

60TH JUDICIAL DISTRICT

MAY 28, 2020 ADMINISTRATIVE ORDER

FOR PROCEEDINGS DURING KENTUCKY COURT OF JUSTICE

COVID-19 EMERGENCY RESPONSE

Pursuant to the 2020-39 Administrative Order of the Supreme Court of Kentucky, the 60th Judicial District adopts the following Order for all Court proceedings in Cumberland and Monroe District Courts for the applicable period of from June 1, 2020, until modified, amended, or rescinded (the “applicable period”):

1. Remote Attendance; Illness or High-Risk Persons.

Any party so requesting shall be entitled to participate remotely in all hearings or at the Trial of the matter. Individuals who fall into a high-risk category as set forth in Supreme Court Order 2020-39 shall be allowed to participate in any proceeding remotely, by video conference, or telephonically. Such requests shall be transmitted to the Clerk by email or in writing, providing the person’s name, case number, date and time of hearing, and contact information (including email address and telephone number). The Court will initiate contact to such persons prior to the hearing. Per Supreme Court Order 2020-39, any proceeding requiring the remote attendance in person, and failure to appear remotely as ordered by the Court may be grounds for sanctions.

2. Criminal & Traffic Divisions.

The Court hereby determines that, unless otherwise herein, or if requested by a Defendant or their counsel or by the Commonwealth, proceedings in the Criminal and Traffic Divisions require in-person attendance Tuesday and Wednesday Traffic and Criminal Division dockets shall be divided into sections, and a list will be placed on the front door of the Judicial Center with the defendant’s allotted time.

Court Security shall deny admission into the respective Judicial Centers to any defendant who appears at a time or for a section other than the defendant’s appointed time. Per Supreme Court Order 2020-39, at no time shall the number of persons in the respective District Courtroom exceed 33% of the Courtroom’s occupancy capacity (Monroe- 17 defendants and Cumberland- 10 defendants). Should the number of persons whose presence is required, or who may have cases scheduled during the section, exceed 33% of the Courtroom’s occupancy capacity, Court Security shall allow admission into the Judicial Center as soon as permitted, or as may be directed by the presiding Judge.

3. Civil Division.

All Civil Division proceedings shall be conducted remotely unless the Court determines an in-person hearing is necessary.

For all civil complaints, counterclaims, and motions filed after the date of this Order, the filing party shall, at the time of filing, furnish the Clerk with the contact information (including email address) for such party or counsel, to enable the party or counsel to attend a hearing or trial remotely. The party may use the form, provided by the Clerk, for so doing. The Clerk shall advise as to the procedure for remote participation at the hearings and trial of the matter.

For all motions (other than forcible detainer proceedings), in which a hearing has been scheduled or noticed, the Clerk shall mail and furnish to any party whose contact information has not been previously provided, a form to provide the party's contact information, including a telephone number and email address, so that the party may remotely participate in any hearing. The Clerk shall record the date of mailing or hand delivery of the form, and the form shall be returned to the Court at least 72 hours prior to the scheduled hearing. The Clerk shall advise as to the procedure for remote participation at hearings.

The Clerk is directed to attach to any summons issued in Civil Divisions cases, a form requesting contact and access information for the party being served, and advising such persons of the procedure for remote participation. The failure of a person to return the form to the Clerk may constitute a waiver of attendance at future hearings.

4. Admittance to Courtrooms.

Per Supreme Court Order 2020-39, entrance to court facilities and the District Courtroom is limited to attorneys, parties, witnesses, and persons ordered by the judge to appear at in-person hearings. Access to view any courtroom proceeding that is not otherwise confidential shall be provided by the Clerk to any requesting member of the public and media, by live audio or video or digital recording.

5. In-custody Defendants.

The arraignments and preliminary hearings of in-custody defendants will take place by video conferencing at 11:00 a.m. on Tuesdays for Monroe District Court and 11:00 a.m. on Wednesdays for Cumberland District Court. Counsel wishing to enter an appearance in such matters should contact the Clerk or Judge's office at the earliest opportunity, for arrangements to be made for said counsel to join by video conferencing. Counsel is encouraged to arrange for a workable location at which testimony of witnesses may be introduced electronically and are encouraged to test the technology prior to the hearing.

6. Show Cause and Fine Reviews.

All cases and matters scheduled through October 31, 2020, for review of payment or contempt for nonpayment of fines and court costs are rescheduled and shall be continued for hearing as follows:

Monroe District Court:

November 10, 17, and 24th 2020. The Clerk shall evenly divide the docket into sections of 15 defendants, the same to be noticed at 15 minute intervals beginning at 1:00 p.m. that date.

Cumberland District Court:

November 11, 18, and 25th 2020. The Clerk shall evenly divide the docket into 4 sections of 10 defendants, the same to be noticed at 15 minute intervals beginning at 1:00 p.m. that date.

The Clerk shall send Court Notice advising all parties of their respective dates and times.

7. Juvenile.

All Juvenile matters and hearings shall be conducted remotely. Should a party or counsel request an in-person hearing, a motion shall be filed with the Court, setting forth the grounds for same and the reasons supporting such request.

8. Emergency Guardianship and Conservatorship

Such hearings shall be conducted remotely. Petitions filed in Cumberland District Court shall be scheduled by the Clerk for hearing on the Mental Health Division Docket Wednesday at 11:00 a.m. Petitions filed in the Monroe District Court shall be scheduled by the Clerk for hearing on the Mental Health Division docket Tuesday at 11:00 a.m., or as may be otherwise assigned by the Court). Petitioners, at the time of filing, shall provide the clerk with a telephone number and email address, to enable the parties and counsel to participate remotely by video conferencing or telephone.

9. Probate.

All Probate Division proceedings shall be conducted remotely unless the Court determines an in-person hearing is necessary. In cases in which the appointment of fiduciaries or for the dispensation of administration is sought, such petitions may be filed with the Clerk for submission to the Court without hearing. In matters in which a hearing may be waived, in addition to the petition, parties shall include, when appointment is sought, an executed fiduciary bond, an oath of office, and all necessary waivers.

Any Probate Division matters which were scheduled for hearing prior to June 1, 2020, shall be re-noticed for hearing by the moving party or by the attorney of record. For all petitions and motions filed after the date of this Order, the petitioner or movant, at the time of filing, shall, to the extent possible, provide the clerk with a telephone number and email address for all parties and persons entitled to notice, so that all persons and counsel may participate remotely by video conferencing or telephone. The Clerk is directed to review all petitions filed after the date of this Order, and mail to all persons entitled to notice, a form prepared by the Court, requesting contact and access information, and advising such persons of the procedure for remote participation. The failure of a person to return the form to the Clerk may constitute a waiver of attendance at future hearings.

For all cases in which an in-person hearing has been approved or ordered by the Court, the Clerk shall assign such cases in five (5) minute intervals on the docket, beginning at 8:30 a.m. on Tuesdays in Monroe County and on Wednesdays in Cumberland and inform the parties and persons entitled to notice of the appointed time(s).

10. Small Claims.

For all Small Claims complaints, counterclaims, and motions filed after the date of this Order, the Clerk shall furnish the filing party with a form, to be completed by the party at the time of the filing of the complaint or motion, which requests the party's contact information, including a telephone number and email address. The form shall also advise as to the procedure for remote participation at hearings and the trial of the matter.

The Clerk is directed to attach to any summons issued in Small Claims cases, a form requesting contact and access information for the party being served and advising such persons of the procedure for remote participation. The failure of a person to return the form to the Clerk may constitute a waiver of attendance at future hearings.

If the Court so directs, a pretrial settlement conference may be ordered in a Small Claims matter, with remote or in-person attendance and participation required of all parties. The failure of a party to participate in such conference may be grounds for dismissal or default.

Parties in Small Claims proceedings shall, at least 48 hours prior to trial, file with the Clerk any documents and photographs which are intended to be introduced or considered by the Court at trial. The Clerk is directed to, by close of business on the day prior to trial, scan such documents and distribute them electronically to the opposing party. The trial shall be conducted remotely, unless the Court determines that in-person attendance is necessary. The Court shall determine, by close of business on the day prior to trial, whether the trial requires in-person attendance or may be conducted remotely. If remotely, the parties shall be notified at said time; if not so notified, in-person attendance shall be required.

May 28, 2020



HON. KRISTI CASTILLO

DISTRICT JUDGE, 60TH JUDICIAL DISTRICT