

CHAPTER 66**(HB 380)**

AN ACT relating to family courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS 23A.100 IS REPEALED, REENACTED, AND AMENDED TO READ AS FOLLOWS:

- (1) *As a division of Circuit Court with general jurisdiction pursuant to Section 112(6) of the Constitution of Kentucky, a family court division of Circuit Court shall retain jurisdiction in the following cases:***
 - (a) *Dissolution of marriage;***
 - (b) *Child custody;***
 - (c) *Visitation;***
 - (d) *Maintenance and support;***
 - (e) *Equitable distribution of property in dissolution cases;***
 - (f) *Adoption; and***
 - (g) *Termination of parental rights.***
- (2) *In addition to general jurisdiction of Circuit Court, a family court division of Circuit Court shall have the following additional jurisdiction:***
 - (a) *Domestic violence and abuse proceedings under KRS Chapter 403 subsequent to the issuance of an emergency protective order in accord with local protocols under KRS 403.735;***
 - (b) *Proceedings under the Uniform Act on Paternity, KRS Chapter 406, and the Uniform Interstate Family Support Act, KRS 407.5101 to 407.5902;***
 - (c) *Dependency, neglect, and abuse proceedings under KRS Chapter 620; and***
 - (d) *Juvenile status offenses under KRS Chapter 630, except where proceedings under KRS Chapter 635 or 640 are pending.***
- (3) *Family court divisions of Circuit Court shall be the primary forum for cases in this section, except that nothing in this section shall be construed to limit the concurrent jurisdiction of District Court.***

SECTION 2. KRS 23A.110 IS REPEALED, REENACTED, AND AMENDED TO READ AS FOLLOWS:

The additional jurisdiction of a family court division of Circuit Court shall be liberally construed and applied to promote its underlying purposes, which are as follows:

- (1) *To strengthen and preserve the integrity of the family and safeguard marital and familial relationships;***
- (2) *To protect children and adult family members from domestic violence and abuse;***
- (3) *To promote the amicable settlement of disputes that have arisen between family members;***

- (4) *To assure an adequate remedy for children adjudged to be dependent, abused, or neglected, and for those children adjudicated as status offenders;*
- (5) *To mitigate the potential harm to the spouses and their children caused by the process of legal dissolution of marriage;*
- (6) *To make adequate provision for the care, custody, and support of minor children of divorce and for those children who have been born out of wedlock; and*
- (7) *To provide a level of proceedings, when necessary, that is more appropriate to a family court division of Circuit Court.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 118A TO BE NUMBERED AS KRS 118A.045 IS CREATED TO READ AS FOLLOWS:

- (1) *Family court judges shall be elected from the judicial circuits established in KRS Chapter 23A and from a family court division so designated by the Supreme Court pursuant to Section 112(6) of the Constitution of Kentucky.*
- (2) *All family court divisions as certified by the Clerk of the Supreme Court of Kentucky shall have such designation specifically appear on the ballot. The words "Family Court" shall be printed on the ballot in an appropriate location for divisions of Circuit Court certified by the Clerk of the Supreme Court of Kentucky as family court divisions. Prior to the first Wednesday after the first Monday in November of each scheduled election year, the Clerk of the Supreme Court of Kentucky shall certify the divisions of Circuit Court within a judicial circuit that are designated as family court divisions and deliver such certification to the Secretary of State.*
- (3) *In judicial circuits having two (2) or more judges there shall be, for election purposes, numbered divisions corresponding to the number of Circuit Judges in the circuit. Each judge shall be elected at large from the entire circuit.*
- (4) *Each numbered division of a circuit shall be voted upon and shall be tallied separately.*

Section 4. KRS 23A.040 is amended to read as follows:

The following judicial circuits are entitled to two (2) judges and shall have two (2) numbered divisions of the Circuit Court:

- (1) *Fifth Judicial Circuit*~~[Second Judicial Circuit]~~.
- (2) Sixth Judicial Circuit.
- (3) Eleventh Judicial Circuit.
- (4) Twelfth Judicial Circuit.
- (5) Fourteenth Judicial Circuit.
- (6) *Eighteenth*~~[Seventeenth]~~ Judicial Circuit.
- (7) Twenty-first Judicial Circuit.
- (8) Twenty-fourth Judicial Circuit.
- (9) Twenty-seventh Judicial Circuit.
- (10) Thirty-second Judicial Circuit.
- (11) Thirty-fourth Judicial Circuit.

- (12) *Thirty-seventh Judicial Circuit.*
- (13) Forty-first Judicial Circuit.
- (14)~~(13)~~ *Forty-third Judicial Circuit.*
- (15) Forty-sixth Judicial Circuit.
- (16)~~(14)~~ *Fiftieth Judicial Circuit.*
- (17) Fifty-first Judicial Circuit.
- (18)~~(15)~~ Fifty-fourth Judicial Circuit.

Section 5. KRS 23A.045 is amended to read as follows:

The following judicial circuits are entitled to three (3) Circuit Judges and shall have three (3) numbered divisions of the Circuit Court:

- (1) *Second Judicial Circuit.*
- (2) Third Judicial Circuit.
- (3)~~(2)~~ Eighth Judicial Circuit.
- (4)~~(3)~~ Ninth Judicial Circuit.
- (5)~~(4)~~ *Seventeenth*~~Twenty-fifth~~ Judicial Circuit.
- (6)~~(5)~~ Twenty-eighth Judicial Circuit.
- (7)~~(6)~~ Thirty-first Judicial Circuit.
- (8)~~(7)~~ Thirty-fifth Judicial Circuit.
- (9)~~(8)~~ Forty-eighth Judicial Circuit.

Section 6. KRS 23A.050 is amended to read as follows:

The *following judicial circuits are*~~Sixteenth Judicial Circuit is~~ entitled to four (4) judges and shall have four (4) numbered divisions of the Circuit Court:

- (1) *Sixteenth Judicial Circuit.*
- (2) *Twenty-fifth Judicial Circuit.*

Section 7. KRS 23A.060 is amended to read as follows:

The Twenty-second Judicial Circuit is entitled to *nine (9)*~~eight (8)~~ judges and shall have *nine (9)*~~eight (8)~~ numbered divisions of the Circuit Court.

Section 8. KRS 23A.070 is amended to read as follows:

The Thirtieth Judicial Circuit is entitled to *twenty-three (23)*~~seventeen (17)~~ judges and shall have *twenty-three (23)*~~seventeen (17)~~ numbered divisions of the Circuit Court.

Section 9. KRS 24A.050 is amended to read as follows:

The following judicial districts are entitled to two (2) District Judges and shall have two (2) numbered divisions of the District Court:

- (1) *Second Judicial District.*
- (2) Third Judicial District.

- (3)~~(2)~~ Fourth Judicial District.
- ~~(4)(3) — Fifth Judicial District.~~
- ~~(4)~~ Ninth Judicial District.
- (5) Eleventh Judicial District.
- (6) Twelfth Judicial District.
- (7) Thirteenth Judicial District.
- (8) Fourteenth Judicial District.
- (9) Fifteenth Judicial District.
- (10) **Seventeenth**~~Eighteenth~~ Judicial District.
- (11) Twenty-first Judicial District.
- (12) Twenty-fourth Judicial District.
- (13) **Twenty-fifth Judicial District.**
- ~~(14)~~ Twenty-seventh Judicial District.
- ~~(15)(14)~~ Twenty-eighth Judicial District.
- ~~(16)(15)~~ Thirty-first Judicial District.
- ~~(17)(16)~~ Thirty-second Judicial District.
- ~~(18)(17)~~ Thirty-fourth Judicial District.
- ~~(19)(18)~~ Thirty-fifth Judicial District.
- ~~[(19) Thirty-seventh Judicial District.]~~
- (20) Thirty-eighth Judicial District.
- (21) Fortieth Judicial District.
- (22) Forty-first Judicial District.
- ~~(23) [Forty-third Judicial District.~~
- ~~(24)~~ Forty-sixth Judicial District.
- ~~(24)(25)~~ Forty-eighth Judicial District.
- ~~(25)(26) — Fiftieth Judicial District.~~
- ~~(27)~~ Fifty-first Judicial District.
- ~~(26)(28)~~ Fifty-third Judicial District.
- ~~(27)(29)~~ Fifty-fourth Judicial District.
- ~~(28)(30)~~ Fifty-fifth Judicial District.
- ~~(29)(31)~~ Fifty-sixth Judicial District.

Section 10. KRS 24A.060 is amended to read as follows:

The following judicial districts are entitled to three (3) District Judges and shall have three (3) numbered divisions of the District Court:

- (1) ~~Second Judicial District.~~
 (2) Sixth Judicial District.
 (2) ~~(3)~~ Eighth Judicial District.
 (4) ~~Seventeenth Judicial District.~~
 (5) ~~Twenty-fifth Judicial District.]~~

Section 11. KRS 24A.080 is amended to read as follows:

The Twenty-second Judicial District is entitled to *five (5)* ~~six (6)~~ District Judges and shall have *five (5)* ~~six (6)~~ numbered divisions of the District Court.

Section 12. KRS 24A.090 is amended to read as follows:

The Thirtieth Judicial District is entitled to *seventeen (17)* ~~twenty-three (23)~~ District Judges and shall have *seventeen (17)* ~~twenty-three (23)~~ numbered divisions of the District Court.

Section 13. KRS 23A.010 is amended to read as follows:

- (1) The Circuit Court is a court of general jurisdiction; it has original jurisdiction of all justiciable causes not exclusively vested in some other court.
- (2) The Circuit Court has appellate jurisdiction as specified in this chapter.
- (3) The Circuit Court is a court of record and of continuous session.
- (4) The Circuit Court may be authorized by law to review the actions or decisions of administrative agencies, special districts or boards. Such review shall not constitute an appeal but an original action.

~~[(5) Whenever the Chief Justice by order pursuant to Section 110(5) (b) of the Constitution of Kentucky or the Supreme Court pursuant to Section 116 of the Constitution of Kentucky shall establish a family court within a judicial circuit, the Circuit Court shall exercise concurrent jurisdiction, or as the Chief Justice or Supreme Court may direct, exclusive jurisdiction in all matters assigned to the family court, notwithstanding any other statute relating to the subject matter jurisdiction of the Circuit and District Courts.]~~

Section 14. KRS 24A.010 is amended to read as follows:

- (1) The District Court is a court of limited jurisdiction; it has original jurisdiction in all matters specified in KRS 24A.110 to 24A.130.
- (2) The District Court may be authorized by law to adjudicate the actions or decisions of local administrative agencies, special districts, or boards. Such adjudication shall not constitute an appeal but an original action.
- (3) The District Court has no appellate jurisdiction.
- (4) The District Court is a court of record.
- (5) The District Court is a court of continuous session. Sessions of the District Court may be scheduled at such times, including nights, weekends, and holidays, and at such locations, as may be convenient, subject to the direction of the Supreme Court by rule or order.

~~[(6) Whenever the Chief Justice, by order pursuant to Section 110(5)(b) of the Constitution of Kentucky, or the Supreme Court, pursuant to Section 116 of the Constitution of Kentucky, establishes a family court within a judicial circuit, the District Court shall exercise~~

~~concurrent jurisdiction, or as the Chief Justice or the Supreme Court may direct, exclusive jurisdiction in all matters assigned to the family court, notwithstanding any other statute relating to the subject matter jurisdiction of the Circuit and District Courts.]~~

Section 15. KRS 24A.120 is amended to read as follows:

- (1) District Court shall have exclusive jurisdiction in:
 - (a) Civil cases in which the amount in controversy does not exceed four thousand dollars (\$4,000), exclusive of interest and costs, except matters affecting title to real estate and matters of equity; however, nothing herein shall prohibit execution levy on real estate in enforcement of judgment of District Court;
 - (b) Matters involving probate, except matters contested in an adversary proceeding. Such adversary proceeding shall be filed in Circuit Court in accordance with the Kentucky Rules of Civil Procedure and shall not be considered an appeal; and
 - (c) Matters not provided for by statute to be commenced in Circuit Court shall be deemed to be nonadversarial within the meaning of paragraph (b) of this subsection and therefore are within the jurisdiction of the District Court.

~~[(2) Whenever the Chief Justice, by order pursuant to Section 110(5)(b) of the Constitution of Kentucky, or the Supreme Court, pursuant to Section 116 of the Constitution of Kentucky, establishes a family court within a judicial circuit, the District Court shall exercise concurrent jurisdiction, or as the Chief Justice or the Supreme Court may direct, exclusive jurisdiction in all matters assigned to the family court, notwithstanding any other statute relating to the subject matter jurisdiction of the Circuit and District Courts.]~~

Section 16. KRS 22A.020 is amended to read as follows:

- (1) Except as provided in Section 110 of the Constitution, an appeal may be taken as a matter of right to the Court of Appeals from any conviction, final judgment, order, or decree in any case in Circuit Court, *including a family court division of Circuit Court*, unless such conviction, final judgment, order, or decree was rendered on an appeal from a court inferior to Circuit Court.
- (2) The Court of Appeals has jurisdiction to review interlocutory orders of the Circuit Court in civil cases, but only as authorized by rules promulgated by the Supreme Court.
- (3) Notwithstanding any other provision in this section, there shall be no review by appeal or by writ of certiorari from that portion of a final judgment, order or decree of a Circuit Court dissolving a marriage.
- (4) An appeal may be taken to the Court of Appeals by the state in criminal cases from an adverse decision or ruling of the Circuit Court, but only under the following conditions:
 - (a) Such appeal shall not suspend the proceedings in the case.
 - (b) Such appeal shall be taken in the manner provided by the Rules of Criminal Procedure and the Rules of the Supreme Court, except that the record on appeal shall be transmitted by the clerk of the Circuit Court to the Attorney General; and if the Attorney General is satisfied that review by the Court of Appeals is important to the correct and uniform administration of the law, he may deliver the record to the clerk of the Court of Appeals within the time prescribed by the above-mentioned rules.

- (c) When an appeal is taken pursuant to this subsection, the Court of Appeals, if the record so warrants, may reverse the decision of the Circuit Court and order a new trial in any case in which a new trial would not constitute double jeopardy or otherwise violate any constitutional rights of the defendant.
- (5) Any party aggrieved by the judgment of the Circuit Court in a case appealed from a court inferior thereto may petition the Court of Appeals for a writ of certiorari.

Section 17. KRS 118A.010 is amended to read as follows:

~~{(1)}~~ As used in this chapter, *unless the context otherwise requires*: ~~{word "election" refers only to elections for offices of the Court of Justice.}~~

~~(1)~~~~{(2)}~~ ~~{A}~~ "Ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, a special ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, general, or special election by the Secretary of State or the county clerk; ~~{}~~

~~(2)~~~~{(3)}~~ *"Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting device or by marking with a pen or special marking device;* ~~{ "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines. }~~

~~(3)~~~~{(4)}~~ *"Ballot label" means the cards, papers, booklet, pages, or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;* ~~{ "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device. }~~

~~(4)~~~~{(5)}~~ *"Election" refers only to elections for offices of the Court of Justice; and*

(5) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting his vote in an election.

~~{(6)}~~ No provisions of KRS Chapter 118 existing on March 10, 1976, except KRS 118.015 through 118.045 shall apply to such elections. All other provisions of the election laws not inconsistent with this chapter shall be applicable thereto.

Approved March 13, 2003