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COVID-19: CHANGES TO FAMILY LAW

KENTUCKY HAS MADE SOME CHANGES TO HOW THEY WILL HEAR FAMILY LAW CASES DUE TO COVID-19.

Domestic Violence and Interpersonal Violence Cases

- Domestic abuse shelters are still open.
- All courthouses are open during normal office hours for you to file a petition requesting an interpersonal or domestic violence protection order.
- If you are unable to leave your home, or it is after hours, contact your local law enforcement to file.
- All interpersonal and domestic violence hearings will be held as usual.

Divorce, Custody, Child Support, and Juvenile Matters

- All court facilities are **open** to individuals with business before the courts.
- Use of masks or other facial coverings is **strongly encouraged** for all individuals, in compliance with current CDC guidelines.
- Judges retain the discretion to require individuals in the courtroom to use facial coverings generally or in specific cases, particularly cases involving persons who are at an increased risk of severe illness from COVID-19.
- The Chief Circuit Judge, in consultation with the Chief District Judge and the Circuit Court Clerk, retains the authority to require facial coverings within a judicial facility.
- Any person desiring to wear a facial covering shall be allowed to do so.
- Judges retain the discretion and are encouraged to limit the number of people or to enforce social distancing in a courtroom as health and safety conditions or circumstances necessitate.
- A member of the public who is not granted access to a court facility, courtroom, or court office under this Section is **not** relieved of his or her obligation to make payment or report to or appear before the court. He or she will be provided a phone number or email address and must make arrangements to reschedule, appear remotely, or otherwise complete his or her business to avoid possible adverse action being taken by the court.
- Courts are encouraged to continue hearing civil and criminal matters using available telephonic and video technology to conduct proceedings remotely. Any remote proceedings shall be scheduled through the judge's office. Any individual currently scheduled to appear remotely for a court proceeding shall be allowed to appear remotely.

- If a judge determines in his or her discretion to conduct in-person court proceedings, the following individuals must be allowed to participate remotely or be provided with a reasonable accommodation if appearing in person:
 - Individuals who have symptoms of COVID-19 as identified by the Centers for Disease Control and Prevention (“CDC”) (cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, congestion or runny nose, headache, nausea or vomiting, diarrhea, or new loss of taste or smell);
 - Individuals who are subject to quarantine or isolation based on the CDC’s most recent COVID-19 guidance.
 - Individuals who the CDC has identified as being at an increased risk of severe illness from COVID-19.
- Any court order, summons, or subpoena requiring the remote attendance of a party or his or her counsel shall have the same effect as if requiring attendance in person, and failure to appear remotely as ordered by a court may be grounds for sanctions.

On September 15, 2020, the Supreme Court of Kentucky issued additional guidance in following parenting orders during this pandemic:

2020-65 AMENDED ORDER IN RE: CUSTODY AND PARENTING TIME ORDERS

For purposes of determining a person’s right to possession of and access to a child under a court-ordered custody or parenting time schedule, the existing court order shall control. However, reasonable accommodations shall be made to account for extenuating circumstances related to the COVID-19 emergency.

Specifically, the existing court order shall be considered temporarily modified to suspend parenting time for a period of 14 days for any person who:

1. Tests positive for COVID-19 or shares a household with someone who tests positive for COVID-19;
2. Has been advised that he or she, or someone with whom he or she shares a household, has possibly been exposed to COVID-19; or
3. Has, within the last 14 days, traveled to a state or country with a positive COVID-19 testing rate equal to or greater than 15 percent.

Any person experiencing the above-listed circumstances shall, upon discovery, immediately notify the other party(ies).

Any person whose parenting time is suspended pursuant to this order shall be granted liberal communication with the child(ren) subject to any restrictions specifically stated in the existing order(s).

Nothing in this Order prevents parties from altering a custody or parenting time schedule by agreement if allowed by their court order(s), or courts from modifying their orders on an emergency basis or otherwise.

The Supreme Court acknowledges that this is a rapidly evolving situation and respectfully asks all parties with a custody or parenting time order for patience and cooperation as we work to balance court access with public health.

This Order shall be effective upon entry and until further Order of this Court.

Entered this 15th day of September 2020.

IF THIS DID NOT FULLY ANSWER YOUR QUESTIONS. PLEASE CONTACT US BY CALLING 859-431-8200 DURING OUR LIVE HOURS MONDAY-FRIDAY 10AM-3:30PM OR VISIT www.lablaw.org/apply-here ANYTIME.