TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL
40th JUDICIAL CIRCUIT AND
40TH JUDICIAL DISTRICT (CLINTON COUNTY) AND
60TH JUDICIAL DISTRICT (MONROE AND CUMBERLAND 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 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 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.

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

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

E. Domestic violence cases may be reassigned or transferred to another circuit, at the discretion of the judge, when there is a pending dissolution or child custody proceeding pending in the other circuit. Consistent with FCRPP 12, when a case is transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen 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 Clinton County Circuit Court Clerk's Office
The Cumberland County Circuit Court Clerk's Office
The Monroe County Circuit Court Clerk's Office
Any law enforcement officer located in the Circuit or District

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

The Clinton County Circuit Court Clerk's Office
The Cumberland County Circuit Court Clerk's Office
The Monroe County Circuit Court Clerk's Office
Any law enforcement officer located in the Circuit or District

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

The Circuit Judge, and if unavailable then to the District Judge, and if unavailable to the Trial Commissioner in Monroe County

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

The Circuit Judge, and if unavailable then to the District Judge, and if unavailable to the Trial Commissioner in Monroe County

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

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

Domestic violence hearings will be heard by the Circuit Judge during a regular motion hour as set forth below (and at such other times as needed to accommodate the 14-day requirement under KRS 403.745):

Clinton County:	1st and 3rd Mondays of each month (with the exception of holidays, when the issues will be heard on the following Tuesday)	Contact Clerk for time
Monroe County:	3rd Wednesday of each month	Contact Clerk for time
Cumberland County:	4th Thursday of each month (with the exception of November, when the issues will be heard on the 3rd Thursday of the month)	Contact Clerk for time

The attorneys filing motions relating to domestic violence, which are to be heard before the Circuit Judge shall inform the Circuit Clerk of the time required for said motions. If the motion requires more than thirty (30) minutes, the attorneys shall contact the Circuit Judge's office for a different time to hear the motion or motions.

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. Petitioners seeking to initiate contempt proceedings should contact:

The Office of the Circuit Court Clerk in the county where the case is filed who will schedule a time for the hearing on the contempt motion.

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. Failure to appear may result in a denial of the petition pursuant to FCRPP 11(1).

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

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

Hon. Eddie C. Lovelace, Judge
40th Judicial Circuit
Clinton, Cumberland & Monroe Counties

Hon. Scarlett B. Latham, Judge
Division I, 40th Judicial District
Clinton County

Hon. James Lawson, Judge
Division II, 40th Judicial District
Clinton County

Hon. Kristi Renee Castillo, Judge
60th Judicial District
Cumberland and Monroe Counties