

**COMMONWEALTH OF KENTUCKY
JEFFERSON COUNTY CIRCUIT COURT
FAMILY DIVISION
EMERGENCY PROTOCOLS BEGINNING JUNE 1, 2020**

In compliance with the most recent Supreme Court's Amended Order issued in response to the COVID-19 emergency, Jefferson County Family Court will implement the following protocols effective June 1, 2020. These protocols temporarily amend any local Jefferson County Family Court Rule of Practice.

1. General provisions

- 1.1.** The Family Court Clerk's office staff continues to be mandated to operate at 50%. Processing of pending motions and court orders will be slower than usual. Please, be patient and courteous when communicating with court staff.
- 1.2.** In effort to provide easier and more efficient communication, each Family Court Division now has a general email address which will be checked regularly by division team members.

Division 1: JeffFamDiv1@kycourts.net
Division 2: JeffFamDiv2@kycourts.net
Division 3: JeffFamDiv3@kycourts.net
Division 4: JeffFamDiv4@kycourts.net
Division 5: JeffFamDiv5@kycourts.net
Division 6: JeffFamDiv6@kycourts.net
Division 7: JeffFamDiv7@kycourts.net
Division 8: JeffFamDiv8@kycourts.net
Division 9: JeffFamDiv9@kycourts.net
Division 10: JeffFamDiv10@kycourts.net

- 1.3.** Attorneys are encouraged to file motions and other documents electronically and to resolve issues in dispute prior to filing any motions to minimize the need to visit the Judicial Center in person.

- 1.4. If an attorney needs access to the Clerk's Office to submit documents or exhibits or to view a case file, they may notify one of the Deputy Sheriffs at the front door of the Judicial Center to gain entry. Otherwise, motions and documents can be filed electronically or placed in the secured drop box in the Judicial Center vestibule.

2. Entering the Judicial Center:

- 2.1. In effort to limit the number of people in the Judicial Center, only attorneys, parties, and witnesses will be permitted to enter the Judicial Center or to be present in the courtroom. No one should appear in person in the courtroom unless instructed to do so by the Court in advance.
- 2.2. When anyone enters the Judicial Center, they will be asked the following screening questions by the Jefferson County Deputy Sheriffs: Do you have a temperature?; Have you been exposed to or diagnosed with COVID-19?; Do you have symptoms (such as a cough or shortness of breath) which are not attributed to a pre-existing diagnosis or condition?
- 2.3. Resources are not available for temperatures to be taken as people enter the building. If you suspect you have a fever, please, check at home or do not enter the Judicial Center.
- 2.4. Masks (that cover your mouth and nose) must be worn in the Judicial Center. Disposable masks will be made available to those who do not have a mask of their own. Anyone who refuses to wear a mask will be denied entry in the Judicial Center.
- 2.5. All personal items will be scanned as before.
- 2.6. Social distancing (at least a six-foot radius between people) will be enforced. Therefore, only two people will be permitted in the elevators at a time.
- 2.7. Hand sanitizer will be available at the entry to the Judicial Center, at each elevator lobby, at the entrance to courtrooms, and at various points inside courtrooms.
- 2.8. Parties and counsel will be required to use sanitizing spray and paper towels on any surfaces in the area in which they sit in the courtroom before the proceeding for which they are present.

3. Domestic Violence/EPO cases:

- 3.1. Requests for DVO/EPO may be heard remotely. The Court will issue a notice to parties and counsel of record of the procedure to appear via video conferencing app or by telephone prior

to the scheduled hearing. Please contact court staff if you are going to appear in a case and they will send you information about appearing remotely for your specific hearing.

3.2. Only parties, attorneys, and necessary witnesses will be allowed to participate.

4. Dependency, Neglect, and Abuse, and Termination of Parental Rights cases:

4.1. Beginning June 1, 2020, regular dockets and scheduled TPR hearings will resume. Parties and counsel will be required to participate in the hearings via video conference app or by telephone. The Court will send an email to Counsel of record of the procedure to appear remotely prior to the scheduled hearing. Counsel shall provide this information to their clients.

4.2. The Court will consider requests for parties and/or attorneys to appear in person so long as social distancing protocols can be safely maintained in the courtroom.

4.3. The attendance of the child will be waived for Annual Permanency Reviews unless the child can be made available to attend remotely.

4.4. Termination of Parental Rights trials will occur remotely unless a parent requests to appear in person.

4.5. All status and truancy cases will be rescheduled to September 2020.

4.6. The CLE training required by recent Supreme Court rule will be rescheduled by the Administrative Office of the Courts. The training will likely be done remotely. More information will be sent in the near future about joining the attorney appointment list for Dependency, Neglect and Abuse dockets.

5. Paternity cases:

5.1. Beginning June 1, 2020, paternity dockets will resume on a limited basis. Rescheduling notices will be sent to any cases to be rescheduled. Motions filed by other attorneys will remain on the docket.

5.2. The Jefferson County Attorney's Office will contact plaintiff/payees to appear remotely. Attorneys and Respondents may appear in person. Requests to appear remotely due to health concerns will be considered by the Court.

5.3. As many cases as possible, except where paternity or child support has yet to be established, will be addressed off-docket.

6. Motion practice for Circuit docket:

- 6.1.** Beginning June 1, 2020, all motions must be filed by Tuesday at 4:00 p.m. to be scheduled for motion hour the following Monday, as has been the previous procedure for Family Court. Pre-rulings will be posted to the KCOJ website on Friday afternoons.
- 6.2.** The pre-rulings will indicate whether the other party has an opportunity to file a response before the motion is taken under submission; the parties will be referred to mediation; the matter will be scheduled for a full hearing; the Court intends to call the case at motion hour; or another action will be taken.
- 6.3.** If a judge decides to hear a motion at motion hour, the parties will be contacted about the method and time the matter will be called. If either party objects to the pre-ruling, they may contact the Court via email to have the case called remotely.
- 6.4.** Pro se litigants will be given information (at the time a motion is filed) that they may be notified by written order or via email if their motion is referred to mediation or if a remote hearing is scheduled.
- 6.5.** Parties (and counsel) should NOT appear in person in the court room at the regularly scheduled motion hour time unless instructed to do so by the Court in advance.
- 6.6.** Except where prior attempts at resolution would be inconsistent with the FCRPPs or any applicable statute, all counsel or pro se parties must make a good faith effort to resolve any dispute before seeking court intervention. All motions to the Court shall be accompanied by a detailed certification of counsel's (or pro se movant's) attempts to resolve the dispute prior to filing the motions. This certification should include dates and/or times of any communications, discussions, mediations, offers of settlement, or good faith attempts to resolve the dispute at issue. A Jefferson County Family Court local rule is forthcoming setting forth this requirement.
- 6.7.** Agreements between parties may be submitted off docket to be reviewed and entered by the Court.

7. Scheduled hearings:

- 7.1.** Beginning June 1, 2020, hearings will continue as scheduled but will be held remotely. The Court will consider requests for in-person hearings so long as social distancing protocols can be safely maintained in the courtroom.

7.2. Counsel for the parties will be sent information about how to participate remotely in advance of the hearing. Counsel shall provide this information to parties and witnesses.

7.3. Counsel shall provide the Court the email addresses or phone numbers of all parties and witnesses expected to participate in the hearing. The Court will use this information to verify who is present for the hearing.

8. Exhibits to be presented at hearings:


8.1. Witness and exhibit lists (as well as copies of all exhibits needed for the hearing) must be filed with the Clerk's Office at least 10 days prior to any remote hearing unless otherwise stated on a scheduling order. Failure to provide any exhibit to the Court 10 days prior to the hearing may result in the exclusion of such exhibit at the hearing.

8.2. Copies of all exhibits must be provided to all parties participating in a remote hearing.

8.3. All exhibits shall be marked in the order that counsel plans to use them in the hearing.

Note: Special bailiffs will be permitted to resume their services June 1, 2020. They will be observing all necessary safety precautions.

As seen and approved by the Jefferson Family Court Judges,


Tara Hagerty
Chief Family Court Judge

6.3.2020
Date