

# BOONE COUNTY LOCAL COURT RULES TABLE OF CONTENTS

## **Trial Rules:**

LR06-TR38-BLR-1	Jury Pool Selection	2
LR06-TR26-BLR-2	Automatic Criminal Discovery	2
LR06-CR00-BLR-3	Non-Discretionary Filing of Criminal Cases	6

## **Criminal Bail & Fees:**

LR06-CR00-BLR-4	Criminal Bail	9
LR06-CR00-BLR-5	Schedule of Fees for Superior Court II Alcohol and Drug Program	16

## **Family Law:**

LR06-FL00-BLR-6	Child Support Worksheets, Financial Declarations, Education for Divorcing Parents with Minor Children and Mediation	16
LR06-FL00-BLR-7	Non-Discretionary Filing of Certain DC and DN Matters	17

## **Court Administration:**

LR06-AR15-BLR-8	Court Reporters	18
LR06-TR63-BLR-9	When Other Judges Preside	19
LR06-TR79-BLR-10	Coordinated Local Rule On Selection of Special Judge in Civil Cases	19
LR06-AR00-BLR-11	Photographs, Broadcasting, Television and Recording Prohibited	20
LR06-AR01-BLR-12	Boone County's Local Case Load Plan	20

**LR06-TR38-BLR-1  
JURY POOL SELECTION**

The Courts of Boone County utilize a system of calling prospective jurors by issuance of a form letter at least seven (7) calendar days before a scheduled jury trial, using a two-tier notice for summoning jurors. The jury qualification form and notice will be the first tier and summoning the prospective juror at least one week before service will be the second tier. Prospective jurors are to telephone the Court after 5:00 p.m. the day before the scheduled trial date to ascertain if the trial remains on the Court calendar or has been either continued or resolved. (The number is included on their summons.)

**LR06-TR26-BLR-2  
AUTOMATIC CRIMINAL DISCOVERY RULE**

**A. General Provisions**

1. Upon the entry of an appearance by an attorney for a defendant or a defendant's appearance as a self-represented litigant, the State shall disclose and furnish all relevant items and information under this Rule to the defendant within thirty (30) days from the date of the appearance, subject to Constitutional limitations and such other limitation as the court may specifically provide by separate order, and the defense shall disclose and furnish all relevant items and information under this rule to the State within thirty (30) days after the State's disclosure. The deadline for the State to furnish disclosures to an unrepresented litigant shall be thirty days from the date the unrepresented litigant files a proper appearance under Trial Rule 3.1 or the date a Court deems a criminal defendant to have elected to represent himself without an attorney, whichever is earlier. For good cause, the Court may shorten the deadline for State to furnish all relevant items. For the furnishing of items to a defendant in custody, the State shall furnish paper copies of written materials and photographs of tangible items.
2. No written motion is required, except:
  - a) To compel compliance under this Rule;
  - b) For additional discovery not covered under this Rule;
  - c) For a protective order seeking exemption from the provisions of this Rule; or
  - d) For an extension of time to comply with this Rule.
3. Although each side has a right to full discovery under the terms of this Rule, each side has a corresponding duty to seek out the discovery. Failure to do so may result in the waiver of the right to full discovery under this Rule.
4. All discovery shall be completed on or before the omnibus date unless otherwise extended for good cause shown.
5. The party seeking disclosure or a protective order under this Rule shall include in the party's motion or request a statement showing that the attorney making the motion or request has made a reasonable effort to reach agreement with opposing counsel concerning the matter set forth in the motion or request. In addition, this statement shall recite the date, time and place of this effort to reach agreement, whether the effort was made in person or by telephone and the names of all parties and attorneys participating therein. The court may deny a discovery motion filed by a party who has failed to comply with the requirements of this subsection.

## **B. State Disclosures**

1. The State shall disclose the following materials and information within its possession or control:
  - a) The names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and/or recorded statements. However, the State may refrain from providing a witness' address under this Rule if the State in good faith believes the disclosure of the witness' address may jeopardize the safety of the witness and the witness' immediate family. If the State does not disclose the witness' address for the reason stated under this Rule, then the State shall make the witness available for deposition or interview by defense counsel upon reasonable notice. Should there be a dispute among the parties concerning the disclosure of a witness' address, counsel shall meet and make a reasonable effort to resolve this dispute before seeking intervention from the court. If an attorney for any party advises the court in writing that an opposing attorney has refused or delayed meeting and discussing the issue of witness address disclosure, the court may take such action as is appropriate;
  - b) Any written, oral, or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements;
  - c) If applicable, the State shall provide a copy of those portions of any transcript of grand jury minutes, within the State's possession, which contain the testimony of persons whom the State intends to call as a witness at hearing or at trial. If such transcripts do not exist, the defendant may apply to the court for an order requiring their preparation;
  - d) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons;
  - e) Any books, papers, documents, photographs, or tangible objects that the State intends to use in the hearing or trial or which were obtained from or belong to the accused; and
  - f) Any record of prior criminal convictions that may be used for impeachment of the persons whom the State intends to call as witnesses at any hearing or trial.
2. The State shall disclose to the defense any material or information within its possession or control that tends to negate the guilt of the accused as to the offense(s) charged or would tend to reduce the punishment for such offense(s).
3. The State may perform these disclosure obligations in any manner mutually agreeable to the State and the defense. Compliance may include a notification to the defense that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.

## **C. Defendant Disclosures**

1. Defendant's counsel (or defendant where the defendant is proceeding pro se) shall furnish the State with the following material and information within his or her possession or control:

- a. The names and last known addresses of persons whom the defense intends to call as witnesses along with copies of their relevant written and/or recorded statements. However, the defense may refrain from providing a witness' address under this Rule if the defense in good faith believes the disclosure of the witness' address may jeopardize the safety of the witness and the witness' immediate family. If the defense does not disclose the witness' address for the reason stated under this Rule, then the defense shall make the witness available for deposition or interview by the State upon reasonable notice. Should there be a dispute among the parties concerning the disclosure of a witness' address, counsel shall meet and make a reasonable effort to resolve this dispute before seeking intervention from the court. If an attorney for any party advises the court in writing that an opposing attorney has refused or delayed meeting and discussing the issue of witness address disclosure, the court may take such action as is appropriate.
  - b. Any books, papers, documents, photographs, or tangible objects the defense intends to use as evidence at any trial or hearing;
  - c. Any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at any trial or hearing;
  - d. Any defense, procedural or substantive, which the defendant intends to make at any hearing or trial; and
  - e. Any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call at any hearing or trial.
2. After the formal charge has been filed, upon written motion by the State, the court may require the accused, among other things, to:
    - a. Appear in a line-up;
    - b. Speak for identification by witnesses to an offense;
    - c. Be fingerprinted;
    - d. Pose for photographs not involving re-enactment of a scene;
    - e. Try on articles of clothing;
    - f. Allow the taking of specimens of material from under his/her fingernails;
    - g. Allow the taking of samples of his/her blood, hair and other materials of his/her body that involve no unreasonable intrusion;
    - h. Provide a sample of his/her handwriting; and
    - i. Submit to a reasonable physical or mental examination.

Whenever the personal appearance of the accused is required for the foregoing purposes, reasonable notice of the time and place of such appearance shall be given by the State to the accused and his/her counsel, who shall have the right to be present. Provision may be made for appearances for such purposes in an order admitting the accused to bail or providing for his/her release.

#### **D. Additions, Limitations and Protective Orders**

1. Discretionary Disclosures: Upon written request and a showing of materiality, the court, in its discretion, may require additional disclosure not otherwise covered by this Rule.

2. Denial of Disclosure: The court may deny disclosure required by this rule upon a finding that there is substantial risk to any person of physical harm, intimidation, bribery, economic reprisals or unnecessary annoyance or embarrassment resulting from such disclosure which outweighs any usefulness of the disclosure.
3. Matters not subject to Disclosure:
  - a) Work Product: Disclosure hereunder shall not be required of legal research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staff, or of defense counsel or his/her staff;
  - b) Informants: Disclosure of an informant's identity shall not be required where there is a paramount interest of non-disclosure and where a failure to disclose will not infringe upon the Constitutional rights of the accused. However, disclosure shall not be denied hereunder of the identity of witnesses to be produced at trial or hearing; and
  - c) Any matters protected by law.
4. Protective Orders: Either the State or defense may apply for a protective order for non-disclosure of discovery required hereunder or any additional requested discovery.

#### **E. Duty of Supplemental Responses**

The State and the defense are under a continuing duty to supplement the discovery disclosures required hereunder as required upon the acquisition of additional information or materials otherwise required to be disclosed hereunder. Supplementation of disclosures shall be made within a reasonable time after the obligation to supplement arises.

#### **F. Sanctions Upon Failure to Comply**

Failure of a party to comply with either the disclosure requirements or the time limits required by this Rule may result in the imposition of sanctions against the noncompliant party. These sanctions may include, but are not limited to, the exclusion of evidence at a trial or hearing.

### **LR06-CR00-BLR-3 NON-DISCRETIONARY FILING OF CRIMINAL CASES**

#### **NON-DISCRETIONARY FILING OF CRIMINAL CASES**

Effective January 1, 2021, (or as soon thereafter as the Indiana Supreme Court may approve if later) all criminal cases, when filed, shall be assigned by the Clerk to the Circuit, Superior I or Superior II Courts of the Judicial Circuit as follows:

#### **Misdemeanors** (cases in which only misdemeanors are charged)

- A. Cases in which the only misdemeanor charged is Operator Never Licensed, I.C. 9-24-18-1 shall be assigned to Circuit Court.
- B. Cases in which the only misdemeanor charged is Driving While Suspended, I.C. 9-24-19-2 or 9-24-19-3, shall be assigned to Circuit Court.

C. Cases in which the only misdemeanors charged are Driving While Suspended, I.C. 9-24-19-(2-3) and Operator Never Licensed, I.C. 9-24-18-1, shall be assigned to Circuit Court.

D. All other I.C. 9 *et. seq.* (Title IX traffic) misdemeanor cases (including any other Driving While Suspended charge besides I.C. 9-24-19-2 or 9-24-19-3 and any case where a Driving While Suspended charge is accompanied with other misdemeanor charges (except for Operating Never Licensed) shall be assigned to Superior Court II.

E. All cases charging misdemeanors under I.C. 35-48-4, 35-42-2-1, 35-43-5 and Title VII crimes, alone or in conjunction with other misdemeanor offenses, shall be assigned to Superior Court II.

F. All other misdemeanor cases, not covered by A-D, shall be assigned to Circuit Court.

G. All cases where a specialized driving permit is sought under I.C. 9-30-16-4 whether administrative suspension or otherwise shall be assigned to Superior Court II.

**Felonies:**

H. All cases in which one or more felony counts are charged under I.C. 35-36-1-3, 35-36-1-4 or 35-36-1-5 (incest, neglect of a dependent and criminal nonsupport of a child) shall be assigned to Circuit Court.

I. All cases in which the only felony count charged is Driving While Suspended under I.C. 9-24-2-4 shall be assigned to Superior Court I.

J. All felony cases, not covered by paragraph F or G, in which the only felony charged is a charge under I.C. 9 *et. seq.* (a Title IX Traffic offense) shall be assigned to Superior Court II.

K. All felony and misdemeanor operating while intoxicated cases shall be assigned to Superior Court II, no matter what other felony charges may be filed therewith.

L. All level 6 felony cases not assigned pursuant to paragraphs H through K shall be assigned 50% to Circuit Court and 50% to Superior Court II by random draw. All level 5 and higher felony cases not assigned pursuant to paragraphs H through K shall be assigned 30% to Circuit Court, 50% to Superior Court I, and 20% to Superior Court II by random draw.

M. If a case charges both a non-traffic code felony and a misdemeanor, other than an alcohol related misdemeanor, the case shall be considered a felony and assigned pursuant to paragraph J above.

N. The rotation of cases under Paragraph L shall be accomplished by drawing numbered balls in proportion to the division of the cases. The balls (those selected and those yet to be selected) shall be securely maintained by the Clerk of the Court. Each time a felony case is assigned, pursuant to paragraph L, the Clerk shall draw a ball and assign the case the Court designated on that ball. The ball drawn shall be held by the Clerk with the other balls that have been drawn until all balls have been drawn. At that point, all balls shall be returned to the receptacle from which they are drawn and the process shall begin anew. The Clerk shall maintain a log of the balls drawn and the case assignments made. A

“selection sheet” shall be placed in each file assigned, pursuant to paragraph L, noting the person who made the draw and the Court to which the case was assigned.

O. If, after assignment, a case is dismissed and later re-filed, it shall be assigned to the Court of original assignment. The purpose of this rule is to comply with Indiana Criminal Rule 2.2., so as to provide a procedure for non-discretionary assignment of criminal cases.

P. In cases assigned, pursuant to paragraph L above, where a charge or charges are filed against one or more than one defendant and such charge or charges arise out of the same factual allegations or same criminal episode, such cases shall be assigned, upon the request of the prosecutor, to the same Court in which the first such case was assigned, pursuant to paragraph J. In such event, the subsequent case or cases shall be assigned to the same court as the first one and another ball shall be removed from the draw for the court to which the subsequent case was assigned.

R. Notwithstanding any of the foregoing, the Judges of Boone County may agree to transfer any criminal case between or among themselves upon good cause shown by the prosecutor or counsel for the Defendant, or upon their own motion, when in the interests of judicial economy or the interests of justice so require.

S. Excepting driving offenses under I.C. 9-30-5, upon a motion from the State of Indiana or the Defendant a court shall transfer a felony case to another court where an earlier filed felony of the same level pends or where a higher level felony pends, regardless of the order of filing. The nonmoving party may file a written objection setting forth the basis of the same on or before the twentieth day from the initial hearing or other date as the court may allow, and the court shall consider the objection and sustain or overrule it as may be warranted. The court may set a hearing if necessary on any objection to a motion to transfer.

T. Pursuant to Criminal Rule 2.2(D) and 13(C) of the Indiana Rules of Criminal Procedure, the Circuit and Superior Courts of Boone County, in conjunction with the other Judges of Administrative District 12, i.e., Hamilton County, Clinton County, and Tipton County, have adopted the following rule to establish procedures for the selection of special judges in criminal cases.

1 Upon the granting of a change of judge or the disqualification or recusal of a judge, a successor judge shall be assigned in the same manner as the initial judge. Where this process does not result in the selection of a successor judge, selection shall be made from an alternative assignment list of full-time judicial officers from counties within the administrative district of the court as set forth above. Except for those serving pursuant to Criminal Rule 12(G)(4), judges previously assigned to the case are ineligible for reassignment. A person appointed to serve as special judge under this subsection must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under this Rule, or excused from service by the Indiana Supreme Court.

2 The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under T.1 and shall be contacted by the selecting court each time a judge must be selected from the list. The Administrator of Courts shall provide the name of the next

judge on the list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all the other judges have been selected from that list except as required to avoid certification to the Indiana Supreme Court.

3 A trial court may request the Indiana Supreme Court to appoint a special judge in the following circumstances:

(a) No judge under the local rule is available for appointment: or

(b) The particular circumstance warrants selection of a special judge by the Indiana Supreme Court.

4 A judge assigned under the provision of this rule shall accept jurisdiction unless disqualified under the Code of Judicial Conduct or excused from service by the Indiana Supreme Court. The reassignment of a case or assignment of a special judge shall be entered in the Chronological Case Summary of the case. An oath or special order accepting jurisdiction is not required.

5 In the event the case has been reassigned or a special judge assumes jurisdiction and thereafter ceases to act for any reason, further reassignment or the selection of a successor special judge shall be in the same manner as set forth in subsection T.1 above.

U. This rule shall not, under any circumstances, limit or otherwise alter the option of the regular sitting Judge to request the Indiana Supreme Court appoint a Special Judge in accordance with the Criminal Rule 13(D).



**LR06-CR00-BLR-4  
CRIMINAL BAIL**

A. **ARRESTS ON WARRANT** -- Upon issuance of a criminal bench warrant, the amount of bond, if bond is set, shall be endorsed upon the warrant. Person arrested on a warrant may be assessed for pre-trial release pursuant to paragraph L hereinbelow and may be released if determined to meet criteria for conditions as determined by the pre-trial release coordinator. The judge who signs the order finding probable cause and issuing an arrest warrant may include instructions that the defendant not be eligible to be released without posting the bond and in that circumstance the pre-trial release coordinator who performs the assessment shall not cause the defendant to be released.

B. **WARRANTLESS ARRESTS** – There are three categories of persons who may be arrested without a warrant. Category one includes those who **shall** be released **after** being booked in and fingerprinted without being required to post bond – persons charged ONLY with driving while suspended or no valid license – (See paragraph D below). Category two includes those who **may** be permitted to bond out of jail **before** an initial hearing by posting cash or surety – these include most misdemeanors, many level 6 felonies and some level 5 felonies – (See paragraphs C and H below). Also, certain individuals in this category, if qualified by an assessment of the pre-trial release coordinator, may be released without the need to post a bond but subject to pre-trial release conditions – (See paragraph L below). Category three includes those who **must** appear before the judge for an initial hearing **before** a bond may be set – these include persons charged with violent offenses and level 4 and higher felonies (See paragraph K below).

C. **EXCEPTIONS--**

(1) Any person who cannot be positively identified by the Boone County Sheriff may not be released from jail prior to an initial hearing. These include individuals who refuse to cooperate in their identification, those who refuse to be fingerprinted, those who refuse to provide their address, and/or those who possess contradictory identifying information whose conflicting information cannot be reconciled.

(2) Any person arrested without a warrant the Boone County Sheriff's Department determines to be (a) on a direct placement to a community corrections program, (b) on probation, (c) on parole, or (d) on bond or release on the person's own recognizance for another pending criminal offense shall not be released before an initial hearing.

(3) Any person arrested without a warrant who has previously been determined to be an I.C. 35-38-1-7.5 sexually violent predator shall not be released before an initial hearing.

D. **RELEASE OF PERSONS CHARGED ONLY WITH A CRIME OF DRIVING WHILE SUSPENDED OR NO VALID LICENSE** -- After being processed by the Boone County Sheriff and completing the "Promise to Appear" form, persons arrested ONLY for driving while suspended pursuant to IC 9-24-19-2 or -3 or no valid license pursuant to IC 9-24-18-1 shall be released without bond. The Sheriff shall provide these persons with an initial hearing date.

**E. CASH BONDS** -- All cash bonds shall be posted with the Boone County Clerk or the Boone County Sheriff. Cash bonds may be used to pay fines, court costs, and other financial obligations of the defendant in any Boone County cause. In addition, the bond may be used to reimburse the county for the cost of court appointed counsel and for clerk's administrative fee.

**F. BOND REDUCTIONS:** Pre-trial Motions for bond reductions shall be presented to the Court in writing and proper notice of the hearing scheduled thereon shall be given to the Prosecuting Attorney. A Court staff-person may contact the State and inquire whether the State has an objection to a reduced bond or an order releasing an arrestee on his own recognizance. If the State interposes no objection to a reduction or release without a hearing on the same, the Court may reduce bond or order a release. If the State objects to a reduction without a hearing, the Court may set a hearing on its own motion to review the amount of bond and/or conditions of release with notice to the State and the Defendant.

**G. STATUTORY REQUIREMENTS APPLICABLE TO THE JAIL FOR HOLDING OF CERTAIN INDIVIDUALS CHARGED WITH DOMESTIC VIOLENCE OR ALCOHOL RELATED OFFENSES**

1. **DOMESTIC VIOLENCE ARREST** -- Pursuant to I.C. 35-33-1-1.7, any person arrested and held in custody for a crime of domestic violence (as described in *IC 35-31.5-2-78*) shall be kept in custody and not released for at least eight (8) hours from the time of the arrest. Such a person, regardless of when an initial hearing may be held and bond set, may not be released on bail until at least eight (8) hours from the time of the person's arrest.

2. **DETENTION OF PERSON ARRESTED FOR ALCOHOL RELATED OFFENSE -**  
- When a person is arrested and held in custody for an alcohol related offense, that person may be detained pending release notwithstanding the posting of bond by the jail pursuant to the schedule published at I.C. 35-33-1-6.

**H. BOND SCHEDULE** – The following bond schedule shall apply for persons permitted to bond out of jail before an initial hearing. In criminal cases and cases with preliminary felony charges, the following bond schedule shall apply. If a person has multiple charges, bond shall be posted on the most serious charge only. If the bond provided is inappropriate under the circumstances, the prosecuting attorney shall bring such circumstances to the attention of the Court by written motion.

<b>Offense</b>	<b>Cash Bond</b>	<b>Surety Bond</b>
Non-violent Level 5 Felony <sup>1</sup>	\$3,500	\$25,000
Level 6 Felony (non-violent) IN-residents	\$500	\$5,000
Level 6 Felony out-of-state residents	\$1,000	\$15,000
Class A Misdemeanor IN residents	\$400	
Class A Misdemeanor out-of- state residents	\$500	\$5,000
Class B Misdemeanor IN residents	\$350	
Class B Misdemeanor out-of- state residents	\$500	\$3,000
Class C Misdemeanor IN residents	\$300	
Class C Misdemeanor out-of- state residents	\$500	\$2,000
Level 4 and higher felonies, violent offenses	Bond set at initial hearing	Bond set at initial hearing

I. **CONDITIONS OF RELEASE** -- All releases on bond or on personal recognizance, whether the arrest of the defendant was upon a warrant or not, are subject to the following conditions:

1. the defendant shall appear in court at all times required by the Court;
2. the defendant shall not leave the State of Indiana without the prior written approval of the Court;
3. the defendant shall not commit or be arrested for another criminal offense;

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<sup>1</sup> This means a Level 5 felony offense in which:

1. the defendant did not possess a firearm or other deadly weapon;
2. no bodily injured occurred to any person; and
3. no force was used or threatened against any person.

4. for the purposes of receiving court notices and reminders of hearing dates, the defendant shall provide a valid e-mail address and telephone number for a cellular telephone that can receive text messages, if available;
5. the defendant shall keep his or her attorney and the Court advised in writing of any change of address, telephone number, or e-mail address within twenty-four (24) hours of such change; and
6. any other condition of release ordered by the Court including but not limited to no contact orders pursuant to IC 35-33-8-3.2(a)(4).

J. **NOTICE OF VIOLATION OF CONDITIONS OF RELEASE** -- Violation of any condition of release may result in the Court revoking the defendant's release and the issuance of a warrant for re-arrest.

K. **THIS SECTION LEFT BLANK**

L. **PRE-TRIAL RELEASE ON PERSONAL RECOGNIZANCE AFTER ASSESSMENT BY PRE-TRIAL RELEASE COORDINATOR** – Certain persons in jail are eligible to be assessed for the potential of being released without need for posting cash or a surety bond as well as for the consideration by a judicial officer in setting a bond or pre-trial release conditions.

M. **DEFINITIONS** -- The terms in the release schedule below are defined as follows:

**Less Serious CM**

Includes all nonviolent misdemeanor offenses **except** Operating a Vehicle While Intoxicated ("OWI") and possession of a controlled substance other than marijuana or a syringe.

A "non-violent offense" is defined as one in which:

1. the defendant did not possess a firearm or deadly weapon;
2. no bodily injury occurred to any person; and
3. no force was used or threatened against any person.

**Eligibility for Promise to Appear releases will include:**

DWS  
 Driving without financial responsibility  
 Public Intoxication  
 Possession of Paraphernalia  
 Possession of Marijuana  
 False Informing  
 Reckless Driving  
 Disorderly Conduct  
 Criminal Trespass

**TO BE ELIGIBLE FOR PTA RELEASES THE DEFENDENT MUST NOT BE ON ANY FORM OF COMMUNITY SUPERVISION OR HAVE ANY PENDING CASES**

### **More Serious CM, F6, & HTV**

An offense in which:

1. the defendant possessed a firearm or deadly weapon;
2. simple bodily injury other than domestic battery occurred; or
3. there was use of force or a threat of force, including by use of motor vehicle, to someone other than law enforcement.

Includes:

1. first time OWI and
2. all offenses listed under 9-30-10-0.3 through 9-30-10-13.

Does not include possession of a controlled substance other than marijuana or a syringe (unless it is a first time offense)

**First time offenses that are drug related (Level 6) will be eligible for release per matrix supervision. The Defendant must have no prior criminal history. Possession of a syringe (with no prior criminal history) will be eligible for release after assessment**

### **Non-Violent F5**

A “non-violent offense” is defined as one in which:

1. the defendant did not possess a firearm or deadly weapon;
2. no bodily injury occurred to any person; and
3. no force was used or threatened against any person.

### **Violent Offenses**

Includes:

1. all “crimes of violence” listed under IC 35-50-1-2;
2. all sex offenses listed under IC 35-42-4-1 through IC 35-42-4-14;
3. any offense that results in moderate bodily injury, serious bodily injury, or death to someone other than the defendant;
4. any offense where the defendant possessed a firearm or other deadly weapon and is charged with a Level 5 felony;
5. any offense where the threat of deadly force occurred;
6. arson charged as a Level 6 felony;
7. assisting a criminal, charged as a Level 5 felony;
8. burglary;
9. battery as a level 6 felony and an A misdemeanor;
10. criminal confinement;
11. disarming law enforcement officer;
12. domestic battery;
13. escape;
14. explosive devices;
15. failure to return;
16. felony intimidation;
17. human trafficking charged as a Level 5 felony;
18. incest;
19. invasion of privacy;
20. kidnapping;

21. neglect of dependent;
22. possession of dangerous device while incarcerated;
23. residential entry as a level 6 felony;
24. resisting law enforcement;
25. robbery;
26. stalking;
27. strangulation;
28. trafficking with inmate; and
29. attempts, aiding, or conspiracy of (1) above offenses, (2) Levels 1-4 felonies, or (3) murder

<b>Offense</b> →	<b>Less Serious CM</b> (non-violent, non-victim) ** no pending cases/ not on supervision	<b>More Serious CM, F6, &amp; HTV</b> This includes first time drug offenders L6 **no additional criminal history**	<b>Non-Violent F5</b>	<b>Felony Possession of Controlled Substance Other than Marijuana/Possession of Syringe/OWI with prior OWI conviction within 10 years</b>	<b>Violent Offenses, F3, &amp; F4</b>	<b>MR, F1, &amp; F2</b>
<b>Risk Level</b> ↓						
<b>Low</b>	Promise to Appear Will be assigned risk level upon reporting to pretrial.	Bond Schedule or Eligible for Release w/Conditions Once Assessed	Bond Schedule or Eligible for Release w/Conditions After Assessment	Bond Schedule Only	No Bond Detain Until IH	No Bond Detain Until IH
<b>Moderate</b>	Promise to Appear Will be assigned risk level upon reporting to pretrial.	Bond Schedule or Eligible for Release w/Conditions Once Assessed	Bond Schedule or Eligible for Release w/Conditions After Assessment	Bond Schedule Only	No Bond Detain Until IH	No Bond Detain Until IH
<b>High</b>	Promise to Appear Will be assigned risk level upon reporting to pretrial.	Bond Schedule or Eligible for Release w/Conditions Once Assessed	Bond Schedule or Eligible for Release w/Conditions After Assessment	Bond Schedule Only	No Bond Detain Until IH	No Bond Detain Until IH

**N. PRETRIAL RELEASE RISK ASSESSMENT --**

1. All persons detained in the Boone County Jail charged with the following new charges shall be eligible for pretrial release risk assessment:
  - a. Misdemeanor,
  - b. Level 6 felonies,
  - c. Habitual traffic violator, and
  - d. Non-violent Level 5 felony.
2. Persons arrested on warrants for probation violations or warrants issued for failure to appear for court shall not be eligible to be assessed even if underlying charges fit into one of the four above categories, Misdemeanors, Level 6 felonies, habitual traffic violators and non-violent level 5 felonies.
3. Regardless of the charged offense, any person eligible to post bond pursuant to the bond schedule above may post bond and shall be released without receiving a pretrial release risk assessment.
4. The pretrial release risk assessment shall include the administration of at least one (1) State-approved pretrial release risk assessment and such other risk assessment instrument(s) that may be approved and required by the judges of the Boone County Courts.
5. All decisions regarding release and/or release conditions under this pretrial release schedule are conditional and may be reviewed *sua sponte* by the Court at the first appearance based upon information obtained through the pretrial screening process. After a defendant's first appearance (or waiver thereof), the Court, *sua sponte*, or the prosecuting attorney or the defendant may by written motion request a hearing on the defendant's pretrial release/detention status and/or conditions of release.

**O. ELIGIBILITY FOR PRETRIAL RELEASE --**

1. Any person charged with a less serious misdemeanor who is assessed shall be eligible for release on their own recognizance and supervision through the pretrial release program.
2. Any person charged with a more serious misdemeanor, Level 6 felony, or habitual traffic violator who is assessed may be eligible for release on their own recognizance and supervision through the pretrial release program.
3. Any person charged with a non-violent Level 5 felony who is assessed shall be eligible for release on their own recognizance only after the first appearance and shall be supervised through the pretrial release program.
4. Any person charged with a violent offense or a level 1-4 felony shall be detained in custody until his or her release can be reviewed by a judicial officer at or before the first appearance regardless of risk level.

**P. PRETRIAL RELEASE CONDITIONS** -- Pretrial conditions of release under this pretrial release schedule may include that the person released shall:

1. respond promptly to e-mail, telephone calls, or text messages from the pretrial release program;
2. verify employment, residence, and contact information;
3. meet in person as directed with a case monitor from the pretrial release program;
4. obey all rules and regulations of the pretrial release program; and
5. obey all other conditions imposed by the Court.

**LR06-CR00-BLR-5  
SCHEDULE OF FEES FOR SUPERIOR COURT II  
ALCOHOL AND DRUG PROGRAM**

Assessment	\$50.00
Basic Education	\$250.00*
Advanced Education	\$300.00*
Case Transfer	\$50.00
Case Management Fee	\$100.00**

\*Typically includes assessment

\*\*Case Management Fee may be assessed in the following circumstances:

1. Participant voluntarily enrolled in treatment program prior to sentencing pursuant to Court order;
2. Participant violated probation and/or had probation extended; or
3. Participant transferred probation to Boone County but will not utilize other services of program if Court ordered transfer includes alcohol/drug conditions.



**LR06-FL00-BLR-6**  
**CHILD SUPPORT WORKSHEETS, FINANCIAL DECLARATIONS, EDUCATION FOR  
DIVORCING PARENTS WITH MINOR CHILDREN AND MEDIATION**

- A. Parties shall complete an Indiana Child Support Guideline Worksheet as well as a Financial Declaration in all contested matters involving child support or disposition of assets. Parties must date and file these forms prior to any hearing or trial. Child Support Worksheets shall be exchanged and filed with the court on the hearing date. Child Support Worksheets must be attached to all proposed orders and decrees addressing child support. Financial Declarations shall be exchanged by the parties within thirty (30) days of a new case or modification petition being filed, unless by agreement of the parties or leave of the Court. All parties shall submit Declarations to the court as an exhibit immediately prior to any contested hearing involving child support, the disposition of assets, or maintenance.
- B. In the best interest of all minor children in a divorce action, Petitioner and Respondent shall be required to be satisfactorily educated about post-separation co-parenting such that they may be encouraged to enter into agreements concerning child-related matters.
- C. Mediation is a preferred way to resolve family law issues. Parties may motions for the appointment of a mediator in appropriate circumstances and either select an agreed upon mediator or ask the court to name a panel of mediators.
- D. If the parties are both represented by attorneys trained in Collaborative Law, and have signed retainer agreements with those attorneys to participate in a Collaborative Law family law matter, they may file a Joint Petition for Dissolution, and may file a stipulation asking among other things that the case not be set for conference or hearing. If either party violates the agreement to proceed in the Collaborative Law process, the court may allow withdrawal of representation of both attorneys, if so requested.

**LR06-FL00-BLR 7**  
**LIMITED NON-DISCRETIONARY FILING OF DISSOLUTION (DN and DC) MATTERS**

- (1) The Boone County Clerk SHALL assign newly filed marriage dissolution (DN and DC) matters for which the Petitioner is unrepresented to the Boone County Courts in the following proportion:
- A. 60% to Circuit Court;
  - B. 30% to Superior Court I; and
  - C. 10% to Superior Court II
- (2) DN and DC filings for which the Petitioner is represented by an attorney may be filed in any Court in Boone County the Petitioner chooses.
- (3) In all matters where a Petitioner seeks a waiver or partial waiver of filing fees, the request for the same shall be first brought to the attention of the Circuit Court. If the Circuit Court or the Circuit Court Magistrate are unavailable for any reason, be it other business, temporary absence or any reason, the Clerk shall bring the request to either Superior Court I or II for a determination whether to waive any part of a filing fee. After the decision upon the waiver is made, the Clerk will assign the self-represented petitioner dissolution matter to the Court per paragraph 1.

(4) The Clerk of the Court, with the advice and consent of the Judges, may choose a manner in which to implement the random filing of self-represented DN and DC matters.

(5) If a self-represented DR matter is dismissed and re-filed, it shall be assigned to the Court it was originally filed in.

**LR06-AR15-BLR 8  
COURT REPORTERS**

The Local Rule for Court Reporters in the Circuit and Superior Courts of Boone County, is patterned after Model Option 2 of Administrative Rule #15.

A. Court Reporters shall be paid an annual salary applied for by the Court and approved by the County Council, which salary shall be payment for regular work hours, gap hours, or overtime hours as the case may be, and which salary shall not include payment for the preparation of any transcripts.

B. The salary shall be based upon a 35-hour work week. Should Court Reporters work gap hours from 35 to 40 hours per week on regular court business, they shall be entitled to overtime at the hourly rate or comp time on an hour-for-hour basis. Should Court Reporters work more than 40 hours in one week on regular court business, the Court Reporters should be paid time-and-a-half or receive comp time at the rate of one-and-a-half times the overtime hours worked.

C. All transcripts, including indigent transcripts, transcripts done for private attorneys, deposition transcripts or any and all other such transcripts shall be prepared by the Court Reporters on their own time, off the court premises and pursuant to their own private business arrangements. Such transcripts shall be prepared on equipment purchased and owned by the Reporters, on paper obtained and paid for by the Court Reporters, and no materials or machinery belonging to the court shall be used in the preparation of such transcripts.

D. Occasionally, it will be necessary for a Court Reporter to use the court's recording equipment for the purpose of taking a private deposition.

E. On a request for a non-appellate transcript, including depositions, to be produced in an ordinary time frame, Court Reporters may collect a per page rate not to exceed \$4.25 and a minimum fee of up to ten times the maximum per page rate;

F. On a request for an appellate transcript to be produced in an ordinary time frame, Court Reporters may collect a per page rate not to exceed \$6.00 and a minimum fee of up to ten times the maximum page rate. Appellate transcripts shall be in the format required by the Indiana Court of Appeals and filed in an electronic format.

G. When parties request an expedited transcript, Court Reporters may collect a per page rate not to exceed \$8.50, said rate being subject to negotiation between Court Reporter and requester, depending on circumstances.

H. When parties request certified copies of transcripts, including depositions, Court Reporters may collect a per page rate of \$1.00 per page for a copy of any previously prepared page of transcription.

I. Index and Table of Contents pages shall be charged at the same per page rate as is charged for the balance of the transcript.

J. An additional hourly labor charge based upon the Court Reporter's annual court compensation may be collected for time spent binding the transcript and exhibit binders.

K. A reasonable charge for office supplies required and utilized for binding and electronic transmission of the Transcript may be collected pursuant to Indiana Rules of Appellate Procedure 28 and 29; the costs of which shall be determined pursuant to a Schedule of Transcript Supplies established and published annually by the Judges.

#### **LR06-AR15-BLR-9 WHEN OTHER JUDGES PRESIDE**

Each regular sitting Judge of Circuit Court, Superior Court I or Superior Court II shall be empowered to act as temporary judges in the absence of the regular sitting judge of any other respective Court.

#### **LR06-TR79-BLR-10 COORDINATED LOCAL RULE ON SELECTION OF SPECIAL JUDGE IN CIVIL CASES**

**209.10** Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Boone County, in conjunction with the other Courts of Administrative District 12 (Clinton County, Hamilton County, and Tipton County), have adopted the following rule to establish procedures for the selection of special judges in civil cases:

**209.20** Within seven (7) days of the notation in the Chronological Case Summary of an order granting a change of judge or an order of disqualification, the parties pursuant to Trial Rule 79(D) may agree to any judge eligible under Trial Rule 79 (J).

**209.30** If a special judge is required to be selected under Trial Rule 79(H) then the special judge shall be selected as follows:

**209.30.10** If the case was originally filed in a court of record in Hamilton County, then the judge will be selected randomly from among the regular judges and full time judicial officers of Hamilton County subject to all existing local rules regarding case allocation and transfer.

**209.30.20** If the case was originally filed in a court of record in Boone, Clinton or Tipton County, then the judge will be selected on a rotating basis from among the regular judges of those counties subject to all local rules in each individual county regarding case allocation and transfer.

**209.30.30** If for any reason a judge cannot be selected by the above methods then the special judge shall be selected on a rotating basis from among all the regular judges of the District not already disqualified.

**209.40** A special judge selected under **209.30** must accept jurisdiction unless disqualified pursuant to *The Code of Judicial Conduct* or excused from service by the Indiana Supreme Court. The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under 209.30.20 and a list of the judges eligible for selection under 209.30.30 and shall be contacted by the selecting court each time a judge must be selected from one of those lists. The Administrator of Courts shall provide the name of the next judge on the appropriate list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all other judges have been selected from that list except as required to avoid certification to the Supreme Court.

**209.50** In the event that no judicial officer within Administrative District 12 is eligible to serve as special judge or the particular circumstance of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

**LR06-AR00-BLR-11**  
**PHOTOGRAPHS, BROADCASTING, TELEVISIONING AND RECORDING PROHIBITED**

To carry out the obligations imposed upon by CANON 3-B (13) OF THE INDIANA CODE OF JUDICIAL CONDUCT, broadcasting, televising, unofficial recording and the taking of photographs in the courtroom, the offices of the judges' staffs, judges' chambers, witness waiting areas, and the entire third and fourth floor of the Boone County Courthouse is prohibited. As for photography within a courtroom the judge in his/her discretion may authorize the taking of photographs or video in a courtroom such as to capture a moment of special importance for a ceremonial and/or celebratory purpose such as a photograph after an adoption hearing, the solemnization of a marriage or other similar circumstance as approved by the Indiana Supreme Court.

**LR06-AR01-BLR-12**  
**BOONE COUNTY'S CASE LOAD PLAN**

We, the undersigned Judges of Boone County in compliance with Indiana Administrative Rule 1(E), hereby adopt Local Rule 30 entitled "Boone County's Case\_Load Plan."

**WHEREAS**, Indiana Administrative Rule 1(E) requires the Judges of Boone County to implement a caseload allocation plan for the county that ensures an even distribution of judicial workload among the courts of record in the county; and

**WHEREAS**, the Courts of Boone County, pursuant to Legislative direction and the evolution of time, have acquired certain subject matter expertise that the Judges of Boone County believe should not be altered, but instead should be preserved and enhanced upon, i.e., Circuit Court has exclusive jurisdiction over all juvenile matters, including, but not limited to, Status Offenses, Delinquent Offenses, CHINS proceedings, Family Recovery Court proceedings and Paternity matters; Superior I has exclusive jurisdiction over all Estates, Guardianships, Probate matters and Adoptions; and Superior II has exclusive jurisdiction over all Small Claims and certain Alcohol and Drug Offenses;

**WHEREAS**, the Judges of Boone County have met and discussed Indiana Administrative Rule 1(E) and have established the following plan for allocation of judicial resources within Boone County which maintains the integrity of the courts in Boone County:

**IT IS THEREFORE ORDERED** by the Judges of Boone County that for calendar year 2009 and beyond, within 60 days of the Supreme Court's issuance of the previous year's Weighted Caseload Report, as reported by the Indiana Supreme Court Office of Judicial Administration (IOJA), the report will be reviewed by the Judges to determine whether Boone County's caseload complies with Indiana Administrative Rule 1(E).

To the extent that the difference in utilization of any two (2) Courts of Record exceeds 0.40 percentage points, then the Judges of Boone County agree to alter or modify the distribution of cases in the County to bring each Court within the range of 0.40 percentage points by amending our local rules as to the non-discretionary filing of certain cases. If all the courts of record are within 0.40 percentage points then no action will be taken.

The Judges of Boone County have determined that this method can be implemented with very little administrative effort and that it will have a minimal effect on the Prosecuting Attorney's office and a negligible effect on the Local Bar Association. The statistics for the previous year's criminal filings are readily available and the necessary adjustments can be made very quickly and modifications made to non-discretionary filing local rules can be easily distributed to the Clerk's Office and the Prosecutor's Office.

Consistent with the schedule to be set and monitored by the IOJA, the Boone County Judges will review weighted caseload statistics and submit a new caseload allocation plan or resubmit an existing plan every two (2) years. In addition, amended local rules on non-discretionary filings will be implemented by Boone County Judges, when applicable. Moreover, the Judges of Boone County have agreed to review this Rule every two years to determine whether other adjustments should be made in the distribution of cases.