

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING APPENDIX II, EQUAL TIMESHARING GUIDELINES, OF THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 37TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, CARTER, ELLIOTT, AND MORGAN COUNTIES**

Upon recommendation of the Family Circuit Judge of the 37th Judicial Circuit, and being otherwise sufficiently advised,

Appendix II, Equal Timesharing Guidelines, of Court Practice and Procedure for the 37th Judicial Circuit, Family Court Division, Carter, Elliott, and Morgan counties, is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this the 8th day of September 2022.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

**CARTER, ELLIOTT AND MORGAN CIRCUIT COURT  
FAMILY COURT DIVISION  
37<sup>th</sup> JUDICIAL CIRCUIT**

**APPENDIX II: EQUAL TIMESHARING GUIDELINES**

Pursuant to KRS 403.270(2), "Subject to KRS 403.315, there shall be a presumption, rebuttable by a preponderance of the evidence, that joint custody and equally shared parenting time is in the best interest of the child. . . ." Therefore, the equal timesharing guidelines are as follows:

**1. When These Guidelines Apply**

These Guidelines apply when the parents/caregivers ("the Parties") have not mutually agreed upon a timesharing schedule and the Court has not entered any conflicting order governing the Parties' timesharing. If the Parties have mutually agreed upon a timesharing schedule, the parties shall have possession of the child at the mutually agreed upon times. If these Guidelines conflict with any specific term in a current Court order, then parties shall follow the terms of the current Court order

**2. Regular Timesharing Schedule Options**

- A. *The Petitioner shall be considered "Party 1," and Respondent shall be considered "Party 2," unless the Parties mutually agree otherwise. Unless otherwise ordered by the Court, the Parties shall agree on one of the following Regular Timesharing Schedules:*
- i. **Schedule A:** The Parties shall each have timesharing on alternate weeks with the exchange occurring each Sunday at 6:00 p.m. EST.
  - ii. **Schedule B:**
    - a. **Party 1** shall have timesharing from Sunday at 6:00 p.m. EST to Tuesday at 6:00 p.m. EST.
    - b. **Party 2** shall have timesharing from Tuesday at 6:00 p.m. EST to Thursday at 6:00 p.m. EST.
    - c. The Parties shall alternate timesharing during weekends from Thursday at 6:00 p.m. EST to Sunday at 6:00 p.m. EST.
- B. The party exercising timesharing is responsible for timely picking up the child(ren) at the beginning of their timesharing period unless the parties mutually agree otherwise.

**3. Holiday/School Break Schedule**

A. The Parties are encouraged to work together to agree upon a holiday and school break timesharing schedule that maintains the child's traditions with their extended family. When that is not possible due to inability to reach an agreement, the Parties shall follow holiday and school break timesharing as directed in this section, and the holiday and school break schedule shall be followed regardless of who has a specific day or time under the Regular Timesharing Schedule.

B. Christmas Holidays:

a. During even numbered years:

- i. Party 1 will have timesharing from December 23 at 8:00 p.m. EST to December 24 at 8:00 p.m. EST.
- ii. Party 2 will have timesharing from December 24 at 8:00 p.m. EST to December 25 at 8:00 p.m. EST.

b. During odd numbered years:

- i. Party 2 will have timesharing from December 23 at 8:00 p.m. EST until December 24 at 8:00 p.m. EST.
- ii. Party 1 will have timesharing from December 24 at 8:00 p.m. EST until December 25 at 8:00 p.m. EST.

C. Thanksgiving:

a. During even numbered years:

- i. Party 1 will have timesharing on from the Wednesday before Thanksgiving Day at 8:00 p.m. EST to Thanksgiving Day at 8:00 p.m. EST.
- ii. Party 2 will have timesharing from Thanksgiving Day at 8:00 p.m. EST to the Friday after Thanksgiving Day at 8:00 p.m. EST.

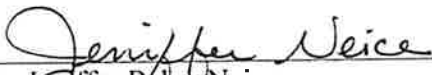
b. During odd numbered years:

- i. Party 2 will have timesharing on from the Wednesday before Thanksgiving Day at 8:00 p.m. EST to Thanksgiving Day at 5:00 p.m. EST.
- ii. Party 1 will have timesharing from Thanksgiving Day at 8:00 p.m. EST to the Friday after Thanksgiving Day at 5:00 p.m. EST.

D. Vacation: Each party shall be entitled to exercise extended vacation timesharing with the child with said time period being exercised in two periods of seven days each with 60 days advance notice to the other party in writing, or by agreement upon notice. Absent mutual agreement, a party may not claim a vacation period during any holiday or school break timesharing granted to the other party in these guidelines.

- E. Father's Day and Mother's Day: The mother of the child shall have timesharing on Mother's Day from 9:00 a.m. EST to 6:00 p.m. EST. The father of the child shall have timesharing on Father's Day from 9:00 a.m. EST to 6:00 p.m. EST.
- F. Fall Break and Spring Break:
- a. During even numbered years:
    - i. Party 1 has timesharing beginning at 6:00 p.m. EST on the last school day before Spring Break begins to 6:00 p.m. EST on the day before school resumes following Spring Break.
    - ii. Party 2 has timesharing beginning at 6:00 p.m. EST on the last school day before Fall Break begins to 6:00 p.m. EST on the day before school resumes following Fall Break.
  - b. During odd numbered years:
    - i. Party 2 has timesharing beginning at 6:00 p.m. EST on the last school day before Spring Break begins to 6:00 p.m. EST on the day before school resumes following Spring Break.
    - ii. Party 1 has timesharing beginning at 6:00 p.m. EST on the last school day before Fall Break begins to 6:00 p.m. EST on the day before school resumes following Fall Break.

Approved this 8<sup>th</sup> day of September, 2022.

  
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Hon. Jennifer Baker Neice  
37<sup>th</sup> Circuit Judge  
Family Court Division