

COMMONWEALTH OF KENTUCKY
44TH JUDICIAL DISTRICT
BELL DISTRICT COURT

AMENDED SCHEDULING ORDER

On November 20, 2020, the Kentucky Supreme Court issued Amended Order 2020-71, which states in part that, **“Courts shall hear civil and criminal matters using available telephonic and video technology to conduct all proceedings remotely.”** In accordance with that Amended Order, the attached *Amended Bell District Court Schedule* will be in effect for Bell District Court beginning November 30, 2020, and remain in effect pending further Orders of the Court. This Amended Order and Schedule shall replace in its entirety the Court’s previous Amended Order and Schedule dated July 28, 2020.

This the 23rd day of November, 2020.



HON. ROBERT T. YOAKUM
JUDGE, BELL DISTRICT COURT

**** Please note that per the Kentucky Supreme Court's Administrative Order 2020-71, all hearings must be conducted remotely. It will be the responsibility of the parties and/or their attorneys to contact the Bell District Judge's Office (606-337-1149) or the Bell Circuit Court Clerk's office (606-337-9900) for the necessary information to appear remotely via Zoom. In any instance where an in-person hearing is deemed necessary, only attorneys, necessary parties and witnesses will be permitted inside the courtroom (not to exceed 33% of the courtroom's capacity) and each person must at all times be wearing a mask or facial covering while maintaining appropriate social distancing.****

AMENDED BELL DISTRICT COURT SCHEDULE
BEGINNING NOVEMBER 30, 2020

Jury Trials:

All jury trials will be continued and rescheduled no sooner than Monday, February 8, 2021 at 10:00 AM.

Disability Trials:

Disability bench trials will continue to be heard each Monday at 10:00 AM. Disability jury trials will be continued and rescheduled no sooner than Monday, February 8, 2021 at 10:00 AM.

Domestic Violence/EPO Hearings:

Domestic Violence/Emergency Protection hearings will continue to be heard each Monday at 1:30 PM.

Arraignments:

In-custody arraignments will be heard each Monday and Wednesday at 10:00 AM. Out-of-custody arraignments, including traffic cases, will continue to be heard every Tuesday at 9:00 AM.

Preliminary Hearings:

Both in-custody and out-of-custody preliminary hearings will continue to be held each Tuesday at 1:30 PM.

Pretrial Conferences:

All pretrial conferences will continue to be held the 2nd and 4th Thursday of each month at 9:30 AM and 1:30 PM.

Small Claims:

Small Claims hearings will continue to be held on the 3rd Friday of each month at 9:30 AM.

Drug Court:

Drug Court will continue to be held each Wednesday at 10:00 AM.

Child Support:

Child support hearings will continue to be heard on the 1st and 3rd Wednesday of each month at 1:00 PM.

Juvenile Hearings:

Juvenile hearings will continue to be heard on the 1st and 3rd Thursday of each month at 9:30 AM.

No more than 50 juvenile cases per docket will be scheduled.

Civil Cases (Including Evictions):

Civil cases, including evictions, will be heard as follows for the month of December *only*:
December 2, 2020 at 1:30 PM and December 9, 2020 at 9:30 AM.

Beginning **January 6, 2021**, civil cases, including evictions, will resume being heard on the regular District Court schedule of the 1st and 3rd Wednesday of each month at 1:30 PM.

Without exception, each civil case **MUST** be filed no later than 4:00 PM on the Wednesday prior to the hearing date.

Evictions:

Per Kentucky Supreme Court Amended Order 2020-72, dated November 20, 2020 and effective November 30, 2020, all actions for eviction may proceed except with respect to those subject to the CARES Act as follows:

- a. In accordance with Section 4024 of the CARES Act, the following provisions shall apply to actions for eviction from “covered dwellings,” as defined in subsection (a) of Section 4024, for nonpayment of rent or fees, penalties, or other charges related to nonpayment of rent.
 - i. Thirty days’ notice to vacate is required prior to filing an action for eviction. The lessor of a “covered dwelling” shall not require the tenant to vacate until 30 days after the date on which the lessor provides the tenant with notice to vacate; and

- ii. Fees, penalties, or other charges are prohibited. The lessor of a “covered dwelling” shall not charge a tenant any fees, penalties, or other charges that accrued during the period between March 27, 2020, and July 25, 2020, when those fees, penalties, or other charges are related to nonpayment of rent.
- iii. Actions for eviction that were filed prior to March 27, 2020, are not subject to the CARES Act and, therefore, are not subject to the provisions of subsections (i.) and (ii.) above.

Further, per Kentucky Supreme Court Amended Order 2020-72, **all evictions must be accompanied by AOC form 1027** (“Verification of Compliance with CARES Act”) and the Bell Circuit Court Clerk’s office shall reject any filing that is not accompanied by AOC-1027.