APPENDIX "A"

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 10TH JUDICIAL CIRCUIT AND 10TH AND 57TH JUDICIAL DISTRICTS HART, LaRUE AND NELSON COUNTIES

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Processing Cases:

A. Circuit Court Clerks shall process all domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.

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

C. Domestic violence matters may be reassigned from the District Court to the Circuit Court when there is a dissolution/custody proceeding pending.

D. Domestic violence cases are civil matters within the purview of Civil Rule 41.01. Therefore, this jurisdiction does not have a "no drop" policy.

E. Domestic violence cases shall be reassigned or transferred to another circuit if a dissolution or custody matter was pending in another circuit prior to the filing of the domestic violence petition. Consistent with FCRPP 12, the emergency protective order shall continue and the summons reissued by the Tenth Judicial District Court or the Fifty-Seventh Judicial District Court, pursuant to KRS 403.740(4), for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the court determines is

necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

II. Twenty-Four Hour Accessibility:

A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours: the LaRue Circuit Clerk and the Deputy Clerks of that Office, the Hart Circuit Clerk and the Deputy Clerks of that Office, and the Nelson Circuit Clerk and the Deputy Clerks of that Office.

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

(1) LaRue County: Any sworn police officers with the Hodgenville City Police Department and the LaRue County Sheriff's Department shall keep the necessary forms and instructions to issue an emergency protective order and/or summons and shall assist any petitioner in completing said form.

(2) Hart County: Any sworn deputy jailers with the Hart County Jail, any sworn police officers with the Hart County Sheriff's Department, and the Hart County Attorney's victim advocate shall keep the necessary forms and instructions to issue an emergency protective order and/or summons and shall assist any petitioner in completing said form.

(3) Nelson County: Any sworn police officers with the Bardstown City Police Department and the Nelson County Sheriff's Department shall keep the necessary forms and instructions to issue an emergency protective order and/or summons and shall assist any petitioner in completing said form.

C. Upon receipt of a petition **during** regular business hours, the Circuit Clerk's Office shall immediately present the petition to the following:

(1) LaRue County: The Clerk's Office shall present the domestic violence petition to the District Judge of the Tenth Judicial District for the purposes of issuing an emergency protective order. If the District Judge is unavailable, and the Hart County Trial Commissioner has been temporarily assigned to serve LaRue County pursuant to SCR 5.040, the Clerk's Office shall present the domestic violence petition to the Hart County Trial Commissioner. If neither the District Judge nor the Trial Commissioner is available, the Clerk's Office shall request the

assistance of a Circuit Judge or any other available Judge to issue the emergency protective order at the earliest reasonable time. Said Emergency Protective Orders may be received by facsimile reproduction when available.

(2) Hart County: The Clerk's Office shall present the domestic violence petition to the District Judge of the Tenth Judicial District or the Hart County Trial Commissioner for the purposes of issuing an emergency protective order. If neither the District Judge nor the Trial Commissioner is available, the Clerk's Office shall request the assistance of a Circuit Judge or any other available Judge to issue the emergency protective order at the earliest reasonable time. Said Emergency Protective Orders may be received by facsimile reproduction when available.

(3) Nelson County: The Clerk's Office shall present the domestic violence petition to the District Judge of the Fifty-Seventh Judicial District for the purposes of issuing an emergency protective order. If the District Judge is not available, the Clerk's Office shall request the assistance of a Circuit Judge or any other available Judge to issue the emergency protective order at the earliest reasonable time.

(4) Pending Circuit Court Cases: If there is a dissolution action or child custody action pending in Circuit Court, the Circuit Clerk's Office shall present the domestic violence petition to the presiding Circuit Court Judge. If the presiding judge is not available, the Clerk's Office shall request the assistance of the District Judge or the other Circuit Court Judge. Said Emergency Protective Orders may be received by facsimile reproduction when available.

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

(1) LaRue County: The domestic violence petition shall be presented to the District Judge of the Tenth Judicial District for the purposes of issuing an emergency protective order. If the District Judge is unavailable, and the Hart County Trial Commissioner has been temporarily assigned to serve LaRue County pursuant to SCR 5.040, the agency/officer shall request the assistance of the Hart County Trial Commissioner to issue the emergency protective order at the earliest reasonable time. If the District Judge and the Hart County Trial Commissioner are unavailable, the agency/officer shall request the assistance of a Circuit Judge or any other available Judge to issue the emergency protective order at the earliest reasonable time. Said Emergency Protective Orders may be received by facsimile reproduction when available.

(2) Hart County: The domestic violence petition shall be presented to the District Judge of the Tenth Judicial District or the Hart County Trial Commissioner for the purposes of issuing an emergency protective order. If neither the District Judge nor the Trial Commissioner is available, the agency/officer shall request the assistance of a Circuit Judge or any other available Judge to issue the emergency protective order at the earliest reasonable time. Said Emergency Protective Orders may be received by facsimile reproduction when available.

(3) Nelson County: The domestic violence petition shall be presented to the District Judge of the Fifty-Seventh Judicial District for the purposes of issuing an emergency protective order. If the District Judge is not available, the agency/officer shall request the assistance of a Circuit Judge or any other available Judge to issue the emergency protective order at the earliest reasonable time. Said Emergency Protective Orders may be received by facsimile reproduction.

(4) However, if there is a dissolution action or child custody action pending in Circuit Court, the agency/officer shall present the domestic violence petition to the presiding Circuit Court Judge. If the presiding judge is not available, the agency/officer shall request the assistance of the District Judge or the other Circuit Court Judge.

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

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

(1) LaRue District Court: Domestic violence hearings (not involving children) shall be on the first and third Thursdays of each month and each call shall begin at 9:00 a.m. Domestic violence hearings (involving children) shall be on Wednesdays and each call shall begin at 1:00 p.m.

(2) Hart District Court: Domestic violence hearings (not involving children) shall be on the second and fourth Thursdays of each month and each call shall begin at 9:00 a.m. Domestic violence hearings (involving children) shall be on Mondays and each call shall begin at 1:00 p.m.

(3) Nelson District Court: Domestic violence hearings shall be on Wednesdays and each call shall begin at 9:00 a.m.

(4) LaRue Circuit Court: Domestic violence hearings shall be scheduled on the Division I and II docket on the first and third Tuesday of each month at 1:00 p.m.

(5) Hart Circuit Court: The Division I and II dockets shall be on the first and first and third Tuesday of each month at 1:00 p.m.

(6) Nelson Circuit Court: Domestic violence hearings shall be scheduled on the Division I docket on the first and third Wednesdays of each month and each call shall begin at 9:00 a.m. Domestic violence hearings shall be scheduled on the Division II docket on the first and third Wednesdays of each month and each call shall begin at 10:30 a.m.

III. Contempt Proceedings:

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

B. A petitioner seeking to initiate contempt proceedings should contact the Circuit Clerk's Office during regular business hours. If it is after regular business hours, the petitioner should contact the agencies/officers that are authorized herein.

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

All general orders, forms, policies and procedures relating to domestic violence within the 10th Judicial Circuit and the 10th and 57th Judicial Districts are attached to this Protocol and incorporated by reference.

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

3/14/12
Name/Date

3-14-12
Name/Date

3/14/12
Name/Date

3-20-12
Name/Date