

Table of Contents

CIVIL PRACTICE

I. PRELIMINARY

CHAPTER 1. VENUE

- § 1:1 Motion for change of venue
- § 1:2 Motion to dismiss for improper venue

CHAPTER 2. CAPTIONS

- § 2:1 Action in district court
- § 2:2 Basic caption, individual, single parties
- § 2:3 Basic caption, individual, single parties (alternate form)
- § 2:4 More than one plaintiff
- § 2:5 More than one defendant
- § 2:6 Corporation as party
- § 2:7 Multiple party action after original complaint
- § 2:8 Commonwealth suing for benefit of another
- § 2:9 Commonwealth as plaintiff
- § 2:10 Caption in Supreme Court of Kentucky
- § 2:11 Caption in Court of Appeals
- § 2:12 Caption for discretionary review in Supreme Court

II. COMMENCEMENT OF ACTION

CHAPTER 3. COMPLAINT

- § 3:1 Basic complaint form
- § 3:2 Complaint on a promissory note
- § 3:3 Complaint on an account
- § 3:4 Complaint for goods sold and delivered
- § 3:5 Complaint for money lent
- § 3:6 Complaint for money paid by mistake
- § 3:7 Complaint for money had and received
- § 3:8 Complaint for conversion
- § 3:9 Complaint on a check
- § 3:10 Complaint of payee against drawer of check
- § 3:11 Complaint by pledgor against pledgee
- § 3:12 Complaint on claim for debt and to set aside fraudulent conveyance under CR 18.02
- § 3:13 Complaint to set aside sale made to prefer a creditor
- § 3:14 Complaint on life insurance policy
- § 3:15 Complaint on fire insurance policy
- § 3:16 Complaint on supersedeas bond
- § 3:17 Complaint to enjoin proceedings on judgment, and to vacate judgment
- § 3:18 Complaint to enjoin sale under execution

- § 3:19 Complaint to enjoin waste, and for damages
- § 3:20 Complaint for specific performance of contract to convey land
- § 3:21 Complaint for breach of covenant
- § 3:22 Complaint of owner for negligent damages
- § 3:23 Complaint for use and occupation of land
- § 3:24 Complaint for trespass to real property
- § 3:25 Complaint for disturbing a right-of-way
- § 3:26 Complaint for negligence
- § 3:27 Complaint for negligence where plaintiff is unable to determine definitely whether the person responsible is [tortfeasor 1] or [tortfeasor 2] or whether both are responsible and where his evidence may justify a finding of willfulness or of negligence
- § 3:28 Complaint for wrongful death
- § 3:29 Complaint for assault and battery
- § 3:30 Complaint for malicious prosecution
- § 3:31 Complaint for false imprisonment
- § 3:32 Complaint for libel
- § 3:33 Complaint for slander
- § 3:34 Complaint for injury caused by public nuisance
- § 3:35 Complaint against common carrier
- § 3:36 Complaint for falsely reporting an incident
- § 3:37 Civil case cover sheet

CHAPTER 4. SERVICE OF PROCESS

- § 4:1 Summons
- § 4:2 Summons on third-party complaint
- § 4:3 Affidavit for warning order
- § 4:4 Affidavit for warning order by plaintiff's attorney
- § 4:5 Warning order
- § 4:6 Report of warning order attorney
- § 4:7 Bond to secure compliance with any new judgment after judgment against person constructively summoned is entered
- § 4:8 Waiver of service

CHAPTER 5. SERVICE OF PLEADINGS AND MOTIONS

- § 5:1 Certificate of service by mail
- § 5:2 Certificate of service by hand delivery
- § 5:3 Affidavit of person serving papers, if not attorney
- § 5:4 Notice of hearing on motion
- § 5:5 Notice of hearing on motion at regularly scheduled motion hour
- § 5:6 Motion to dispense with service of pleadings
- § 5:7 Order dispensing with service of pleadings
- § 5:8 Certificate of service in appellate court

CHAPTER 6. TIME

- § 6:1 Motion for an enlargement of time

TABLE OF CONTENTS

- § 6:2 Motion for an enlargement of time after the prescribed period has expired
- § 6:3 Motion for order fixing time between service of motion and hearing thereon
- § 6:4 Motion for early hearing on motion

III. PLEADINGS AND MOTIONS

CHAPTER 7. MOTIONS

- § 7:1 Basic notice, motion, and certificate of service
- § 7:2 Motion, another form

CHAPTER 8. ANSWERS

- § 8:1 Answer consisting of a general denial of allegations which form the basis of the claim for relief
- § 8:2 Answer denying knowledge or information
- § 8:3 Answer presenting defenses under CR 12.02, and affirmative defenses under CR 8.03
- § 8:4 Answer setting forth affirmative defense of accord and satisfaction
- § 8:5 Answer setting forth affirmative defense of arbitration and award
- § 8:6 Answer setting forth affirmative defense of contributory negligence

CHAPTER 9. PLEADING SPECIAL MATTERS

- § 9:1 Negative averment of capacity
- § 9:2 Negative averment of authority to institute action in a representative capacity
- § 9:3 Averment of fraud
- § 9:4 Averment of mistake
- § 9:5 General averment of performance of condition precedent
- § 9:6 Denial of performance of condition precedent
- § 9:7 Averment regarding official document
- § 9:8 Pleading a judgment
- § 9:9 Pleading special damages: personal injury
- § 9:10 Alternative pleading of special damages: personal injury

CHAPTER 10. BASIC PLEADINGS FORMS

- § 10:1 Basic complaint form
- § 10:2 Basic answer form
- § 10:3 Paragraph adopting by reference
- § 10:4 Incorporation into pleading of any written instrument

CHAPTER 11. SIGNATURES

- § 11:1 Basic signature
- § 11:2 Signature, alternate form
- § 11:3 Verified pleading
- § 11:4 Signature of party to action
- § 11:5 Signature of party and his attorney

CHAPTER 12. DEFENSES BY MOTION

- § 12:1 Motion to dismiss presenting defenses of failure to state a claim, of lack of service of process, and lack of jurisdiction under CR 12.02
- § 12:2 Motion to dismiss pursuant to CR 12.02 (alternate form)
- § 12:3 Motion for a judgment on the pleadings
- § 12:4 Motion for more definite statement
- § 12:5 Motion to strike pleading for failure to file a more definite statement
- § 12:6 Motion to strike any matter from a pleading
- § 12:7 Motion to strike defense as insufficient
- § 12:8 Special motion for expedited relief to dismiss
- § 12:9 Motion to dismiss for lack of jurisdiction/constitutional standing

CHAPTER 13. COUNTERCLAIMS AND CROSS-CLAIMS

- § 13:1 Answer containing a compulsory counterclaim
- § 13:2 Answer containing permissive counterclaim
- § 13:3 Motion to dismiss counterclaim
- § 13:4 Motion for leave to file a counterclaim as a supplemental pleading
- § 13:5 Motion for leave to amend answer to assert counterclaim
- § 13:6 Answer including a cross-claim against a co-party
- § 13:7 Response to a counterclaim with a cross-claim against a co-plaintiff
- § 13:8 Motion to dismiss cross-claim

CHAPTER 14. THIRD-PARTY PRACTICE

- § 14:1 Motion to bring in third-party defendant
- § 14:2 Motion to dismiss third-party complaint
- § 14:3 Third-party answer

CHAPTER 15. AMENDED AND SUPPLEMENTAL PLEADINGS

- § 15:1 Amended complaint
- § 15:2 Amended complaint (alternate form)
- § 15:3 Amended answer
- § 15:4 Motion for leave to file amended pleading
- § 15:5 Amendment of answer in response to service of amended complaint
- § 15:6 Motion to enlarge time for filing responsive pleading to amended pleading

CHAPTER 16. PRETRIAL PROCEDURE

- § 16:1 Motion for pretrial conference
- § 16:2 Pretrial order

IV. PARTIES

CHAPTER 17. PARTIES

- § 17:1 Caption: guardian as plaintiff
- § 17:2 Caption: guardian as defendant
- § 17:3 Motion by plaintiff for appointment of guardian ad litem
- § 17:4 Motion by defendant for appointment of guardian ad litem
- § 17:5 Motion to dismiss on ground that plaintiff is not the real party in interest
- § 17:6 Order dismissing action unless party in interest be joined or substituted

CHAPTER 18. JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION

- § 18:1 Allegation of reason for omitting party
- § 18:2 Pleading reasons for non-joinder pursuant to CR 19.03
- § 18:3 Paragraph in complaint describing unwilling necessary plaintiff joined as defendant
- § 18:4 Motion to dismiss for failure to join an indispensable party
- § 18:5 Motion to dismiss for failure to join an indispensable party when complaint fails to plead reasons for non-joinder
- § 18:6 Alternative motion to dismiss for failure to join an indispensable party when complaint fails to plead reasons for non-joinder

CHAPTER 19. MISJOINDER

- § 19:1 Motion to drop or add a party
- § 19:2 Motion to drop defendant, or for a severance of claims

CHAPTER 20. INTERPLEADER

- § 20:1 Complaint for interpleader and declaratory relief
- § 20:2 Answer to complaint with counterclaim for interpleader

CHAPTER 21. CLASS ACTIONS

- § 21:1 Complaint in class action
- § 21:2 Order determining that class action be maintained
- § 21:3 General form of notice of pendency of class action
- § 21:4 Request for exclusion from membership in the class
- § 21:5 Motion to dismiss a class action
- § 21:6 Motion for approval of dismissal or compromise of class action

CHAPTER 22. INTERVENTION

- § 22:1 Motion to intervene as a defendant under CR 24
- § 22:2 Motion to intervene as a plaintiff or defendant

CHAPTER 23. SUBSTITUTION OF PARTIES

- § 23:1 Motion for substitution for deceased party
- § 23:2 Alternative motion by party plaintiff to substitute representative for deceased defendant

- § 23:3 Motion to dismiss action for failure to substitute for deceased plaintiff
- § 23:4 Motion to dismiss for failure to substitute for deceased defendant
- § 23:5 Motion for substitution for incompetent party
- § 23:6 Motion for substitution for public officer

V. DEPOSITIONS AND DISCOVERY

CHAPTER 24. MOTIONS RELATING TO DISCOVERY GENERALLY

- § 24:1 Motion to bar discovery
- § 24:2 Motion to limit time and place of deposition
- § 24:3 Motion to change method of discovery
- § 24:4 Motion to limit scope of inquiry
- § 24:5 Motion to limit attendance at deposition
- § 24:6 Motion that deposition be sealed
- § 24:7 Motion to protect trade secrets
- § 24:8 Motion for simultaneous filing of documents and information
- § 24:9 Motion to alter sequence of discovery

CHAPTER 25. PERPETUATION OF TESTIMONY

- § 25:1 Petition to perpetuate testimony
- § 25:2 Notice of petition to perpetuate testimony
- § 25:3 Order authorizing perpetuation of testimony
- § 25:4 Motion for leave to take depositions pending appeal

CHAPTER 26. AUTHORITY TO TAKE DEPOSITIONS

- § 26:1 Commission to take deposition
- § 26:2 Subpoena of witness to give deposition for use in other state

CHAPTER 27. STIPULATIONS REGARDING DISCOVERY

- § 27:1 Stipulation, basic form

CHAPTER 28. ORAL DEPOSITIONS AFTER COMMENCEMENT OF ACTION

- § 28:1 Motion and affidavit for leave of court for early deposition
- § 28:2 Motion for leave of court to take deposition of incarcerated person
- § 28:3 Notice of deposition upon oral examination
- § 28:4 Notice of deposition upon oral examination of corporation with subpoena duces tecum
- § 28:5 Special notice for early deposition
- § 28:6 Notice of video recorded deposition

TABLE OF CONTENTS

- § 28:7 Order to take deposition by other than stenographic means *[Deleted]*
- § 28:7 Certification by officer

CHAPTER 29. WRITTEN DEPOSITIONS

- § 29:1 Notice of taking deposition upon written questions
- § 29:2 Notice of cross, redirect, or recross questions to be propounded
- § 29:3 Motion to enlarge or shorten time for serving cross, redirect, recross questions

CHAPTER 30. USE OF DEPOSITION IN COURT PROCEEDINGS

- § 30:1 Motion for leave to use deposition in lieu of testimony at trial
- § 30:2 Objection to evidence in a deposition on the grounds of admissibility
- § 30:3 Objection to notice of deposition
- § 30:4 Objection to qualification of officer taking deposition
- § 30:5 Objection to form of deposition questions
- § 30:6 Motion to suppress deposition

CHAPTER 31. INTERROGATORIES TO PARTIES

- § 31:1 Form of interrogatories
- § 31:2 Motion to enlarge time for answering interrogatories
- § 31:3 Answers to interrogatories, including objections, and the production of business records in lieu of answer

CHAPTER 32. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND

- § 32:1 Request for production of documents, etc., under CR 34
- § 32:2 Request for production of documents
- § 32:3 Request for production of things for inspection, testing, etc.
- § 32:4 Request to permit entry upon land or property
- § 32:5 Response to request for production or entry

CHAPTER 33. COMPELLING MENTAL OR PHYSICAL EXAMINATION

- § 33:1 Motion for mental or physical examination
- § 33:2 Request for copy of examination report
- § 33:3 Motion to require delivery of examiner's report
- § 33:4 Request for like reports

CHAPTER 34. ADMISSIONS

- § 34:1 Request for Admissions
- § 34:2 Motion to shorten or lengthen time for response to Request for Admissions
- § 34:3 Response to Request for Admissions

- § 34:4 Motion to determine sufficiency of response and objections

CHAPTER 35. SANCTIONS

- § 35:1 Motion to compel discovery regarding depositions, interrogatories, designations of representative, request under CR 34
- § 35:2 Response to motion under CR 37.01(b)(i), requesting movant to pay respondent's expenses
- § 35:3 Motion to impose sanctions for failure to be sworn or to answer after being ordered to do so
- § 35:4 Motion to impose sanctions permitted by CR 37.02(2)
- § 35:5 Motion to impose sanctions on party for failure to attend own deposition, respond to interrogatories, or to respond to a request for inspection under CR 34
- § 35:6 Application for expenses on failure to admit

VI. TRIALS

CHAPTER 36. DEMAND FOR JURY TRIAL

- § 36:1 Demand for jury trial (endorsed upon complaint)
- § 36:2 Demand for jury trial (served independently)

CHAPTER 37. TRIAL BY JURY OR BY THE COURT

- § 37:1 Stipulation waiving trial by jury notwithstanding demand therefor
- § 37:2 Stipulation waiving trial by jury on specific issues
- § 37:3 Motion for trial by court notwithstanding demand for jury trial, on constitutional grounds
- § 37:4 Motion for advisory jury

CHAPTER 38. TRIAL DATE

- § 38:1 Motion for trial date

CHAPTER 39. DISMISSAL OF ACTION

- § 39:1 Notice of voluntary dismissal
- § 39:2 Stipulation of dismissal (by all parties who have appeared)
- § 39:3 Motion to dismiss
- § 39:4 Notice of dismissal of a counterclaim
- § 39:5 Motion to dismiss for failure to prosecute
- § 39:6 Motion to dismiss for failure of plaintiff to comply with Civil Rules or any order of Court
- § 39:7 Motion to require costs for previously dismissed action, and to stay present proceedings

CHAPTER 40. CONSOLIDATION AND SEPARATION OF CLAIMS FOR TRIAL

- § 40:1 Motion to consolidate actions
- § 40:2 Motion for joint hearing on common question of law

TABLE OF CONTENTS

§ 40:3 Motion for separate trial of claim within an action

CHAPTER 41. TRIAL PROCEDURE AND INTRODUCTION OF EVIDENCE

I. MOTIONS

- § 41:1 Motion and affidavit to continue trial on account of absent witness
- § 41:2 Motion and affidavit to continue trial on account of absence of evidence
- § 41:3 Motion to proceed by deposition
- § 41:4 Motion to proceed orally in open court
- § 41:5 Motion to enlarge time for taking deposition in action to be tried upon deposition

II. AFFIDAVITS

- § 41:6 Affidavit: declaration
- § 41:7 Affidavit with solemn affirmation in lieu of oath

CHAPTER 42. PROOF OF OFFICIAL RECORD

- § 42:1 Authentication of copy of official record by attestation
- § 42:2 Authentication of copy of official record by attestation plus certification

CHAPTER 43. SUBPOENA

- § 43:1 Basic subpoena form
- § 43:2 Subpoena duces tecum
- § 43:3 Subpoena for deposition
- § 43:4 Motion to quash subpoena
- § 43:5 Motion for personal attendance of witness

CHAPTER 44. ARBITRATION AND AWARD

- § 44:1 Binding arbitration agreement, when no action pending
- § 44:2 Agreement to submit to arbitration in a pending action
- § 44:3 Arbitration order
- § 44:4 Motion to appoint arbitrator to fill vacancy
- § 44:5 Subpoena of witness, before arbitrators
- § 44:6 Judgment on award

CHAPTER 45. STIPULATION FOR REDUCED JURY

- § 45:1 Stipulation for reduced jury
- § 45:2 Stipulation for stated majority

CHAPTER 46. SPECIAL VERDICTS; GENERAL VERDICTS; INTERROGATORIES

- § 46:1 Special verdict: will contest

- § 46:2 Special verdict: action based upon negligence theory
- § 46:3 General verdict
- § 46:4 Verdict on counterclaim for damages
- § 46:5 Interrogatories to accompany general verdict

CHAPTER 47. MOTION FOR DIRECTED VERDICT; MOTIONS AFTER VERDICT

I. MOTION FOR DIRECTED VERDICT

- § 47:1 Motion by defendant for directed verdict
- § 47:2 Motion by plaintiff for directed verdict

II. MOTIONS AFTER VERDICT

- § 47:3 Motion for judgment notwithstanding the verdict
- § 47:4 Motion for new trial

CHAPTER 48. INSTRUCTIONS TO JURY

- § 48:1 Proposed jury instructions
- § 48:2 Objection to instructions proposed by opposing party
- § 48:3 Objection to court's instructions

CHAPTER 49. FINDINGS OF THE COURT

- § 49:1 Motion to amend and supplement Findings of Fact and to amend Judgment, where appropriate
- § 49:2 Request for finding on particular issue

CHAPTER 50. MASTER COMMISSIONERS

- § 50:1 Motion to refer to a master commissioner
- § 50:2 Objection to report of master commissioner
- § 50:3 Motion to adopt master commissioner's report
- § 50:4 Motion to reject report of master commissioner and to hear evidence
- § 50:5 Motion to modify report of master commissioner
- § 50:6 Stipulation that master commissioner's Findings of Fact be final
- § 50:7 Order referring case to master commissioner
- § 50:8 Order referring case to master commissioner for judicial sale
- § 50:9 Order referring case to special master commissioner for judicial sale

VII. JUDGMENT

CHAPTER 51. JUDGMENTS

- § 51:1 Judgment on a jury verdict
- § 51:2 Judgment on decision by the Court
- § 51:3 Alternative judgment on decision by Court
- § 51:4 Judgment on less than all claims in an action involving multiple claims or multiple parties

TABLE OF CONTENTS

§ 51:5 Alternative judgment on less than all claims

§ 51:6 Motion to review taxation of costs

CHAPTER 52. DEFAULT JUDGMENT

§ 52:1 Motion for default judgment where defendant has made no appearance

§ 52:2 Motion for default judgment where defendant has appeared

§ 52:3 Motion to set aside default judgment

§ 52:4 Default judgment

CHAPTER 53. SUMMARY JUDGMENT

§ 53:1 Motion for summary judgment

§ 53:2 Affidavit in support of motion for summary judgment

§ 53:3 Motion for continuance based upon the unavailability of affidavits to opposing party

§ 53:4 Motion for order of payment of costs when affidavit is made in bad faith

CHAPTER 54. DECLARATORY JUDGMENT

§ 54:1 Petition for declaration of rights in action already pending pursuant to KRS 418.040

§ 54:2 Petition for declaration of rights pursuant to KRS 418.045

§ 54:3 Response to petition for declaration of rights

CHAPTER 55. ENTRY OF JUDGMENTS

CHAPTER 56. POST-JUDGMENT PROCEEDINGS

§ 56:1 Motion for a new trial

§ 56:2 Affidavit in support of or opposing motion for a new trial

§ 56:3 Motion to alter, amend, or vacate a judgment

CHAPTER 57. RELIEF FROM JUDGMENT OR ORDER

§ 57:1 Motion to correct clerical mistake

§ 57:2 Motion for relief from judgment

§ 57:3 Motion to abate appeal while motion for relief from judgment is pending

CHAPTER 58. STAY OF PROCEEDINGS TO ENFORCE JUDGMENT

§ 58:1 Motion to stay proceedings to enforce judgment

VIII. PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS

CHAPTER 59. PROVISIONAL REMEDIES

I. WRIT OF POSSESSION

- § 59:1 Motion for Writ of Possession when action concerns specific personal property
- § 59:2 Prerequisite demand for possession
- § 59:3 Writ of Possession
- § 59:4 Application for temporary restraining order in conjunction with motion for Writ of Possession of personal property
- § 59:5 Temporary restraining order pending motion for Writ of Possession of private property
- § 59:6 Motion to quash Writ of Possession
- § 59:7 Plaintiff's bond
- § 59:8 Defendant's bond
- § 59:9 Notice of exception to sureties

II. ORDER OF ATTACHMENT

- § 59:10 Motion for Order of Attachment
- § 59:11 Prerequisite demand for payment
- § 59:12 Affidavit of compliance with KRS 425.301(3)
- § 59:13 Plaintiff's bond for Order of Attachment
- § 59:14 Motion for ex parte Order of Attachment
- § 59:15 Motion to quash attachment

CHAPTER 60. TEMPORARY INJUNCTIVE RELIEF

- § 60:1 Motion for restraining order
- § 60:2 Restraining order
- § 60:3 Motion to dissolve restraining order
- § 60:4 Motion for temporary injunction
- § 60:5 Temporary injunction
- § 60:6 Injunction bond
- § 60:7 Motion for additional security
- § 60:8 Motion for interlocutory relief in the Court of Appeals
- § 60:9 Motion for interlocutory relief pending appeal of final judgment granting or denying an injunction
- § 60:10 Motion for interlocutory relief in Supreme Court

CHAPTER 61. RECEIVERS

- § 61:1 Motion for appointment of receiver
- § 61:2 Bond of receiver

CHAPTER 62. DEPOSIT IN COURT

- § 62:1 Motion for leave to deposit money or property with the Court

CHAPTER 63. OFFER OF JUDGMENT

- § 63:1 Offer of judgment, unconditional
- § 63:2 Offer of judgment, conditioned upon unsuccessful defense
- § 63:3 Acceptance of offer of judgment
- § 63:4 Judgment upon offer and acceptance
- § 63:5 Judgment when offer conditional, and defense is
unsuccessful

CHAPTER 64. ENFORCEMENT OF JUDGMENTS

- § 64:1 Execution
- § 64:2 Execution from district court
- § 64:3 Execution on judgment for specific property
- § 64:4 Affidavit of right of claimant to execution
- § 64:5 Execution against executor or administrator
- § 64:6 Execution form
- § 64:7 Writ commanding sale of property
- § 64:8 Affidavit of insufficient property in county to satisfy
judgment
- § 64:9 Notice by execution purchaser of motion for possession
- § 64:10 Notice by purchaser under execution in his behalf to quash
levy and return
- § 64:11 Bond of claimant to suspend sale
- § 64:12 Bond of purchaser of property
- § 64:13 Motion by obligor to discharge bond and execution
- § 64:14 Motion or petition to quash execution for fraud
- § 64:15 Return on execution
- § 64:16 Application for order of garnishment
- § 64:17 Affidavit for order of wage garnishment
- § 64:18 Order of wage garnishment (continuous or as designated)
- § 64:19 Notice of rights to assert exemption to wage garnishment
- § 64:20 Affidavit to challenge garnishment
- § 64:21 Garnishment challenge order
- § 64:22 Sheriff's return for wage garnishment
- § 64:23 Affidavit and supplemental order of wage garnishment
- § 64:24 Appearance by affidavit by garnishee
- § 64:25 Action by plaintiff against garnishee

CHAPTER 65. JUDGMENT FOR SPECIFIC ACTS

- § 65:1 Execution for specific act
- § 65:2 Writ of possession for land

CHAPTER 66. ACTION AFFECTING REAL PROPERTY

- § 66:1 Memorandum of action affecting real property
- § 66:2 Alternative notice of lis pendens
- § 66:3 Order for Sale (AOC-140)

IX. APPEALS

CHAPTER 67. NOTICE OF APPEAL

- § 67:1 Notice of appeal under RAP 2
- § 67:2 Motion to extend time for filing notice of appeal
- § 67:3 Supersedeas bond
- § 67:4 Supersedeas Bond - additional form
- § 67:5 Notice of cross-appeal

CHAPTER 68. CIVIL APPEAL FROM DISTRICT COURT

- § 68:1 Statement of appeal from District Court
- § 68:2 Appellee's counterstatement, with or without cross-appeal

CHAPTER 69. CROSS-APPEALS

- § 69:1 Motion for transfer to Supreme Court

CHAPTER 70. RECORD ON APPEAL FROM CIRCUIT COURT

- § 70:1 Designation of record on appeal
- § 70:2 Counterdesignation of record
- § 70:3 Stipulation as to record
- § 70:4 Motion to require appellant to file additional portions of the stenographic record with the clerk
- § 70:5 Motion to require appellee to advance costs of additional record
- § 70:6 Clerk's certificate of record
- § 70:7 Motion in appellate court to extend time for certifying record on appeal
- § 70:8 Motion to correct or modify record
- § 70:9 Narrative statement
- § 70:10 Order filing narrative statement for appeal
- § 70:11 Affidavit of bystander attesting to truth of exception as to record
- § 70:12 Agreed statement in lieu of record

CHAPTER 71. PERFECTING CIVIL APPEAL FROM CIRCUIT COURT

- § 71:1 Prehearing statement *[Deleted]*
- § 71:2 Statement of cross-appeal *[Deleted]*
- § 71:1 Brief cover
- § 71:2 Organizational outline of brief for appellant
- § 71:3 Organizational outline of brief for appellee
- § 71:4 Organizational outline of reply brief

X. COURTS AND CLERKS

CHAPTER 72. SPECIAL APPELLATE MOTIONS

- § 72:1 Motion for transfer to Supreme Court *[Deleted]*
- § 72:1 Motion for discretionary review

TABLE OF CONTENTS

- § 72:2 Organizational outline of petition for rehearing, modification, or extension
- § 72:3 Motion for intermediate relief in appellate court

CHAPTER 73. MOTIONS IN APPELLATE COURT

- § 73:1 Motion to dismiss appeal
- § 73:2 Motion to extend time for filing appellate brief
- § 73:3 Motion to advance
- § 73:4 Motion for leave to file amicus curiae brief

CHAPTER 74. SUMMARY PROCEEDINGS

- § 74:1 Notice of motion by client to recover money collected by attorney
- § 74:2 Notice of motion by surety to recover money paid upon principal's bond
- § 74:3 Motion in summary proceedings

CHAPTER 75. MANDAMUS

- § 75:1 Mandamus

APPELLATE PRACTICE

PLEADINGS AND PRACTICE IN THE COURT OF APPEALS

CHAPTER 1. NOTICE OF APPEAL

- § 1:1 Introduction
- § 1:2 Decision to appeal
- § 1:3 Time and place of filing, filing fee
- § 1:4 Extensions of time
- § 1:5 Contents
- § 1:6 Service
- § 1:7 Sanctions
- § 1:8 Criminal cases
- § 1:9 Cross-appeals

CHAPTER 2. PREHEARING CONFERENCE PROCEDURE

- § 2:1 Application
- § 2:2 Time
- § 2:3 Form
- § 2:4 Supplemental prehearing statements
- § 2:5 Usage of prehearing conference statement

CHAPTER 3. RECORD ON APPEAL

- § 3:1 Introduction
- § 3:2 Clerk's office record

- § 3:3 Record of evidence
- § 3:4 Corrections of the record after certification
- § 3:5 Custody and transmission of record

CHAPTER 4. PERFECTION AND BRIEFING

- § 4:1 Scope and introduction
- § 4:2 Time, schedule of events
- § 4:3 Filing and service
- § 4:4 Sanctions
- § 4:5 Format and organization of brief

CHAPTER 5. SPECIAL APPEALS PROCEDURE

CHAPTER 6. DECISIONAL PROCESS AND POST-DECISION REMEDIES

- § 6:1 Decisional process
- § 6:2 Opinions
- § 6:3 Finality
- § 6:4 Petition for rehearing

CHAPTER 7. INVOKING THE COURT'S DISCRETIONARY JURISDICTION AND MISCELLANEOUS ACTIONS

- § 7:1 Discretionary review
- § 7:2 Miscellaneous actions in general
- § 7:3 Habeas corpus appeals
- § 7:4 Review of pre-trial bail
- § 7:5 Review of bail pending appeal
- § 7:6 Review of denial of in forma pauperis status
- § 7:7 Election cases
- § 7:8 Injunction actions
- § 7:9 Original actions in the nature of mandamus or prohibition
- § 7:10 Workers' compensation appeals
- § 7:11 Sanctions for deficiencies in appellate procedure

CHAPTER 8. INTERMEDIATE MOTION PRACTICE

- § 8:1 Introduction and jurisdiction
- § 8:2 Motion
- § 8:3 Motions to dismiss, effect on the running of time
- § 8:4 Response
- § 8:5 Handling
- § 8:6 Motions to reconsider
- § 8:7 Emergency relief

PLEADINGS AND PRACTICE IN THE SUPREME COURT

CHAPTER 9. GENERAL CONSIDERATIONS

- § 9:1 Introduction
- § 9:2 Briefs and pleadings
- § 9:3 Oral argument
- § 9:4 Opinions

CHAPTER 10. PARTICULAR KINDS OF PROCEEDINGS BEFORE THE SUPREME COURT

- § 10:1 Discretionary review
- § 10:2 Transfer
- § 10:3 RCr 12.02 appeals
- § 10:4 Appeals from actions originating in the Court of Appeals
- § 10:5 Interlocutory relief in the Supreme Court
- § 10:6 Certification of questions of law

APPELLATE PRACTICE

CHAPTER 11. FORMS

- § 11:1 Sample notice of appeal—RAP 2
- § 11:2 Civil appeal prehearing statement form
- § 11:3 Sample text of order setting prehearing conference
- § 11:4 Sample text of prehearing conference order
- § 11:5 Sample text of order dispensing with prehearing conference
- § 11:6 Sample text of order designating special appeal
- § 11:7 Sample designation of record
- § 11:8 Sample certificate as to transcript under RAP 24
- § 11:9 Sample brief cover, Court of Appeals
- § 11:10 Sample brief cover—Supreme Court of Kentucky, matter of right appeal

Appendix A. Timetable Under the Rules of Civil Procedure in Rule Number Sequence

Appendix B. Timetable Under the Rules of Civil Procedure in Alphabetical Sequence

Table of Laws and Rules

Table of Cases

Index

Table of Contents

CRIMINAL PRACTICE

CHAPTER 1. COMPLAINT

- § 1:1 Criminal complaint
- § 1:2 Complaint (alternate form)
- § 1:3 Traffic complaint
- § 1:4 Complaint affidavit
- § 1:5 Complaint caveat

CHAPTER 2. SUMMONS, AND/OR WARRANT ON COMPLAINT

I. SUMMONS

- § 2:1 Summons
- § 2:2 Traffic summons
- § 2:3 Traffic summons (alternate form)
- § 2:4 Criminal summons

II. WARRANT

- § 2:5 Warrant of arrest on complaint
- § 2:6 Warrant of arrest on complaint (alternate form)
- § 2:7 Post-arrest complaint
- § 2:8 Warrant of arrest (bench warrant)
- § 2:9 Bench warrant

III. SUMMONS-WARRANT

- § 2:10 Summons warrant

IV. WARRANT LETTER

- § 2:11 Order recalling bench warrant

CHAPTER 3. PRELIMINARY HEARING

- § 3:1 Motion requesting examining trial or preliminary hearing
- § 3:2 Finding of the court after preliminary hearing
- § 3:3 —Discharge of accused
- § 3:4 Time limit extension for preliminary hearing

CHAPTER 4. GRAND JURY

I. SUBPOENA

- § 4:1 Subpoena duces tecum

II. SEALED INDICTMENT

- § 4:2 Court order sealing indictment

- § 4:3 Court order to seal indictment until defendant's apprehension

III. DISMISSAL

- § 4:4 Order noting grand jury dismissal of warrant
§ 4:5 Entry-order discharging prisoner not indicted

IV. DIRECT SUBMISSION

- § 4:6 Application for direct submission to grand jury

CHAPTER 5. INDICTMENT, INFORMATION

I. INDICTMENT

- § 5:1 Indictment

II. INFORMATION

- § 5:2 Information

CHAPTER 6. SUMMONS, WARRANT ON INDICTMENT

I. SUMMONS

- § 6:1 Summons on indictment
§ 6:2 Summons on indictment (alternate form)

II. WARRANT

- § 6:3 Warrant of arrest (on indictment or information)
§ 6:4 Warrant of arrest on indictment (alternate form)

III. EXTRADITION

- § 6:5 Application for requisition
§ 6:6 Waiver of extradition

CHAPTER 7. ARRAIGNMENT AND PLEA

I. APPEARANCE OF DEFENDANT

- § 7:1 Order of defendant's attendance at arraignment and pretrial conference
§ 7:2 Consent of defendant to entry of appearance

II. COUNSEL

- § 7:3 Order and affidavit of indigency
§ 7:4 Order appointing public defender (with partial fee determination) and order for partial fee
§ 7:5 Order appointing public defender in a juvenile proceeding

TABLE OF CONTENTS

- § 7:6 Waiver of counsel *[Reserved]*
- § 7:7 Waiver of dual or multiple representation

III. WAIVER OF FORMAL ARRAIGNMENT

- § 7:8 Arraignment waiver of reading of indictment, information, or complaint

IV. DIVERSION AND MEDIATION AGREEMENT

- § 7:9 Application for deferred prosecution
- § 7:10 Motion for pretrial diversion of a class D felony
- § 7:11 Order granting pretrial diversion of a class D felony
- § 7:12 Certificate of performance of community labor
- § 7:13 Order voiding pretrial diversion of a class D felony
- § 7:14 Order terminating deferred prosecution
- § 7:15 Order sealing records of successful deferred prosecution
- § 7:16 Order voiding conviction and sealing records
- § 7:17 Agreement to Mediate for Criminal Cases
- § 7:18 Request for Assignment of Retired Judge to Conduct Felony Mediation
- § 7:19 Felony Mediation, Confidential Report to AOC for Data
- § 7:20 Mediation Report to Court

V. COMPETENCY OF DEFENDANT

- § 7:21 Commonwealth's motion for competency hearing
- § 7:22 Defendant's motion for competency hearing
- § 7:23 Petition for Involuntary Commitment
- § 7:24 Order Setting Evidentiary Hearing and Appointing GAL
- § 7:25 Evidentiary Hearing Order
- § 7:26 Examination Certification for Involuntary Commitment (AOC-708.3)
- § 7:27 Judgment and Order of Involuntary Commitment/Dismissal and Release (AOC-708.4)
- § 7:28 Order Scheduling Review Hearing
- § 7:29 Review Hearing Order (Involuntary Commitment) (AOC-708.6)
- § 7:30 Defendant's motion for temporary transfer between institutions for psychiatric examination
- § 7:31 Order to take defendant for mental examination
- § 7:32 Order for mental examination
- § 7:33 Order finding defendant incompetent

VI. OPTIONAL ARRAIGNMENT ORDERS

- § 7:34 Entry of appearance and plea of guilty
- § 7:35 Arraignment order (guilty plea)
- § 7:36 Acknowledgement of scheduled court appearance
- § 7:37 Arraignment order (not guilty plea)
- § 7:38 Change of plea order *[Reserved]*
- § 7:39 Court's guilty plea procedure *[Reserved]*
- § 7:40 Order setting trial date

- § 7:41 Order setting trial date (alternate form)
- § 7:42 Order setting for trial/hearing
- § 7:43 Motion for pretrial conference
- § 7:44 Order setting pretrial conference
- § 7:45 Order setting pretrial conference (alternate form)

VII. MOTIONS AND ORDERS ON GUILTY PLEAS

- § 7:46 Commonwealth's offer on a plea of guilty
- § 7:47 Motion to enter guilty plea
- § 7:48 Motion to enter guilty plea pursuant to North Carolina v. Alford
- § 7:49 Motion for Court to approve conditional guilty plea
- § 7:50 Conditional guilty plea
- § 7:51 Motion to withdraw guilty plea
- § 7:52 DUI guilty plea

CHAPTER 8. PRETRIAL: BAIL, COMMITMENT

I. PRETRIAL SERVICES

- § 8:1 Notice of court date by pretrial services agency
- § 8:2 Information on pretrial release
- § 8:3 Manual pretrial interview, investigation and risk assessment
- § 8:4 Domestic violence pretrial release interview *[Deleted]*

II. BAIL RELEASE DOCUMENTS

- § 8:5 Motion to set bail
- § 8:6 Motion to set bail (alternate form)
- § 8:7 Application for bail
- § 8:8 Order setting bail
- § 8:9 Motion for reduction of bond
- § 8:10 Motion for a change of conditions for relief *[Reserved]*
- § 8:11 Bail bond
- § 8:12 Pretrial Bail Bond (AOC 365.1)
- § 8:13 Sworn schedule for bail bond secured by real estate
- § 8:14 Release on bond
- § 8:15 Defendant's motion to make bail deposit payable to attorney
- § 8:16 Notice of bail credit
- § 8:17 Property bond lien release notification

III. COMMITMENT DOCUMENTS

- § 8:18 Motion for bond forfeiture
- § 8:19 Order for bond forfeiture
- § 8:20 Order of temporary detention/Release from custody
- § 8:21 Commitment order

IV. DISCHARGE FROM CUSTODY

- § 8:22 Motion to release defendant for failure to indict
- § 8:23 Notice of jail credit and release (nonpayment)

CHAPTER 9. DRIVING UNDER THE INFLUENCE

- § 9:1 Pretrial suspension of license order
- § 9:2 Diversion agreement
- § 9:3 Confiscation order
- § 9:4 Application for hardship driver's license
- § 9:5 —Restitution owed/theft-related offenses
- § 9:6 Affidavit for hardship license
- § 9:7 Hardship Driver's License Order—Restitution Owed/Theft-Related Offense (AOC-493.1)
- § 9:8 Hardship driver's license order
- § 9:9 Order requiring impoundment of license plate(s)
- § 9:10 Application and order for hardship vehicle registration
- § 9:11 Pretrial application
- § 9:12 Application upon conviction for authorization to apply of and ignition interlock license and device
- § 9:13 Post acquittal application for authorization to apply for and ignition interlock license and device
- § 9:14 Order granting permission to install ignition interlock device (IID)
- § 9:15 Financial statement, affidavit of indigency and request for reduced ignition interlock device costs
- § 9:16 Notice to attend alcohol driver education program
- § 9:17 Motion for driver's license replacement

CHAPTER 10. PETIT JURY

- § 10:1 Order directing summoning of jurors; noting proper drawing of names
- § 10:2 Juror summons and qualification form

CHAPTER 11. SUBPOENAS

I. GRAND JURY SUBPOENAS

- § 11:1 Subpoena for witness
- § 11:2 Subpoena for witness (alternate form)
- § 11:3 Subpoena duces tecum
- § 11:4 Subpoena duces tecum (alternate form)

II. GENERAL

- § 11:5 Subpoena
- § 11:6 Order to appear

III. WITNESS WARRANTS AND APPEARANCE BONDS

- § 11:7 Commonwealth's motion and affidavit for arrest of material witness
- § 11:8 Warrant for arrest of witness
- § 11:9 Motion for compulsory attendance for out-of-state witnesses

- § 11:10 Recognizance of witnesses
- § 11:11 Complaining witness appearance bond
- § 11:12 Acknowledgment of scheduled court appearance

IV. SUBPOENA AD PROSEQUENDUM

- § 11:13 Subpoena ad prosequendum to warden or jailer
- § 11:14 Subpoena ad prosequendum to marshal or sheriff
- § 11:15 Order of attendance
- § 11:16 Order for appearance of prisoner
- § 11:17 Order of returning prisoner from institution

CHAPTER 12. PRETRIAL PLEADINGS

I. DISMISSAL

- § 12:1 Motion to dismiss complaint
- § 12:2 Defendant's motion to dismiss
- § 12:3 Motion to dismiss indictment for unreasonable delay
- § 12:4 Motion to dismiss for failure to bring action within statutory limit
- § 12:5 Motion to dismiss for failure to bring action within statutory limit (alternate form)
- § 12:6 Motion to dismiss indictment on grounds of insufficiency
- § 12:7 Motion to dismiss indictment on grounds of insufficiency (alternate form)
- § 12:8 Motion to dismiss indictment on grounds of discriminatory enforcement
- § 12:9 Motion to dismiss amended indictment
- § 12:10 Motion to dismiss summons-warrants charging obscenity violations
- § 12:11 Commonwealth's motion to dismiss
- § 12:12 Order dismissing indictment
- § 12:13 Order to dismiss for lack of prosecution
- § 12:14 Order striking from docket and filing away indictment
- § 12:15 Motion to dismiss for failure to hold preliminary hearing (defendant in custody)
- § 12:16 Motion to dismiss for failure to hold preliminary hearing (defendant not in custody)

II. BILL OF PARTICULARS

- § 12:17 Motion for bill of particulars
- § 12:18 Motion for bill of particulars (alternate form)
- § 12:19 Motion for bill of particulars (alternate form)
- § 12:20 Motion for bill of particulars (embezzlement)
- § 12:21 Motion for bill of particulars (murder, persistent felony offender)
- § 12:22 Order for bill of particulars

III. DISCOVERY

- § 12:23 Motion for discovery under RCr 7.24

TABLE OF CONTENTS

- § 12:24 Motion for discovery and inspection of physical evidence
- § 12:25 Universal order
- § 12:26 Motion to permit examination of evidence by expert witness
- § 12:27 Motion to produce evidence for testing by defense experts
- § 12:28 Motion to make state crime lab available to defendant's expert
- § 12:29 Commonwealth's motion for handwriting samples
- § 12:30 Motion for evidence favorable to the defendant
- § 12:31 Commonwealth's motion for reciprocal discovery
- § 12:32 Commonwealth's motion for reciprocal discovery (alternate form)
- § 12:33 Motion for production of document
- § 12:34 Motion for a list of witnesses
- § 12:35 Commonwealth's motion for reciprocal discovery of witness list
- § 12:36 Motion for pretrial disclosure of prosecuting witnesses' written or recorded statements
- § 12:37 Motion for pretrial disclosure of prior conviction records of prosecuting witnesses
- § 12:38 Motion for disclosure of informants
- § 12:39 Motion to reveal witnesses
- § 12:40 Defendant's *ex parte* motion for funds for expert
- § 12:41 Order for recovery of pauper expenses

IV. GRAND JURY TESTIMONY

- § 12:42 Motion to procure transcript of grand jury testimony
- § 12:43 Motion to dismiss indictment for failure to make record of grand jury proceedings
- § 12:44 Notice of intention to rely on defense of mental illness or insanity
- § 12:45 Commonwealth's notice of evidence to be offered in denial of defendant's defense of mental illness or insanity

V. EVIDENCE AND WITNESSES

- § 12:46 Motion for deposition
- § 12:47 Motion to order taking of deposition
- § 12:48 Order of defendant's attendance at trial
- § 12:49 Motion for attendance of material witness
- § 12:50 Motion to compel attendance of confidential informant
- § 12:51 Motion for psychiatric examination of co-defendant

VI. VENUE

- § 12:52 Commonwealth's petition for change of venue or alternate relief
- § 12:53 Defendant's petition for change of venue
- § 12:54 Affidavit in support of change of venue

VII. SEVERANCE

- § 12:55 Motion to sever

- § 12:56 Motion for severance of indictments and election by Commonwealth
- § 12:57 Motion to sever persistent felony offender count
- § 12:58 Motion for separate trial

VIII. SUPPRESSION

- § 12:59 Motion to suppress confessions and admissions *[Reserved]*
- § 12:60 Motion to suppress evidence *[Reserved]*
- § 12:61 Motion to suppress evidence obtained from search *[Reserved]*
- § 12:62 Motion to suppress evidence obtained from search (alternate form) *[Reserved]*
- § 12:63 Motion to suppress in-court identification of defendant *[Reserved]*
- § 12:64 Motion to suppress in-court identification of defendant (alternate form) *[Reserved]*
- § 12:65 Defense motion for closure of pretrial suppression hearing
- § 12:66 Motion for return of property

IX. IN LIMINE

- § 12:67 Motion in limine
- § 12:68 Motion for protective order
- § 12:69 Motion to limit pretrial publicity

X. CONTINUANCE

- § 12:70 Commonwealth's motion to stay proceedings
- § 12:71 Commonwealth's motion for continuance and affidavit
- § 12:72 Motion for continuance
- § 12:73 Motion for continuance because of prejudicial publicity
- § 12:74 Motion for continuance because of missing witness

XI. TECHNICAL

- § 12:75 Motion to adopt pleadings heretofore filed on behalf of another defendant
- § 12:76 Motion to substitute counsel
- § 12:77 Commonwealth's motion for trial date
- § 12:78 Order setting trial date
- § 12:79 Motion to set order of post-verdict sentencing hearings

XII. MISCELLANEOUS

- § 12:80 Motion tendered under seal for disqualification and to vacate bench *[Reserved]*
- § 12:81 Motion to compel Richardson hearing *[Reserved]*
- § 12:82 Motion to compel court reporter to transcribe all phases of the trial
- § 12:83 Motion to compel court reporter to record all pretrial proceedings
- § 12:84 Waiver of recording
- § 12:85 Motion for speedy trial
- § 12:86 Motion for speedy trial, child victim of sexual offense
- § 12:87 Waiver of Sixth Amendment right to speedy trial

CHAPTER 13. PROCEEDINGS AT TRIAL (VOIR DIRE TO VERDICT)

I. JURY TRIAL WAIVER

- § 13:1 Waiver of jury trial
- § 13:2 Waiver of jury trial (alternate form)
- § 13:3 Juror strike sheet

II. ACQUITTAL

- § 13:4 Motion for judgment of acquittal

III. INSTRUCTIONS

- § 13:5 Commonwealth's requested instructions
- § 13:6 Defendant's objections to commonwealth's proposed instructions; defendant's requested instructions
- § 13:7 Defendant's requested instructions
- § 13:8 Defendant's requested instructions (alternate form)
- § 13:9 Defendant's requested instructions (alternate form)
- § 13:10 Instruction regarding defendant's failure to testify

IV. VOIR DIRE

- § 13:11 Motion for individual sequestered voir dire (death penalty)
- § 13:12 Motion for additional peremptory challenges
- § 13:13 Motion for advanced access to juror qualification forms

V. SEQUESTRATION OF JURY

- § 13:14 Motion for sequestration of jurors for duration of capital trial

VI. TRIAL ORDER

- § 13:15 Trial order and jury verdict

CHAPTER 14. JUDGMENT AND SENTENCE

I. JUDGMENT, IMPRISONMENT

- § 14:1 Motion to enter guilty plea
- § 14:2 Motion to enter guilty plea pursuant to North Carolina v. Alford
- § 14:3 Judgment and sentence on plea of guilty
- § 14:4 Final judgment and sentence on plea of not guilty (jury trial)
- § 14:5 Judgment
- § 14:6 Restraining order (following stalking conviction)
- § 14:7 Death sentence review
- § 14:8 Report of trial judge when death penalty is imposed
- § 14:9 Order waiving court costs due to finding of indigence

II. JUDGMENT, PROBATION

- § 14:10 Motion for probation
- § 14:11 Affidavit of defendant in support of motion for probation
- § 14:12 Order overruling motion for probation
- § 14:13 Order of probation/conditional discharge

III. SHOCK PROBATION

- § 14:14 Motion for shock probation
- § 14:15 Pro se motion to suspend further execution of sentence [shock probation]
- § 14:16 Motion to suspend further execution of sentence [shock probation]
- § 14:17 Certificate of performance of community labor
- § 14:18 Petition for writ of mandamus [shock probation]
- § 14:19 Petition for writ of mandamus [shock probation] (alternate form)
- § 14:20 Order on motion for shock probation

IV. RELEASE

- § 14:21 Jail release
- § 14:22 Order releasing from probation
- § 14:23 Motion for home incarceration
- § 14:24 Agreed order for home incarceration
- § 14:25 Private probation agency requirement and agreement

V. PROBATION REVOCATION

- § 14:26 Motion to revoke probation
- § 14:27 Notice of probation revocation hearing
- § 14:28 Order setting aside order of probation

VI. NONPAYMENT OF FINES

- § 14:29 Order to show cause for nonpayment of fine
- § 14:30 Fine and cost list with order to show cause for non-payment
- § 14:31 Order for deferred or installment payments of court costs and fines with show cause order
- § 14:32 Order upon nonpayment of fine

CHAPTER 15. NEW TRIAL

- § 15:1 Motion for new trial
- § 15:2 Motion for new trial (alternate form)
- § 15:3 Motion for new trial based on newly discovered evidence

CHAPTER 16. APPEAL

I. NOTICE AND DESIGNATION

- § 16:1 Notice of appeal

TABLE OF CONTENTS

- § 16:2 Designation of record on appeal
- § 16:3 Certificate of transcript (Civil Rules Official Form 23)
- § 16:4 Certification of record on appeal

II. IN FORMA PAUPERIS

- § 16:5 Motion to proceed in forma pauperis
- § 16:6 Affidavit in support of motion to proceed in forma pauperis

III. APPEAL BOND

- § 16:7 Motion to set bond pending appeal
- § 16:8 Motion to set bond pending appeal (alternate form)

IV. STAY OF APPEAL

- § 16:9 Motion to stay appeal pending ruling on motion for new trial

V. EXTENSION OF TIME

- § 16:10 Motion to extend time for transmission of record (to be filed in circuit court)
- § 16:11 Motion to extend time for filing record (to be filed in Court of Appeals)
- § 16:12 Motion to extend time for filing record (to be filed in Court of Appeals) (alternate form)
- § 16:13 Motion to extend time for filing record (to be filed in Court of Appeals) (alternate form)
- § 16:14 Affidavit in support of motion to extend time for filing of record
- § 16:15 Affidavit in support of motion to extend time for filing record (alternate form)
- § 16:16 Motion for extension of time for filing appeal
- § 16:17 Motion for extension of time for filing appellant's brief
- § 16:18 Response to Commonwealth's motion for enlargement of time

VI. STATEMENT OF APPEAL (DISTRICT TO CIRCUIT COURT)

- § 16:19 Statement of appeal

VII. ORAL ARGUMENT

- § 16:20 Motion for oral argument

VIII. STRIKE AND DISMISS

- § 16:21 Appellee's motion to strike appellant's brief and dismiss appeal
- § 16:22 Commonwealth's motion to dismiss appeal
- § 16:23 Motion to strike addendum and references thereto from brief of appellee
- § 16:24 Motion to dismiss and strike

IX. GENERAL

- § 16:25 Appellee's motion to accept brief filed one day late
- § 16:26 Appellee's response to appellant's motion to supplement the record
- § 16:27 Cover of brief to be filed in the Court of Appeals—Official Form 24
- § 16:28 Cover of brief to be filed in the Supreme Court of Kentucky—Official Form 25

CHAPTER 17. EXTRAORDINARY RELIEF

- § 17:1 Petition for writ of mandamus
- § 17:2 Petition for writ of prohibition

CHAPTER 18. POST-CONVICTION RELIEF

- § 18:1 Motion to vacate sentence
- § 18:2 Motion for appearance
- § 18:3 Petition for writ of habeas corpus
- § 18:4 Writ of habeas corpus
- § 18:5 Motion to void conviction
- § 18:6 Application for restoration of civil rights

CHAPTER 19. MISCELLANEOUS

I. CERTIFICATE OF SERVICE

- § 19:1 Model certificate of service

II. RELEASE OF INFORMATION

- § 19:2 General release authorization
- § 19:3 Medical information release authorization

III. CORONER'S INQUEST

- § 19:4 Report of coroner's inquest

IV. COUNSEL

- § 19:5 Entry of appearance
- § 19:6 Entry of appearance (alternate form)
- § 19:7 Motion to withdraw as counsel
- § 19:8 Motion to withdraw as appointed counsel
- § 19:9 Motion to substitute counsel
- § 19:10 Contract for employment for legal services; retainer and promissory note; power of attorney; authorization

V. RECUSATION

- § 19:11 Motion to recuse prosecutor
- § 19:12 Motion to disqualify and/or recuse trial judge

VI. SEARCHES; INVENTORY; PROPERTY

- § 19:13 Affidavit for search warrant

TABLE OF CONTENTS

- § 19:14 Search warrant
- § 19:15 Affidavit for Search Warrant Authorizing Entry Without Notice
- § 19:16 Search Warrant Authorizing Entry Without Notice
- § 19:17 Order Sealing Search Warrant
- § 19:18 Consent to search
- § 19:19 Response to inventory
- § 19:20 Commonwealth's motion for return of property
- § 19:21 Confiscation of contraband evidence

VII. EXPUNGEMENT OF RECORD

- § 19:22 Motion to expunge sexual offense arrest record
- § 19:23 Petition/motion for expungement (for misdemeanor or violation conviction)
- § 19:24 Expungement order (for misdemeanor or violation conviction)
- § 19:25 Petition/motion for expungement (for acquittal or dismissal with prejudice)
- § 19:26 Expungement order and certification form (for acquittal or dismissal with prejudice)
- § 19:27 Application to vacate and expunge felony conviction
- § 19:28 Expungement records request form
- § 19:29 Petition to vacate and expunge juvenile record

VIII. HIV TESTING

- § 19:30 Notice of court mandate for (HIV) test
- § 19:31 Order for human immunodeficiency virus (HIV) testing
- § 19:32 Order for HIV, Hepatitis B and C, and other testing

IX. SEX OFFENDER RISK DETERMINATION

- § 19:33 Judgement of registration designation

X. DRUG COURT FORMS

- § 19:34 Drug court notice of eligibility
- § 19:35 Order referring to drug court
- § 19:36 Order of admission to drug court
- § 19:37 Drug court agreement of participation
- § 19:38 Authorization for release of, or request for, information
- § 19:39 Self help meeting attendance verification
- § 19:40 Drug court statement of urinalysis acknowledgement
- § 19:41 Drug court program consent to search form

XII. DOMESTIC VIOLENCE

- § 19:42 Domestic violence show cause order
- § 19:43 Domestic violence forthwith order of arrest
- § 19:44 Warrant of arrest domestic violence bench warrant
- § 19:45 Petition/motion for order of protection
- § 19:46 Motion to amend prior order of protection

- § 19:47 Respondent's financial statement, affidavit of indigency,
request for reduced GPMS costs, and order
- § 19:48 Petition/motion for removal of firearm prohibitions
- § 19:49 Firearms Notification
- Appendix A. Outline of Terms and Procedures—Chronological
Sequence
- Appendix B. Outline of Terms and Procedures—Alphabetical
Sequence
- Appendix C. Elements of Crimes, Statutory Charges and
Indictments

Table of Laws and Rules

Table of Cases

Index

Table of Contents

PROBATE PRACTICE

DISTRICT COURT

CHAPTER 1. DISTRICT COURT: NATURE AND JURISDICTION

I. DISTRICT COURT

- § 1:1 Constitutional provisions
- § 1:2 Nature of district court

II. MECHANICAL RECORDING OF PROCEEDINGS

- § 1:3 Mechanical or electric recording of proceedings
- § 1:4 Recording log
- § 1:5 Waiver of recording
- § 1:6 Place of filing or recording papers

III. JURISDICTION

- § 1:7 Assumption of jurisdiction over probate matters
- § 1:8 Jurisdiction of district court in uncontested probate matters
- § 1:9 Jurisdiction in contested probate matters; jurisdiction of circuit court
- § 1:10 Federal court jurisdiction in probate matters

IV. RULES OF PRACTICE

- § 1:11 Rules of practice and procedure, civil rules

V. COURT OFFICIALS

- § 1:12 The Chief Judge
- § 1:13 Multi-judge districts
- § 1:14 Trial commissioners
- § 1:15 Special commissioners

VI. PRACTICE

- § 1:16 Differences between former practice in county court and practice in district court

VII. JUDGMENT OF COURT

- § 1:17 Time in which judge is to decide

SCHEDULE AND PROCEDURES

CHAPTER 2. TIME SCHEDULE FOR FILING

- § 2:1 Probate of will

- § 2:2 Appointment of administrator
- § 2:3 Notice of appointment of personal representative and notice to creditors
- § 2:4 Inventory
- § 2:5 Identification number
- § 2:6 Notice of fiduciary appointment
- § 2:7 Renunciation of will
- § 2:8 Disclaimer
- § 2:9 Time limitations on presentation of claims
- § 2:10 Time for distribution of estate
- § 2:11 Duty to invest
- § 2:12 Revival of action
- § 2:13 Income tax returns
- § 2:14 Federal estate tax return
- § 2:15 Kentucky inheritance tax return
- § 2:16 Settlements
- § 2:17 Notice of filing settlements
- § 2:18 Filing exceptions to settlements
- § 2:19 Appeal to or action in circuit court
- § 2:20 Action against personal representative
- § 2:21 Monthly reports
- § 2:22 Annual inquiries
- § 2:23 Action against trustee

CHAPTER 3. STEP-BY-STEP PROCEDURES

- § 3:1 Probating a will
- § 3:2 Affidavit of exemption
- § 3:3 Appointment of administrator (intestate estate)
- § 3:4 Dispensing with administration
- § 3:5 Appointment of guardian for minor
- § 3:6 Appointment of guardian or conservator for mentally disabled person
- § 3:7 Appointment of stand-by guardian
- § 3:8 Appointment of curator
- § 3:9 Demand for notice of orders and filings
- § 3:10 Demand for notice of orders and filings (form)
- § 3:11 Administration of an estate, checklist

CHAPTER 4. INTERVIEWING, COUNSELING AND ASSISTING THE FAMILY

I. MEETING WITH FAMILY

- § 4:1 First meeting with the family

II. MATTERS TO BE EXPLAINED TO FAMILY

- § 4:2 The will
- § 4:3 Bond and surety
- § 4:4 Fees and expenses
- § 4:5 Time of administration

TABLE OF CONTENTS

III. BACKGROUND INFORMATION

- § 4:6 Heirs-at-law
- § 4:7 Beneficiaries
- § 4:8 Assets
- § 4:9 Exemptions and preferred claims
- § 4:10 Insurance
- § 4:11 Date of death
- § 4:12 Variations of name

IV. WITNESSES TO WILL

- § 4:13 Witness to will

V. SAFE DEPOSIT BOX

- § 4:14 Opening safe deposit box

VI. OTHER BENEFITS

- § 4:15 Other benefits to be discussed

VII. IMMEDIATE FINANCIAL NEEDS

- § 4:16 Immediate financial needs of the family

VIII. CHECKLISTS

- § 4:17 Initial interview checklist
- § 4:18 Administration file checklist

DISPENSING WITH ADMINISTRATION

CHAPTER 5. DISPENSING WITH ADMINISTRATION (SMALL ESTATES)

- § 5:1 When the short procedure may be used
- § 5:2 Statutory basis for dispensing with administration
- § 5:3 Exemption to the surviving spouse or children
- § 5:4 Preferred claims
- § 5:5 Transfer of assets without administration
- § 5:6 Adding preferred claims to the exemption
- § 5:7 Designating another to receive an item of property
- § 5:8 Testate estates
- § 5:9 Exemption, together with preferred claims to surviving spouse
- § 5:10 Exception where widower pays preferred claims
- § 5:11 Preferred creditors
- § 5:12 Omitted property: amendment of petition and order
- § 5:13 Revoking administration or letters testamentary to substitute dispensing with administration
- § 5:14 Setting aside order dispensing with administration
- § 5:15 Placing matter on district court docket
- § 5:16 Forms to be prepared and submitted, describing property

§ 5:17 Securing transfer of property

I. SUGGESTED PROCEDURE FOR HANDLING

§ 5:18 Example 1—Wife survives

§ 5:19 Example 2—Husband survives

§ 5:20 Example 3—Child as sole heir

§ 5:21 Example 4—Funeral expenses exceed probatable assets

§ 5:22 Petition/order to dispense with administration (surviving spouse/children/preferred creditor)

§ 5:23 Order dispensing with administration (surviving spouse/children/preferred creditor)

§ 5:24 Kentucky spousal inheritance tax return *[Deleted]*

APPOINTMENT OF FIDUCIARY

CHAPTER 6. APPOINTMENT OF PERSONAL REPRESENTATIVE, TESTATE OR INTESTATE ESTATE

I. PLACE OF PROBATE

§ 6:1 Venue

§ 6:2 Venue: nonresident decedent; wrongful death action

II. APPOINTMENT OF FIDUCIARY

§ 6:3 Appointment of executor

§ 6:4 Appointment of administrator or administrator with will annexed

§ 6:5 Letters of administration (certificate of qualification of fiduciary)

§ 6:6 Listing heirs

§ 6:7 Listing assets

§ 6:8 Personal representative indebted to estate

III. SPECIAL FIDUCIARIES

§ 6:9 Nonresident as fiduciary

§ 6:10 Administrator with will annexed

§ 6:11 Administrator de bonis non

IV. NOTICE AND BOND

§ 6:12 Notice to surviving spouse and heirs

§ 6:13 Bond and surety

V. PROOF OF WILL

§ 6:14 Self-proved will

§ 6:15 Testimony of one or more subscribing witnesses

§ 6:16 Suggested questions to subscribing witness to prove will

§ 6:17 Holographic will

TABLE OF CONTENTS

- § 6:18 Nonresident or physically disabled witness
- § 6:19 Commission to take deposition of witness to will
- § 6:20 Witness deceased or cannot be located

VI. SPECIAL WILL CONDITIONS

- § 6:21 Will of nonresident
- § 6:22 Lost will, carbon copy
- § 6:23 Later discovered will
- § 6:24 Will set aside after admission to probate

VII. LATER DISCOVERED ASSETS

- § 6:25 Property discovered after final settlement approved

VIII. FORMS

- § 6:26 Fiduciary bond (AOC-825)
- § 6:27 Power of attorney to sign bond
- § 6:28 Notice to surviving spouse and heirs
- § 6:29 Affidavit of mailing notice
- § 6:30 Acknowledgment and affidavit, self-proved will
- § 6:31 Proof of will: suggested questions, nonresident or physically disabled witness
- § 6:32 Petition for probate of will; appointment of executor or administrator (AOC-805)
- § 6:33 Order appointing fiduciary (AOC-840)
- § 6:34 Order probating will and appointing executor
- § 6:35 Order probating will; and/or appointing executor/administrator
- § 6:36 Certificate of qualification

FISCAL MANAGEMENT

CHAPTER 7. INVENTORY; COLLECTING AND MANAGING ASSETS

I. POWERS AND DUTIES OF PERSONAL REPRESENTATIVE

- § 7:1 Function of personal representative
- § 7:2 Information to obtain from client
- § 7:3 Powers of the personal representative
- § 7:4 Opening bank account

II. COLLECTING ASSETS

- § 7:5 Bank accounts; ascertaining existence
- § 7:6 Letter to banks to locate assets
- § 7:7 Possession of decedent's property
- § 7:8 Collection of income
- § 7:9 Life insurance

- § 7:10 Letter to insurance company
- § 7:11 Wrongful death
- § 7:12 Suits other than wrongful death
- § 7:13 Collecting other debts due the estate

III. MANAGING ASSETS

- § 7:14 Investments
- § 7:15 Continuation of decedent's business
- § 7:16 Liquidity problems
- § 7:17 Leasing property
- § 7:18 Social Security lump sum death benefits
- § 7:19 Medicare and other medical insurance

IV. INVENTORY

- § 7:20 Inventory, statutory provisions
- § 7:21 Listing property
- § 7:22 Inventory
- § 7:23 Inventory and appraisalment of estate

V. FORMS

- § 7:24 Certificate of qualification of fiduciary *[Deleted]*
- § 7:25 Regulation regarding release of funds by financial institution *[Deleted]*
- § 7:26 Inheritance lien releases and inventory of safe deposit boxes memo
- § 7:27 Notice of failure to file inventory or accounting
- § 7:28 Sixty-day inventory or supplemental inventory

CHAPTER 8. CLAIMS OF CREDITORS: FILING, PAYING, COMPROMISING, AND CONTESTING

I. FILING CLAIMS

- § 8:1 Time in which claims to be filed
- § 8:2 Manner of filing claim
- § 8:3 Proof of claim and supporting affidavits
- § 8:4 Affidavit of claimant

II. PAYMENT OF CLAIMS

- § 8:5 Payment of claims after six months
- § 8:6 Preferred claims
- § 8:7 Payment of secured claims
- § 8:8 Payment of contingent, unliquidated, or future claims
- § 8:9 Payment of encumbrances
- § 8:10 Proportionate payment of claims
- § 8:11 Payment of taxes
- § 8:12 Order in which property is to be sold or applied

TABLE OF CONTENTS

- § 8:13 Authority of personal representative to sell property for payment of debts, taxes and costs of administration
- § 8:14 Allowance or disallowance of claims; notice; effect
- § 8:15 Deduction of counterclaim

III. COMPROMISING AND CONTESTING CLAIMS

- § 8:16 Disputed claims—District court
- § 8:17 —Circuit court
- § 8:18 Compromising claims

IV. SPECIFIC CLAIMS

- § 8:19 Claim by member of the family; presumption of gratuity
- § 8:20 Services rendered to decedent by other than family member
- § 8:21 Claim for wrongful death
- § 8:22 Pursuing claim against heirs and devisees
- § 8:23 Recovering overpayment from creditor or beneficiary

V. STATUTES OF LIMITATIONS

- § 8:24 Pertinent statutes of limitations

VI. LIABILITY OF PERSONAL REPRESENTATIVE

- § 8:25 Liability of personal representative

CHAPTER 9. PREPARATION OF TAX RETURNS

I. TIME TABLE

- § 9:1 Time table

II. FEDERAL ESTATE TAX

- § 9:2 Estate tax return; time for filing; extension
- § 9:3 Time for payment: extensions and deferrals
- § 9:4 Time for payment: closely held business
- § 9:5 Farm property
- § 9:6 Duties of personal representative
- § 9:7 Return, when one must be filed
- § 9:8 Gross estate: inclusions
- § 9:9 Gross estate: exclusions or deductions
- § 9:10 Alternate valuation date

III. KENTUCKY INHERITANCE AND ESTATE TAX

- § 9:11 Kentucky inheritance tax—General discussion
- § 9:12 Valuation date
- § 9:13 Jointly owned property and gifts in contemplation of death
- § 9:14 Determining value of taxable estate

IV. INSTRUCTIONS FOR FILING INHERITANCE AND ESTATE TAX FORMS

- § 9:15 Inheritance and estate tax instructions

V. INHERITANCE AND ESTATE TAX FORMS

- § 9:16 Inheritance tax rates
- § 9:17 No tax due return (Form 92A201)
- § 9:18 Kentucky tax return and specific instructions (Form 92A202)
- § 9:19 Inheritance tax return with instructions for specific schedules (Form 92A200)
- § 9:20 Simplified format; Kentucky inheritance tax return (Form 92A205)
- § 9:21 Real estate valuation information sheet (Form 92A204)
- § 9:22 Election to qualify terminable interest property and/or power of appointment property (Form 92A936)
- § 9:23 Election to defer the payment of inheritance tax through installments (Form 92A928)

DISTRIBUTION

CHAPTER 10. DISTRIBUTION OF ASSETS TO BENEFICIARIES AND HEIRS

- § 10:1 Determining recipients of the estate and their shares
- § 10:2 District court hearing to determine persons entitled to property passing by intestate succession
- § 10:3 Applying provisions of will
- § 10:4 Renunciation of will by surviving spouse

I. DISTRIBUTION OF INTESTATE ESTATE

- § 10:5 Exemption to surviving spouse or children
- § 10:6 Petition and order for exemption to surviving spouse or children
- § 10:7 Obtaining \$1,000 advance for surviving spouse
- § 10:8 Homestead
- § 10:9 Personal property
- § 10:10 Real estate

II. PROCEDURE FOR TRANSFER

- § 10:11 Real estate
- § 10:12 Money
- § 10:13 Automobile
- § 10:14 Item of furniture or tangible personal property
- § 10:15 Stocks
- § 10:16 Request for transfer of securities owned by decedent
- § 10:17 Affidavit of domicile for transfer of stock
- § 10:18 Letter requesting transfer of jointly held securities
- § 10:19 Stock assignment
- § 10:20 Bonds
- § 10:21 Deposit of undistributable share with court

III. FORMS

- § 10:22 Receipt for specific bequest

TABLE OF CONTENTS

- § 10:23 Affidavit of descent of real estate
- § 10:24 Affidavit to comply with KRS 382.135

SETTLEMENT

CHAPTER 11. PREPARATION OF SETTLEMENTS: PERIODIC, INFORMAL AND FINAL; FEES OF FIDUCIARIES AND ATTORNEYS

- § 11:1 Who must submit settlements
- § 11:2 When settlements to be submitted

I. FAILURE TO FILE SETTLEMENT ON TIME

- § 11:3 Penalties for failure
- § 11:4 Grounds for removal

II. PERIODIC AND FINAL SETTLEMENTS

- § 11:5 Contents of settlement
- § 11:6 Rules of practice of Jefferson District Court regarding settlements
- § 11:7 Listing receipts and disbursements
- § 11:8 Special comments
- § 11:9 Periodic settlement in a decedent's estate
- § 11:10 Final settlement: special comment
- § 11:11 Final settlement in a decedent's estate
- § 11:12 Final settlement (alternate form)
- § 11:13 Settlement
- § 11:14 Excerpts from probate practice rules of the Jefferson District Court

III. INFORMAL SETTLEMENT

- § 11:15 Sole beneficiary
- § 11:16 Informal settlement: sole beneficiary, settlement, and order
- § 11:17 Multiple beneficiaries
- § 11:18 Informal settlement: multiple beneficiaries, settlement, waiver, and order
- § 11:19 Affidavit of waiver of formal settlement
- § 11:20 Informal final settlement: affidavit, motion, and order
- § 11:21 Informal final settlement order
- § 11:22 Informal settlement: multiple beneficiaries, one or more under disability
- § 11:23 Proposed settlement

IV. FEES OF FIDUCIARIES

- § 11:24 Fee of guardian for minors
- § 11:25 Fee of conservator, partial conservator, or guardian of disabled persons
- § 11:26 Fee of guardians and conservators

§ 11:27 Fee of guardian or conservator for veteran

V. FEE OF EXECUTOR, ADMINISTRATOR, OR CURATOR

§ 11:28 General discussion

§ 11:29 Extraordinary services

§ 11:30 Fiduciary serving also as attorney or in some other capacity

§ 11:31 Petition for additional compensation for extraordinary services with supporting affidavit and order

VI. ATTORNEY FEES

§ 11:32 Fee of attorney

VII. PROCEDURE AFTER SETTLEMENT

§ 11:33 Steps involved after settlement is filed with the court

§ 11:34 Checklist of items in periodic or final settlement to be examined by district judge

§ 11:35 Distribution of estate by agreement of the beneficiaries

§ 11:36 Circuit court action for settlement of estate

§ 11:37 Checklist of Jefferson district judges in reviewing settlements

OTHER FIDUCIARIES

CHAPTER 12. TRUSTS AND APPOINTMENT OF TRUSTEE

I. INTRODUCTION

§ 12:1 Uniform Trustees' Powers Act

II. REGISTRATION OF TRUSTS

§ 12:2 Registration of trusts

§ 12:3 Effect on probate

§ 12:4 Duties of trustee and management of trust estate

§ 12:5 Judicial proceedings *[Deleted]*

§ 12:6 Judicial proceedings: remedies of beneficiaries *[Deleted]*

§ 12:7 Judicial proceedings: jurisdiction *[Deleted]*

§ 12:8 Registration statement *[Deleted]*

III. APPOINTMENT OF TESTAMENTARY TRUSTEE

§ 12:9 Appointment of testamentary trustee

§ 12:10 Petition for appointment of trustee under will

§ 12:11 Order appointing trustee under will

§ 12:12 Nomination of successor testamentary trustee

§ 12:13 Distribution of trust of \$50,000 or less *[Deleted]*

§ 12:14 Petition and order for distributing trust of \$50,000 or less *[Deleted]*

CHAPTER 13. GUARDIAN FOR MINOR; CURATOR; POWER OF ATTORNEY

I. GUARDIANS

- § 13:1 Jurisdiction of the district court *[Deleted]*
- § 13:2 Categories of guardianships
- § 13:3 Application of KRS 387.010 to KRS 387.280
- § 13:4 Jurisdiction of the circuit court
- § 13:5 Resident or nonresident minor—Venue
- § 13:6 Appointment for limited purpose
- § 13:7 Order of precedence of appointment—Appointment by will
- § 13:8 Contents of petition—Nomination by minor age fourteen or older
- § 13:9 Contents of application
- § 13:10 Notice and hearing
- § 13:11 Copy sent to Secretary of the Department of Revenue
- § 13:12 Notice of hearing
- § 13:13 Affidavit of mailing notice
- § 13:14 Appointment of guardian, limited guardian, or conservator for a minor fourteen years of age or over
- § 13:15 Failure to comply with procedure, voidable appointment
- § 13:16 Bond of guardian or conservator
- § 13:17 Form of bond
- § 13:18 Duties and authority of guardian
- § 13:19 Powers, duties, and responsibilities of guardian
- § 13:20 Guardian's duty as to use of ward's assets
- § 13:21 Powers and duties of limited guardian
- § 13:22 Powers and duties of conservator
- § 13:23 Instructions to guardians
- § 13:24 Inventory
- § 13:25 Limitations upon expenditures; duty to invest
- § 13:26 Guardian's compensation
- § 13:27 Settlement of guardians' accounts; termination of guardianship by final settlement
- § 13:28 Where sum does not exceed \$10,000
- § 13:29 Petition and order for payment of \$10,000 or less to custodian
- § 13:30 Removal of guardian; venue
- § 13:31 Nonresident guardian or nonresident ward; qualifications of guardian for resident ward
- § 13:32 Representing persons under disability in litigation
- § 13:33 Appointment of guardian for veteran receiving benefits

II. CURATORS

- § 13:34 When appointed
- § 13:35 Procedure for appointing
- § 13:36 Bond
- § 13:37 Appeal to circuit court
- § 13:38 Inventory

- § 13:39 Duties and responsibilities
- § 13:40 Filing settlements
- § 13:41 Compensation

III. POWER OF ATTORNEY

- § 13:42 Power of attorney—When not affected by disability of principal
- § 13:43 Accounting by attorney in fact

IV. FORMS

- § 13:44 Petition for appointment of guardian/conservator for minor
- § 13:45 Application for appointment of guardian/conservator for minor
- § 13:46 Order of appointment of guardian/conservator for minor
- § 13:47 Periodic/final settlement of guardian/conservator for minor

CHAPTER 14. FIDUCIARIES FOR DISABLED PERSONS

I. GENERAL DESCRIPTION

- § 14:1 General
- § 14:2 Reports and duties
- § 14:3 Modification—Petition for relief
- § 14:4 Effect of pre-existing power of attorney

II. FORMS

- § 14:5 Verified petition for the voluntary appointment of a guardian or conservator and standby guardian and order
- § 14:6 Information and instructions for filing guardianship petitions for disabilities (Jefferson County)
- § 14:7 Instructions to petitioners for handling disability cases (Jefferson County)
- § 14:8 Additional instructions to petitioner from Jefferson District Court
- § 14:9 Petition to determine if disabled
- § 14:10 Application for appointment of fiduciary
- § 14:11 Order for examination
- § 14:12 Order appointing counsel
- § 14:13 Order awarding attorney fees
- § 14:14 Report of interdisciplinary evaluation team
- § 14:15 Order of appointment of conservator
- § 14:16 Order of appointment of guardian
- § 14:17 Annual report of guardian
- § 14:18 Petition for relief, modification or termination
- § 14:19 Jury verdict
- § 14:20 Disability judgment
- § 14:21 Notice for final hearing
- § 14:22 Notice of emergency hearing

TABLE OF CONTENTS

- § 14:23 Waiver of notice and request for appointment of fiduciary
- § 14:24 Petition/application for emergency appointment of fiduciary
- § 14:25 Affidavit for appointment of emergency guardian—Jefferson County District Court
- § 14:26 Order for emergency appointment of fiduciary
- § 14:27 Order of appointment of emergency guardian
- § 14:28 Fiduciary bond

III. FAMILIES AND CHILDREN CABINET AS GUARDIAN

- § 14:29 Families and children cabinet as guardian

CHAPTER 14A. GUARDIANS FOR ADULTS

- § 14A:1 Jurisdiction
- § 14A:2 Kentucky may decline jurisdiction in some circumstances
- § 14A:3 Communication and cooperation among the courts; taking testimony in other states
- § 14A:4 Notice of proceedings
- § 14A:5 Proceedings in more than one state
- § 14A:6 Transfer of guardianship or conservatorship to another state; Accepting transfers from other states
- § 14A:7 Registration of orders from other states; effect of registration

CHAPTER 14B. SPECIAL NEEDS TRUSTS

- § 14B:1 Petition for a special needs trust
- § 14B:2 Court order creating special needs trust; Modifying the trust

APPEAL

CHAPTER 15. APPEAL FROM DISTRICT COURT TO CIRCUIT COURT

- § 15:1 Summary of appeal procedure
- § 15:2 What is appealable
- § 15:3 When appeal must be taken
- § 15:4 Notice of appeal, contents
- § 15:5 Notice, duties of clerk
- § 15:6 Notice and form
- § 15:7 Perfecting appeal; filing fee, statement
- § 15:8 Appellant's statement of appeal
- § 15:9 Appellee's counterstatement
- § 15:10 Cross-appeal
- § 15:11 Oral argument
- § 15:12 Record on appeal
- § 15:13 Supersedeas bond
- § 15:14 Motion for discretionary review to court of appeals

I. FORMS

- § 15:15 Certification of record on appeal

§ 15:16 Notice of submission of case for final adjudication

ACTIONS BROUGHT IN CIRCUIT COURT

CHAPTER 16. ACTION FOR SETTLEMENT OF ESTATE

§ 16:1 Generally

§ 16:2 Purpose of action

I. PARTIES TO ACTION

§ 16:3 Who may bring

§ 16:4 Who are to be named as parties

§ 16:5 Guardian ad litem

§ 16:6 Warning order attorney

§ 16:7 Attorney for persons who may be in armed forces

§ 16:8 Warning order and military attorneys; Jefferson Circuit Court rules
[Deleted]

II. COMPLAINT

§ 16:9 Venue of action

§ 16:10 Contents of complaint

§ 16:11 Complaint for sale of real estate

§ 16:12 Complaint on claims of creditors

III. FORMS

§ 16:13 Motion, affidavit, and order for appointment of guardian ad litem

§ 16:14 Affidavit and order for appointment of warning order attorney

§ 16:15 Complaint for sale of real property

§ 16:16 Motion and order referring action to commissioner

§ 16:17 Report of warning order attorney

§ 16:18 Commissioner's published notice to creditors

§ 16:19 Commissioner's report

§ 16:20 Judgment for sale of real property

§ 16:21 Judgment on determining heirship and approving periodic settlement and partial distribution

IV. OWNERSHIP INTERESTS IN PROPERTY

§ 16:22 Different ownership interests in property

CHAPTER 17. FIDUCIAL AND JUDICIAL SALES OF REAL ESTATE

§ 17:1 Sale of real estate: step-by-step procedure

I. FORMS

§ 17:2 Motion by guardian

TABLE OF CONTENTS

- § 17:3 Order authorizing guardian to sell
- § 17:4 Motion by conservator
- § 17:5 Order authorizing conservator to sell
- § 17:6 Deed by conservator

CHAPTER 18. WILL CONTEST

- § 18:1 Will contest, generally
- § 18:2 Procedure and parties
- § 18:3 Notice of action to county clerk
- § 18:4 Effect upon proceeding in district court
- § 18:5 Jury trial; appeal

I. FORMS

- § 18:6 Affidavit for appointment as next friend
- § 18:7 Notice of action to county clerk

MISCELLANEOUS

CHAPTER 19. MISCELLANEOUS PROBATE MATTERS

I. REDUCING OR INCREASING BOND

- § 19:1 Reducing amount of bond
- § 19:2 Motion for reducing bond (form)
- § 19:3 Order reducing bond (form)

II. INCREASING BOND

- § 19:4 Increasing amount of bond
- § 19:5 Motion for increasing bond (form)
- § 19:6 Order for increasing bond (form)

III. RENUNCIATION OF WILL

- § 19:7 Renunciation of will; step-by-step procedure
- § 19:8 Renunciation of will (form)
- § 19:9 Motion and order for extension of time in which to renounce will (form)
- § 19:10 Order directing recording of renunciation (form)

IV. REMOVAL OF PERSONAL REPRESENTATIVE

- § 19:11 Removal of personal representative
- § 19:12 Validity of acts done prior to removal
- § 19:13 Step-by-step procedure

V. LOCATING DIGITAL ASSETS

- § 19:14 Uniform Fiduciary Access to Digital Assets Act
- § 19:15 Procedure for disclosing

- § 19:16 Disclosing electronic communications of a deceased user
- § 19:17 Disclosure of other digital assets of a deceased user
- § 19:18 Disclosure of digital assets held in trust
- § 19:19 Disclosure of digital assets to conservator of protected person
- § 19:20 Fiduciary duty and authority
- § 19:21 Custodian compliance and authority

JUVENILE PRACTICE

CHAPTER 1. INTRODUCTORY MATTERS

- § 1:1 Kentucky Unified Juvenile Code and related laws
- § 1:2 Legislative intent
- § 1:3 Definitions for the Code
- § 1:4 Administrative regulations
- § 1:5 Rules of Court

CHAPTER 2. ADMINISTRATIVE MATTERS

- § 2:1 Court-designated workers
- § 2:2 Probation officers
- § 2:3 Court-appointed special advocates (CASAs)
- § 2:4 Duties of the Cabinet for Health and Family Services (CHFS)
- § 2:5 Department of Juvenile Justice (DJJ)
- § 2:6 Advisory groups
- § 2:7 Coordination of services for state agency children
- § 2:8 Record-keeping

CHAPTER 3. PROCEDURAL MATTERS

- § 3:1 Jurisdiction and venue
- § 3:2 Procedures when a child is taken into custody
- § 3:3 Complaint, petition, summons, fees, and preliminary inquiry
- § 3:4 Temporary change in custody
- § 3:5 Arraignment procedures
- § 3:6 Hearing procedures in general
- § 3:7 Detention hearing and release procedures
- § 3:8 Dispositional procedures
- § 3:9 Post-dispositional procedures
- § 3:10 Parental obligations
- § 3:11 Medical treatment
- § 3:12 Confidentiality
- § 3:13 Expungement

CHAPTER 4. DEPENDENCY, NEGLECT, AND ABUSE (DNA)

- § 4:1 Introduction and definitions
- § 4:2 Emergency removals
- § 4:3 Dependency (nonoffender) filings
- § 4:4 Temporary removal hearings

TABLE OF CONTENTS

- § 4:5 Adjudication
- § 4:6 Disposition
- § 4:7 Case planning and review
- § 4:8 Citizen foster care review/court-appointed special advocates/
permanency planning
- § 4:9 Multidisciplinary Commission on Child Sexual Abuse

CHAPTER 5. TERMINATION OF PARENTAL RIGHTS

- § 5:1 Introduction and purpose
- § 5:2 Voluntary termination
- § 5:3 Involuntary termination of parental rights

CHAPTER 6. STATUS OFFENDERS

- § 6:1 Correlation with prior text sections
- § 6:2 Jurisdiction and types of offenses
- § 6:3 Dispositional hearing procedures
- § 6:4 Violation of supervised placement conditions

CHAPTER 7. PUBLIC OFFENDERS

- § 7:1 Correlation with prior text sections
- § 7:2 Complaint procedures
- § 7:3 Jurisdictional issues
- § 7:4 Dispositional options
- § 7:5 Juvenile sexual offender treatment
- § 7:6 Violation of conditions of supervised placement and probation
- § 7:7 Juvenile firearm-felony offenders
- § 7:8 Other firearm-related matters

CHAPTER 8. YOUTHFUL OFFENDERS

- § 8:1 Jurisdiction
- § 8:2 Probable cause hearing
- § 8:3 Transfer hearing
- § 8:4 Pretrial detention and bail
- § 8:5 Youthful offender sentencing and prohibited dispositions
- § 8:6 Probation and parole procedures
- § 8:7 Post-sentencing matters

CHAPTER 9. MENTAL HEALTH ACTIONS

- § 9:1 Introduction and definitions
- § 9:2 Voluntary admissions
- § 9:3 Rights of hospitalized children and their parents
- § 9:4 Criteria for hospitalization
- § 9:5 Emergency hospitalization
- § 9:6 Involuntary commitment procedures (certification
procedures)
- § 9:7 Recertification procedures
- § 9:8 Forced medication or treatment procedures
- § 9:9 Convalescent leave

- § 9:10 Court-designated worker duties
- § 9:11 Appeals and writs under KRS Chapter 645
- § 9:12 Duty to warn

CHAPTER 10. MISCELLANEOUS PROVISIONS

- § 10:1 Interstate Compact procedures (KRS Chapter 615)
- § 10:2 Emancipation
- § 10:3 Informal adjustment
- § 10:4 Contempt of court
- § 10:5 Juvenile Justice and Delinquency Prevention Act
- § 10:6 Administration of juvenile detention and its alternatives
- § 10:7 Abortion
- § 10:8 Appeals

CHAPTER 11. FORMS

- § 11:1 Order to take juvenile into custody
- § 11:2 Juvenile complaint/petition
- § 11:3 Juvenile summons
- § 11:4 Juvenile summons for witnesses
- § 11:5 Temporary custody order (status offenses)
- § 11:6 Promise to appear in juvenile proceeding
- § 11:7 Preliminary inquiry interview summary
- § 11:8 Notice of right to special review
- § 11:9 Waiver of special review—Public offense
- § 11:10 Preliminary inquiry notice—Status offense
- § 11:11 Notice regarding a conference for a public or status offense complaint
- § 11:12 Preliminary inquiry notice—Public offense
- § 11:13 Diversion agreement
- § 11:14 Release of information
- § 11:15 Notice of unsuccessful diversion conference
- § 11:16 Public offense recommendation to county attorney
- § 11:17 Preliminary inquiry formal/informal processing criteria and recommendations
- § 11:18 Pre-adjudicative detention criteria
- § 11:19 Juvenile detention order for public offense
- § 11:20 Juvenile detention order for status offense
- § 11:21 Juvenile support order *[Deleted]*
- § 11:22 Order for medical examination or treatment of juvenile
- § 11:23 Petition for expungement of juvenile record
- § 11:24 Order for expungement of juvenile record
- § 11:25 Order for Expungement of Juvenile Record Upon Petition
- § 11:26 Juvenile summons for dependency, neglect, or abuse action
- § 11:27 Adjudication Order
- § 11:28 Adjudication order/disposition order
- § 11:29 Temporary removal order
- § 11:30 Emergency custody order
- § 11:31 Emergency custody order affidavit
- § 11:32 Notice of emergency removal (dependency/neglect/abuse case)

TABLE OF CONTENTS

§ 11:33	Order for attorney’s fees in dependency, neglect, abuse, or termination of parental rights proceedings
§ 11:34	Reasonable efforts on reunification <i>[Deleted]</i>
§ 11:35	Juvenile status or delinquency disposition
§ 11:36	Disposition Order Public Offense
§ 11:37	Order of discharge from CHR commitment <i>[Deleted]</i>
§ 11:38	Youthful offender transfer hearing order
§ 11:39	Mental health transportation order
§ 11:40	Order granting emergency hospitalization and evaluation
§ 11:41	Order denying petition for emergency hospitalization
§ 11:42	Verified petition for involuntary hospitalization
§ 11:43	Judgment and order for 60 days or 180 days hospitalization
§ 11:44	Order denying petition for involuntary hospitalization (or recertification)
§ 11:45	Permanency order
§ 11:46	Order of discharge from CFC/DJJ commitment
§ 11:47	Sample calendar
§ 11:48	Order appointing public defender in a juvenile proceeding
§ 11:49	Appointment of guardian ad litem (for children <i>and</i> adults)
§ 11:50	Abortion petition
§ 11:51	Order granting abortion
§ 11:52	Order denying abortion
§ 11:53	Notice of appeal/self-consent abortion petition
§ 11:54	Petition for student driving privilege/reinstatement
§ 11:55	Student drivers license order
§ 11:56	High school enrollment verification <i>[Deleted]</i>
§ 11:57	Petition for permission to marry and affidavit of consent
§ 11:58	Citizen foster care review board findings and recommendations
§ 11:59	CBS response to CFRB questions
§ 11:60	Citizen foster care review board finding of: inappropriate placement/permanency plan
§ 11:61	Confidential report of suspected child and adult abuse/neglect/dependency or exploitation
§ 11:62	Family court order for counseling
§ 11:63	Family court compliance show cause order
§ 11:64	Juvenile dependency, neglect, and abuse petition
§ 11:65	Permanent custody order
§ 11:66	Order appointing guardian ad litem
§ 11:67	Juvenile status offender order
§ 11:68	CDW insurance option form
§ 11:69	Certificate of performance of voluntary community service
§ 11:70	Notification of charge—Juvenile petition
§ 11:71	Financial statement, affidavit of indigence, request for counsel and order
§ 11:72	Unsuccessful diversion agreement
§ 11:73	Dependency, neglect or abuse dispositional report
§ 11:74	Affidavit and beyond control of parent evaluation form
§ 11:75	Affidavit and beyond control of school evaluation form
§ 11:76	Notice of juvenile rights and consequences for status offenders

- § 11:77 Affidavit and truancy evaluation form
- § 11:78 Admission or Confession and Waiver of Formal
Adjudication Hearing
- § 11:79 Informal Adjustment Agreement and Order
- § 11:80 Notice of Names and Addresses of Interested Parties to be
Noticed by Clerk for Hearings
- § 11:81 Stipulation of Facts & Waiver of Formal Adjudication
Hearing
- § 11:82 Kentucky citizen foster care review board volunteer
application
- § 11:83 Citizen foster care review board case selection for
interested party review
- § 11:84 Findings and recommendations
- § 11:85 Order Granting/Denying Waiver of Reasonable Efforts
Pursuant to KRS 610.127
- § 11:86 Affidavit of Consent (Voluntary Termination)

ADOPTION; TERMINATION OF PARENTAL RIGHTS

CHAPTER 1. ADOPTION

- § 1:1 Introduction
- § 1:2 Jurisdiction; prerequisites; who may file and when
- § 1:3 Independent adoptions
- § 1:4 Persons on army post
- § 1:5 Necessary parties to adoption proceedings; problems of
putative fathers
- § 1:6 Process for placing necessary parties before the court
- § 1:7 Necessity for guardian ad litem
- § 1:8 Contents of adoption petitions
- § 1:9 Prohibitions against dual representation and payment of
legal fees
- § 1:10 Consent to adoption; granting of adoption without consent
- § 1:11 Conditions necessary for adoption without consent of child's
biological living parents
- § 1:12 Court decision in case involving adoption without consent
- § 1:13 Right to representation of biological parents
- § 1:14 Putative fathers
- § 1:15 Report to court
- § 1:16 Judgment of adoption
- § 1:17 Receipt of post adoption information regarding medical or
genetic condition
- § 1:18 Annulment of adoption; adoption not invalid for procedural
error, exception
- § 1:19 Disposition of child when adoption not granted
- § 1:20 Subsidized adoptions
- § 1:21 Appeals
- § 1:22 Swift adoptions
- § 1:23 Issuance of birth certificate
- § 1:24 Confidentiality of adoption

TABLE OF CONTENTS

- § 1:25 Interstate and out-of-country placements for adoptions
- § 1:26 Sale or purchase of children prohibited

CHAPTER 2. VOLUNTARY TERMINATION OF PARENTAL RIGHTS

- § 2:1 In general
- § 2:2 Contents of voluntary termination petition
- § 2:3 Voluntary termination during the pendency of dependency, neglect, or abuse proceeding
- § 2:4 Appointment of attorney to represent indigent parent for voluntary termination
- § 2:5 Parties to a voluntary termination action and appointment of a guardian ad litem
- § 2:6 Conduct of the hearings
- § 2:7 Termination orders
- § 2:8 Confidentiality of records
- § 2:9 Effect of termination order

CHAPTER 3. INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

- § 3:1 Petition
- § 3:2 Parties to an involuntary termination action
- § 3:3 Putative father
- § 3:4 Service of process
- § 3:5 Conduct of hearings
- § 3:6 Grounds for involuntary termination of parental rights
- § 3:7 Termination orders
- § 3:8 Right to inherit
- § 3:9 Confidentiality
- § 3:10 Appeals

CHAPTER 4. FORMS

- § 4:1 Application for permission to receive or place a child
- § 4:2 Petition for adoption
- § 4:3 Affidavit of consent for adoption
- § 4:4 Petition for voluntary termination of parental rights
- § 4:5 Appearance waiver and consent to adopt
- § 4:6 Order terminating parental rights
- § 4:7 Judgment of adoption
- § 4:8 Affidavit for appointment of guardian ad litem
- § 4:9 Report of guardian ad litem
- § 4:10 Findings of fact and conclusions of law
- § 4:11 Petition to inspect adoption records
- § 4:12 Order granting request to inspect and requiring CFC to notify biological parents
- § 4:13 Order granting or denying request to inspect adoption records

CHANGE OF NAME

CHAPTER 1. GENERAL CONSIDERATIONS

- § 1:1 Statutory proceedings generally
- § 1:2 Effect of marriage and divorce on a woman's name
- § 1:3 Name change of a child

CHAPTER 2. FORMS

- § 2:1 Petition for name change
- § 2:2 Name change order
- § 2:3 Petition for change of name of minor child (alternate form)
- § 2:4 Order for change of name of minor child (alternate form)

EMINENT DOMAIN

CHAPTER 1. INTRODUCTION

- § 1:1 Power of eminent domain
- § 1:2 Purpose and scope
- § 1:3 Summary of legislative changes

CHAPTER 2. THE LAW AND PRELIMINARY REQUIREMENTS

- § 2:1 Section 13 of Kentucky Constitution
- § 2:2 Statutory prerequisites

CHAPTER 3. INITIATION OF THE CONDEMNATION ACTION

- § 3:1 Initiating documents
- § 3:2 Verified petition
- § 3:3 Exhibits
- § 3:4 Appointing commissioners
- § 3:5 Oath for commissioners
- § 3:6 Commissioner's report
- § 3:7 Service of process
- § 3:8 Lis pendens

CHAPTER 4. ANSWER, EXCEPTIONS, AND TRIAL

- § 4:1 Confirmation of right to condemn
- § 4:2 Interlocutory order
- § 4:3 Types of answers
- § 4:4 Limitations on answers
- § 4:5 Exceptions to commissioners' award
- § 4:6 Posting award
- § 4:7 Trial
- § 4:8 Instructions
- § 4:9 Pitfalls in condemnation cases

CHAPTER 5. POST JUDGMENT

- § 5:1 Refunds and additional payments
- § 5:2 Appeals
- § 5:3 Final judgment
- § 5:4 Deed
- § 5:5 Costs
- § 5:6 Right of redemption

CHAPTER 6. FORMS

- § 6:1 Petition
- § 6:2 Lis pendens notice
- § 6:3 Order appointing commissioners
- § 6:4 Commissioner's oath
- § 6:5 Report of commissioners
- § 6:6 Motion for allowance of fee
- § 6:7 Summons
- § 6:8 Interlocutory order and judgment
- § 6:9 Statement of exceptions to commissioners' award
- § 6:10 Instructions to jury
- § 6:11 Final order and judgment
- § 6:12 Master commissioner's deed

SMALL CLAIMS

CHAPTER 1. JURISDICTION

- § 1:1 Statutory provisions; forms; informational pamphlet
- § 1:2 Jurisdiction: not exceeding \$2,500—Interest and costs
- § 1:3 Jurisdiction limited to claims for money
- § 1:4 Matters that may not be brought in Small Claims Division
- § 1:5 Persons who may not use the Small Claims Division
- § 1:6 Persons who may use the Small Claims Division
- § 1:7 Removal of action from, or transfer to, Small Claims Division
- § 1:8 Action in forma pauperis
- § 1:9 Representation by attorney or another

CHAPTER 2. COMMENCEMENT OF ACTION, VENUE, AND SERVICE OF PROCESS

- § 2:1 Commencing the action; preparing and filing complaint; filing fees
- § 2:2 Complaint (form)
- § 2:3 Venue, place of trial
- § 2:4 Notice of hearing date
- § 2:5 If defendant is not served by mail
- § 2:6 Small claims summons
- § 2:7 Summons (form)

CHAPTER 3. PLEADINGS AND MOTIONS

- § 3:1 Continuance

- § 3:2 Motions
- § 3:3 Motion for forma pauperis (form)
- § 3:4 Financial statement, affidavit of indigence, request for
counsel and order
- § 3:5 Counterclaim
- § 3:6 —Form

CHAPTER 4. DEPOSITIONS AND DISCOVERY

- § 4:1 Depositions and discovery
- § 4:2 Subpoenas
- § 4:3 Civil subpoena (form)
- § 4:4 Failure to obey subpoena (form)
- § 4:5 Failure to obey subpoena (alternate form)

CHAPTER 5. HEARING, TRIAL, AND JUDGMENT

- § 5:1 Pretrial conference—Rules of evidence
- § 5:2 Preparation for hearing and trial of case
- § 5:3 Jury trial in district court
- § 5:4 Default judgment
- § 5:5 Default judgment
- § 5:6 Disposition of case by judge; judgment
- § 5:7 Judgment (form)
- § 5:8 Settlement agreement
- § 5:9 Settlement agreement (form)
- § 5:10 Small Claims settlement agreement order
- § 5:11 Agreed order (alternate form)
- § 5:12 Appeal to circuit court

CHAPTER 6. ENFORCEMENT OF JUDGMENT

- § 6:1 Enforcement of judgment
- § 6:2 Post-judgment interrogatories (form)
- § 6:3 Post-judgment motion/order requiring losing party to
answer interrogatories
- § 6:4 Military affidavit (form)
- § 6:5 Execution (form)
- § 6:6 Affidavit to challenge execution (form)
- § 6:7 Order to garnishee (form)
- § 6:8 Affidavit and answer of garnishee (employer) (form)
- § 6:9 Order of garnishment (non-wage)
- § 6:10 Affidavit to challenge garnishment
- § 6:11 Garnishment challenge order
- § 6:12 Sheriff's return for wage garnishment (form)
- § 6:13 Affidavit and supplemental order of wage garnishment
- § 6:14 Motion for satisfaction of judgment
- § 6:15 Order—Entry of satisfaction of judgment
- § 6:16 Evidence that judgment has been paid—Jefferson Small
Claims Division (form)
- § 6:17 Checklist used in Jefferson District Court

TABLE OF CONTENTS

- § 6:18 Small claims post-judgment motion to require losing party to answer interrogatories
- § 6:19 Small claims post-judgment order requiring losing party to answer interrogatories

WORKERS' COMPENSATION

CHAPTER 1. PURPOSE AND SCOPE

- § 1:1 Purpose and scope
- § 1:2 Definition of terms
- § 1:3 Injury defined
- § 1:4 Terms used in the definition of injury
- § 1:5 Employee defined
- § 1:6 Employees excluded from coverage
- § 1:7 Employee or independent contractor
- § 1:8 Course and scope of employment defined
- § 1:9 Medical benefits
- § 1:10 AMA impairment rating
- § 1:11 Income benefits
- § 1:12 Average weekly wage
- § 1:13 Occupational disease

CHAPTER 2. DO YOU HAVE A CASE?

- § 2:1 Prelitigation discussion with the client
- § 2:2 Rights, benefits, and remedies are exclusive
- § 2:3 Third-party actions
- § 2:4 What is covered
- § 2:5 Who is covered
- § 2:6 Who is exempted from coverage
- § 2:7 Extraterritorial coverage
- § 2:8 Psychiatric claims
- § 2:9 Discrimination prohibited

I. STATUTES OF LIMITATION

- § 2:10 Statutes of limitation for injuries
- § 2:11 Tolling the statute of limitations
- § 2:12 Statute of limitations for occupational diseases
- § 2:13 Statute of limitations in case of death

II. NOTICE OF INJURY

- § 2:14 Notice to employer
- § 2:15 "As soon as practicable" defined with rationale
- § 2:16 Notice in writing

III. MEDICAL TREATMENT, EXPENSES, DISPUTES

- § 2:17 Medical treatment at the expense of the employer
- § 2:18 Medical and vocational examinations of the plaintiff
- § 2:19 Failure to follow medical advice

- § 2:20 Medical bills presented to employer
- § 2:21 Medical fee disputes
- § 2:22 Cost of unreasonable proceedings may be assessed

IV. TYPES OF INCOME BENEFITS

- § 2:23 Four basic types of income benefits
- § 2:24 Temporary Total Disability benefits (TTD)
- § 2:25 Weeks of permanent disability income benefits
- § 2:26 Permanent Partial Disability benefits (PPD)
- § 2:27 Permanent total disability
- § 2:28 Death benefits for a nonwork-related death
- § 2:29 Death benefits for a work-related death

V. ENHANCEMENTS AND REDUCTIONS TO BENEFITS

- § 2:30 Age and education enhancement to the KRS 342.730(1)(b) “factor”
- § 2:31 The times three and times two multipliers
- § 2:32 Safety violation
- § 2:33 Offset for employer funded disability plans; return to light duty
- § 2:34 Professional athlete
- § 2:35 Cutoff at age 70

VI. LUMP SUM VALUE

- § 2:36 State’s average weekly wage
- § 2:37 The “factor” for calculating Permanent Partial Disability percentages
- § 2:38 Weeks of benefits
- § 2:39 Calculating the lump sum value of a claim

CHAPTER 3. FILING THE CLAIM AND PRACTICING BEFORE AN ADMINISTRATIVE LAW JUDGE

- § 3:1 Preparing to file the claim
- § 3:2 Filing claim for compensation
- § 3:3 Necessary and proper parties
- § 3:4 Potential parties defendant
- § 3:5 Special Fund Pre-December 12, 1996
- § 3:6 Uninsured Employers’ Fund
- § 3:7 Mandatory joinder of all claims
- § 3:8 Combined injury and occupational disease
- § 3:9 Mandatory denial or acceptance of claim
- § 3:10 Affirmative special defense
- § 3:11 Compensation agreement
- § 3:12 Lump sum settlements
- § 3:13 Interlocutory relief
- § 3:14 Attorney fee for interlocutory relief

TABLE OF CONTENTS

§ 3:15	Frivolous filings prohibited
§ 3:16	Functional and Occupational disability
§ 3:17	Stipulation of facts not in issue
§ 3:18	Rules of evidence before the Administrative Law Judge
§ 3:19	Medical evidence
§ 3:20	Medical examination of the plaintiff
§ 3:21	Referral to a University physician
§ 3:22	Motions
§ 3:23	Benefit review conference
§ 3:24	Witness lists and proposed stipulations
§ 3:25	Hearings
§ 3:26	Petition for reconsideration
§ 3:27	Attorney fees

CHAPTER 4. PRACTICE IN COAL WORKERS' PNEUMOCONIOSIS CLAIMS

§ 4:1	Coal workers' pneumoconiosis claims-overview
§ 4:2	Definitions for coal workers' pneumoconiosis claims
§ 4:3	Procedure in filing coal workers' pneumoconiosis claims
§ 4:4	Response to filing a coal worker's pneumoconiosis claim
§ 4:5	When there is no consensus on the original readings
§ 4:6	Procedure after referral to the panel of three "B" readers
§ 4:7	Procedure after the Commissioner's notice regarding consensus is issued-first 30 days
§ 4:8	Defendant's proof if pulmonary impairment is alleged
§ 4:9	Election of remedies by a claimant 57 years old or older
§ 4:10	Discovery and evidence in coal workers' pneumoconiosis cases
§ 4:11	Evidence allowed for challenge of consensus
§ 4:12	Retraining benefits
§ 4:13	Additional benefits for pursuing a Government Equivalent Diploma (GED)
§ 4:14	When retraining incentive benefits become payable
§ 4:15	Election to defer the payment of benefits
§ 4:16	Claims with pulmonary impairment or Category 2/1 and higher
§ 4:17	Coal Workers' Pneumoconiosis Fund
§ 4:18	Later review of award

CHAPTER 5. REOPENINGS AND ATTORNEY FEES

§ 5:1	Reopenings, generally
§ 5:2	Time limits on reopenings
§ 5:3	Effect of motion to reopen
§ 5:4	Requirements for a motion to reopen
§ 5:5	Response to a motion to reopen
§ 5:6	Procedure on reopening
§ 5:7	Attorney fee on reopening

CHAPTER 6. APPEALS

§ 6:1	Appeal to the Workers' Compensation Board
-------	---

- § 6:2 Continuation of benefits pending appeal
- § 6:3 Extent of review by the Workers' Compensation Board
- § 6:4 Correcting errors in a Workers' Compensation Board decision
- § 6:5 Appeals from the Workers' Compensation Board to court of appeals
- § 6:6 Standard of review in the courts
- § 6:7 Notice of appeal
- § 6:8 Briefs
- § 6:9 Citations to unpublished cases
- § 6:10 Reply briefs
- § 6:11 Penalty for failing to file a brief
- § 6:12 Appeal to the Supreme Court
- § 6:13 Repetitive appeals prohibited

CHAPTER 6A. MEDICAL FEE DISPUTES

- § 6A:1 Overview
- § 6A:2 Time limits for medical fee disputes
- § 6A:3 Claims subject to utilization review
- § 6A:4 The utilization review process
- § 6A:5 Written notice of denial
- § 6A:6 Reconsideration of a utilization review decision
- § 6A:7 Filing a medical fee dispute
- § 6A:8 Service of copies of the Form 112 when no application for resolution of claim has been filed
- § 6A:9 Service of copies of the Form 112 when an application for adjustment of claim is pending
- § 6A:10 Filing a medical fee dispute after a final decision has been entered
- § 6A:11 Appeal to the Workers' Compensation Board
- § 6A:12 Expedited medical disputes
- § 6A:13 Sanctions

CHAPTER 7. FORMS

- § 7:1 Employee's notice of rejection of Workers' Compensation Act
- § 7:2 Written notice of withdrawal of Form 4 rejection
- § 7:3 Notice of injury or occupational disease
- § 7:4 Attorney fee contract (standard form)
- § 7:5 Application for resolution of injury claim
- § 7:6 Application for resolution of occupational disease claim
- § 7:7 Application for resolution of coal workers' pneumoconiosis claim
- § 7:8 Application for resolution of hearing loss claim
- § 7:9 Plaintiff's employment history
- § 7:10 Plaintiff's chronological medical history
- § 7:11 Medical waiver and consent
- § 7:12 Medical report Injury
- § 7:13 Medical report Psychological
- § 7:14 Medical report Occupational disease
- § 7:15 Medical report Coal workers' pneumoconiosis

TABLE OF CONTENTS

§ 7:16	Medical report Hearing loss
§ 7:17	Notice of submission of report in lieu of deposition
§ 7:18	Notice of filing of medical and hospital records
§ 7:19	Motion to join Uninsured Employer's Fund
§ 7:20	Order naming Uninsured Employer's Fund a party defendant
§ 7:21	Special answer
§ 7:22	Notice of deposition
§ 7:23	Notice of claim denial or acceptance Injury and hearing loss
§ 7:24	Notice of claim denial or acceptance Occupational disease
§ 7:25	Average weekly wage certification
§ 7:26	Motion for extension of time to complete proof
§ 7:27	Order for extension of time
§ 7:28	Motion to appoint medical evaluator
§ 7:29	Statement of proposed stipulations and notice of contested issues Injury
§ 7:30	Statement of proposed stipulations and notice of contested issues Occupational disease
§ 7:31	Statement of proposed stipulations and notice of contested issues Hearing loss
§ 7:32	Benefit review conference order and memorandum
§ 7:33	Hearing order
§ 7:34	Attorney fee election
§ 7:35	Agreement as to compensation and order approving settlement Injury
§ 7:36	Agreement as to compensation and order approving settlement Hearing loss/occupational disease
§ 7:37	Petition for reconsideration
§ 7:38	Order for modification of award
§ 7:39	Notice of appeal to Workers' Compensation Board
§ 7:40	Motion to Reopen by Employee Motion to Reopen 1
§ 7:41	Motion to Reopen by Defendant Motion to Reopen 3
§ 7:42	Motion to reopen KRS 342.732 benefits Motion to reopen 2
§ 7:43	Motion for continuation of benefits
§ 7:44	Request to resolve medical fee dispute
§ 7:45	Request for expedited determination of medical issue
§ 7:46	Notice of designated physician
§ 7:47	Request for payment for services or reimbursement for compensable expenses
§ 7:48	Social Security release form
§ 7:49	Motion for interlocutory relief—MIR-1
§ 7:50	Affidavit for payment of medical expenses—MIR-2
§ 7:51	Affidavit for payment of temporary total disability benefits—MIR-3
§ 7:52	Affidavit for payment regarding rehabilitation services—MIR-4
§ 7:53	Open records request
§ 7:54	Subpoena
§ 7:55	Subpoena duces tecum
§ 7:56	Petition for review by Court of Appeals

Appendix A. Timetable for Statutory Proceedings in Alphabetical
Sequence

Table of Laws and Rules

Table of Cases

Index