Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 49TH JUDICIAL CIRCUIT AND DISTRICT, ALLEN AND SIMPSON COUNTIES

Upon the recommendation of the Judges of the 49th Judicial Circuit and District, Allen and Simpson counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 49th Judicial Circuit and District is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this 11th day of December 2015.

CHIEF JUSTICE

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL
49th JUDICIAL CIRCUIT AND DISTRICT
ALLEN AND SIMPSON COUNTIES

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rule of Practice and Procedure Section IV, this local protective order protocol is established to ensure twenty-four hour accessibility to emergency protective orders (EPOs) and temporary interpersonal protective orders (TIPOs) and to establish written procedures for matters in which there may be joint jurisdiction between the Circuit/Family and District Courts.

I. Uniform Protocol for Handling Cases

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

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

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

D. "No drop" policies which place limitations on a petitioner's right to modify or withdraw a petition for a protective order are not permitted. Pursuant to KRS 403.740 and KRS 456.060, any orders for relief issued directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault shall not order the petitioner to take any affirmative action.

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

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

II. Twenty-four Hour Accessibility

A. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **during** regular business hours:

Office of the Allen Circuit Court Clerk
Office of the Simpson Circuit Court Clerk
Office of the Allen County Sheriff
Office of the Simpson County Sheriff
Scottsville Police Department
Franklin Police Department
Every Clerk, Deputy Clerk, Sheriff, Deputy Sheriff, Chief of Police, and Police Officer of the various offices listed above is authorized to take the oath of the person petitioning for an Emergency Protective Order or Interpersonal Protective Order. Additionally, the Allen and Simpson Circuit Clerks and Deputy Clerks are authorized to take the oath of any person seeking a motion to amend a Domestic Violence Order or Interpersonal Protective Order. Any such person administering the oath shall fix his/her signature and office in the space provided on the form.

B. The following agencies and offices are authorized to take protective order petitions and administrator oaths to petitioner **after** regular business hours and weekends:

Office of the Allen County Sheriff
Office of the Simpson County Sheriff
Scottsville Police Department
Franklin Police Department

C. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **after** regular business hours and weekends:

The Division II Circuit (Family) Court Judge. In the event the Division II Circuit (Family) Court Judge is unavailable, then the petition shall be presented as follows:

Allen County
First, the District Judge. If said Judge cannot be located, then;
Second, the Trial Commissioner of the Simpson County. If the Trial Commissioner cannot be located, then;
Third, the Division I Circuit Court Judge.

Simpson County

First, the Trial Commissioner of Simpson County. If the Trial Commissioner cannot be located, then;
Second, the District Court Judge. If said Judge cannot be located, then;
Third, the Division I Circuit Court Judge.

The Simpson County Trial Commissioner shall, pursuant to SCR 5.030 and SCR 5 .040, be authorized to review Domestic Violence Petitions and Interpersonal Petitions, and to issue Emergency Protective Orders and Interpersonal Protective Orders when he so finds appropriate, in both Allen and Simpson Counties.

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

The Division II Circuit (Family) Court Judge. In the event the Division II Circuit (Family) Court Judge is unavailable, then the petition shall be presented as follows:

Allen County
First, the District Judge. If said Judge cannot be located, then;
Second, the Trial Commissioner of the Simpson County. If the Trial Commissioner cannot be located, then;
Third, the Division I Circuit Court Judge.

Simpson County

First, the Trial Commissioner of Simpson County. If the Trial Commissioner cannot be located, then;
Second, the District Court Judge. If said Judge cannot be located, then;
Third, the Division I Circuit Court Judge.
The Simpson County Trial Commissioner shall, pursuant to SCR 5.030 and SCR 5 .040, be authorized to review Domestic Violence Petitions and Interpersonal Petitions, and to issue Emergency Protective Orders and Interpersonal Protective Orders when he so finds appropriate, in both Allen and Simpson Counties.

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

The Division II Circuit (Family) Court Judge. In the event the Division II Circuit (Family) Court Judge is unavailable, then the petition shall be presented as follows:

Allen County
First, the District Judge. If said Judge cannot be located, then;
Second, the Trial Commissioner of the Simpson County. If the Trial Commissioner cannot be located, then;
Third, the Division I Circuit Court Judge.

Simpson County
First, the Trial Commissioner of Simpson County. If the Trial Commissioner cannot be located, then;
Second, the District Court Judge. If said Judge cannot be located, then;
Third, the Division I Circuit Court Judge.

The Simpson County Trial Commissioner shall, pursuant to SCR 5.030 and SCR 5 .040, be authorized to review Domestic Violence Petitions and Interpersonal Petitions, and to issue Emergency Protective Orders and Interpersonal Protective Orders when he so finds appropriate, in both Allen and Simpson Counties.

III. Assignment of Cases

A. Pursuant to KRS 403.735 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent between district, circuit, and family court.

B. The judge reviewing a petition for an order of protection shall indicate in the "Court Action" section of the petition whether the resulting action is a domestic violence action under KRS Chapter 403 or an interpersonal protective order action under KRS Chapter 456.

C. The circuit clerk shall assign interpersonal protective order cases to the Judge of the Circuit Court for the 49th Judicial Circuit, Division II.

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

COURT	DAY AND TIME
Allen Circuit Court, Division II	Tuesdays @ 9:00 a.m.,
Simpson Circuit Court, Division II	Wednesdays @ 9:00 a.m.

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

IV. Contempt Proceedings

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

B. Petitioners seeking to initiate contempt proceedings should contact:

The Clerk of the Court.

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

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

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

JANET J. CROCKER, JUDGE
49TH JUDICIAL CIRCUIT, DIVISION I

November 25, 2015
DATE

G. SIDNOR BRODERSON, JUDGE
49TH JUDICIAL CIRCUIT, DIVISION II,
FAMILY COURT

NOVEMBER 23, 2015
DATE

MARTHA BLAIR HARRISON, JUDGE
49TH JUDICIAL DISTRICT

November 24, 2015
DATE