

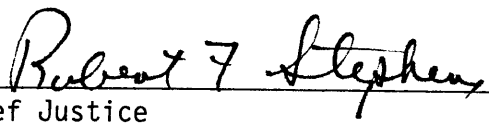
# Supreme Court of Kentucky

IN RE:                   ORDER ESTABLISHING DOMESTIC RELATIONS  
                              COMMISSIONERS IN THE 24th JUDICIAL CIRCUIT

## ORDER

The order establishing Domestic Relations Commissioners in the  
24th Judicial Circuit is hereby approved by the undersigned.

ENTERED September 8, 1989.

  
\_\_\_\_\_  
Chief Justice

## RULE 19 DOMESTIC RELATIONS

1. Pursuant to KRS 31 A and CR 53.03, there is hereby created the office of the "Domestic Relations Commissioner", of the 24th Judicial Court, encompassing Johnson, Martin and Lawrence Counties.

2. The Domestic Relations Commissioner shall be appointed by the Circuit Judges. The Domestic Relations Commissioner and a Master Commissioner may or may not be the same individual, subject to the discretion of the Circuit Judges and such other approval as is required of the Chief Justice in accordance with Rule 53.03(1) of the Kentucky Rules of Civil Procedure.

3. The Domestic Relations Commission shall have been licensed to practice law for at least eight (8) years at the time of appointment unless otherwise authorized by the Chief Justice and shall satisfy the annual continuing legal education minimum requirement with Domestic Relations Law Education. The Domestic Relations Commissioner shall be a part-time position and shall not otherwise engage in the practice of Domestic Relations Law within the 24th Judicial Circuit.

4. There shall be referred to the Domestic Relations Commissioner matters arising from actions for the dissolution of marriage including child custody, support, maintenance, visitations and distribution of marital property and debts under KRS Chapter 403, except that incarceration resulting from a finding of contempt shall be imposed only after a hearing before the Court. At that hearing, the Court shall permit additional evidence and give the Party charged with contempt an opportunity to purge himself of such contempt.

Proceedings for Restraining Orders and Injunctions shall be heard only by the Court.

5. The Domestic Relations Commissioner shall have the authority to make the recommendations to the Judge regarding matters before the Commissioners. The Domestic Relations Commissioner shall have thirty (30) days to file his recommendations with the Circuit Judge, unless extraordinary cause is shown otherwise. Those Recommendations and Temporary Orders shall be binding and effective pending action by the Circuit Court on exceptions, if taken. All Orders and Final Decrees shall be entered by the Court upon review of the recommendations of the Domestic Relations Commissioner. The date of the review by the Court shall not be less than ten (10) days following the date

of the recommendations, during which time the parties may file exceptions and objections to the recommendations and request a hearing before the Court. If no exceptions or objections are filed, the Court may review the recommendations after the ten (10) day period without notice or hearing thereon.

There shall be no ten (10) day waiting period for Judicial Review on Recommended Decrees in which a Separation Agreement has been filed.

6. The Commissioner shall have access to the records of each Clerk's Office together with the right to remove the records in his discretion.

7. There shall be a Motion Hour for Domestic Relations matters to be held by the Commissioner in Johnson County on the first and third Friday of each month at 10:00 a.m., in Martin County on the Monday following the fourth Friday of each month, at 9:00 a.m., and in Lawrence County on the Monday following the second Friday of each month at 9:00 a.m., unless cancelled or modified by Order of the Domestic Relations Commissioner. In addition, Motions may be heard at other times by agreement of the Parties or upon Order of the Commissioner.

Testimony may be heard orally before the Commissioner or by Deposition or Interrogatories. Proceedings before the Commissioner shall be reported

or recorded on audio tape or video tape. Tapes are to be retained for forty-five (45) days after Final Judgment is entered, unless appealed.

The Clerk of each County shall prepare a Motion Docket of all domestic cases for the Commissioner in the same manner as for the regular Motion Hour.

8. The Circuit Court Clerk's Office of each County shall collect, as non-refundable, \$25.00 for all actions for divorce, except those actions in which a Separation Agreement is filed or an Affidavit is filed by the Attorney for the Petitioner that a Separation Agreement will be filed. In the latter cases, the fee on filing shall be \$15.00. The Circuit Clerk of each County shall also collect a fee of \$10.00 for each Domestic Motion filed. All payments must be made at the time the action or the motion is filed, to be held in such account as is designated by the Clerk, hereinafter referred to as the Commissioner's Fund. This money shall be paid to the Commissioner by the respective Circuit Clerks on the first of each and every month as fees and to offset costs that are assessed in Domestic Relations cases. The Commissioner, when entering any recommendations on any case, shall give credit for any monies paid into the Commissioner's Fund by a litigant.

For any hearing or recommendation, the Commissioner shall receive a fee of \$40.00 per hour, assessed at the rate of \$10.00 for each quarter hour or part thereof. No more than \$600.00 shall be assessed in any case regardless of the number and length of hearings, except in extra-ordinary cases with approval by Circuit Court Judge. If a case is reopened, additional fees totalling not more than \$200.00 may be assessed. All of these fees shall be paid directly to the Commissioner, who may assess and collect fees to implement this Rule and as permitted by law.

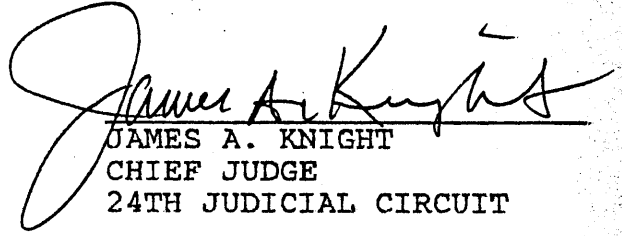
All actions involving indigents shall be heard by the Commissioner without fee assessed against the indigent.

9. The Commissioner shall make a report to the Circuit Judges once a month showing time expended and fees received from litigant and from the Commissioner's Fund.

10. The Circuit Clerk of each County shall make available to the Commissioner the files of any action set for hearing and the Sheriff's Office of each County shall make available a bailiff, if requested by the Commissioner.

11. These rules are to be considered as a supplement to and an implementation of CR 53.03 et.

seq., as amended. The existing Rule of the 24th  
Judicial Circuit is otherwise repealed.

  
JAMES A. KNIGHT  
CHIEF JUDGE  
24TH JUDICIAL CIRCUIT