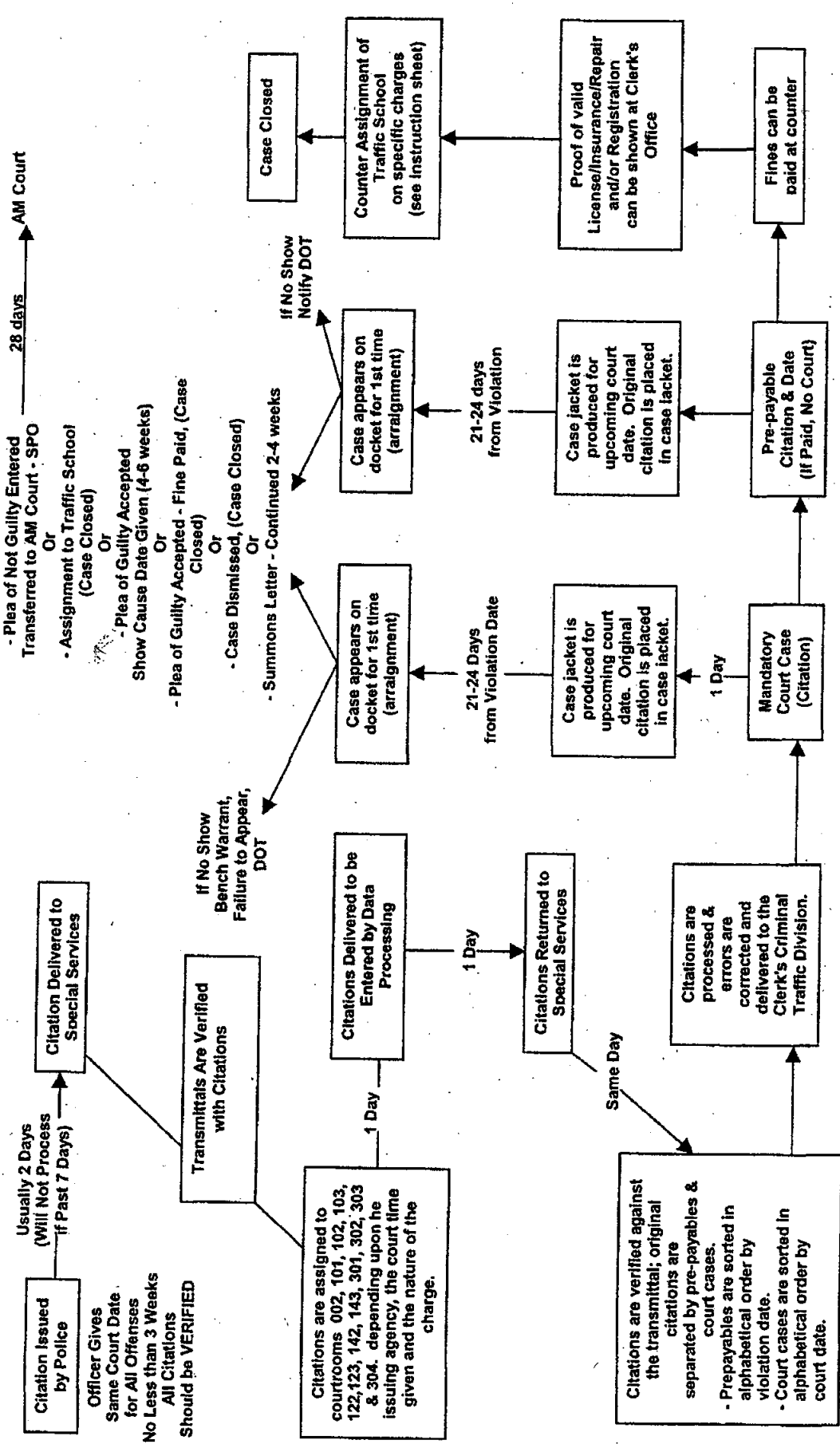
Arraignment within 24-48 Hours

If applicable:

- Motion to Revoke
- Conditionally Discharged Time
- Public Defender Appointed
- 504 Motion, for Mental Health Evaluation
- Transfer to Appropriate District Court Division
- No Contact orders signed

# District Court - Citation Case Processing

Updated: 01/10/07



Usually 2 Days (Will Not Process if Past 7 Days)

Citation Issued by Police  
Officer Gives Same Court Date for All Offenses  
No Less than 3 Weeks  
All Citations Should be VERIFIED

Citation Delivered to Special Services

Transmittals Are Verified with Citations

Citations are assigned to courtrooms 002, 101, 102, 103, 122, 123, 142, 143, 301, 302, 303 & 304. depending upon the issuing agency, the court time given and the nature of the charge.

Citations Delivered to be Entered by Data Processing

Citations Returned to Special Services

Citations are processed & errors are corrected and delivered to the Clerk's Criminal Traffic Division.

Citations are verified against the transmittal; original citations are separated by pre-payables & court cases.  
- Prepayables are sorted in alphabetical order by violation date.  
- Court cases are sorted in alphabetical order by court date.

If No Show Bench Warrant, Failure to Appear, DOT

Case appears on docket for 1st time (arraignment)

Case jacket is produced for upcoming court date. Original citation is placed in case jacket.

Case jacket is produced for upcoming court date. Original citation is placed in case jacket.

Case jacket is produced for upcoming court date. Original citation is placed in case jacket.

Case jacket is produced for upcoming court date. Original citation is placed in case jacket.

Pre-payable Citation & Date (if Paid, No Court)

Mandatory Court Case (Citation)

Fines can be paid at counter

Proof of valid License/Insurance/Repair and/or Registration can be shown at Clerk's Office

Counter Assignment of Traffic School on specific charges (see instruction sheet)

Case Closed

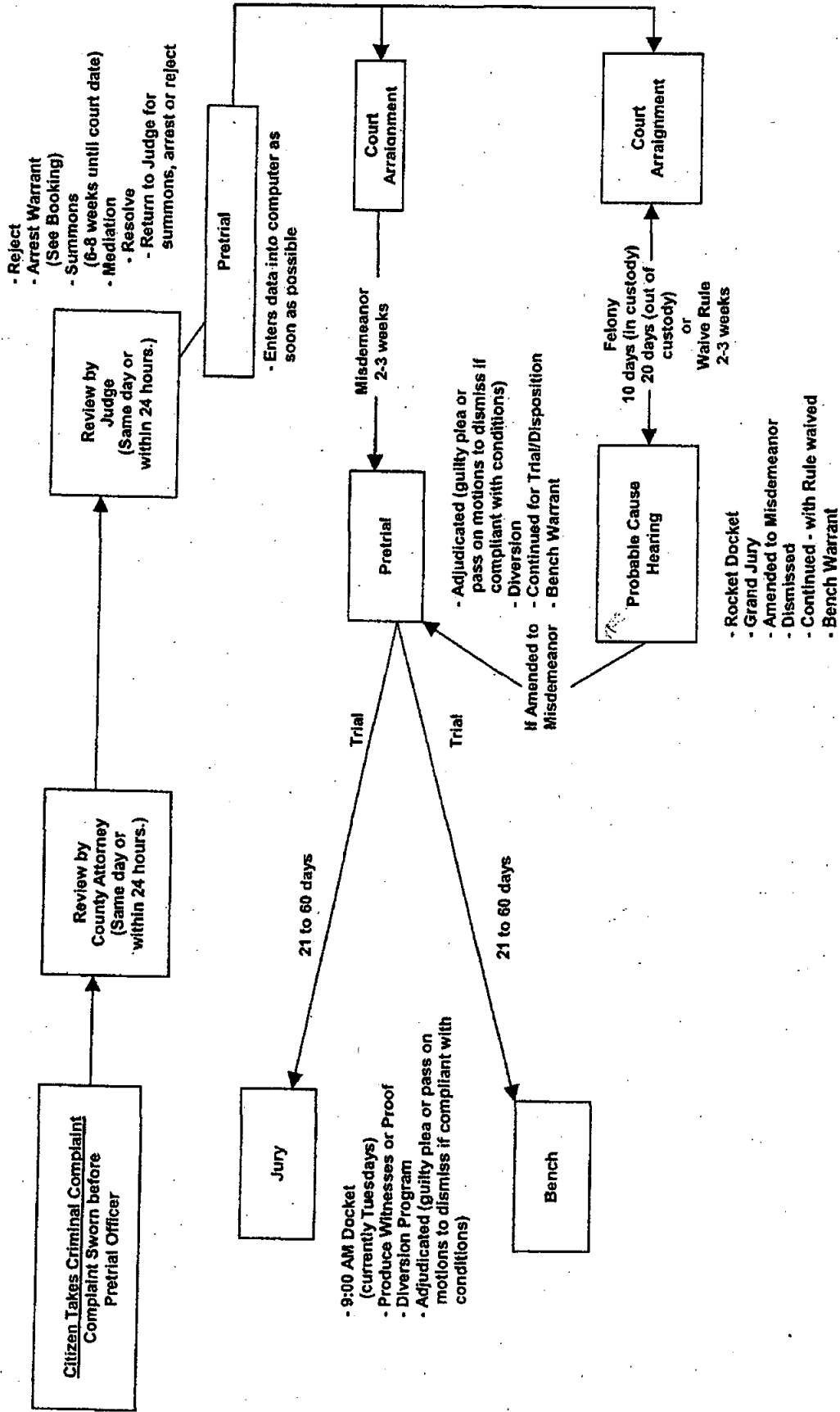
28 days

AM Court

- Plea of Not Guilty Entered Transferred to AM Court - SPO  
Or  
- Assignment to Traffic School (Case Closed)  
Or  
- Plea of Guilty Accepted Show Cause Date Given (4-6 weeks)  
Or  
- Plea of Guilty Accepted - Fine Paid, (Case Closed)  
Or  
- Case Dismissed, (Case Closed)  
Or  
- Summons Letter - Continued 2-4 weeks

# District Court - Warrant Processing

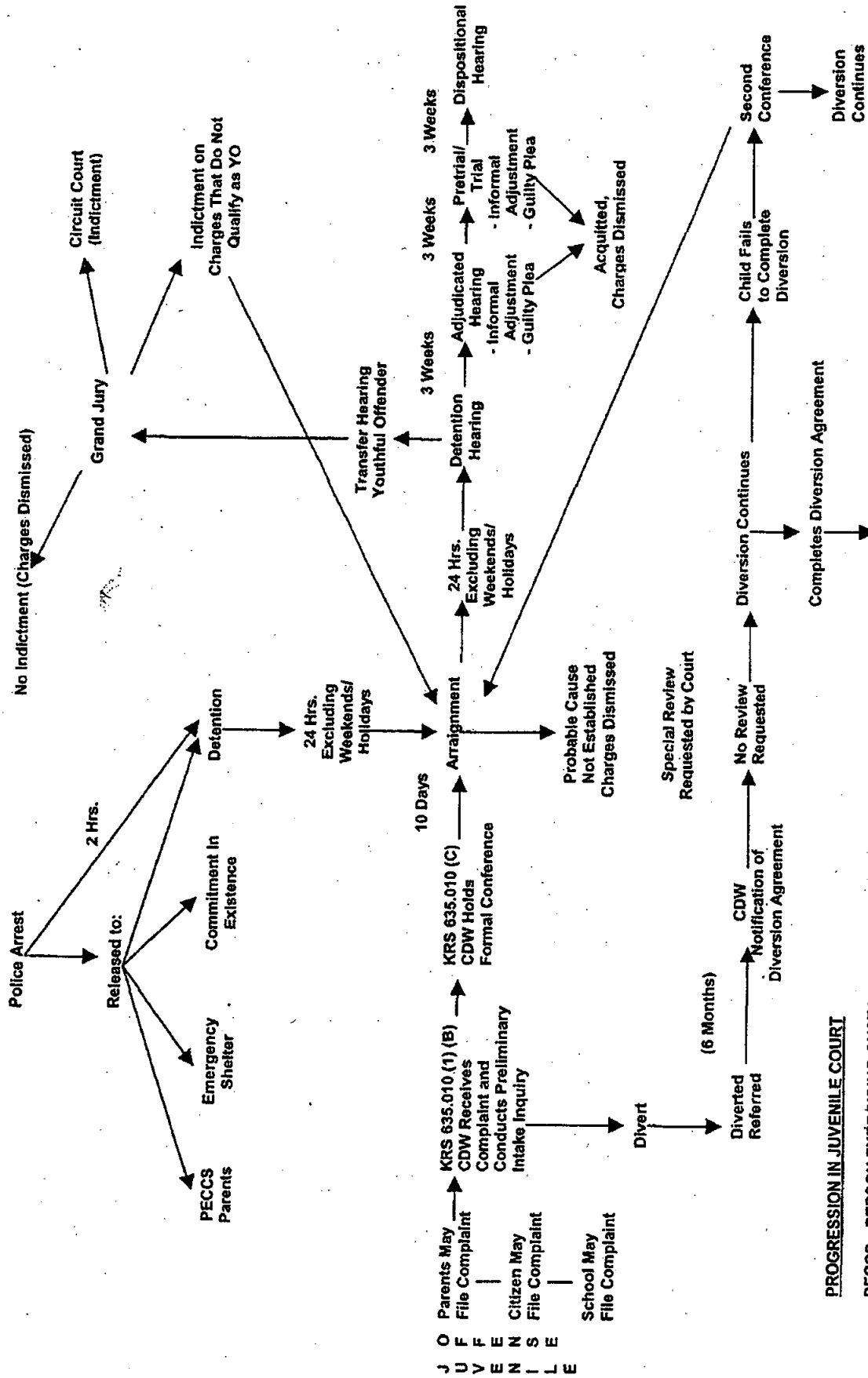
Updated: 01/11/07





**District Juvenile**

Updated: 01/10/07

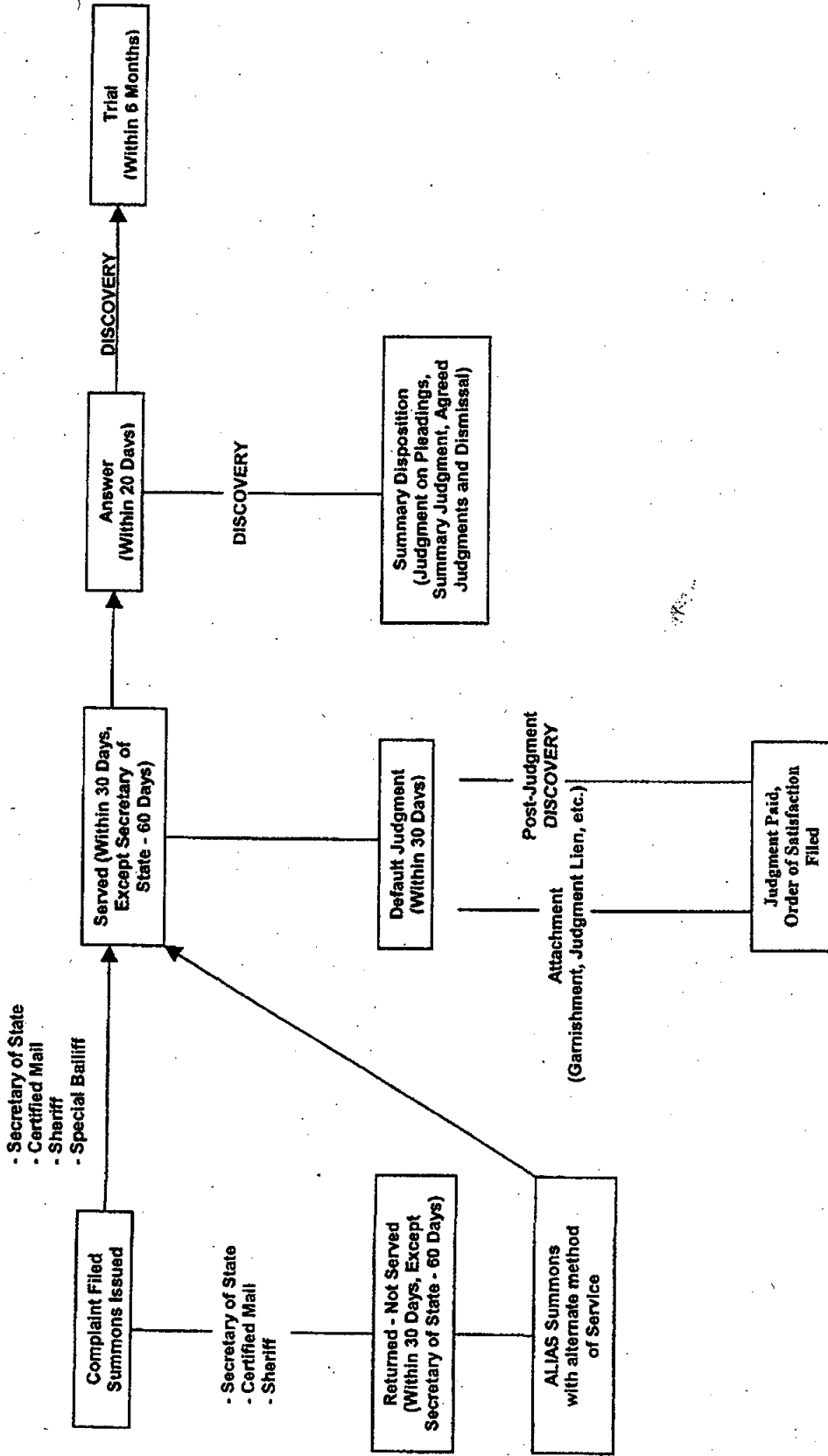


**PROGRESSION IN JUVENILE COURT**

- PECCS: PERSON EXERCISING CUSTODIAL CONTROL AND SUPERVISION
- CDW: COURT DESIGNATED WORKER
- IA: INFORMAL ADJUSTMENT
- YO: YOUTHFUL OFFENDER

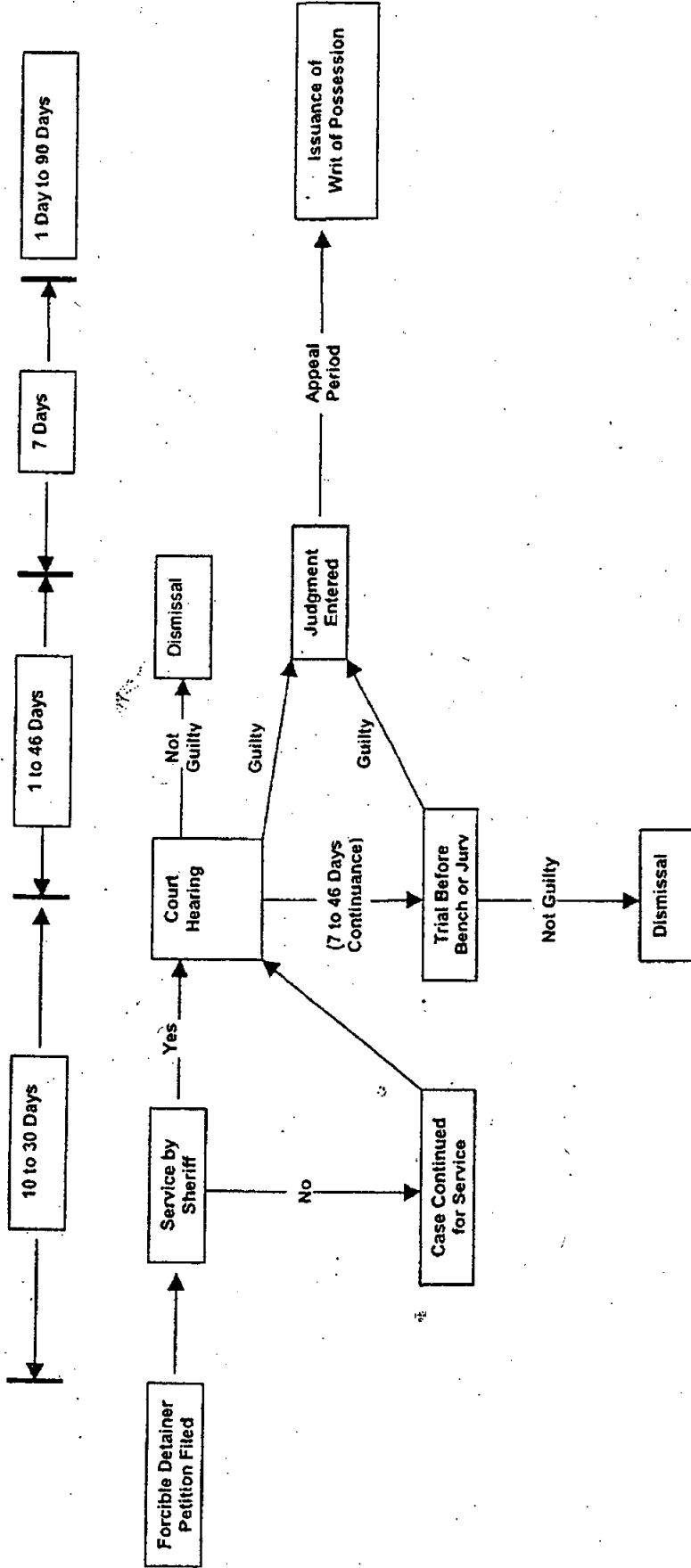
**District Court - Civil Division**

Updated: 1/10/07



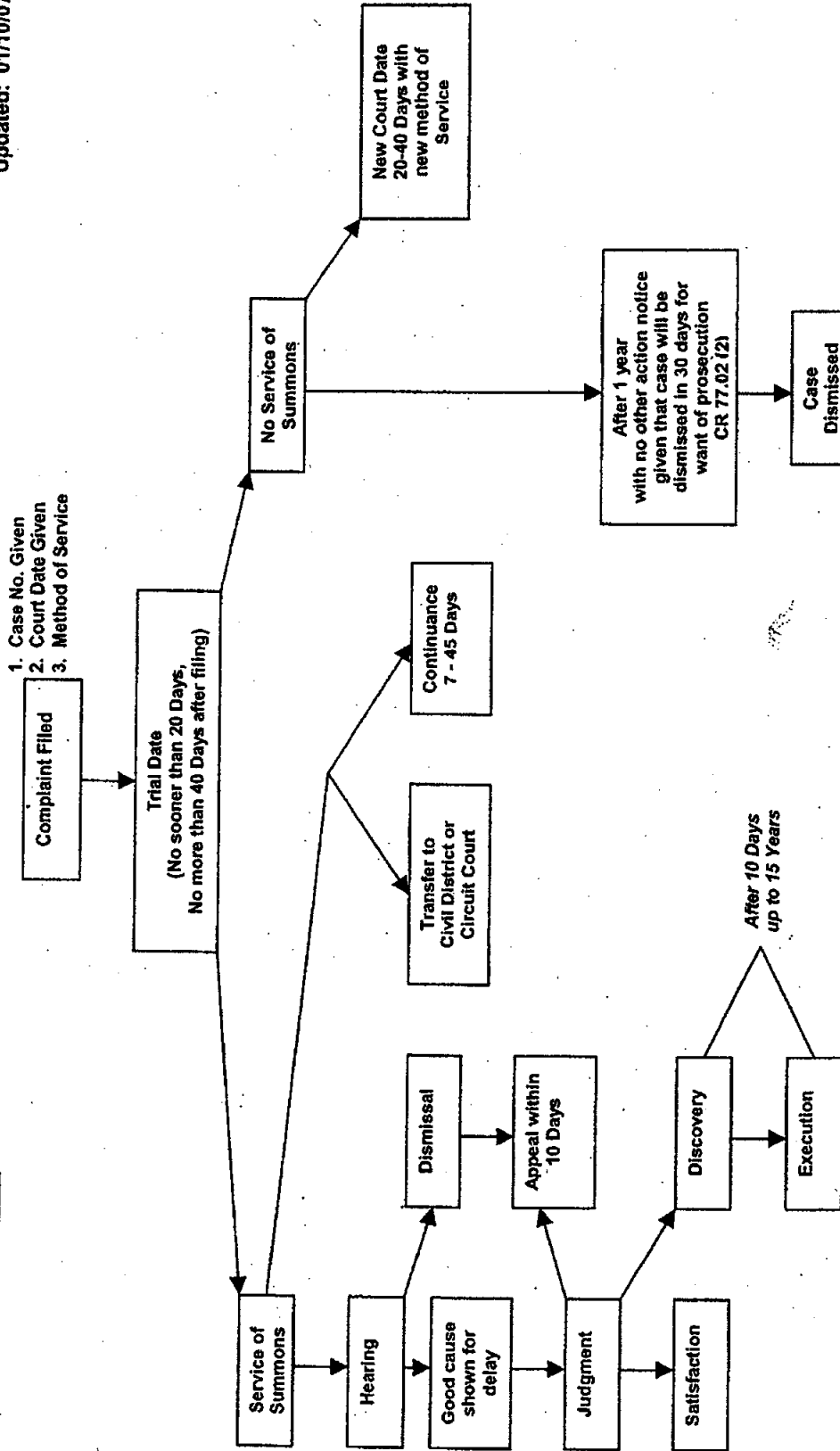
# District Court - Forcible Detainer

Updated: 01/10/07



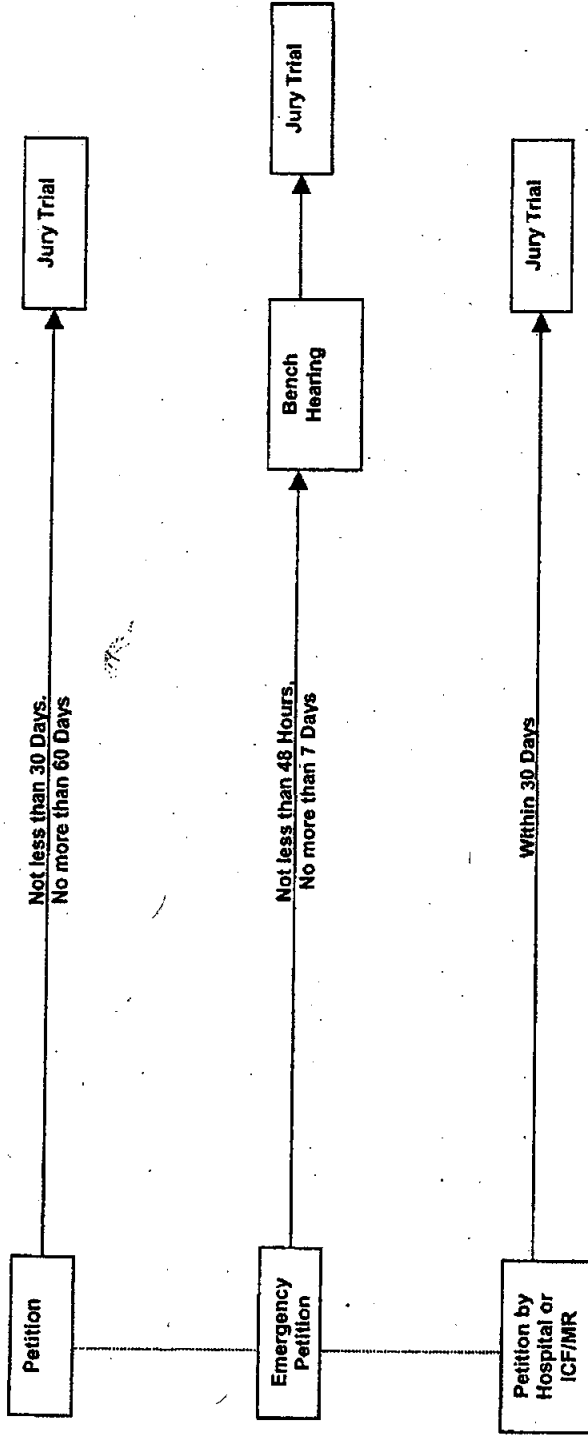
# Small Claims Processing

Updated: 01/10/07



**Disability/Guardianship**

Updated: 01/10/07

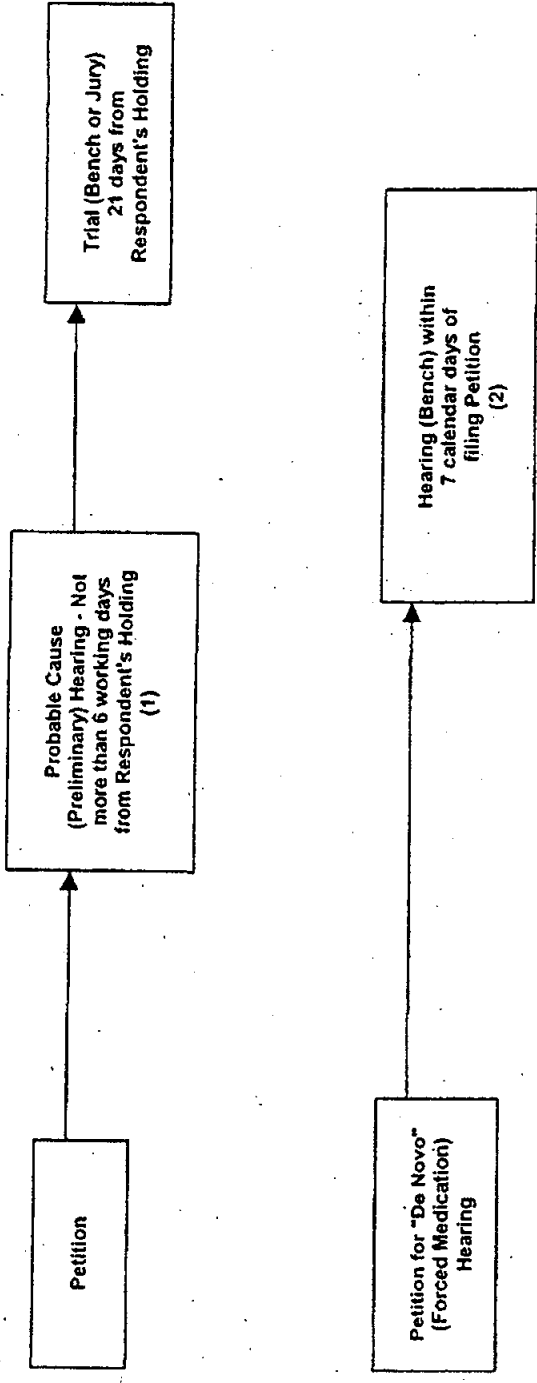


**Notes:**

1. KRS 387.550 requires interdisciplinary team reports to be filed not less than 10 days before Trial, if petition filed by institution, reports filed with petition.
2. Post adjudication proceedings at weekly motion hour, which is currently scheduled each Thursday at 9:30 a.m. (See JDR 504.)

**Mental Inquest - Involuntary Psychiatric Hospitalization**

Updated: 01/10/07

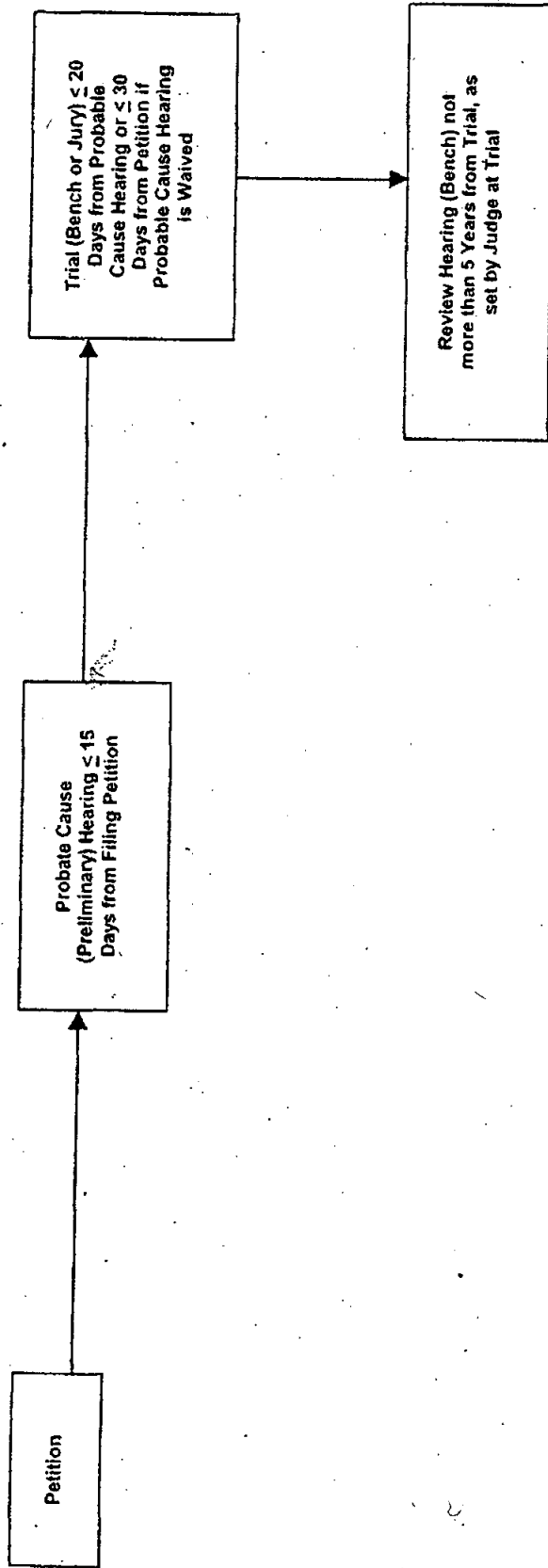


**Notes**

- (1) - Court (Judge, Clerk, Prosecutor, Defense Attorney) normally travels once each week to area hospitals for these hearings (currently Wednesdays).
- (2) - If Petition for De Novo hearing filed prior to trial, this hearing will usually be held immediately following the trial.

**Mental Retardation - Admission Proceedings**

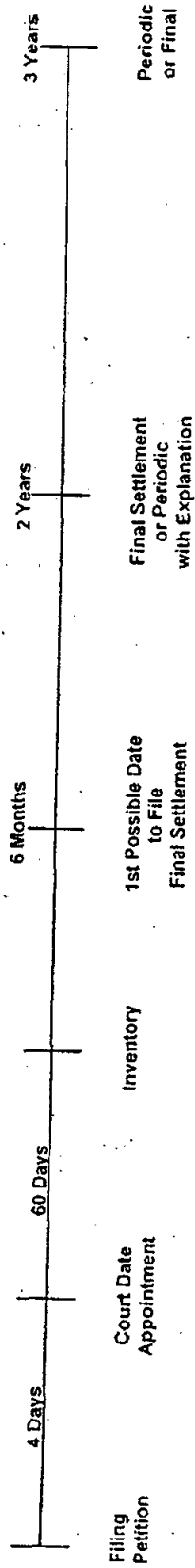
Updated: 01/10/07



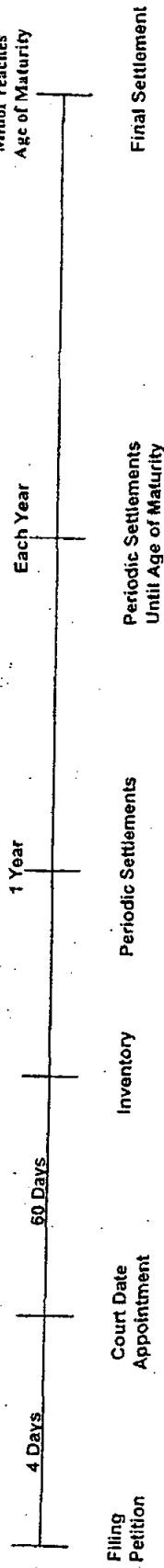
# Probate Court (Adult)

Updated: 01/10/07

## Decedent's Estate



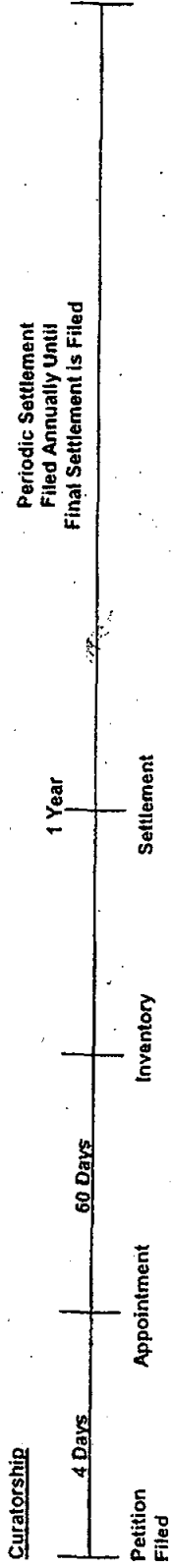
## Estate of Minor



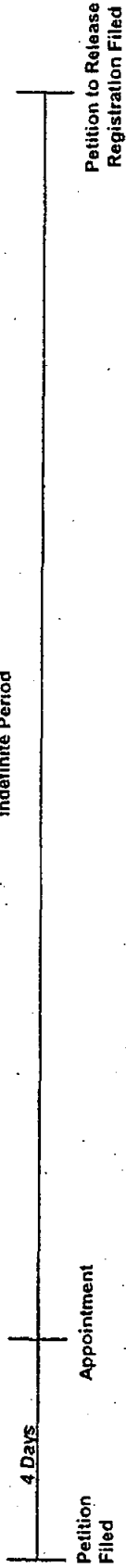


Probate Court - Continued

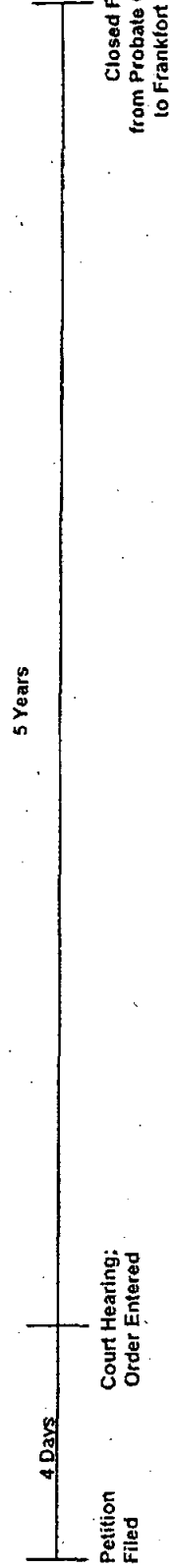
Updated: 01/10/07



Testamentary Trust



Will Probate only, Petition for Name Change, Petition to Dispense with Admin.,  
Petition for Infant Settlement without Guardianship.



FORM 407 (2007)

REQUEST FOR EXTENSION OF TIME

RE: ESTATE OF \_\_\_\_\_

FILE # \_\_\_\_\_

Original due date fiduciary wishes to extend: \_\_\_\_\_

Amount of time extension requested: \_\_\_\_\_

Number of prior requests for time extensions: \_\_\_\_\_

Reason for requested extension: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
ATTORNEY OR FIDUCIARY

\_\_\_\_\_  
ADDRESS



**SPEEDING VIOLATIONS**

OFFENSE CODE	OR	L/A CODE	VIOL.	AMOUNT
* 00001		*00029	1 MPH	\$1.00
* 00002		*00030	2 MPH	2.00
* 00003		*00031	3 MPH	3.00
* 00004		*00032	4 MPH	4.00
* 00005		*00033	5 MPH	5.00
* 00006		*00034	6 MPH	16.00
* 00007		*00035	7 MPH	17.00
* 00008		*00036	8 MPH	18.00
* 00009		*00037	9 MPH	19.00
* 00010		*00038	10 MPH	20.00
* 00011		*00039	11 MPH	22.00
* 00012		*00040	12 MPH	24.00
* 00013		*00041	13 MPH	26.00
* 00014		*00042	14 MPH	28.00
* 00015		*00043	15 MPH	30.00
* 00016		*00044	16 MPH	32.00
* 00017		*00045	17 MPH	34.00
* 00018		*00046	18 MPH	36.00
* 00019		*00047	19 MPH	38.00
* 00020		*00048	20 MPH	40.00

**SPEEDING VIOLATIONS-HWY WORK ZONE**

OFFENSE CODE	OR	L/A CODE	VIOL.	AMOUNT
* W0001		*W0029	1 MPH	\$2.00
* W0002		*W0030	2 MPH	4.00
* W0003		*W0031	3 MPH	6.00
* W0004		*W0032	4 MPH	8.00
* W0005		*W0033	5 MPH	10.00
* W0006		*W0034	6 MPH	32.00
* W0007		*W0035	7 MPH	34.00
* W0008		*W0036	8 MPH	36.00
* W0009		*W0037	9 MPH	38.00
* W0010		*W0038	10 MPH	40.00
* W0011		*W0039	11 MPH	44.00
* W0012		*W0040	12 MPH	48.00
* W0013		*W0041	13 MPH	52.00
* W0014		*W0042	14 MPH	56.00
* W0015		*W0043	15 MPH	60.00
* W0016		*W0044	16 MPH	64.00
* W0017		*W0045	17 MPH	68.00
* W0018		*W0046	18 MPH	72.00
* W0019		*W0047	19 MPH	76.00
* W0020		*W0048	20 MPH	80.00

THE FOLLOWING FINES APPLY IF YOU ARE CITED FOR SPEEDING 21-25 MPH OVER THE LIMIT IN A SPEED ZONE LOWER THAN 55 MPH.

* 00021		*00049	21 MPH	\$43.00	* W0021		*W0049	21 MPH	\$86.00
* 00022		*00050	22 MPH	46.00	* W0022		*W0050	22 MPH	92.00
* 00023		*00051	23 MPH	49.00	* W0023		*W0051	23 MPH	98.00
* 00024		*00052	24 MPH	52.00	* W0024		*W0052	24 MPH	104.00
* 00025		*00053	25 MPH	55.00	* W0025		*W0053	25 MPH	110.00

THE FOLLOWING FINES APPLY IF YOU ARE CITED FOR SPEEDING 21-25 MPH OVER THE LIMIT IN A 55 MPH OR GREATER SPEED ZONE.

* 00021		*00049	21 MPH	\$60.00	* W0021		*W0049	21 MPH	\$120.00
* 00022		*00050	22 MPH	60.00	* W0022		*W0050	22 MPH	120.00
* 00023		*00051	23 MPH	60.00	* W0023		*W0051	23 MPH	120.00
* 00024		*00052	24 MPH	60.00	* W0024		*W0052	24 MPH	120.00
* 00025		*00053	25 MPH	60.00	* W0025		*W0053	25 MPH	120.00

**OFFENSE CODE**

**VIOLATION**

**AMOUNT**

* 00271	Disregard / Fail To Yield Right of Way	\$20.00
* 00270	Improper Lane Usage / Vehicles Keep Right Except to Pass	20.00
* 00107	Improper Passing	20.00
* 00108	Failure To or Improper Signal	20.00
* 00109	Improper Turning	20.00
* 00111	Disregarding Stop Sign	20.00
* 00113	Disregarding Traffic Control Device	20.00
* 00115	Reckless Driving	20.00
* 00120	Driving Too Slow For Conditions	20.00
* 00122	Failure to Dim Lights	20.00
* 00126	Failure to Give Right of Way	20.00
* 00128	Disregard RR Crossing Lights	20.00
* 00273	Improper Use of Left lane / Overtaking Vehicle	20.00
* 00130	Failure to Stop at RR Crossing	20.00
* 00131	Failure to Illuminate Headlights	20.00
* 00136	Careless Driving	20.00
* 00272	Following Another Vehicle Too Closely	20.00
* 00173	Disregard Compulsory Turn Lane	20.00
* 00176	Driving Too Fast for Conditions	20.00
00231	Obstructed Vision and/or Windshield	20.00
*** 00580	Improper Parking Violation	20.00
00581	Improper Parking Violation Firelane/Block Travel Portion of HWY	20.00
00506	Fail to use Child Restraint Device	50.00
00499	Fail to use Seat Belt	25.00
00470	Open Alcohol Container	35.00
02305	Drinking in a Public Place	25.00
**** 00590	Parking in Handicapped Parking Zone	250.00

If you have been cited and the offense code is not listed on this instruction Sheet, you may call the Criminal Traffic Division of District Court at (502) 595-3060 for instructions.

If you have any questions regarding points assessed call the Department of Transportation.

NOTE: FINES SHALL BE DOUBLED FOR SPEEDING IN A SCHOOL ZONE.

**Payment Due Worksheet**

Court Cost	\$ 129.00
+ Fine for Violation #1	_____
+ Fine for Violation #2	_____
+ Fine for Violation #3	_____
+ Fine for Violation #4	_____
= Payment Due	_____

**ADD THE \$129.00 COURT COST TO YOUR FINE AMOUNT(S) UNLESS YOU WERE ONLY CITED FOR PARKING VIOLATION, 00580, OR 00590.**

**You must pay court cost even if you do not go to court.**

**EQUIPMENT/LICENSE/REGISTRATION/INSURANCE VIOLATIONS**  
(You may pay amount listed or present proof before court date)

OFFENSE CODE	VIOLATION	AMOUNT
00205	Inadequate Silencer (muffler)	\$20.00
00209	Vehicle Nuisance	\$20.00
00220	No Tail Lights	\$20.00
00226	One Headlight	\$20.00
00231	Broken/Cracked Windshield	\$20.00
00240	No Brake Lights	\$20.00
00242	Excessive Window Tinting	\$20.00
00380	No Operators / Moped License	see front of sheet
00405	Improper Registration Plates	**
00407	No/expired Registration Receipt	**
00408	Improper Registration	**
00424	No/expired Registration Plates	**
00425	Improper Display of Plates	**
00435	License To Be In Possession	**
00436	Failure To Report Change of Address D.O.T.	**
00439	License Plate Not Legible	**
00480	No Insurance Owner - 1 <sup>st</sup> offense	**
00481	No Insurance Owner - 2 <sup>nd</sup> offense	**
00482	No Insurance Non-Owner - 1 <sup>st</sup> offense	**
00483	No Insurance Non-Owner - 2 <sup>nd</sup> offense	**
00484	No Insurance Owner permitting vehicle operation - 1 <sup>st</sup> offense	**
00485	No Insurance Owner permitting vehicle operation - 1 <sup>st</sup> offense	**

\* Signifies Eligible for Traffic School with a Court Cost of \$129.00 before court date.  
 \*\* See front of Instruction Sheet  
 \*\*\* No court cost  
 \*\*\*\* If you are cited for parking in Handicapped Parking Zone (00590), the fine is \$250.00. If fine is paid before court date, there is no court cost.

**PREPAYABLE OFFENSES  
INSTRUCTION SHEET**

This instruction sheet contains important information. Please read in its entirety. Failure to comply with the directions below and make appropriate payment or respond to the citation may result in suspension of your drivers' license.

**PLEA OF GUILTY AND PREPAYMENT OF COURT COST AND FINE(S)**

Many violations are payable prior to the court date. If your citation is marked "payable," you may prepay the court cost and fine(s) by mail or in person. By prepaying, you are pleading guilty to the violation(s) for which you were cited. **THE TOTAL AMOUNT FOR COST AND FINE(S) MUST BE RECEIVED AT THE ADDRESS LISTED BELOW BEFORE THE COURT DATE ON YOUR CITATION.**

1. Mailed payments should be in the form of a certified check or money order in the amount specified in the payment box and made payable to the Circuit Court Clerk noted below. Do not send cash through the mail. All mailed payments must be post marked at least seven (7) business days prior to the court date on your citation.
2. Payments made in person may be made in the form of cash, certified check or money order. Canadian checks must indicate that payment is in "U.S. dollars."

**PAYMENT OF COURT COST AND FINE(S)**

OFFENSE(S) CITED	FINE AMOUNT
1. 00020 SPEEDING 20 MPH OVER LIMIT (LIMITED ACCESS)	\$ 40.00
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10. Court Cost	\$ 129.00
<b>TOTAL AMOUNT DUE</b>	<b>\$ 169.00</b>

Mail payment and copy of citation to: David Nicholson  
 Jefferson County Circuit Clerk  
 600 W. Jefferson Street  
 Louisville, KY 40202-4731  
 (502) 595-4428

**PLEA OF NOT GUILTY AND COURT APPEARANCE**

If you wish to plead not guilty, appear in court on the date written on your citation. **FAILURE TO RESPOND TO THE CITATION MAY RESULT IN SUSPENSION OF YOUR DRIVERS' LICENSE.**

**STATE TRAFFIC SCHOOL**

If you have a valid drivers license with your current address and have not been assigned to State Traffic School in the past twelve (12) months, you may be eligible. **TO REQUEST STATE TRAFFIC SCHOOL, CONTACT THE CIRCUIT COURT CLERK.** If you are permitted to attend State Traffic School, you must provide the Circuit Court Clerk a written request to attend State Traffic School, a copy of your citation, and payment for the court costs listed on line 10 in the payment box before your court date. If State Traffic School is ordered, you will be billed an additional fee by the school at a later date.

YEAR	CONTROL NUMBER	TYPE
07	AC65350	1

**JEFFERSON COUNTY DOMESTIC VIOLENCE PROTOCOL**

Pursuant to KRS 403.735 (3) the Jefferson Trial Courts establish the following procedures to insure twenty-four (24) hour accessibility to Emergency Protective Orders (EPO).

I. Access to Protection from Domestic Violence:

A. Three hundred and sixty-five (365) days per year, seven (7) days per week, and twenty-four (24) hours per day the following persons are authorized to provide Domestic Violence Petition Forms to any person seeking an EPO:

(1) Jefferson Circuit Court Clerk and Deputy Clerks.

B. A verified petition for a Domestic Violence Order (DVO) of protection and an ex parte EPO shall be filed at the Judicial Center, 700 West Jefferson Street, Louisville, Kentucky 40202 or the Hall of Justice, 600 West Jefferson Street, Louisville, Kentucky 40202.

<u>Days</u>	<u>Times &amp; Location</u>
Monday – Friday	7:30 a.m. – 3:30 p.m. Family Court Clerk’s Office 1 <sup>st</sup> floor, Judicial Center
Monday – Friday	3:30 p.m. – 7:30 a.m. Criminal/Traffic Clerk’s Office 1 <sup>st</sup> floor, Hall of Justice
Holiday, Weekends	All times Criminal/Traffic Clerk’s Office 1 <sup>st</sup> floor, Hall of Justice

C. A criminal complaint and/or an EPO with a criminal complaint on domestic violence only shall be filed at the Hall of Justice, 600 West Jefferson Street, Louisville, Kentucky 40202.

<u>Days</u>	<u>Time &amp; Location</u>
Monday – Friday	8:00 a.m. – Midnight Domestic Violence Intake Office 1 <sup>st</sup> floor, Hall of Justice
Weekends	10:00 a.m. – 6:00 p.m.
Holidays	8:00 a.m. – 4:30 p.m. Domestic Violence Intake Office 1 <sup>st</sup> floor, Hall of Justice

## II. Domestic Violence Petitions

All domestic violence petitions shall be assigned a domestic violence "D" case number with the appropriate trailer number, if any, regardless of who (District Court Judge, Family Court Judge, Circuit Court Judge or Trial Commissioner) reviews the petition and orders the case filed.

- A. This procedure shall apply to petitions filed during the pendency of a dissolution or child custody proceedings.
- B. If a verified motion alleging an act of domestic violence is filed in a dissolution or child custody proceeding, an AOC-275.1 (Domestic Violence Petition) must be filed with the motion pursuant to KRS 403.730 (2). The petition shall be assigned a domestic violence "D" case number with the appropriate trailer number.
- C. The judge number of the judge or trial commissioner reviewing the petition and ordering the case filed shall be entered on the case screen as the opening judge.

## III. Domestic Violence Petitions Filed During Regular Office Hours.

- A. At the time the case is opened, the Circuit Clerk shall check the index of Circuit Court cases to ascertain if a dissolution or child custody proceeding is pending.
- B. The Circuit Clerk shall present the petition to a Family Court Judge, and then, if a Family Court Judge is not available to a District Court Judge, or Circuit Court Judge.
- C. If an EPO is issued, the Circuit Clerk shall file the Petition as a domestic violence "D" case in Family Court and schedule a domestic violence hearing with the appropriate Family Court Judge.
- D. If it is determined a dissolution or child custody proceeding is pending and an EPO is issued, the Circuit Clerk shall cross-reference the "D" case with the dissolution or child custody case file and place a copy of the EPO in the file. Additionally, if a DVO is issued, upon entry, the Circuit Clerk shall place a copy of the DVO in the dissolution or child custody case file.

## IV. Domestic Violence Petitions Filed After Regular Office Hours and Weekends.

- A. The Circuit Clerk shall present the petition to the on-duty District Court Judge or on-duty Trial Commissioner and, if unavailable, to the secondary duty Judge. If these individuals are unavailable the petition shall be presented to any District Court Judge and, if none available, to any Family Court Judge or Circuit Court Judge.

- B. Upon receipt by the Circuit Clerk of a verified domestic violence petition taken after business hours or during a weekend, for which a domestic violence hearing has been scheduled with a Family Court Judge, the Circuit Clerk shall check the circuit court case index to ascertain if a dissolution or child custody proceeding is pending.
- C. The Circuit Clerk shall file the petition (and any EPO issued) as a domestic violence "D" case in the Family Court, regardless of which District Judge, Trial Commissioner, Circuit Judge or Family Court Judge ordered the filing of the petition. The Circuit Clerk shall calendar the hearing by completing a scheduled event screen in the case management system.
- D. If it is determined a dissolution or child custody proceeding is pending, the Circuit Clerk shall notify the Family Court Judge of the pendency of same. The Clerk shall cross-reference the "D" case with the dissolution or child custody case. Additionally, a copy of the EPO/DVO shall be placed in the dissolution or child custody case file.
- E. If it is determined that a dissolution or child custody proceeding is pending in another Kentucky county, the Jefferson County Judge at the DVO hearing will consider whether to retain jurisdiction or reissue the EPO until the matter can be heard by the judge in the other county in accordance with KRS 403.740(4).

V. Violation of Domestic Violence Orders

- A. Alleged violations of Domestic Violence orders shall be processed as criminal actions for a violation and referred to District Court for prosecution, except as set forth below.
- B. Alleged violation of Domestic Violence orders pertaining to visitation, child support, counseling or firearms provisions shall be initiated through the Family Court and scheduled for contempt hearings on the appropriate Family Court docket. A copy of the EPO/DVO shall be placed in the dissolution or child custody file.

(01/23/07)



## APPENDIX E – JDR 813

### Scheduling of Cases – Juvenile Session of District Court

<b>TYPE OF CASES</b>	<b>PUBLIC OFFENDERS</b>	<b>FIREARM-FELONY OFFENDER CASES</b>	<b>TRADITIONAL WAIVER CASES</b>
<b>ARRAIGNMENT (ARR)</b>	w/i 24 hrs of DET	w/i 24 hrs of DET	w/i 24 hrs of DET
<b>DETENTION (DET)</b>	w/i 24 hrs from ARR	w/i 24 hrs from ARR	w/i 24 hrs from ARR
<b>PRETRIAL (PT)</b>	w/i 3 weeks after ARR	w/i 3 weeks after ARR	w/i 3 weeks after ARR
<b>WAIVER/ PROBABLE CAUSE HRS (PC) KRS 640.010(2)(A)</b>	n/a	w/i 3 weeks after PT	w/i 3 weeks after PT
<b>WAIVER KRS 640.010(2)(B)</b>	n/a	n/a	w/i 3 weeks after PC hearing
<b>DISPOSITION</b>	w/i 4 weeks after PC or trial	n/a	n/a
<b>TRIAL</b>	w/i 3 weeks after PT	n/a	n/a

Name \_\_\_\_\_

Case # \_\_\_\_\_

Kentucky Pretrial Services  
Participation Agreement

The Pretrial Diversion Program is a program of the Courts made available to you on a voluntary basis. Your successful participation will result in a recommendation that the charge(s) now pending against you be dismissed without trial. In order to become enrolled as a participant, you must agree to the following conditions:

1. I understand that this program is entirely voluntary and I agree to participate.
2. I may withdraw from the program at any time and must answer in court of accusations made against me regarding my future.
3. I voluntarily agree to waive my right to a speedy trial.
4. I will not be involved in any criminal acts during the diversion period or I may be prosecuted for this and any additional offenses that may result.
5. I agree to allow my Diversion Officer to talk to my immediate family about the conditions of this contract.
6. I agree to attend all appointments as arranged with my Diversion Officer.
7. I agree to report any changes in my address or phone number to my Diversion Officer within 3 business days.
8. I will report and cooperate with any agencies that I am referred to by my Diversion Officer.
9. I must pay a program fee of \$\_\_\_\_\_. I understand a bill will be sent to me and that I will send a check or money order made payable to: **Kentucky State Treasurer**  
Payments should be mailed to:  
Diversion Fee  
100 Millcreek Park  
Frankfort, KY 40601
10. I must pay restitution in the amount of \$\_\_\_\_\_. I can make payments of \$\_\_\_\_\_ per week/month starting on\_\_\_\_\_.
11. I further agree to the following conditions:

12. I understand that failure to fulfill any of these obligations may be considered sufficient reason by the Diversion Officer, Judge, Prosecutor, and or Director of the program to proceed with prosecution for this offense.

I understand also that if I demonstrate that I can and will behave in a law-abiding manner, a dismissal recommendation will be made, and if accepted by the court, my case will be dismissed without trial and that I will not then have a conviction record because of the present charge(s) against me.

Witness \_\_\_\_\_  
Diversion Officer

Participant \_\_\_\_\_ Date \_\_\_\_\_