

Kentucky Rule of Civil Procedure. Parental-Leave Period for Attorneys.

a. Leave Period. Establishing a parental-leave period for attorneys reinforces the values and beliefs that an attorney's well-being is necessary to the profession, clients, and the important work of the attorney. To that end, an attorney, regardless of gender or counsel status, shall be entitled to twelve weeks of leave from court proceedings for any case in which that attorney is an attorney of record, for the purposes of caring for their medical and family needs following the birth or adoption of the attorney's child, or when a child is placed in the attorney's care through foster care.

b. Designation of Leave Period. An attorney shall make their intention to take parental-leave known by filing a notice in the court in which a case is pending, with the following information: (1) the attorney's name, address, telephone number, and email; (2) the date on which the leave period is expected to begin and the date on which it is expected to end; (3) a statement as to whether the leave period will conflict with any previously scheduled case events and, if so, a list of these events; (4) a statement that the attorney's client has been notified of the leave period; (5) a statement that the leave period is not being designated for the purpose of interfering with the timely disposition of any proceeding; and (6) the attorney's signature and the date on which the attorney submits the designation.

c. When to Submit Designation. An attorney shall submit their parental-Leave designation as soon as practical, but at least 120 days before the leave period begins. Once they have sufficient knowledge that they will request a continuance pursuant to this Rule, an attorney should attempt to avoid scheduling a proceeding in any of their cases during the period of intended leave.

d. Revisions to Designations permitted. Because of the uncertainty of a birth, adoption, or placement date, if the attorney determines that their period of leave will change, the attorney may file, as soon as possible, a revised designation and the court shall make reasonable exception to the requirements above to allow the attorney to address their family's medical needs or enjoyment of time with their child.

e. Proceedings Stayed During Leave Period. Court proceedings shall be stayed during the attorney's parental-Leave period in all cases in which a designation of leave has been filed, regardless of counsel status or the presence of alternative counsel of record. A party shall not notice a deposition to be taken during another attorney's designated leave period. A party shall not propound written discovery to the client(s) of the attorney on leave.

f. Burden of Proof. An attorney who has filed a designation of leave is presumptively entitled to such leave. If another party believes it would suffer substantial prejudice as a result of the leave, that party may file a motion seeking relief from the presumptive stay of proceedings. Such motion must be filed within 14 days of receipt of the parental continuance designation and shall state with specificity all allegations of substantial prejudice. The party opposing the stay of proceedings bears the burden of proof. If a court determines that a hearing on the issue is necessary, such hearing shall occur within 30 days of the motion for relief being filed.

g. Other or Additional Leave. Nothing in this rule limits the inherent power of the courts to allow an attorney to enjoy leave that has not been designated according to this rule, leave that is necessary to attend to medical issues relating to pregnancy, or to allow a period of Parental-Leave that is greater than that which is provided for by this rule.