

# Supreme Court of Kentucky

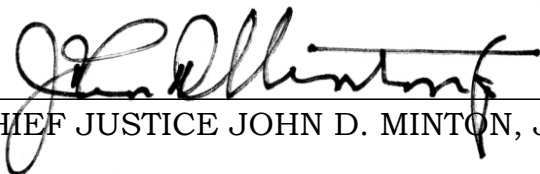
## ORDER

**IN RE: ORDER APPROVING THE DOMESTIC VIOLENCE PROTOCOL FOR THE 54TH JUDICIAL CIRCUIT AND DISTRICT, BOONE AND GALLATIN COUNTIES**

Upon recommendation of the Judges of the 54th Judicial Circuit and District, and being otherwise sufficiently advised,

The Domestic Violence Protocol for the 54th Judicial Circuit and District, Boone and Gallatin counties is 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 18th day of August 2020.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

## APPENDIX A

### TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL 54th JUDICIAL CIRCUIT AND DISTRICT BOONE & GALLATIN COUNTIES

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence 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 joint jurisdiction between the Circuit/Family and District Courts.

#### I. Uniform Protocol for Processing Cases

- A. All petitions requested, completed and signed by person seeking protection under KRS Chapter 403 or KRS Chapter 456 shall be made on form AOC-275.I, and shall be accepted and filed with the court. KRS 403.725, RRS 456.030,
- B. All protective order cases shall be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.
- C. All cases shall 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. Pursuant to KRS 403.740 and KRS 456.060, any orders for relief issued directing or prohibiting any other actions that the court believes shall 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.
- E. 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.
- F. 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 shall be reviewed within an hour of presentation to a judge unless impossible due to no judge being available.

#### II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **during** regular business hours: Circuit or District Court Clerks, Local Law Enforcement Officers, County Attorney's Office or Commonwealth Attorney's Office, and regional rape crisis centers or domestic violence shelters.

- B. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **after** regular business hours and weekends: Local Law Enforcement Officers, County Attorney's Office or Commonwealth Attorney's Office, and regional rape crisis centers or domestic violence shelters.
- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following: Family Court Judge. If the Family Court Judge is unavailable, then it shall be taken to the District Court Judge or Circuit Court Judge.
- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to: Family Court Judge on call. If unavailable, then it shall be taken to the District Court Judge who is on call. If unavailable, it shall then be taken to the Circuit Court Judge.


### III. Assignment of Cases


- A. Pursuant to KRS 403.725 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent between District, Circuit, and Family Court.
- B. 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.
- C. The circuit clerk shall assign interpersonal protective order cases to the Family Court Division.
- D. The schedule for hearings on protective orders is as follows:
  - a. In Boone County for Family Court, Division II, the hearings shall be scheduled on Mondays and Wednesdays at 8:30 a.m. In Gallatin County for Family Court, Division II, the hearings shall be scheduled on the first and third Thursdays of the month at 8:30 a.m. In certain circumstances when the Family Court Judge is not available to hear cases in Gallatin County, the hearings shall be scheduled on a date and at a time the Gallatin County District Court Judge or the Gallatin County Circuit Judge is available;
  - b. In Boone County for Family Court, Division IV, the hearings shall be scheduled on Mondays and Fridays at 9:00 a.m. In Gallatin County Family Court, Division IV, the hearings shall be scheduled on the second and fourth Wednesdays of the month at 9:00 a.m. In certain circumstances when the Family Court Judge is not available to hear cases in Gallatin County, the hearings shall be scheduled on a date and at a time the Gallatin County District Court Judge or the Gallatin County Circuit Judge is available.
- E. 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.

### III. Contempt Proceedings


- A. 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.
- B. Petitioners seeking to initiate contempt proceedings shall contact: Family Court Clerks at Boone or Gallatin counties, local Law Enforcement or the County Attorney's Office.
- C. No petitioner may be held in contempt for failing to appear at a domestic violence or interpersonal protective order hearing or for failing to prosecute a civil or criminal violation of a protective order.

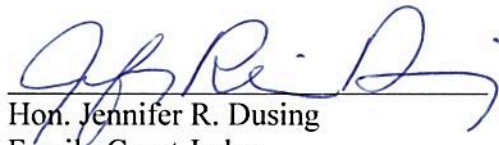
The above protocol is adopted by all judges in the circuit/district.

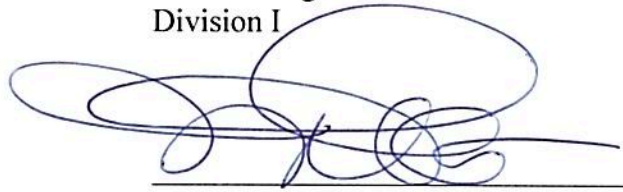
  
Hon. Linda Rae Bramlage  
Family Court Judge  
Division II

  
Hon. James R. Schrand  
Chief Circuit Judge  
Division III

  
Hon. Richard Brueggemann  
Circuit Judge  
Division I

  
Hon. Jeffrey S. Smith  
District Judge  
Division I

  
Hon. Jennifer R. Dusing  
Family Court Judge  
Division IV

  
Hon. Marcia Thomas  
District Judge  
Division II