

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
FAMILY COURT

IN RE: COVID-19 PARTIAL RE-OPENING FOR REGULAR DOCKET CALLS

ORDER

Pursuant to Supreme Court Order 2020-39 the Fayette Circuit Family Court finds the following rules and procedures to be necessary to comply with, and fulfill the spirit of, said Order. Where these Orders conflict with Fayette County Local Rules these Orders shall prevail. It is **HEREBY ORDERED**:

Civil Motion Hour and Civil Hearings:

1. All Civil Motion Hours shall be held at the regularly scheduled times per the Fayette County Local Rules and court schedule.
2. All attorneys and necessary parties shall appear via Zoom or other electronic means designated by the Court to the extent possible.
3. Any party who is unable to participate via electronic means shall be afforded the opportunity to appear in-person or utilizing electronic means provided by the Court when available.
4. All Motions shall be filed no later than 4:00 pm ten (10) days prior to motion hour. (4:00 pm Wednesday of the week PRIOR to the motion hour to be heard)
5. All Responses shall be filed no later than 4:00 pm four (4) days prior to motion hour. (4:00 pm Tuesday of the week of Motion Hour.)
6. All Replies shall be filed no later than 12:00 pm (noon) one day prior to Motion Hour. (12:00 on Thursday)

7. The same time requirements shall apply to any additional Motion Hour Dockets that may be scheduled in the Court's discretion unless otherwise Ordered.
8. All motions, response and replies shall be adequately plead to allow for ruling without additional testimony where appropriate. After review of the pleadings, the Court may notify the parties of a preliminary ruling, whereupon, the parties shall advise the Court if they require a hearing; if neither party requests a hearing within two (2) days of the Court's notice, the Court will enter an order consistent with the preliminary ruling.
9. All matters requiring a hearing shall be set by the Court and participation electronically or in-person shall be within the sole discretion of the Court in compliance with SCO 2020-39.
10. The Court shall have discretion to prioritize special hearings as deemed appropriate in light of current SC Orders, Executive Orders and CDC guidelines.
11. Parties shall continue to utilize electronic filing when possible. Filings will also be accepted via the Drop Box at the Fayette District Court building, and by mail.

Dependency, Neglect and Abuse (DNA):

1. All DNA dockets shall continue to be held via Skype, or Zoom in the Judge's discretion, at their regularly scheduled times. All parties, attorneys, social workers, CASAs and other necessary parties or participants shall appear electronically. Any party who is unable to appear via the selected electronic means shall be permitted to appear in-person in compliance with SCO 2020-39.
2. Appointed attorneys shall make every effort to assist their clients in appearing electronically.

3. The Fayette County Attorney shall consult with the Cabinet for Health and Family Services and the Fayette Circuit Court Clerk's office to schedule cases in accordance with statutory requirements and to prioritize those cases in which children are placed out of the home or are close to achieving a permanency goal.

Domestic Violence:

1. Domestic Violence victims shall continue to have access to the filing of petitions at the Fayette Circuit Court twenty-four hours a day seven days a week.
2. All Domestic Violence dockets will continue to be heard in-person as scheduled Monday – Thursday at 8:30 am pursuant to SCO 2020-39.
3. Any party wishing to participate remotely via electronic means shall contact the Court no later than 3:00 pm on the day prior to their scheduled court date for permission and information on how to participate remotely.
4. Any party who is in-custody will appear via telephone or electronically with the assistance of the jail or detention facility. No parties shall be transferred from any jail, prison or detention facility to the Fayette County Circuit Court unless specifically Ordered by the Court.
5. All in-custody contempt hearings shall be held on Wednesdays at 3:00 pm via Zoom.

County Attorney Child Support/Paternity:

1. County Attorney Child Support Enforcement and Paternity Dockets will resume at their regularly scheduled times.
2. All routine matters that can be handled electronically shall be.

3. Respondents may appear in-person for case conferencing in the Fayette Circuit Court multi-purpose room. Any respondent who wishes to appear electronically shall make arrangements with the Fayette County Attorney's office in advance of their scheduled Court Date.
4. The Fayette County Attorney's office shall be responsible for coordinating with the Fayette Circuit Court Clerk regarding the scheduling and docketing of all cases pursuant to in compliance with SCO 2020-40.
5. All in-custody contempt hearings shall be heard on Thursday afternoons at 3:00 pm via Zoom with the Fayette County Jail. No inmates shall be transported to the Fayette County Circuit or District Court for these proceedings.

Entered this 1 Day of June, 2020


Chief Judge, Fayette Circuit Court