COMMONWEALTH OF KENTUCKY
TWENTY-EIGHTH JUDICIAL CIRCUIT
LINCOLN, PULASKI, AND ROCKCASTLE FAMILY COURTS

AMENDED GENERAL ORDER

In compliance with the Supreme Court's Amended Emergency Order 2020-39 issued May 15th, 2020, the Twenty-Eighth Circuit Family Courts are implementing the following protocols, effective immediately. This order supersedes the March 30, 2020 Amended General Order, and this order shall only remain in effect during the term covered by the Supreme Court's Emergency Order or any extension thereof:

- **General Matters:**
    1. Be cognizant of ex parte communications. Any communications with the Family Court Office should include any opposing counsel/party where appropriate, including copying on emails or video/teleconferencing.
    2. The Court can utilize Skype for Business or Zoom for video/teleconferencing services.[1]
    3. **All attorneys and parties MUST include a current telephone number and email address on all pleadings or motions for contact in scheduling and conducting hearings.**
    4. All attorneys are strongly encouraged to file all documents via the Kentucky Courts of Justice E-filing system. If an attorney is not able to do e-filing, they must contact the court staff as soon as practicable to address the issue. Proposed orders must be filed with any motion, response, or objection filed.
    5. The Cabinet has discretion to temporarily modify any specific court-ordered visitation plans to comply with executive branch safety protocols. We request that any modifications a) make reasonable efforts to maintain the duration and frequency of contact even if the method of contact is by electronic means, b) comply with executive branch directives related to COVID-19 safety protocols, and c) notify the Court and parties of any changes as soon as possible if modifying a specifically ordered schedule. The Cabinet should already have discretion to modify plans that were ordered to be in the Cabinet's discretion.

[1] Other services, such as Google, Microsoft Teams, Vidyo or Adobe Connect, may be options if necessary and may be done at no cost to opposing parties. GoToMeeting is not supported on KCOJ hardware.

6. Counsel shall read the May 5, 2020 Kentucky Supreme Court Order 2020-32 regarding Custody and Parenting Time Orders, the May 15, 2020, Kentucky Supreme Court Order 2020-39 regarding court reopening, and any orders issued by the 28th Circuit Chief Circuit/District Judges regarding reopening.
7. A case involving an attorney or party who is ill or in a high-risk category shall be rescheduled as is necessary.
8. Individuals with legitimate court business who are ill, caring for someone who is ill or in a high-risk category are advised to stay home and request a continuance by calling the clerk of the court and/or advise that a matter must be conducted remotely.
9. All persons entering the judicial centers shall comply with mask, social distancing, occupancy, and sanitization requirements propounded by the Supreme Court of Kentucky and the Chief Circuit/District Judge of the 28th Judicial Circuit/District.

- **Domestic Violence/IPO cases:**

1. Petitions for DVO/IPOs, Show-Cause hearings, Reviews and Motions to Amend to make a protective order more restrictive or extend a protective order will be heard.
2. Any person making a DVO/IPO petition should complete a DVO Information sheet showing how the Petitioner and the Respondent may be contacted for the hearing.
3. All hearings will be conducted remotely unless a party is unable to participate remotely, or the judge determines that a matter requires in-person attendance. In-person appearances must be arranged in advance. Some participants may still appear remotely even if the other participant must appear in person due to lack of means to participate remotely or the judge determines their personal appearance is not necessary.
4. The cases will be scheduled for the normal docket time. Contact information for remote participation should be provided to the clerk. In the event of an in-person hearing, no more than 10 people (including court personnel) may be in the courtroom at any time unless the judge in his or her discretion deems it necessary and enforces appropriate distances between individuals. Individuals will not be admitted to the courthouse until notified and should remain close by to be admitted.
5. Requests for dismissal and Motions to Amend to terminate orders by a Petitioner may be completed by the Petitioner signing an affidavit with the clerk of the court rather than in person appearance. An affidavit may be filed at any time and the clerk will submit the file to the judge for an appropriate order immediately.

6. Failure to appear remotely for a scheduled hearing may result in a petition or motion being dismissed or denied or other sanction for failure to appear in the same manner as the issue would be handled for typically required in-person appearance.

- **Dependency, Neglect, Abuse cases:**

1. All dependency, neglect, and abuse matters will resume under the normal, rotating schedule. All hearings will be conducted remotely unless a party is unable to participate remotely, or the judge determines that a matter requires in-person attendance. In-person appearances must be arranged in advance. Some participants may still appear remotely even if the other participant must appear in person due to lack of means to participate remotely or the judge determines their personal appearance is not necessary.
2. The Dependency, Neglect and Abuse dockets in Rockcastle County will continue to start at 10:00 a.m. on Tuesdays unless a specific modification is required due to judicial availability. Cases in the other counties will be scheduled for the normal docket times.
3. Contact information for remote participation should be provided to the clerk. In the event of an in-person hearing, no more than 10 people (including court personnel) may be in the courtroom at any time unless the judge in his or her discretion deems it necessary and enforces appropriate distances between individuals. Individuals will not be admitted to the courthouse until notified and should remain close by to be admitted.
4. Orders appointing counsel will be signed as soon as petitions are filed to permit attorneys to assist in reaching resolutions out of court. The Affidavit of Indigency should still be completed and filed of record within a reasonable time following the appointment, if possible.
5. The Cabinet for Health and Family Services, subject to any restrictions imposed by executive branch authorities, should email their reports to attorneys, including the county attorney, clerks, and court staff in accordance with deadlines imposed by the statewide Family Court Rules of Practice and Procedure. During the term of the Emergency Order, the Court will accept emailed copies of the reports to be printed by the clerks of the court and placed in the files in lieu of an original. Original copies of the report should be maintained by the worker and may be added to the file later, if appropriate.
6. Upon receipt of an appropriate report, the parties should discuss the recommendations with their client and notify the county attorney whether an agreed order would be appropriate to adopt the recommendations and whether the next review, if applicable, could be scheduled out 60 to 90 days.

7. For Pulaski County cases, all attorney fee orders, standard payment orders, and AOC Form 11 Affidavits of Indigency documents should be emailed to the judicial administrative assistant for processing.

- **Actions with a person being held in detention on a Family Court Order:**

  1. These cases will be set on a case by case basis as soon as possible after consultation with the prosecutor, counsel and clerk, if the person is not able to be released on an appropriate bond.

- **Child support matters involving County Attorney Divisions of Child Support Enforcement:**

  1. The County Attorneys offices may begin scheduling hearings for establishment and modification of child support obligations. They should start scheduling matters for the normal child support hearing dates for each judge after June 1, 2020. They should contact court staff to receive specific time to start each docket.
  2. These cases should be set in blocks of no more than 5 cases per 30-minute increments.
  3. All hearings will be conducted remotely unless a party is unable to participate remotely, or the judge determines that a matter requires in-person attendance. The child support enforcement office should contact the parties to obtain contact information to allow the Court to contact the parties to conduct the hearing remotely. In-person appearances must be arranged in advance. Some participants may still appear remotely even if the other participant must appear in person due to lack of means to participate remotely or the judge determines their personal appearance is not necessary.
  4. Further orders regarding show cause and contempt cases for child support collection involving the county attorney's offices of child support enforcement will be forthcoming once the Supreme Court emergency orders are modified regarding incarceration on contempt in civil matter.

- **Civil actions involving divorces, custody, paternity, adoptions, or other issues:**

  1. Starting June 1, 2020, these dockets, including motion hours, will resume on the normal schedule, but all hearings will be conducted remotely when possible. All hearings will be conducted remotely unless a party is unable to participate remotely, or the judge determines that a matter requires in-person appearance. In-person appearances must be arranged in advance. Some participants may still

appear remotely even if the other participant must appear in person due to lack of means to participate remotely, or the judge determines their personal appearance is not necessary.

2. The cases will be scheduled for the normal docket time. Court staff will contact all parties prior to evidentiary hearings to verify contact information for remote participation. In the event of an in-person hearing, no more than 10 people (including court personnel) may be in the courtroom at any time unless the judge in his or her discretion deems it necessary and enforces appropriate distances between individuals. Individuals will not be admitted to the courthouse until 10 minutes prior the scheduled start of their hearing.

3. Case management conferences will be conducted prior to any scheduled civil evidentiary hearing to work out specific logistics for introduction of evidence and appearance of witnesses, parties, and counsel.

THIS THE 21st DAY OF MAY 2020.

Judge Marcus L. Vanover, Div. 3

Judge Jane Adams Venters, Div.4

Distribution:

County Attorneys Offices

Clerks

Attorneys

Cabinet

Copies available at Clerk's Office for General Public