

Supreme Court of Kentucky

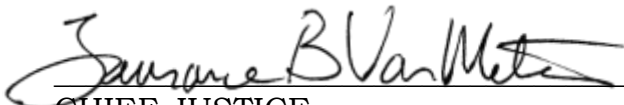
ORDER

**IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE FOR
THE 8TH JUDICIAL DISTRICT, WARREN COUNTY**

Upon recommendation of the judges of the 8th Judicial District, and
being otherwise sufficiently advised,

The Local Rules for the 8th Judicial District Court, consisting of Warren
County, 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 31st day of August 2023.


CHIEF JUSTICE

**RULES OF PRACTICE
WARREN DISTRICT
COURT**

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**RULES OF PRACTICE
WARREN DISTRICT
COURT
(REVISED JANUARY 2023)**

Pursuant to KRS 23A.010, RCr 13.02 and SCR 1.040 (3) (a), the following rules of practice and procedure are adopted for the Warren District Court and may be cited by the abbreviation “WDR” for Warren District Rules and followed by the appropriate rule number:

RULE 1 – EFFECTIVE DATE

1.01 Any rules of practice heretofore adopted by this court shall be repealed and the following rules shall take effect and be in force upon approval of the Chief Justice of the Supreme Court of Kentucky.

1.02 Any amendment, deletions from and additions to these rules shall take effect thirty days after they have been approved by the Chief Justice.

**RULE 2 – DIVISIONS. THE WARREN DISTRICT COURT CURRENTLY
CONVENES AND TRANSACTS BUSINESS IN THREE DIVISIONS.**

2.01 Division 1. Kimberly Geoghegan and her successors in office shall preside over Division 1 of this Court.

2.02 Division 2. Brent J. Potter and his successors in office shall preside over Division 2 of this Court.

2.03 Division 3. John Brown and his successors in office shall preside over Division 3 of this Court.

2.04 Assignment of Cases.

2.04.01 Criminal Cases: The three divisions rotate their respective primary criminal docket weeks once every three weeks from noon on Friday of each week until noon the following Friday. Criminal cases are assigned based on whose Criminal Docket week it is when the case is initiated by arrest, citation, or service of summons. Criminal Docket schedules are set forth annually and distributed to the Clerk, the Warren County Regional Jail, and law enforcement agencies for the assignment of court dates based on the forgoing. These Criminal Docket Court Date schedules change annually and same are hereby incorporated herein by reference as though set forth fully.

2.04.02 Random Electronic Draw. For all other matters, cases are assigned by random electronic draw pursuant to Court of Justice procedures.

2.05 Inter-Division Transfers. Upon orders signed by a Judge, a case may be transferred from one division to another for good cause shown.

2.06 Absence of Presiding Judge.

2.06.01 Criminal Cases. Regardless of the original assignment of a case to a particular division, the Judge of either division may, in the absence of the other, exercise jurisdiction and sign any order or entertain any proceeding requiring immediate attention when the Judge to which said case is assigned, is not readily available or is incapacitated to enter said order. This shall include search warrants, arrest warrants, bench warrants, summons, setting of bonds, preliminary hearings, detention of juveniles, and any other matter requiring expeditious treatment.

2.06.02 Civil Cases. Regardless of the original assignment of a case to a particular division, the Judge of either division may, in the absence of the other Judge sign such orders necessary to further the Court's business.

2.07 Remote Court. Court will be held **in person** for all cases on all docket times unless specifically set by a Judge for a particular case. There may be certain circumstances for out-of-state parties, jail inmates from other counties, those in treatment facilities or those in a high-risk health category that a Judge may set to appear on a specific date for a remote appearance. These will be set at a time at the discretion of the Judge and may occur at a time convenient for the Court. Remote Court appearances must be coordinated/scheduled through the respective Judge's offices at least 3 days in advance of the hearing.

Judge Kimberly Geoghegan, Division 1	270-746-7028
Judge Brent Potter, Division 2	270-746-7060
Judge John Brown, Division 3	270-746-7223

RULE 3 – JURY SELECTION AND MANAGEMENT. Procedures for the selection of persons to serve on juries shall be governed by the applicable Kentucky Revised Statutes and Part II of the Administrative Procedures of the Court of Justice. A new petit jury will be empaneled each month. Once empaneled, a member of the petit jury shall continue to serve in the capacity until a new petit jury is empaneled or until the completion of the last case on which the juror was selected to serve, whichever occurs later. For any reason authorized by KRS 29A.100 or AP Part II, Section 8, a Judge may excuse any juror from additional service at any time.

RULE 4 – CRIMINAL PROCEEDINGS.

4.01 Arraignments. Arraignments will be held every weekday all year, except on court holidays as set by the Administrative Office of the Courts, as set forth on Criminal Docket schedules hereinabove. If a Judge is ill or absent, he or she shall request another Warren County Judge, or request the Chief Regional District Judge to appoint a Special Judge, to conduct arraignments.

4.02 Motion Practice. Motions shall be filed pursuant to the Kentucky Rules of Criminal Procedure. Substantive motions in Division 3 shall be noticed for the Monday afternoon Criminal Docket of Division 3's Criminal week. Substantive motions in Division 1 and Division 2 shall be noticed for any Criminal Docket during Division 1 or Division 2's Criminal week and shall be noticed for the purposes of scheduling an evidentiary hearing, if required, as Division 1 or Division 2 may order.

4.03 Jury Trials. Upon scheduling of a jury trial, the Judge may schedule a final mandatory pre-trial conference.

4.04 Settlements – Notifications. Upon the settlement of any criminal action which is set for trial, the parties or counsel shall notify, prior to 3:00 p.m. the day before the scheduled trial, the Judge and/or Judge's office and the Division Clerk of settlement. The Court will dispose of the case at such date and time as the court may direct.

4.05 Entries of Appearance. Except for the Department of Public Advocacy (due to AOC-350) counsel retained by a defendant shall file an "Entry of Appearance" setting forth a valid address for Certificate's of Service and a valid telephone number, with a Certificate of Service to the Commonwealth. Counsel shall have a continuous duty to amend an Entry of Appearance if their address or phone numbers change, and file same within 14 days of said change.

4.06 Traffic Court/Misdemeanor Court. In the interest of Judicial efficiency and economy the following are accepted as local rules of practice concerning Traffic Court/Misdemeanor Court and attorneys, clerks, officers, and defendants may rely on these rules to govern their advice and actions.

4.06.01 Insurance Charges, Registration Charges, No license in Possession, Expired License and Defective Equipment. The Clerk may accept from the defendant and file with the Court any proof of license, insurance, registration or proof of repair to be considered by the Commonwealth at the next scheduled date. Proof of insurance should be on an insurer's letterhead indicating the vehicle covered and coverage for the specific date of alleged driving. However, the Clerk shall have no authority to release a defendant from appearance and any defendant failing to appear shall do so at his/her own peril. If proof is found adequate for a dismissal by prosecutor, no appearance will be necessary for the Court to dismiss. However, if proof is inadequate for dismissal by prosecutor, the Court will issue a court notice for the next court date for defendant to appear. If the defendant does not appear at the next scheduled date, the Court may issue FTA suspension of driving privileges and/or bench warrants as appropriate in the discretion of the Court.

4.07 Bench Warrants/Failure to Appear Suspensions of License. In the discretion of the presiding Judge, bench warrants and failure to appear suspensions of driver's license will not be recalled without the appearance of a defendant in court. Such request to recall bench warrants and failure to appear suspensions of driver's license shall be placed on the docket by written or telephonic request/motion by attorney or defendant.

Even without the personal appearance of the defendant, the Clerk shall consider as recalled any bench warrant for fines and court costs which have been paid in full and shall notify the Transportation Cabinet to recall any attendant FTA(DOT) of a driver's license.

4.08 Pre-payable Offenses. The Court may designate offenses as pre-payable by Administrative Order and the procedure for the same.

4.09 Hardship License. Defendants seeking Hardship Licenses following convictions in Driving Under the Influence cases which may be required to be reviewed by the Judge may file the required Petition and Tendered Order and submit to the Clerk. The Clerk shall set a hearing date.

4.10 Ignition Interlock License. The defendant shall contact the Transportation Cabinet for the issuance thereof. The issuance of Ignition Interlock Devices is governed by the applicable provisions of the Kentucky Revised Statutes.

4.11 Conversion of Fines and Court Costs. Posting of all cash bonds which were made in the name of the defendant may be converted by the Court for the payment of all fines and court costs without further notice to the defendant and without further Order of the Court.

RULE 5 – CIVIL PROCEEDINGS

5.01 Pre-trial Proceedings. Pre-trial Conferences may be scheduled at the request of the parties or on the Court's own initiative. Pre-trial Conferences shall be set for civil motion day of the division in which the case is filed.

5.02 Motion Calendar. Motions in civil cases, with the exception of evictions, including motions to set for trial, shall be filed at least one week in advance before the motion shall be heard. Parties shall contact the District Court Clerk for available motion days, as they may change from time to time.

5.03 Jury Trials. Request for a jury trial in a civil case, with the exception of evictions, shall be made on a civil motion day, shall be accompanied by the required jury fee, if not already paid, and shall include a tendered Order with the following language:

On or before 14 days prior to said trial date, each party shall file with the Clerk Of this Court a list of names and addresses of all witnesses (excepting parties) to be used by them at the trial, together with an itemized list of all special damages proposed to be proven at trial, and a list of all exhibits proposed to be introduced as evidence, which shall be shown by certificate of attorney. A copy of all exhibits listed with the Clerk shall be provided to all opposing counsel or parties answering and not represented by counsel, unless said exhibits are too cumbersome and voluminous as to make same impracticable, in which case such said exhibits shall be made available for viewing by all opposing counsel or parties answering not represented by counsel. No other witnesses may be introduced, or special damages proven or exhibits received in evidence than those disclosed as above set out, except by agreement of all parties or in the sound discretion of the Court for good cause shown.

5.04 Trials by Court. All motions requesting Trial by Court shall be set for a Motion Day to schedule such a Trial by Court. Trials by Court shall be scheduled by the presiding Judge.

5.05 Settlements. Upon the settlement of any civil action which is set for trial, the parties shall immediately notify the Judge's office and the Division Clerk of the fact of settlement. Upon the settlement of any action, an Agreed Order of either judgment or dismissal, signed by all parties or their counsel, shall be prepared and tendered to the presiding Judge for signature. Such Agreed Orders shall be tendered within 14 days of said settlement agreement.

5.06 Summons Recall. In all District Court civil cases in which an Order closing the case is entered, the Clerk shall recall any outstanding civil summons in that case and so note in the KY Courts System.

5.07 Appearance in Court by Business Entities. Any corporation or LLC appearing as a party in a civil matter must identify itself as a corporation or LLC and must appear via an attorney licensed to practice law in the Commonwealth of Kentucky except as provided for in KRS 24A.240 involving Small Claims.

RULE 6 – MOTION PRACTICE – ALL CASES

6.01 Direct Submissions. Any motion accompanied by an "Agreed Order" or any motion for default judgment may be filed with the District Clerk and sent directly to the presiding Judge for review and submission. All other motions must be noticed for a hearing on a regular docket pursuant to the type of case to be heard, in accordance with the Kentucky Civil Rules of Procedure.

6.02 Service of Motions. Each motion shall be served upon opposing counsel or party not represented by counsel and entitled to notice and shall be served in accordance with Civil Rule 5.02. All post-judgment motions must be served upon the opposing party.

6.03 Subject Matter. Each motion shall state therein, in general terms, the subject matter of the motion and the action of the Court requested by the movant. A "Motion for Review" is not sufficient notice for preparation under Kentucky Rules.

6.04 Tendered Orders Required. No motion, including Motions to Suppress, Motions to Dismiss, and Motions for Bond Assignment, will be heard by the Court unless same is accompanied by a tendered order which the movant desires the Court to enter. Motions to Suppress and Motions to Dismiss shall be accompanied by a tendered Findings of Fact and Conclusions of Law. Other Motions shall be accompanied by Findings of Fact and Conclusions of Law if such Findings and Conclusions are required by law to be made or by Order of the Court. Opposing counsel shall likewise tender its requested Order for the Court's review, prior to the date the Motion is to be heard by the Court. All Orders shall reflect the relief being granted. For example, "ORDER REVOKING PROBATION" or "ORDER RETURNING PROPERTY", etc. Simply titling an Order "ORDER" is insufficient.

6.05 Hearings. Any hearing required pursuant to a motion will, at the calling of the motion, be heard at said time or assigned to a date and hour for hearing. Except for good cause shown, any motion requiring a hearing of more than 15 minutes or requiring witness testimony may be assigned for hearing at a specific time.

RULE 7 – UNIFORM PROTOCOL FOR DOMESTIC VIOLENCE CASES

7.01 Emergency Protective Orders (EPOs) and Temporary Interpersonal Protective Orders (TIPOs). Pursuant to KRS 403.735(3) and KRS 456.030(6)(b), the Warren Circuit Court, the Warren Family Court and the Warren District Court hereby set out the procedures for twenty-four (24) hour accessibility to Emergency Protective Orders (EPOs) and Temporary Interpersonal Protective Orders (TIPOs). These protocols shall be as approved by the Supreme Court of Kentucky. See Appendix 2.

RULE 8 – SMALL CLAIMS COURT

8.01 Summons. Summons shall be issued to the address or addresses as noted by the Plaintiff in a Small Claims Action. Summons shall be delivered to the Warren County Sheriff's Office unless otherwise requested by the Plaintiff. Plaintiff shall pay for Sheriff service and any fees associated with such service directly to the Warren County Sheriff.

8.02 Small Claims Voluntary Dismissal-Effect thereof.

(1) **By Plaintiff; by Stipulation.** Consistent with CR 41, a small claims action or any claim therein, may be dismissed by the plaintiff without order of the court, by filing a notice of dismissal at least five (5) business days before the scheduled small claims trial, with proper notice to the defendants, or by filing a stipulation of dismissal signed by all parties who have been served or appeared in the action. Upon the filing of a notice of dismissal or stipulation of dismissal, the clerk shall delete the scheduled small claims trial from the Court's docket. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once before, dismissed in any court of the state, an action based on or including the same claim.

(2) **By Order of Court.** Except as provided in paragraph (1) of this rule, an action or any claim therein, shall not be dismissed at the plaintiff's instance except upon order of the court and upon such terms and conditions as the court deems proper. If a counterclaim has been pleaded by a defendant prior to the service upon him of the plaintiff's motion to dismiss, the action shall not be dismissed against the defendant's objection unless the counterclaim can remain pending for independent adjudication by the court. Unless otherwise specified in the order, a dismissal under this section is without prejudice.

RULE 9 – PROBATE/DISABILITY-GUARDIANSHIP

9.01 Petitions for Application for Appointment of Personal Representative. All petitions or applications for appointment of personal representatives (including but not limited to administration of decedent's estates, guardianships for minors, trustees or such other fiduciaries,

except guardianship for disabled persons) shall not be filed without tendering completed Fiduciary Bonds and proposed Orders of Appointment.

9.02 Court Calendar. Uncontested matters may be filed for review “At the convenience of the Court” for chambers review. If upon review by the Judge a matter appears to need additional notice of information, the Judge may set it for hearing. Attorneys may file sworn oaths and bonds from clients with their Petitions for Appointment of Executor/Executrix. All probate matters may be e-filed with the exception that original wills must also be filed with the Probate Clerk before a Judge will review a file in chambers.

9.03 Personal Identifiers/Contact Information. Persons seeking appointment as a Personal Representative, Executor, Administrator, or Guardian shall provide their full name, date of birth, current address, email address and phone number to the Probate Clerk. The Probate Clerk shall place that information in a sealed envelope stapled to the inside front cover of the file. The information shall only be accessible by a Judge or Probate Clerk when necessary for service of a summons, subpoena or warrant upon the party. It is the responsibility of the party to keep this form up to date and to update within 10 days of any change. The form is set forth as Appendix 1.

9.04 Identification of Parents/Persons with Custody. In proceedings for Guardianship of a Minor Child or for Name Change of a Minor Child, the biological parents and their current or last known address shall be listed, and notice shall be provided unless they are deceased or parental rights have been terminated by Court Order, and those facts should be brought to the attention of the Judge by the Petitioner. Petitioner should be prepared to show proof of notice or have the Court date continued. Lack of involvement in the child’s life does not excuse failure to list the parent or provide notice. The Court may appoint a Warning Order Attorney to provide notice at the expense of the Petitioner.

9.05 Contempt. Failure of a Fiduciary to perform the duties required by statute or set forth in Court Order could result in a finding of Contempt of Court. A Guardian failing to schedule Interdisciplinary Team appointments for the Ward, or any Fiduciary failing to file required reports or settlements or failing to appear before the Court when summonsed or failing to provide the Probate Clerk with a current address and contact information may be held in contempt and arrested, fined, or required to perform community services. The Court, upon failure of the Fiduciary to file mandated reports or respond to the Court may also remove the Fiduciary and appoint a Public Administrator of the estate or a State Guardian for the ward.

9.06 Disability-Guardianship.

9.06.01 Emergency Proceedings. When filing a Petition to Determine if Disabled, and requesting emergency relief pursuant to K.R.S. 387.740, the petitioner(s) shall file, with the petition and application, an affidavit setting forth the facts that there is danger of serious impairment to the health or safety of the Respondent, or damage or dissipation to his/her property if immediate action is not taken and necessitating the need for an Emergency Hearing.

9.06.02 Compensation of appointed counsel. Compensation of appointed counsel shall be in accordance with K.R.S. 387.560. Appointed counsel shall file a motion with an accompanying affidavit setting forth time expended in court and out of court rounded to the nearest tenth of an hour and tender an Order with the amount of reasonable compensation left blank (to be determined by the Court). Motions for compensation shall be noticed to be heard “at the convenience of the court,” with copies to the Commonwealth and interested parties of record.

9.06.03 Disability trials. Counsel for the respondent shall coordinate with the County Attorney and the Court Clerks whether a bench trial may be conducted pursuant to K.R.S. 387.570 by filing a “Stipulation of Jury or Bench Trial” as the case may be pursuant to K.R.S. 387.570(7) and if a bench trial, that the conditions precedent are met as set forth in the aforesaid statute. The Stipulation shall be filed at least 3 days prior to the scheduled trial date.

RULE 10 – JUVENILE COURT

10.01 Proceedings. Juvenile Court proceedings shall be governed by the Unified Juvenile Code and JCRPP.

10.02 Teen Court. Warren District Court has in place a Teen Court Program authorized by the Administrative Office of the Courts. A Judge or CDW may assign a juvenile case for dispositional hearing/recommendation through the Warren County Teen Court Program. Only cases in which the juvenile has made an admission, and which are first-or-second-time offenders shall be eligible for consideration for Teen Court referral. The final decision whether a case is appropriate for Teen Court processing is left to the sound discretion of the Judge but shall be done only with the agreement of the Defendant and the Defendant’s parents, if the Defendant is still a juvenile, and with the written waiver of rights to trial and counsel as noted on the Teen Court referral forms. Teen Court recommendations are not binding on the sitting Teen Court Judge.

RULE 11 – FORCIBLE DETAINER/EVICITION ACTIONS

11.01 Lease. The Landlord shall provide a copy of the Defendant’s written lease agreement as an exhibit to the complaint upon initial filing.

11.02 Forcible Detainer Complaint. Prior to filing a Forcible Detainer Complaint, the landlord shall give the tenant in default notice of eviction pursuant to the terms of the lease agreement. When the lease agreement is oral, or the lease is silent or fails to specify a reasonable time for the tenant to vacate the premises the tenant is to be provided thirty (30) days notice of eviction before the Forcible Detainer action can be filed.

11.03 Entry of Appearance. An Entry of Appearance may be made in a Forcible Detainer action as soon as possible.

RULE 12 – TREATMENT COURT

12.01 Establishment. Warren District Court has established a Treatment Court in conjunction with the Kentucky Administrative Office of the Courts Specialty Courts Division with two tracks: Drug Court and Mental Health Court. District Court cases and Circuit Court cases may be referred for monitoring through the Treatment Court Program for diversion or monitoring of probation of appropriate offenders diagnosed with substance abuse issues and/or mental illness.

12.02 Referral. An offender may be referred to Treatment Court for an assessment and eligibility staffing:

- a. as part of an agreed disposition on an original charge or revocation; and
- b. sua sponte on a revocation, or
- c. in the Court's discretion.

12.03 Assessment and Eligibility Staffing. Upon referral by the Court, Treatment Court staff will perform an assessment of the offender's substance abuse and mental health as appropriate, pursuant to the Administrative Office of the Courts and grant guidelines. The written assessment will be reviewed along with past criminal records, review of the facts of the pertinent case and other appropriate criteria to determine eligibility.

12.04 Eligibility Exclusions. There is a rebuttable presumption that the following offenses are ineligible for Treatment Court:

- a. Violent Offenses
- b. DUI
- c. Sex Offenses
- d. Drug Trafficking Offenses

12.05 Procedures. All procedures not set out herein shall be governed by the Administrative Office of the Courts Specialty Courts guidelines as interpreted by the Treatment Court Team to apply to Warren County.

RULE 13 ASSISTED OUTPATIENT TREATMENT AOT/TIM'S LAW

13.1 AOT/Tim's Law. Warren District Court in conjunction with Western State Hospital and Lifeskills will monitor cases for mental health order compliance under KRS 202A.081, also known as Tim's Law.

RULE 14 – GENERAL COURTROOM PROCEDURE/PRACTICE

14.01 No smoking, Cell Phones or Pagers. There will be no smoking permitted in the Courtrooms or hallways of Warren District Court. The definition of smoking includes electronic cigarettes. Cell Phones/Pagers must be set in the "vibrate only/silent alarm" mode or be turned off so as not to create any nuisance or distraction in the courtroom.

14.02 Attorney Attire. All attorneys participating in a court proceeding shall wear suitable attire, in keeping with the dignity of the proceeding.

14.03 Head Attire. No person appearing before the court may wear head attire or a hat unless required for medical or religious purposes, or if good cause is shown.

14.04 Weapons. No weapons shall be permitted on or about any person in the courtroom or Judicial Center, except for law enforcement officers in their official duties.

14.05 Children. The presence of young children is discouraged, and if disruptive, they will be required to leave. Bringing young children to Court will not advance a case on the docket, nor will it hamper the ability of the Court to dispose of cases as necessary.

14.06 Contact with Jurors. After the conclusion of a jury trial and only after the final service of all jurors for that petit jury term, attorneys may contact jurors regarding trials on which the juror served or participated in voir dire. Any juror may decline to speak with any attorney. Attorneys are not to contact any juror until conclusion of all petit jury trials for that term so as not to create any appearance of impropriety or overreaching toward any juror.

THESE LOCAL RULES ARE INTENDED TO COMPILE ALL STANDING ORDERS OF WARREN DISTRICT COURT AND THEREFORE THESE RULES AS ADOPTED SUPERCEDE ANY AND ALL CONTRADICTORY STANDING ORDERS PREVIOUSLY ON FILE FOR WARREN DISTRICT COURT.

This 3rd day of April 2023.


Judge Kimberly Geoghegan, Division One


Judge Brent Potter, Division Two


Judge John Brown, Division Three

APPENDIX 1

GUARDIAN, EXECUTOR OR ADMINISTRATOR CONTACT INFORMATION SHEET

(TO BE FILED UNDER SEAL FOR REVIEW BY JUDGE OR CLERK ONLY)

CASE INFORMATION

CASE NAME: _____

CASE #: _____

PERSONAL INFORMATION

FULL NAME: _____

DATE OF BIRTH: _____

EMAIL: _____ PHONE NUMBER: _____

ADDRESS: _____

SIGNATURE: _____ DATE: _____

(IT IS THE RESPONSIBILITY OF THE PARTY TO KEEP THIS FORM UP
TO DATE AND TO UPDATE WITHIN 10 DAYS OF ANY CHANGE)

APPENDIX 2

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL

8th JUDICIAL CIRCUIT AND DISTRICT - WARREN COUNTY

Pursuant to KRS 403.725 and KRS 456.030, and in compliance with Rule 601 of the Rules of the Warren District Court Practice and Procedure of the 8th Judicial District and Rule 4 of the Uniform Rules of Practice of the Family Court of Warren County, 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 concurrent jurisdiction between the Circuit Family Courts 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.
- E. 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.
- F. 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.
- G. 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 unless impossible due to no judge being available.

II. Twenty-four Hour Accessibility

- H. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioners during regular business hours:

A verified petition for an Emergency Protective Order (EPO) or Temporary Interpersonal Protective Order (TIPO) may be filed at the Domestic Violence Clerk's Office at the Warren County Justice Center, 1001 Center Street, Bowling Green, KY, during working hours (8:00 a.m. - 4:00 p.m.). Any person may call either law enforcement or 911 for immediate emergency assistance. Language interpretation will be provided at the Warren Circuit Court Clerk's Office.

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

**Bowling Green Police Department
911 Kentucky Street
Bowling Green, KY 42101**

270-393-2473

**Warren County Sheriff's Office
429 East tenth Street, Suite 102
Bowling Green, KY 42101**

270-842-1633

**Kentucky State Police Post
3119 Nashville Road
Bowling Green, KY 42101**

270-782-2010

**Western Kentucky University Police Department
1906 College Heights Boulevard #11050
Bowling Green, KY 42101**

270-745-2548

A verified petition for an Emergency Protective Order (EPO) or Temporary Interpersonal Protective Order (TIPO) may be filed at any law enforcement office, including the Bowling Green Police Department, Warren County Sheriff's Office or the Kentucky State Police Post. If petitioner is a student at or a person on the campus of Western Kentucky University (WKU), the verified petition may be completed at the WKU Police Department. Any person may call either law enforcement or 911 for immediate emergency assistance. Language interpretation will be provided at the law enforcement agencies or the Warren Circuit Court Clerk's Office.

- J. Upon receipt of a protective order petition during regular business hours, the authorized agency/officer shall present the petition to the following:

Petitions for an EPO or TIPO shall be presented to the assigned Family Court Judge. If the assigned Judge is not available, then the clerk shall present the petition to an available Family Court Judge. If neither Family Court Judge is available, then the clerk shall present the petition to an available District or general jurisdiction Circuit Judge.

- K. Upon receipt of a protective order petition after regular business hours, the authorized agency/officer shall present the petition to a Family Court Judge pursuant to an "After Hours Protocol," as adopted by the Warren Circuit Family Court, which is as follows:

The authorized agency/officer shall present the petition to the on-call Family Court Judge. Law enforcement will be given the on-call Family Court Judges' schedule at the beginning of the year with amendments as schedule changes occur. From time to time, another Judge may cover for the on-call Family Court Judge. The name of the covering Judge will be provided to law enforcement. Upon completion of the petition, the officer shall immediately telephone the Family Court Judge for his or her location and then present the petition to the on-call Family Court Judge or other covering Judge to review the domestic violence petition or interpersonal protective petition. Upon review, the Judge shall issue the emergency protective order (EPO) and summons or temporary interpersonal protective order (TIPO) and summons, if warranted, or take other necessary action. If the emergency protective order (EPO) and/or the summons or the temporary interpersonal protective order (TIPO) and/or the summons are issued, the law enforcement officer/agency shall make every reasonable effort to immediately perfect personal service upon the Respondent. Telephone notification shall not be given to the Respondent prior to personal service of the actual EPO or TIPO. The law enforcement officer shall give information to the Petitioner regarding the Barren River Area Safe Space (BRASS) regardless of whether the emergency protective order (EPO) or summons or temporary interpersonal protective order (TIPO) or summons has been issued.

III. Assignment of Cases

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

N. The circuit clerk shall assign domestic violence hearings and interpersonal protective order cases to the Family Circuit Court.

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

Domestic Violence hearings:

WARREN CIRCUIT, DIVISION III – Monday: 9:00 a.m.

WARREN CIRCUIT, DIVISION IV – Monday: 1:00 p.m.

Interpersonal Protective (Dating Violence) hearings:

WARREN CIRCUIT, DIVISION III – Monday: 9:00 a.m.

WARREN CIRCUIT, DIVISION IV – Monday: 1:00 p.m.

These dates are subject to change from time to time as may be ordered by the court for good cause.

P. 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

Q. 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.

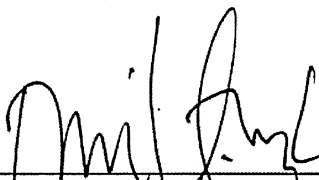
R. Petitioners seeking to initiate contempt proceedings should contact:

Warren Circuit Court Clerk's Office
1001 Center Street
Bowling Green, KY 42101

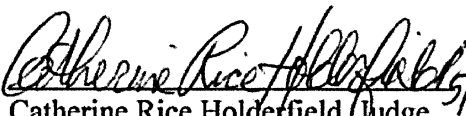
S. No petitioner may be held in contempt for failure to appear at a protective order hearing.

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 attached protocol is adopted by all judicial officers in the circuit:

 5.8.23

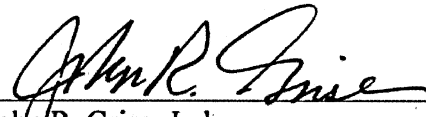
David A. Lanphear, Judge
Eighth Judicial Circuit, Division III

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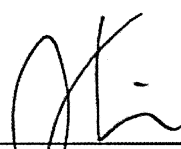
Catherine Rice Holderfield, Judge
Eighth Judicial Circuit, Division IV

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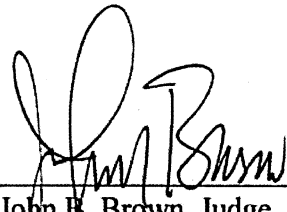
Christopher Cohron, Judge
Eighth Judicial Circuit, Division I



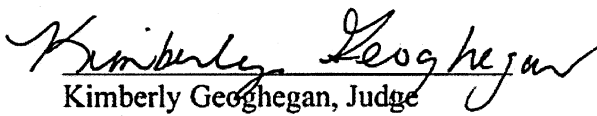
John R. Grise, Judge
Eighth Judicial Circuit, Division II



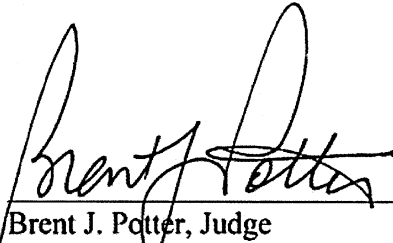
JB Hines, Judge
Eighth Judicial Circuit, Division III



John B. Brown, Judge
Eighth Judicial District, Division III



Kimberly Geoghegan, Judge
Eighth Judicial District, Division I

 5.3.2023

Brent J. Potter, Judge
Eighth Judicial District, Division II