

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING DOMESTIC VIOLENCE PROTOCOL FOR THE  
7TH JUDICIAL CIRCUIT AND DISTRICT, TODD AND LOGAN  
COUNTIES**

Upon recommendation of the Judges of the 7th Judicial Circuit and District, Todd and Logan Counties, and being otherwise sufficiently advised,

The Domestic Violence Protocol for the 7th Circuit and 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 the 13<sup>th</sup> day of August 2009.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

**TWENTY-FOUR (24) HOUR ACCESSIBILITY  
TO EMERGENCY PROTECTIVE ORDERS AND  
LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL  
FOR THE 7<sup>TH</sup> JUDICIAL CIRCUIT**

This order shall supersede all prior orders pertaining to domestic violence protocols for either Todd or Logan Counties, and is made pursuant to KRS 403.735 and ORDER Relating to Joint Jurisdiction Domestic Violence Protocols of the Supreme Court of Kentucky entered October 3, 1997.

**LOCAL PROTOCOL**

It shall be the policy in this Circuit to have a judicial officer (District Judge, Circuit Judge or Trial Commissioner) available at all times, 24 hours a day, to review and rule upon Domestic Violence Petitions.

All police agencies in this Circuit including, but not limited to, the Logan County Sheriff's Office, the Todd County Sheriff's Office, and all police agencies in this Circuit shall keep and maintain on hand the necessary blank Domestic Violence Petition (AOC 275.1) forms and Emergency Protective Order (EPO) forms (AOC 275.2) to be available to officers on all shifts for use when the Circuit Clerk's Office is closed. Domestic Violence Petitions may be verified (sworn) before any police officer, notary public, the County Attorney of either county or the Commonwealth Attorney.

Any person alleged to be a victim of domestic violence shall be informed that they may fill out a Domestic Violence Petition and have the matter immediately presented to a judicial officer for consideration.

During hours when the Circuit Clerk's Office is open (see below) persons seeking an EPO or DVO shall be sent to that office to fill out a petition. During non-office hours, the officer involved will supply a petition form and contact a judicial officer directly by telephone after it is completed by the petitioner. He shall then follow instructions given by the judicial officer in telefaxing or delivering the completed petition and EPO form to the judicial officer.

Judicial officers may be reached by telephone on a 24 hour basis through the emergency dispatch centers in each county.

- I. During office hours 8:00 a.m. – 4:30 p.m. Monday through Friday:

All domestic violence petitions or motions shall be filed with the Deputy Clerk designated by the Circuit Clerk to process domestic violence petitions. The clerk so designated shall assign the matter as follows:

- I. If no dissolution or child custody action between the same parties is pending in the Circuit Court, the matter shall be docketed in the District Court. The clerk shall deliver the documents to the District Judge for consideration. If the District Judge is unavailable, the clerk shall seek the consideration of the Circuit Judge who shall schedule any further hearings for the domestic violence session of the District Court. If neither Judge is available, the clerk shall seek the consideration of the Trial Commissioner who shall schedule any further hearings for the domestic violence session of the District Court.
2. If a dissolution or child custody action between the same parties is pending in the Circuit Court or is filed contemporaneously, the clerk shall place the matter on the Circuit Court Docket and deliver the appropriate documents to the Circuit Judge for consideration. If the Circuit Judge is unavailable, the clerk shall seek the consideration of the District Judge who shall schedule any further hearings before the Circuit Court on a motion day. If neither Judge is available, the clerk shall seek the consideration of the Trial Commissioner who shall schedule any further hearings before the Circuit Court on a motion day.

II. During Non-Office Hours:

1. If no dissolution or child custody action between the same parties is known to be pending in the Circuit Court, the District Judge shall be contacted to consider the petition. Any further hearing shall be scheduled for the domestic violence session of the District Court. If the District Judge is not available, the Trial Commissioner shall be contacted to consider the petition. Any further hearings shall be scheduled by him for the domestic violence session of the District Court. If neither the District Judge or Trial Commissioner is available, the Circuit Judge shall be contacted to consider the petition. Any further hearing shall be scheduled by him for the domestic violence session of the District Court.
2. If a dissolution or child custody action between the same parties is known to be pending in the Circuit Court, the Circuit Judge shall be contacted to consider the petition and any further hearings shall be scheduled before the Circuit Court on motion day. If the Circuit Judge is not available, the District Judge shall be contacted to consider the petition and shall schedule any further hearings before the Circuit Court on motion day. If neither Judge is available, the Trial Commissioner shall be contacted to consider the petition and



V. Procedure where petition is filed where a dissolution or custody proceeding is pending in another County.

After hearing the evidence from all parties in considering whether to issue a DVO, the Judge may in his/her discretion transfer the case to the District or Circuit Court of another county where a related marital dissolution or child custody matter is pending. If the case is transferred, the judge may issue a DVO subject to later modification by the court to which it is transferred.

### **UNIFORM PROTOCOL FOR HANDLING DOMESTIC VIOLENCE CASE FILES**

1. All domestic violence petitions shall be assigned a domestic violence “D” case number with the appropriate trailer number, if any, regardless of who (District Judge, Circuit Judge or Trial Commissioner) reviews the petition and orders the case filed.
  - A. This procedure shall apply to petitions filed during the pendency of a dissolution or child custody proceeding.
  - B. If a verified motion is filed in the dissolution or child custody proceeding requesting relief available under KRS 403.715-785, the motion must be filed on AOC 275.1, as a Petition, pursuant to KRS 403.730(2), and shall be assigned a domestic violence “D” case number with the appropriate trailer number regardless of the fact that it was filed as a motion in the Circuit Court dissolution or child custody case.
  - C. The judge number of the judge reviewing the petition and ordering the case filed shall be entered on the case screen as the opening judge.
2. Procedure for domestic violence petitions filed during regular office hours:
  - A. At the time the case is opened the deputy clerk will check the index of circuit court cases to ascertain if a dissolution or child custody proceeding is pending.
    1. If no dissolution or child custody proceeding is pending, the clerk shall deliver the petition to the District Judge, Trial Commissioner, or Circuit Judge if no District Judge or Trial Commissioner is available. If an EPO is issued, the clerk shall file the petition as a domestic violence “D” case and schedule a domestic violence hearing as directed by local domestic violence protocol.
    2. If it is determined that a dissolution or child custody proceeding is pending in circuit court, the deputy clerk shall deliver the petition to the District Judge, Trial Commissioner, or Circuit Judge, as directed by local domestic violence protocol.

- A. If an EPO is issued, the clerk shall file the petition as a domestic violence “D” case and schedule a domestic violence hearing as directed by local domestic violence protocol.
- B. The deputy clerk shall cross-reference the “D” case with the dissolution or child custody case. Additionally, if a domestic violence order is issued, upon entry, the deputy clerk shall place a copy of the EPO/DVO in the circuit court dissolution or child custody case file.

3. Procedure for domestic violence petitions filed after regular business hours and weekends.

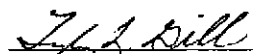
A. Upon receipt by the clerk of a verified domestic violence petition taken after regular business hours (after-hours and weekends), and a domestic violence hearing has already been scheduled with the District Judge, the deputy clerk shall check the index of circuit court cases to ascertain if a dissolution or child custody proceeding is pending.

- 1. If no dissolution or child custody proceeding is pending, the clerk shall file the petition (and the protective order issued, if any) as a domestic violence “D” case in the District Court, regardless of which District Judge, Trial Commissioner or Circuit Judge ordered that the petition be filed; and calendar the hearing by completing a scheduled event screen in the case management system.
- 2. If it is determined that a dissolution or child custody proceeding is pending in circuit court, the deputy clerk shall notify the District Judge of the pendency of same. The District Judge shall conduct the scheduled domestic violence hearing; and at that hearing reassign the “D” case to the Circuit Judge if so required by local domestic violence protocol.
  - a. If a reassignment is required by local protocol, the District Judge shall reissue the emergency protective order to the next available date certain determined by the Circuit Judge’s schedule for a hearing in the matter, and the matter shall be heard by the Circuit Judge.

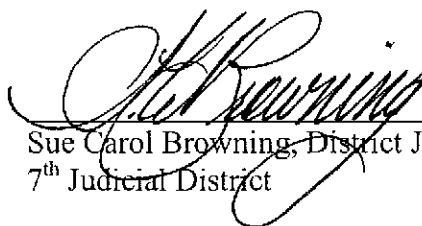
B. If no reassignment is necessary pursuant to the local protocol and a domestic violence order is issued in district court, the clerk shall cross-reference the “D” case with the dissolution or child custody case. Additionally, a copy of the domestic violence order shall be placed in the circuit court dissolution or child custody file.

The foregoing Domestic Violence Protocol is effective immediately and shall be incorporated in the Local Rules of both the District and Circuit Courts in this Circuit upon approval of the Chief Justice of the Kentucky Supreme Court.

Approved this 20<sup>th</sup> day of March, 2009.



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Tyler L. Gill, Circuit Judge  
7<sup>th</sup> Judicial Circuit



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Sue Carol Browning, District Judge  
7<sup>th</sup> Judicial District