

Supreme Court of Kentucky


ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 1ST JUDICIAL CIRCUIT AND DISTRICT AND 59TH JUDICIAL DISTRICT, BALLARD, CARLISLE, FULTON, AND HICKMAN COUNTIES

Upon the recommendation of the Judges of the 1st Judicial Circuit and District and 59th Judicial District, Ballard, Carlisle, Fulton, and Hickman counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 1st Judicial Circuit and District and 59th Judicial District 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 26th day of January 2016.


CHIEF JUSTICE

AMENDED APPENDIX A

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FIRST JUDICIAL CIRCUIT AND FIRST AND FIFTY-NINTH JUDICIAL DISTRICTS BALLARD, CARLISLE, FULTON AND HICKMAN COUNTIES

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rule of Practice and Procedure Section IV, this local protective order 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.

1. Uniform Protocol for Handling Cases

- A. All petitions requested, completed and signed by persons seeking protection under KRS Chapter 403 or KRS Chapter 456 shall be made on form AOC-275.1, and shall be accepted and filed with the court. KRS 403.725, KRS 456.030.
- B. Circuit Court Clerks shall process all protective order cases in accordance with the rules and procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- C. All cases will 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 will 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 1st Circuit Court or 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. Petitions should be reviewed within an hour of presentation to a judge or trial commissioner unless impossible due to no judge or trial commissioner being available, and then as soon as practical.

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:

1st Circuit Commonwealth Attorney,
Ballard County Attorney,
Carlisle County Attorney,
Fulton County Attorney,
Hickman County Attorney,
Ballard County Circuit Court Clerk,
Carlisle County Circuit Court Clerk,
Fulton County Circuit Court Clerk,
Hickman County Circuit Court Clerk

All Assistant Commonwealth and county Attorneys in the Circuit,
All Deputy Circuit Clerk

- B. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner after regular business hours and weekends:

1st Circuit Commonwealth Attorney,
Ballard County Attorney,
Carlisle County Attorney,
Fulton County Attorney,
Hickman County Attorney,

All Assistant Commonwealth and County Attorneys in the Circuit and the Ballard, Carlisle, Fulton, and Hickman County Jailers and all their sworn deputies, the Chiefs of Police for the Cities of Bardwell, Barlow, Clinton, Fulton, Hickman, LaCenter and Wickliffe, and all sworn officers within those departments and any Kentucky State Police Officer assigned to Ballard, Carlisle, Fulton and/or Hickman Counties.

- C. Upon receipt of a petition during regular business hours, the authorized agency/officer shall present the petition to the following:

1st Circuit Judge Timothy A. Langford
1st District Judge Hunter B. Whitesell, II for Fulton and Hickman Counties
59th District Judge Keith Myers for Ballard and Carlisle counties

- D. Upon receipt of a petition after regular business hours, the authorized agency/officer shall present the petition to:

The District Judge in the County of issuance of the petition.

The Circuit Judge.
The Trial Commissioner for Carlisle County.
If none of the above may be found then to any District or Circuit Judge in the Commonwealth of Kentucky.

III. Assignment of Cases

- A. Pursuant to KRS 403.735 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent between district and circuit 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 District Court.
- D. The schedule for hearings on protective orders is as follows:

Ballard District Court: Tuesdays at 9:00 a.m.
Carlisle District Court: Wednesday at 11:00 a.m.
Fulton District Court: Tuesdays at 1:30 p.m.
Hickman District Court: Mondays at 9:00 a.m.
1st Circuit Motion Hour:
Ballard County, 1st and 3rd Fridays at 9:30 a.m.
Carlisle County, 1st and 3rd Thursdays at 1:30 p.m.
Fulton County, 2nd and 4th Thursdays at 9:30 a.m.
Hickman County, 1st and 3rd Thursdays at 9:30 a.m.

- 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.

IV. 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 should contact:

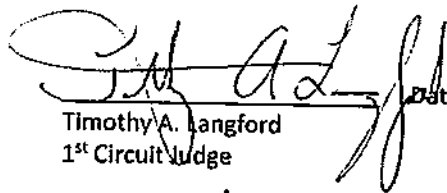
The County Attorney and or the Circuit Clerk of the County in which the matter is pending to request that contempt proceedings be places on the Court's next available docket.

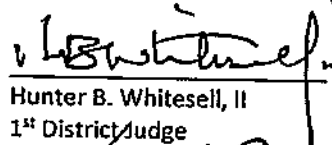
Civil Contempt proceedings shall be heard by the Court that entered the initial Domestic Violence Order (either Circuit or District) and shall be scheduled if possible, at the same time as original EPO hearings, as noted hereinabove, the Circuit Clerk shall serve and notify the non-movant as required by Rules of Civil Procedure, namely CR 5 and rules of local practice for obtaining a contempt order shall be followed.

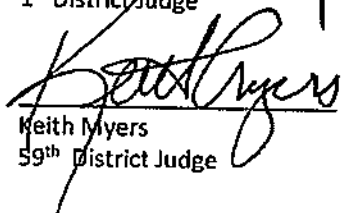
- C. No petitioner may be held in contempt for failure to appear at a domestic violence hearing or prosecute a criminal violation of a protective order.

The undersigned hereby acknowledge that all general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judicial officers in the circuit/district:

 Date Jan. 12, 16
Timothy A. Langford
1st Circuit Judge

 Date 11 January 2016
Hunter B. Whitesell, II
1st District Judge

 Date JAN. 4, 2015
Keith Myers
59th District Judge