COMMONWEALTH OF KENTUCKY
McCRACKEN CIRCUIT COURT
PADUCAH, KENTUCKY

TEMPORARY LOCAL PROTOCOL

COURT OPERATIONS DURING COVID-19 EMERGENCY

Pursuant to Supreme Court Order 2020-39, the following procedures shall be in effect during the Court's response to the COVID-19 virus:

I. General requirements.

A. All courts in the 2nd Judicial Circuit shall comply with Supreme Court Order 2020-39 and follow-on orders of the Supreme Court.

B. All attorneys practicing before any court of the 2nd Judicial Circuit shall keep themselves familiarized with the requirements of latest Orders of the Supreme Court and the local rules of this circuit. **All attorneys <u>shall</u> become familiar with and be prepared to use the technology being utilized by the Courts.**

C. All court proceedings shall be conducted remotely unless the presiding judge determines in his/her discretion that the proceeding requires in-person attendance.

II. Civil and Criminal Motion Hours

A. Civil and Criminal Motion Hours shall be conducted according to the schedule in Local Rule 5 and will be conducted via videoconference (Skype or Zoom).

B. Attorneys who have cases on motion hour shall ensure that Circuit Clerk has their current email address on file. Invitations to join the videoconference shall be sent via email. Any attorney who has not received an email invitation to join the motion hour videoconference prior to 10 minutes before the scheduled start time shall immediately notify the secretary of the presiding judge.

C. Effective June 12, 2020, the Division II Civil Motion Hour shall commence at 9:30 a.m.. Criminal Motion Hour shall commence at 10:30 a.m.. There shall be no change in the times for the Division I Civil and Criminal Motion Hours.

D. The Circuit Clerk shall identify *pro se* litigants and send an appropriate notice to each requesting their email address and advising them that they may appear in person if they are unable to appear via videoconference.

E. *Pro se* litigants who appear in person for a motion hour shall follow the procedure in section VI below.

III. Civil Hearings

A. Civil hearings shall be conducted remotely unless the presiding judge determines otherwise. If the hearing requires evidence to be taken, the attorney desiring to adduce the evidence shall in advance of the hearing notify the presiding judge about the nature of the evidence to be presented, ensure that any documents to be entered are delivered to the court prior to the hearing, and provide the court with a list of witnesses and contact information. Witnesses must appear remotely unless the court has approved in-person testimony prior to the hearing.

IV. Criminal hearings in cases where the defendant is out of custody

A. Criminal defendants shall appear in person at the McCracken County Jail courtroom for probation revocation hearings, bond revocation hearings, and sentencing. Family members and friends are not permitted to accompany criminal defendants into the jail courtroom, but they may view the proceedings live on YouTube.

B. For all hearings except probation revocation, bond revocation, and sentencing, criminal defendants must appear remotely, if able. Defense attorneys shall attempt to communicate with their clients and determine their ability to appear remotely at least three (3) working days prior to the hearing. Attorneys shall notify the Circuit Clerk at least three (3) working days prior to the hearing whether their clients are able to appear remotely and provide the clerk with the email address of their client(s). Criminal defendants who are not able to appear remotely shall report to the McCracken County Courthouse at their scheduled time and follow the procedures in section VI below.

V. Criminal hearings in cases where the defendant is in custody

A. Hearings in cases where the defendant is in custody shall be conducted remotely. Criminal defendants shall be brought by McCracken County jailors into the jail courtroom for their hearings.

B. Defense attorneys shall appear remotely, if able. Defense attorneys who are not able to appear remotely shall notify the court prior to the scheduled court appearance and follow the procedures in section VI below.

VI. Procedure for in-person court appearances

A. The Circuit Clerk shall provide the officer in charge of court security a list of names of persons expected and their court times at least one (1) day prior to scheduled court.

B. Persons who are unable to appear in court remotely shall appear at the McCracken County Courthouse at their appointed times. Court security officers (CSO) shall screen those persons for entry and escort those persons to Courtroom B in groups of no more than twenty (20). The CSO shall ensure that proper distancing is maintained while the group is in the courthouse and shall instruct the group where to sit and how to proceed. At the conclusion of the person's court appearance, the CSO shall instruct that person to expeditiously exit the courthouse. When the court has concluded the proceedings for the entire group, the CSO shall disinfect the courtroom and collect the next group.

B. If the CSO denies entry to any person scheduled for court, the CSO shall instruct that person to call the Circuit Clerk to reschedule the court appearance.

C. CSO's shall take every available precaution to avoid exposure to the COVID-19 virus.

VII. Family Court

A. **Scheduled Court Appearances:**

1) **Motion Hour and Paternity Docket.** Family Court Circuit Motion Hour shall be conducted every Tuesday at 1:30 p.m. Paternity Dockets will be heard every Tuesday at 9:00 a.m. All Paternity Docket Motions, other than those filed by the Division of Child Support, shall be noticed for third Tuesday of the month. Circuit Motion Hour and the Paternity Dockets will be conducted via videoconference (Skype for Business).

2) **Individual Scheduled Hearings**. All scheduled hearings will be conducted via Skype for Business, unless the Judge determines that an in-person hearing is necessary. Any requests for an in-person hearing shall be submitted in writing, in the record, and noticed at the convenience of the Court. *A courtesy call to the Family Court is requested to bring the matter to the Judge's attention as quickly as possible.*

3) **Domestic Violence**. All domestic violence hearings shall continue to be conducted via Skype for Business, however an in-person hearing shall be conducted upon request by either party. A request may be submitted to mccrackenfamilycourts@kycourts.net. All parties shall

complete and submit the DV Contact Sheet and submit the sheet to the District Court Clerk prior to the hearing. All parties shall obtain the DV Information Sheet from the District Court Clerk or the County Attorney's Office prior to the hearing.

4) **Dependency, Neglect & Abuse and Termination of Parental Rights**. Parents and parent's attorneys shall appear in-person for the hearings, unless the appearance has been waived and the parent or attorney is participating via Skype for Business. All others involved (social workers, CASA, County Attorney, foster parents, temporary custodians, and witnesses) shall appear via Skype for Business, unless arrangements have been made with the Court prior to the hearing.

B. Attorneys and parties who have cases before the Family Court shall ensure that the Circuit or District Clerk has their current email address and working telephone number on file. Invitations to join the Skype for Business hearing (called "meeting") shall be sent via email. Any attorney or party who has not received an emailed invitation to join the scheduled hearing three days prior to the hearing shall immediately send an email requesting an invitation to mccrackenfamilycourt@kycourts.net.

C. The Circuit or District Clerk shall identify *pro se* litigants and send an appropriate notice to each with information about how to request an emailed invitation and the Conference ID (call in #) for the meeting.

D. The Circuit Clerk shall provide the officer in charge of court security a list of names of persons expected and their court times at least one (1) day prior to any scheduled court appearance.

E. Persons who are unable to appear in court remotely shall appear at the McCracken County Courthouse at their appointed times. Court security officers (CSO) shall screen those persons for entry and escort those persons to Courtroom E in groups of no more than eight people (8). The CSO shall ensure that proper distancing is maintained while the group is in the courthouse and shall instruct the group where to sit and how to proceed. At the conclusion of the person's court appearance, the CSO shall instruct that person to expeditiously exit the courthouse. When the court has concluded the proceedings for the entire group, the CSO shall disinfect the courtroom and collect the next group.

F. If the CSO denies entry to any person scheduled for court, the CSO shall instruct that person to call the Circuit or District Clerk to reschedule the court appearance. CSO's shall take every available precaution to avoid exposure to the COVID-19 virus.

VIII. Effective date

This protocol is effective June 1, 2020.

Dated this 27th day of May, 2020.

APPROVED:

TIMOTHY J. KALTENBACH
McCRACKEN CIRCUIT COURT
DIVISION I

W. A. KITCHEN
McCRACKEN CIRCUIT COURT
DIVISION II

DEANNA WISE HENSCHEL
McCRACKEN CIRCUIT COURT
FAMILY DIVISION