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TRIAL RULES

LR15-TR-1: RULES OF PROCEDURE

Pleading and procedure shall comply with the Indiana Rules of Civil and Criminal Procedure, per rules, the Statutes of Indiana, and the Local Rules of Court. Administration of the Court shall comply with Jury Rules, Administration Rules and Administration and Discipline Rules.

TR-2: TIME ZONE

The prevailing business time of Lawrenceburg, Indiana, shall govern all matters scheduled before the Court.

TR-3: FILING OF MOTIONS

A. The filing of any motion with the Clerk of Court or with Court personnel shall be brought to the attention of the Judge by the moving party within five (5) days following the filing of the motion.

B. Motions to dismiss, for judgment on the pleadings, and for summary judgment shall be accompanied by a brief or memorandum and proof of service upon opposing counsel or party. An adverse party shall have fifteen (15) days after service of movant's brief or memorandum to file an answer brief or memorandum.

TR-4: FILINGS

Any item filed with the Clerk of Courts, or with Court staff, after 4:30 PM of each business day shall be considered filed the next business day unless the party requests to have the document filed stamped for the same day, or unless pursuant to Trial Rule 5(E) of the Indiana Rules of Trial Procedure.

TR-5: APPROPRIATE APPEARANCE FOR CONDUCTING COURT BUSINESS

A. The Court's offices and the Court Rooms are not casual environments. Accordingly, all persons appearing before the Court, either in official Court proceedings in the Court Rooms or in the Court related offices, shall present themselves in appropriate business attire to ensure the professional integrity of the Court and the judicial process. All clothing worn must be appropriate, clean, and reflect the proper level of respect due the Court. Neat and clean personal grooming is also required. Professional business attire is required for counsel in all courtroom proceedings.

B. It is expected that all persons present themselves to the Court in compliance with this rule. Failure to comply with this rule may result in the continuance of the proceeding or in the non-complying person being directed to leave the premises and return once they have complied.

TR-6: DOCKETING OF PLEADINGS

It shall be the responsibility of all parties or their attorneys filing documents with the Clerk in matters pending before the Court, to first have those documents placed on the docket in the Judge's Office.

TR-7: PEOPLE PERMITTED AT COUNSEL TABLE

No persons, other than attorneys admitted to the Bar of this State or pro hac vice shall be permitted beyond the gate dividing the public seating from the Court area (known as the "bar") in the Court Room unless the Court finds that there are specific circumstances involved which would warrant the presence of an assistant.

TR-8: COURT'S INTERNAL MAIL SYSTEM

The Court shall keep files available through the day with the names of the respective attorneys who are members of the Dearborn-Ohio County Bar Association on them. All notices such as pink sheets showing the dates of hearings and trials, Court documents such as orders and communications will be placed in these files and shall constitute service and notice of the same to the respective attorneys. Service by one attorney upon another cannot be made by placing on the documents, pleadings or notices in the Court's file. They will not be recognized as service by the Court when done in this fashion.

TR-9: CONTINUANCES

Any motion for continuance filed within two (2) weeks of the trial, hearing or other court matter will be denied unless personal appearance is made by both counsel in court, explaining the necessity for the continuance. In extreme emergencies, the Court may grant exceptions to this rule.

TR-10: SIGNATURE STAMPS FOR JUDGES

A. The staff of the Dearborn Superior Court 1 and the Clerk of Courts is empowered to use a signature stamp bearing a facsimile of the presiding Judge's signature in the following instances:

1. Bureau of Motor Vehicles uniform traffic tickets;
2. Hearing date setting notice ("pink sheet");
3. Proceedings supplemental Order;
4. Order to Answer Interrogatories;
5. Order to Appear in Court;
6. Upon direct verbal authorization of the Judge

Said stamp shall have all the force and effect of the Judge's signature and shall be in the form as follows:

Said persons may use the Judge's signature stamp in other instances upon direction of the Judge.

B. Upon authorization of the presiding Judge, the Court staff of the Dearborn Circuit Court are hereby authorized to use a signature stamp bearing a facsimile of the presiding Judge's signature in the following instances:

1. Notices of hearing dates (pink sheets);
2. Certifications under the Acts of Congress;
3. Orders to Appear (hearing notifications prepared by Attorneys);
4. Daily Certifications;
5. Upon direct verbal authorization of the Judge

Said stamp shall have all the force and effect of the Judge's personal signature and shall be in the form as follows:

Said persons may use the Judge's signature stamp in other instances upon direction of the Judge.

C. Upon authorization of Senior Judge Anthony C. Meyer, the staff of the Dearborn Circuit Court is hereby authorized to use a signature stamp bearing a facsimile of the Judge's signature in the following instances:

1. Notice of hearing dates (pink sheets);
2. Certifications under the Acts of Congress;
3. Orders to Appear (hearing notifications prepared by Attorneys);
4. Daily certificates;
5. Upon direct verbal authorization of the Senior Judge

Said stamp shall have all the force and effect of Senior Judge Anthony C. Meyer's personal signature and shall be in the form as follows:

Said persons may use the Judge's signature stamp in other instances upon direction of the Judge.

D. Upon authorization of the presiding Judge, the Court staff of the Dearborn Superior Court 2 are hereby authorized to use a signature stamp bearing a facsimile of the presiding Judge's signature in the following instances:

1. Notices of hearing dates (pink sheets);
2. Certifications under the Acts of Congress;
3. Orders to Appear (hearing notifications prepared by Attorneys);
4. Daily Certifications;
5. Upon direct verbal authorization of the Judge

Said stamp shall have all the force and effect of the Judge's personal signature and shall be in the form as follows:

Said persons may use the Judge's signature stamp in other instances upon direction of the Judge.

TR-11: ESTABLISHING A UNIFORM METHOD FOR PARTIES TO SECURE AN EX-PARTE, PRE-JUDGMENT ORDER OF POSSESSION OF PERSONAL OR REAL PROPERTY

A. In all cases in which a party is seeking an ex-parte, pre-judgment order of possession for either personal or real property, a cash or surety bond of One Thousand Dollars (\$1,000.00) shall be posted by the party seeking the ex-parte, pre-judgment order.

B. Bond shall be released to the moving party or their surety upon their successful disposition of the claim. Bond shall be paid to the responding party should the moving party not be successful on their claim and the responding party is able to prove damages suffered as a result of the wrongful ex-parte, pre-judgment order.

C. Requests to vary from this bond requirement shall be presented to the Court by verified petition with sufficient facts alleged as to the reason for seeking the variance.

CRIMINAL RULES

LR15-CR-1 DEARBORN-OHIO COUNTY BOND SCHEDULE

Persons to be held pending Initial Hearing for the following:

Murder, Treason

-Level 1, 2, 3, 4, 5 Felony

-Probation Violations

-Persons arrested currently on community supervision

-Persons arrested with other pending criminal charges or under terms of Pre-Trial Release

-Persons arrested as fugitives from another jurisdiction

-Persons charged with the following offenses:

- Arson
- Battery (or aggravated battery, domestic battery)
- Burglary
- Child Exploitation
- Child Molesting
- Criminal Deviate Conduct
- Escape/Failure to return
- Explosive Devices
- Firearm (use of firearms to deal drugs)
- Incest
- Intimidation
- Invasion of Privacy
- Kidnapping
- Manslaughter (Voluntary or Involuntary)
- Murder
- OWI (death or serious bodily injury)
- Possession of firearm (by SVF)
- Rape
- Reckless Homicide
- Resisting Law Enforcement (felony)
- Robbery
- Sexual Misconduct with a minor
- Stalking

OWI – BAC Level Reduction schedule still applies.

Civil Body attachment as specified by Court.

Defendants arrested as fugitive from another jurisdiction to be held pending court appearance.

Bond Schedule for Level 6 Felonies and Misdemeanors (unless excluded above)

	<i>Class D Felony OR Level 6 Felony</i>	<i>Class A Misdemeanor</i>	<i>Class B Misdemeanor</i>	<i>Class C Misdemeanor</i>
<i>Indiana Resident</i>	<i>\$1000 Cash Only</i>	<i>\$750 Cash Only</i>	<i>\$500 Cash Only*</i>	<i>\$500 Cash Only*</i>
<i>Out of State Resident</i>	<i>\$1000 Cash Only AND \$1000 Surety</i>	<i>\$750 Cash Only AND \$1000 Surety</i>	<i>\$500 Cash Only</i>	<i>\$500 Cash Only</i>

*Dearborn County or Ohio County residents that are arrested in their respective counties for a Class B Misdemeanor and/or Class C Misdemeanor, may be released on their own recognizance if the NCIC criminal history shows no prior criminal arrests.

All cash bails shall be posted in the appropriate County where the charges originated in the name of the Defendant and with the Dearborn or Ohio County Clerk or the Dearborn or Ohio County Sheriff. Cash bails may be used to pay fines, court costs, and other financial obligations of the defendant in any Dearborn or Ohio County cause. In addition, the bail may be used to reimburse the county for the cost of court appointed counsel and an administrative fee as authorized by I.C. 35-33-8-3.2(a)(2)(B).

If a person has multiple charges, bail shall be posted on the most serious charge only. All persons released on bail prior to the Initial Hearing shall appear as follows:

- a. Dearborn Superior Court No. 1: Initial Hearings at 9:00 a.m. on the next business day for court proceedings.
- b. Dearborn Superior Court No. 2: Initial Hearings at 11:00 a.m. on the next business day for court proceedings.
- c. Dearborn Circuit Court: Initial Hearings on Monday, Tuesday and Wednesday at 3:30 p.m., Thursday at 4:00 p.m. and Friday at a time scheduled by the Court.
- d. Ohio Circuit Court: Initial Hearings on Monday and Thursday at 1:30 p.m. for those Bonded Out or Summoned to appear, Monday and Thursday at 2:00 p.m. for individuals who are incarcerated and Friday at a time scheduled by the Court.

All persons shall be further advised that a failure to appear will result in revocation of bail and the issuance of an arrest warrant for failure to appear.

IRAS shall be administered by the Pre-Trial Release coordinator prior to the Initial Hearing appearance for individuals who have not bonded out pursuant to the Bond schedule pursuant to Criminal Rule 26, IRAS shall not be administered for Murder, Treason, Probation Violations, Community Corrections Violations and persons currently on Pre-Trial Release.

The Court will consider IRAS scores of each Defendant at the Initial Hearing. The Pre-Trial Coordinator shall review Bonds for those who remain incarcerated after Bond is set for Level 6 felonies and misdemeanor on a weekly basis and present a report to the Court. A judicial officer shall review bond and pretrial release issues for all individuals for which the highest charged offense is a misdemeanor and who remain incarcerated 24 hours after their arrest.

(Amended effective January 1, 2020).

CR-2: NEGOTIATED CRIMINAL PLEA AS TO MISDEMEANORS AND CLASS D FELONIES

Unless otherwise ordered by the Court, all negotiated criminal pleas as to misdemeanors or Class D felonies in matters scheduled for trial by jury shall be tendered to the Court in writing and signed by the defendant, defense counsel, and the prosecutor at least fourteen (14) days before jury trial date. Any guilty plea within fourteen (14) days of the jury trial date shall be before the Court without recommendation.

CR-3: PROCEDURE FOR EXECUTING JUVENILE TRAFFIC INFRACTIONS, TOBACCO VIOLATIONS AND TRAFFIC MISDEMEANOR FAILURE TO APPEAR WARRANTS

Comes now the Court and establishes the following procedure for police agencies within Dearborn County to implement when executing a Juvenile Traffic Infraction, Tobacco Violation or Traffic Misdemeanor Failure to Appear Warrant upon a person under the age of eighteen (18) years:

- A. The person shall be arrested upon the warrant.
- B. The person shall be transported to the Dearborn County Law Enforcement Center for processing, and then shall be transported to the Dearborn County Juvenile Center with a copy of the warrant or Order authorizing incarceration.

- C. The person shall be released from the custody of the Dearborn County Juvenile Center and into the custody of a parent or guardian upon the posting of a One Hundred (\$100.00) Dollar cash only bond. For Traffic Infraction cases only, the juvenile may also be released from the Dearborn County Juvenile Center upon payment of fines and court costs into the Office of the Clerk of Courts. Payments of fines or cash bonds shall not be made at the Dearborn County Juvenile Center. Payment shall be made to the Clerk of Courts or the Dearborn County Sheriff. The person incarcerated shall then be released upon proof to the Dearborn County Juvenile Center that such bond has been posted or such fine paid.

- D. Upon release, the Dearborn County Juvenile Center shall notify the person that he/she must appear in the Dearborn Superior Court at 9:00 AM on the next available business day of the Court.

- E. If a person does not post bail, he/she shall be brought before the Dearborn Superior Court at 9:00 AM on the next available business day of the Court; or, in the case of the City Court, on the next available date of court.

- F. All transporting of such persons shall be done by the Sheriff's Department, the City Police or State Police, as the case may be, and in accordance with the policies and procedures of Dearborn County Law Enforcement Center and Police Department.

- G. Such persons, not being juvenile offenders, shall not be entitled to the general services of the Dearborn County Juvenile Center which are provided for persons designated by law as juveniles.

**CR-4: DISCOVERY FOR DEARBORN SUPERIOR COURT NO. 1
AND DEARBORN SUPERIOR COURT II**

A. STATE DISCLOSURE

The State shall disclose to the Defendant the following material and information within its possession or control:

1. The names and last known addresses of persons whom the State may call as witnesses at trial together with their relevant written or recorded statements, and any memoranda containing substantially verbatim reports of their oral statements.
2. Written or recorded statements and the substance of any oral statements made by the Defendant or co-Defendant, and a list of witnesses to the making and acknowledgment of such statements.
3. A transcript of those portions of grand jury minutes, if any, containing testimony of persons whom the State may call as witnesses.
4. Reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests.
5. A listing of, and the opportunity to examine books, papers, documents, photographs or tangible objects which the State intends to use at trial or which were obtained from or belong to the accused.
6. Any record or prior criminal convictions of the Defendant and of persons the State intends to call as witnesses at trial.
7. Any evidence which tends to negate the guilt of the Defendant or which is exculpatory in nature.

B. DEFENDANT DISCLOSURE

The Defendant shall disclose to the State the following material and information within its possession or control:

1. The names and addresses of persons whom the Defendant may call as witnesses, along with a summary of their testimony and record of prior criminal convictions.
2. A listing of, and the opportunity to examine, any books, papers, documents, photographs or tangible objects which may be used at trial.
3. Any reports or statements of experts made in connection with this case, including results of physical or mental examination and of scientific tests.

4. Any defenses, procedural or substantive, the Defendant intends to make at trial.

C. LIMITATIONS:

1. Discretionary Protective Order. The Court may deny disclosure if it finds that there is a 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 to Counsel or motion of either party.
2. Matters not subject to disclosure:
 - a. Work Product. Disclosure is not required of legal research or of 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 staffs, or of defense counsel or his staff.
 - b. Informants. Disclosure of an informant's identity will not be required where there is a paramount interest in non-disclosure and a failure to disclose will not infringe the constitutional rights of the accused. Disclosure of the identity of witnesses to be produced at a hearing or trial will be required.

D. CONTINUING DISCOVERY AND SANCTIONS:

1. Discovery is a continuing order through trial.
2. No written motion is required except to compel discovery, for additional specific discovery not addressed in this order not agreed to by the other party, for a protective order or for an extension of time, which are timely filed.
3. Failure of either side to comply with this order within the time set by the Court may result in exclusion of evidence at trial or other appropriate sanction.

JURY RULES

LR15-JR-1: JURY SELECTION

Jury selection for Dearborn-Ohio Circuit Court and Dearborn Superior Courts shall be conducted pursuant to the Indiana Jury Rules in effect January 1, 2003. Jury selection shall be administered as directed by the Courts for Dearborn County by the Dearborn Circuit Court Clerk, and for Ohio County by the Ohio County Circuit Court Clerk, as assisted by members of the Court staff and such other jury administrators as appointed by the Courts.

JR-2: DEFERRAL, DISQUALIFICATION, AND EXEMPTION

A. Disqualification for jury service shall be determined as set forth in Indiana Jury Rule 5. Persons who have completed a term of jury service in the year preceding the date of the person's summons may claim exemption from jury service. The Court shall excuse a person from action as jurors set forth in Indiana Jury Rule 6 and I.C. 33-4-5-7(a).

B. Pursuant to Indiana Jury Rule 7, the Courts may defer jury service upon presentation of a statement by the juror under oath which constitutes a showing of undue hardship, extreme inconvenience or public necessity.

C. Pre-trial deferral, disqualification or exemption by the Court may only be granted upon submission to the Courts of deferral, disqualification or exemption documentation sworn under oath or affirmed under penalties of perjury. Juror deferral, disqualification or exemption documentation shall be maintained by the Clerk for a period of two (2) years. The documentation shall be personal information relating to the juror, shall be considered confidential, and shall not be disclosed except as otherwise directed by the Courts.

JR-3: JURY SAFETY AND PRIVACY

A. Pursuant to Indiana Jury Rule 10, personal information relating to jurors or prospective jurors not disclosed in open Court shall be considered confidential, other than as permitted for use of parties and counsel.

B. Petit jurors shall be available during two-month terms for Dearborn County and for three (3) month terms for Ohio County. Grand jurors shall be available during a term of three (3) months. The first twenty-five (25) jurors drawn will be prospective grand jurors in Ohio County. A separate draw will be conducted for prospective Dearborn County grand jurors. Term of service shall be governed by Jury Rule 9.

PROBATE RULES

LR15-PR-1: FEES AND COSTS OF ADMINISTRATION

A. Any and all Court costs shall be paid in full at the time the estate or probate matter is completed.

B. Any and all fees allowed personal representatives and attorneys in probate matters shall, so far as deemed proper by the Court, be allowed in conformance with the fee guideline then existing, approved and adopted by the Dearborn-Ohio Circuit Court. Any and all fees in excess of the guidelines shall be fixed only after a petition is filed and notice to all interested persons.

PR-2: ACCOUNTS

A. At the time of the filing of all accounts (including supplemental reports) in any probate matter, vouchers or receipts evidencing all credits claimed in said account shall be filed therewith unless the Court permits other evidence to be submitted in lieu thereof. No account shall be approved unless and until all vouchers are filed.

B. Whenever an estate cannot be closed within one (1) year, an intermediate account shall be filed with the Court within thirty (30) days after the expiration of one (1) year from the date of the appointment of an administrator or executor and each succeeding year thereafter. Such accounting shall comply with the provisions of I.C. 29-1-16-4 and I.C. 29-1-16-6 and shall state facts showing why the estate cannot be closed.

C. All guardianship accountings must contain a certification of an officer of all financial institutions in which guardianship assets are held, verifying the account balance or a current statement of the account.

D. In all supervised estate and guardianship accountings, a notation shall be placed by each expenditure indicating the reason for the nature of the expenditure.

PR-3: SANCTIONS

In the event that no such intermediate accounting is filed, the Court will annually issue to the attorneys for such estates an order to file such accounting within thirty (30) days from the date of this order. In the event that no accounting is filed pursuant to the order, an Order to Show Cause will be issued to the executor and the attorney to show cause why they should not be removed for failure to comply with I.C. 29-1-16.2.

PR-4: GUARDIANSHIPS

In all guardianship matters, except consensual guardianships seeking to declare a disabled adult person incompetent, at a minimum, a physicians report signed by the doctor treating the alleged incompetent must be presented at the time the petition is filed or on the hearing date.

PR-5: ENTRIES AND NOTICE OF ENTRIES

A. All petitions and papers in probate proceedings shall be prepared, as in the case of civil pleadings, with sufficient copies. Upon all Petitions for Letters of Guardianship or of Administration or Testamentary, the attorney for the personal representative shall have noted thereon his name, address, phone number and State Bar Number, and all notices of court action in said proceeding shall be sent to said attorney, and the same shall constitute notice to the personal representative.

B. Where any petition for an ex-parte order is presented, there shall be presented at the same time a prepared Order Book Entry.

PR-6: GUARDIANSHIP OF MINOR

In every Petition for the Appointment of Guardian over the person of a minor child, the following information shall be given:

- A. The child's address;
- B. Whether, to petitioner's knowledge, any other litigation is pending concerning the custody of the same child in this or any other state;
- C. Whether, to petitioner's knowledge, any person not a party to the guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child.

PR-7: BONDS

In every supervised estate and guardianship, the personal representative, before entering duties, shall file a bond not less than the value of the personal property to be administered, plus the probable value of annual rents and profits of all property of the estate, except as hereinafter provided:

- A. Where, under the terms of the will, the testator expresses an intention that the bond be waived, the Court will set a bond adequate to protect creditors, tax authorities and devisees;
- B. When the sole devisee and the personal representative are the spouse, no bond is required;
- C. No bond shall be required in any supervised estate or guardianship in which a financial institution, qualified by law to serve as such, is either the personal representative or one of several co-personal representatives or guardians.

PR-8: UNSUPERVISED ADMINISTRATION

No petition for administration without Court supervision will be granted unless the consent requirement of I.C. 29-1-7-.2-2(a)(4) is met along with all other requirements of I.C. 29-7.5-2(a).

PR-9: SALE OF ASSETS

- A. In all supervised estates and guardianships in which the real estate is to be sold (not distributed), a written professional appraisal setting forth the fair market value thereof must be filed with the court at the time of filing the petition for sale, unless such an appraisal was filed with the Inventory.
- B. A copy of all deeds in estates or guardianships must be filed with reports of sale for the Court's records.

PR-10:INVENTORY

In all guardianship and supervised estates, an inventory must be filed with the Court within two (2) months after the appointment of the personal representative or guardian.

PR-11:FEE GUIDELINES

A. Where the Court allows fees:

1. Probate matters;
2. Decedent’s Estate with Administration.

B. Fees for basic administration of decedent’s estates shall usually be considered reasonable if computed at the rates set forth below. Basic administration shall include the following services:

1. Attend lock box opening;
2. Probate of Will;
3. Appointment of personal representative;
4. Preparing of and filing Inventory;
5. Preparing and filing of Indiana Inheritance Tax Schedule;
6. Determining Indiana Inheritance Tax;
7. Transferring all property included in Inventory;
8. Preparing and filing of Final Report;
9. Preparing and filing of Final Decree of Distribution;
10. Distribution of assets;
11. Preparing and filing Supplemental Report;
12. Obtaining discharge of personal representative;

C. The Basic Fee as follows may be charged on the property inventoried in the estate:

Basic Fee \$500.00
Plus 6% of assets upon to \$50,000.00
5% of assets \$50,000.00 to \$100,000.00
4% of all assets over \$100,000.00 thereafter

D. All other services performed by the attorney shall be deemed “EXTRAORDINARY SERVICES” and may be based upon the schedule set forth below or as the Court shall allow.

PR-12: EXTRAORDINARY SERVICES

A. Preparing Indiana Inheritance Tax Schedule with assets not inventoried, but included; additional charge on non-inventoried assets (includes transferring) add 1%. Estates requiring Federal Tax Return-\$1,000.00 plus 1/2 % of assets on Federal Estate Tax Return; for returns requiring “Special Use Valuation”-\$3,000.00 plus 1/2 % of assets on return.

B. Sale of Real Estate: \$500.00 for each separate sale consisting of Petition to Sell, Order, Waivers of Notices, Report of Sale, Order, Deed and supporting documents including attending closing, if required.

C. Defending contested claims, civil procedures apply.

D. Services of personal representatives shall be ½ of attorney's fee. This includes where personal representative is attorney or member of firm, plus such fee as extraordinary services shall be allowed upon petition to the Court.

E. Income Tax Returns-Normally done by accountant chosen by fiduciary. If performed by attorney, would be subject to additional fees.

PR-13:DECEDENT'S ESTATE WITHOUT ADMINISTRATION

A.	Probate Will... ..	\$225.00
B.	Attend Lock Box Opening... ..	\$150.00
C.	Transfer of Automobile or Joint Accounts (per transfer)... ..	\$50.00
D.	Transfer of Stock, Bonds, or Similar Intangibles (per transfer)... ..	\$150.00
E.	Collection of Insurance Proceeds (per claim)... ..	\$100.00
F.	Indiana Inheritance Tax Schedule (plus 1 % of assets on return)	\$250.00
G.	Federal Estate Tax Return (plus 1/2 % of assets on return)	\$1,000.00
H.	Federal Estate Tax Returns (Special use Valuation, plus ½% of assets on return)	\$3,000.00
I.	Petition and Order of No Administration or Affidavit or Equivalent.....	\$250.00
J.	Affidavit to Transfer for Real Estate with Title Examination, Without Opinion, if Necessary	\$150.00

PR-14:GUARDIANSHIP FEES

A.	Opening (uncontested)	\$500.00
B.	Current Report.....	\$350.00
C.	Sale of Real Estate Consisting of the following:	
	1. Petition to Sell	
	2. Order	
	3. Waivers or Notices	
	4. Report of Sale	
	5. Order	
	6. Deed	
	7. Supporting documents including attend closing if required	
	\$500.00
D.	Final Report.....	\$400.00

PR-15:TRUST FEES

A.	Opening	\$500.00
B.	Current Report.....	\$350.00
C.	Sale of Real Estate Consisting of the following:	
	1. Petition to Sell	
	2. Order	
	3. Waivers or Notices	
	4. Report of Sale	
	5. Order	
	6. Deed	
	7. Supporting documents including attend closing if required	
	\$500.00
D.	Final Report.....	\$400.00

PR-16:FORECLOSURE OF REAL ESTATE MORTGAGE

Basic Fee	\$750.00
Plus 5% of first \$30,000.00	
Plus 4% of all over \$30,000.00	

PR-17:INHERITANCE TAX ORDERS

Schedules of All Property (Form IH-6, Inheritance Tax Division) when filed with the Clerk's Office, shall be accompanied by Form IH-9, a Court Order determining the amount of taxes.

PR-18:GUARDIANSHIP BIENNIAL REPORTS

A. Comes now the Court and issues the following rule on biennial reports of guardianships:

1. All guardianships in which property of the ward/conservatorship is handled, the guardian or conservator shall file a biennial report in accordance with I.C. 29-3-9-6-5,-6,-6.5 which must contain the following information:

- A. the beginning balance or inventory;
- B. income;
- C. expenses;
- D. recapitulation showing the current balance.

B. All such biennial accounts must be signed by the guardian under the penalties of perjury or notarized.

C. Under provisions of I.C. 29-3-9-6.5, a formal accounting need not be made; however, a recapitulation must be made by letter and signed by the guardian. The Court may make special orders in cases where special circumstances require.

PR-19:MENTAL HEALTH COMMITMENTS

All verbal and written Emergency Mental Health Detention Orders shall be prepared and submitted by the Community Mental Health Center. In the event that an emergency mental health detention and examination are needed, the family or significant others, the referring physician, or the police officer or any other person requesting emergency detention shall first notify the Community Mental Health Center before such an Order will be issued by the Court.

ADMINISTRATIVE RULES

LR15-AR-1: PAUPER COUNSEL FEE SCHEDULE

Each court provides for public defenders through contracts of appointments based on complexity, number of cases assigned, and other factors to assure competent and efficient legal representation to indigent clients.

LR15-AR-5: COURT RULES FOR ASSIGNMENT OF CASES

The Clerk of the Dearborn Circuit and Superior Courts is directed to file the following types of non-criminal cases in the following manner:

A. Juvenile CHINS, Juvenile Delinquent, Juvenile Status, Juvenile Paternity, Juvenile Miscellaneous, Juvenile Termination of Parental Rights, Adoption Petitions, Unsupervised Estates, Supervised Estates, Reciprocal Support, Guardianships, Mortgage Foreclosures, and Trusts shall be filed in the Circuit Court.

B. Small Claims, Protective Orders, Civil Plenary of an amount at issue of Ten Thousand Dollars (\$10,000.00) or less. Infractions and Ordinance Violations shall be filed in the Dearborn Superior Courts. Filings shall be divided through the following procedure: Cases filed in the months of January, March, May, July, September, and November shall be filed in Dearborn Superior I. Cases filed in the months of February, April, June, August, October and December shall be filed in Dearborn Superior II.

C. Mental Health cases shall be filed in the Court initiating the commitment process.

D. Domestic relations cases shall be divided two thirds (2/3) to Circuit Court and one third (1/3) to Superior Court II. Cases filed in the months of January, February, April, May, July, August, October, and November shall be filed in Circuit Court. Cases filed in the months of March, June, September, and December shall be filed in Dearborn Superior Court II.

E. Civil Torts shall be filed two-thirds (2/3) to Superior Court No. 1 and one-third (1/3) to Superior Court II. Cases filed in the months of January, February, April, May, July, August, October and November shall be filed in Superior Court No. 1. Cases filed in the months of March, June, September and December shall be filed in Superior Court II.

F. Civil Plenary and Civil Collections with the amounts in controversy, \$10,000.00 or more shall be filed fifty percent (50%) to Circuit Court and twenty-five percent (25%) each to Superior Court I and Superior Court II. Cases filed in the months of January, March, May, July, September and November shall be filed with Circuit Court. Cases filed in the months of April, August, and December shall be filed with Superior Court I. Cases filed in the months of February, June and October shall be filed in Superior Court II.

G. The judges of the three (3) courts shall retain the authority to assign and transfer cases between the courts whenever the workload of each court and convenience in handling cases make such an assignment judicially desirable and with the consent of the Judges.

LR15-AR-6: ASSIGNMENT OF CERTAIN CONFLICT CASES

- A. This rule shall apply to the re-assignment of case and the selection of a Senior Judge where there is an Order of Disqualification or Recusal in order to bring the case to a conclusion in the Dearborn-Ohio Circuit Court.
- B. As to cases filed where the Judge of the Dearborn Circuit Court has a conflict of interest in any cases which requires him to recuse himself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney or private practitioner, the case shall be assigned to a Senior Judge appointed to this Court for all further proceedings. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to the Senior Judge appointed. The Senior Judge will be notified and shall accept jurisdiction under the provisions of this Rule unless disqualified under the Code of Judicial Ethics or excused from service by the Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an oath or special order accepting jurisdiction. The Senior Judge shall retain jurisdiction of the case for all future proceedings unless a specific statute or rule provides to the contrary or the Senior Judge is unavailable by reason of death, the Court will appoint a successor Senior Judge appointed to this Court.
- C. As to cases filed where the Judge of the Dearborn Circuit Court has a conflict of interest in any cases which requires him to recuse himself due to a business association, the case shall be assigned to the Judge of Dearborn Superior Court #1. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to the Judge of Dearborn Superior Court #1. The Judge will be notified and shall accept jurisdiction under the provisions of this Rule unless disqualified under the Code of Judicial Ethics or excused from service by the Supreme Court.
The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an oath or special order accepting jurisdiction. The Judge shall retain jurisdiction of the case for all future proceedings unless a specific statute or rule provides to the contrary or the Judge is unavailable by reason of death.

(Amended July 1, 2011)

LR15 - AR7: ASSIGNMENT OF CRIMINAL CASES

A. Comes now the Court, sua sponte, and, pursuant to Criminal Rule 2.2, 12 and 13 of the Indiana Rules of Court, now issues the following Administrative Order establishing the method of assigning felony and misdemeanor cases in the Court of record of Dearborn County, Indiana, taking into consideration amendments to Indiana Criminal Code effective 7-1-14:

1. All murder cases shall be filed in the Dearborn Circuit Court.
2. All Class D felony cases (and after July 1, 2014, level 6 felonies) and all Class A, B and C misdemeanor cases shall be filed in accordance with the month in which the crime is alleged to have occurred as follows:
 - a) Offenses alleged to have occurred in January, March, May, July, September and November shall be filed in Dearborn Superior Court II.
 - b) Offenses to have occurred in February, April, June, August, October and December shall be filed in Dearborn Superior Court No. 1.

Cases which allege an episode of criminal conduct over a period of time shall be filed in the month of the first occurrence of the crime as stated in the charging information. Cases that allege multiple counts of criminal conduct that are not necessarily of a continuing episode shall be filed in the month of the earliest count alleged.

3. All vehicular homicides other than murder cases shall be filed in the Dearborn Superior Court I & II, consistent with paragraph 2 above.
 4. All miscellaneous criminal cases may be filed in either the Dearborn Circuit Court, the Dearborn Superior Court I, or the Dearborn Superior Court II.
 5. Class A, B and C felonies (and after July 1, 2014, level 1, 2, 3, 4 and 5 felonies) shall be randomly assigned by the Clerk as follows: 3/5 of such cases to the Dearborn Circuit Court; 1/5 of such cases to the Dearborn Superior Court No. 1; and 1/5 of such cases to the Dearborn Superior Court II.
- Once filed as a Class A, B or C felony (and after July 1, 2014, level 1, 2, 3, 4 or 5 felonies), subsequent amendment of charges to add Defendants or additional counts (either of which arise from the same transaction or occurrence) shall be filed in the Court of original filing. In addition, if such charges are dismissed and re-filed, the charges shall be re-filed in the Court of original filing.
6. Felony cases filed after July 1, 2014, but occurring before July 1, 2014, shall remain designated as Class A, B, C, D felonies.
 7. All traffic infractions shall be filed in the Dearborn Superior Court I.
 8. This Rule does not affect the manner of assigning cases to Courts of non-record.
 9. The Courts shall subsequently review this case distribution in light of criminal filings after July 1, 2014.

B. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12(B), the presiding Judge disqualifies himself or it becomes necessary to assign another Judge in any criminal or juvenile delinquency case in the Dearborn Circuit Court except for situations arising under Trial Rule 79(C) of the Indiana Rules of Court, the Clerk shall reassign said cases to the following Judge in the following consecutive order:

1. Judge of the Dearborn Superior Court I.
2. Judge of the Dearborn Superior Court II.
3. Judge of the Switzerland Circuit Court.
4. Judge of the Ripley Circuit Court.
5. Judge of the Ripley Superior Court.
6. Judge of the Franklin Circuit Court #1
7. Judge of the Franklin Circuit Court #2.

In the event it becomes necessary to reassign a criminal or juvenile delinquency case in the Dearborn Circuit Court, the Judges shall be reassigned in consecutive order to the above named Judges. Judges previously assigned the case are ineligible for reassignment.

C. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12, the presiding Judge disqualifies himself, or it becomes necessary to assign another Judge in any criminal case in the Dearborn Superior Court 1, except for situations arising under Trial Rule 79 of the Indiana Rules of Court, the Clerk shall reassign said cases to the following Judges in the following order:

1. Judge of the Dearborn/Ohio Circuit Court;
2. Judge of the Dearborn Superior Court II;
3. Judge of the Switzerland Circuit Court;
4. Judge of the Ripley Circuit Court;
5. Judge of the Ripley Superior Court;
6. Judge of Franklin Circuit Court #1
7. Judge of Franklin Circuit Court #2

D. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12, the presiding Judge disqualifies himself, or it becomes necessary to assign another Judge in any criminal case in the Dearborn Superior Court II, except for situations arising under Trial Rule 79 of the Indiana Rules of Court, the Clerk shall reassign said cases to the following Judges in the following order:

1. Judge of the Dearborn/Ohio Circuit Court;
2. Judge of the Dearborn Superior Court 1.
3. Judge of the Switzerland Circuit Court;
4. Judge of the Ripley Circuit Court;
5. Judge of the Ripley Superior Court;
6. Judge of Franklin Circuit Court #1
7. Judge of Franklin Circuit Court #2

This rule shall apply to re-assignment of a case and the selection of a Special Judge where there is an Order of Disqualification or Recusal in order to bring the case to a conclusion in the Dearborn Superior Court No. 1. Whenever the Judge of the Dearborn Superior Court No. 1 has a conflict of interest in any case which requires him to recuse himself because of prior contact with the case as a Deputy Prosecuting Attorney, the case shall be assigned to Dearborn Circuit Court Judge James D. Humphrey for all further proceedings. The Clerk, upon recusal by the Superior Court No. 1 Judge, shall enter an order appointing Dearborn Circuit Court Judge James D. Humphrey as Special Judge, with an appropriate RJO entry, and shall notify Dearborn Circuit Court Judge James D. Humphrey of said appointment. Dearborn Circuit Court Judge James D. Humphrey shall accept jurisdiction under the provisions of this rule unless disqualified under the Code of Judicial Ethics or excused from service by the Indiana Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an oath or special order accepting jurisdiction. Dearborn Circuit Court Judge James D. Humphrey shall retain jurisdiction of the case for all future proceedings, unless a specific statute or rule provides to the contrary or Dearborn Circuit Court Judge James D. Humphrey is unavailable by reason of death, sickness, absence or unwillingness to serve. If further re-assignment or selection of a successor Special Judge or Senior Judge is required, then it shall be in the same manner as set forth in Dearborn County Local Court Rules.

E. If further re-assignment or selection of a successor Special Judge is required, then it shall be in the same manner as set forth in Dearborn County Court Rule 15 for criminal cases:

1. In the event a case is dismissed and refilled, the Judge last having jurisdiction in the dismissed case shall be the Judge in the new case;

2. Any post-conviction relief Petitions shall be filed in the Court in which the underlying conviction originated;

3. Any cases which may be joined by statute shall be treated as one case for purposes of determining which Court shall be selected. The highest charge filed shall determine selection;

4. This Rule shall be reviewable at any time by the Judges of the Dearborn Circuit Court and Dearborn Superior Court 1 and shall be reviewed annually by the Judges of said Courts with approval of any changes in this Rule to be made in accordance with Criminal Rule 2.2 before any changes become effective;

F. Whenever the Judge of the Dearborn Superior Court II has a conflict of interest in misdemeanor or Class D felony cases which require her to recuse herself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney, or private practitioner, the case shall be assigned to Dearborn Superior I. Whenever the Judge of the Dearborn Superior Court II has a conflict of interest in any Class A, B or C felony cases which requires her to recuse herself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney, or private practitioner the case shall be assigned to Dearborn Circuit Court. The Clerk, upon recusal by the Dearborn Superior II Judge, shall enter an Order transferring the case to the appropriate Judge. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an Oath or special Order accepting jurisdiction.

(Amended July 1, 2011)

LR15-AR-8: SPECIAL JUDGES

A. Pursuant to Trial Rule 79(H), the following list of judges shall be eligible for appointment as a Special Judge in civil cases:

1. Judge of the Jefferson Circuit Court
2. Judge of the Jefferson Superior Court
3. Judge of Switzerland Circuit Court
4. Judge of the Ripley Circuit Court
5. Judge of the Ripley Superior Court
6. Judge of the Dearborn-Ohio Circuit Court
7. Judge of Dearborn Superior Court II
8. Judge of Dearborn Superior Court I

B. Such judges shall be appointed on a rotating basis, except when such Judges are known to this Court to be ineligible or disqualified as Special Judge under Trial Rule 79(H). All judges named above are members of Indiana Supreme Court administrative district 12.

C. Any Judge appointed to serve as a permanent special judge under an existing standing order of the Supreme Court shall continue to serve in that capacity until further instruction from the Supreme Court.

(Amended July 1, 2011)

LR15-AR-9: DESTRUCTION OF EVIDENCE COURT RULES

A. Evidence which has been retained by the Court Reporter as a result of trials in matters in which the time for appeal has expired, will be retained for a period of one (1) year from the date of expiration of such time. Upon the expiration of one (1) year from the date of expiration of appeal time, such exhibits and evidence will be confiscated and/or destroyed unless counsel has requested a release of the same prior thereto. Such releases should be in writing and should describe the specific items of evidence requested to be released.

B. At any other time, the Court will give notice to counsel of its intent to confiscate and destroy evidence no longer required to be retained, and counsel shall have thirty (30) days in which to claim the same upon receipt of the same.

C. Comes now the Court pursuant to its inherent rule making authority and the proper administration of the Dearborn-Ohio Circuit Courts and makes the following local rule:

1. RULES FOR EVIDENCE HANDLING, RETENTION AND DISPOSTION

A. In all cases the Court shall proceed pursuant to these rules unless the Court directs a longer retention period after motion by any party or on its own motion.

2. RETENTION PERIOD FOR EVIDENCE INTRODUCED IN CIVIL CASES

A. Civil cases, including Adoption, Paternity and Juvenile proceedings. All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the Court Reporter as exhibits shall be taken away by the parties offering them into evidence, except as otherwise ordered by the Court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the Court Reporter for two (2) years from termination of the appeal, retrial or subsequent appeal and termination, whichever is later.

B. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

3. RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL, MISDEMEANOR, CLASS C AND CLASS D FELONIES AND ATTEMPTS

A. Misdemeanor, Class C and Class D Felonies and Attempts. All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the Court Reporter as exhibits shall be taken away by the parties offering them in evidence except as otherwise ordered by the Court, three (3) years after the case is dismissed, the defendant found not guilty or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the Court Reporter for three (3) years from termination of the appeal, retrial or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence or post-conviction action is pending.

B. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

4. RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL CLASS A AND CLASS B FELONIES, MURDER AND ATTEMPTS

A. Class A and Class B Felonies, Murder and Attempts. All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the Court Reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, twenty (20) years after the case is dismissed, the defendant found not guilty or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the Court Reporter for twenty (20) years from termination of the appeal, retrial or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence or post-conviction action is pending.

B. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes are provided in Administrative Rule 7.

C. Non-documentary and Oversized Exhibits. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court, but shall remain in the custody of the trial Court during the appeal. Such exhibits shall be briefly identified in the transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits.

D. Under no circumstances should drugs, currency or other dangerous or valuable items be included in appellate records.

E. Notification and Disposition. In all cases, the Court shall provide actual notice, by mail, to all attorneys of record and to parties only if unrepresented by Counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and the parties have the duty to keep the Court informed of their current addresses and notice to the last current address shall be sufficient. Court Reporters should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area. At the time of removal, detailed receipts shall be given to the Court Reporter by the party receiving and removing the evidence and the receipt will be made part of the Court file.

F. In all cases, evidence which is not retaken under notice should be disposed of by the Sheriff on the Court's order. The Sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. Evidence of some value should be auctioned by the Sheriff with proceeds going to the county general fund.

G. Biologically Contaminated Evidence. A party who offers biologically contaminated evidence must file a pre-trial notice with the trial Court and serve all the parties so that the Court can consider the issue and rule appropriately before trial. A party can show contaminated evidence or pass photographs of it to the jury, but no such evidence, however contained, shall be handled or passed to jurors or sent to the jury room. This local rule shall be effective immediately.

LR15-AR-10: TRANSCRIPTS AND COURT REPORTING COURT RULES

In accordance with the requirements of Administrative Rule 15 of the Indiana Supreme Court, the following rule is hereby proposed, subject to Indiana Supreme Court approval, effective March 4, 2019.

SECTION I. DEFINITIONS

1. A “Court Reporter” is a person who is specifically designated by the Court to perform the official Court reporting services for the Court including preparing a transcript of the record.
2. “Equipment” means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing and transcribing electronic data.
3. “Work space” means that portion of the Court’s facilities dedicated to each Court Reporter, including but not limited to actual space in the Court Room and any office space.
4. “Page” means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Trial Procedure 74.
5. “Recording” means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. “Regular hours worked” means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the county, but remain the same for each work week.

7. “Gap hours worked” mean those hours worked that are in excess of the regular hours worked, but hours not in excess of forty (40) hours per work week.
8. “Overtime hours worked” mean those hours worked in excess of forty (40) per work week.
9. “Work week” means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year. (i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday).
10. “Court” means the particular Court for which the Court Reporter performs services. Court may also mean all of the courts in Dearborn County.
11. “County indigent transcript” means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
12. “State indigent transcript” means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
13. “Private transcript” means a transcript, including but not limited to a deposition transcript that is paid for by a private party.
14. “Expedited transcript” means a transcript requested to be completed in thirty (30) days or less.

SECTION II. SALARIES AND FEES

Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising Court during any regular work hours, gap hours, or overtime hours. The supervising Court shall enter into a written agreement with the Court Reporter which outlines the manner in which the Court Reporter is to be compensated for gap and overtime hours (i.e. monetary compensation or compensatory time of regular work hours).

A. INDIGENT TRANSCRIPTS (County and State)

1. All indigent transcripts shall be prepared during the regular working hours of the Court. Preparation of said indigent transcripts are a regular task of the Court Reporter of the Circuit and Superior Courts. Should completion of said indigent transcripts require the Court Reporter to work beyond her normal working hours, then she shall be entitled to compensation for gap time and overtime in a manner agreed between the Court and the Court Reporter.

B. PRIVATE TRANSCRIPTS

1. The maximum per page fee a Court Reporter may charge for the preparation of a private transcript shall be:
 - A. Five Dollars (\$5.00); Five Dollars and Fifty Cents (\$5.50) for expedited transcripts; Two Dollars and Fifty Cents (\$2.50) for a copy.
 1. These charges shall be the same regardless of whether the transcript is produced as a hard copy or on disk.
 2. An additional charge at the Court Reporter's normal hourly rate may be added for binding the transcript and exhibits.
 - B. In some instances a retainer may be requested.
 - C. A bill shall be submitted directly to the lawyer requesting the transcript, said transcript will not be released until payment in full is received.
 - D. There shall be a minimum fee of Thirty-Five Dollars (\$35.00) on all transcripts.

C. OTHER TRANSCRIPTS

1. In cases where a transcript is requested by a member of the public (not for trial Court or appeal purposes), the per page charge will be Five Dollars (\$5.00); Five Dollars and Fifty Cents (\$5.50) for expedited transcripts; Two Dollars and Fifty Cents (\$2.50) for a copy.
 1. These charges shall be the same regardless of whether the transcript is produced as a hard copy or on disk.
 2. The request must be submitted in writing.
 3. There shall be a minimum fee of Thirty-Five Dollars (\$35.00) on all transcripts.
 4. An additional charge at the Court Reporter's normal hourly rate may be added for binding the transcript and exhibits.
2. A retainer will always be requested in these instances for at least fifty (50%) percent of the estimated charge.
3. Each Court Reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private indigent transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

D. PRIVATE PRACTICE

1. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a private transcript, and the Court Reporter desires to utilize the Court's equipment, work space and supplies, and the Court agrees to the use of the Court's equipment for such purpose, the Court and the Court Reporter shall enter into a written agreement which must, at a minimum, designate the following:
 2. The reasonable market rate for the use of equipment, work space and supplies.
 3. The method by which records are to be kept for the use of equipment, work space and supplies.
 4. The method by which the Court Reporter is to reimburse the Court for the use of the equipment, work space and supplies.
5. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing a private transcript, all such private practice work shall be conducted outside of regular working hours. The Court Reporter shall not draw a paycheck from the county for working regular Court hours and bill for private practice work during those same working hours.
6. Said fees are subject to change upon due notice and amendment of this Court Rule.

(Amended effective March 4, 2019)

LR15-AR-11: JUVENILE DETENTION AND HOUSING COURT RULES

No child (person under the age of eighteen (18) years) will be detained or incarcerated in an adult jail, municipal lock-up or adult facility, within or without the County, subject to the following exceptions:

1. a child subject to automatic waiver by statute as murder (I.C. 31-30-1-4) and;
2. a child who has been waived to adult Court;

All children who do not fit within the above described exceptions, shall be either detained or otherwise placed in detention in the Dearborn County Juvenile Center.

LR15-AR-12: SUPERIOR COURT II COURT ALCOHOL AND DRUG EDUCATION PROGRAM

The Dearborn Superior Court II Court Alcohol and Drug Education Program is certified by the Indiana Judicial Center and is established pursuant to Indiana Code 12-23-14 and shall have the following fees payable to the Clerk of Court:

- | | | |
|-----|---------------------------------|----------|
| I. | Assessment/Case Management Fee | \$200.00 |
| II. | Basic or Advanced Education Fee | \$200.00 |

Individuals enter this program through pre-trial release conditions or as a condition of probation. An assessment by a Court Substance Abuse Management Specialist (CSAMS) provides a recommendation for basic education, advanced education or counseling services and is the initial component of the program. Education or counseling is provided through a certified treatment or education provider approved by the Indiana Judicial Center. Costs of either advanced or basic education are paid through the program. If counseling is recommended the costs are to be paid by the defendant.

The program may be available and ordered by the judge in any of the Dearborn Superior Courts or the Dearborn Circuit Court and is coordinated through the Dearborn Superior Court II Probation.

LR15-AR-13 DEARBORN SUPERIOR COURT I ACCOUNTABILITY, CHANGE, AND COMMUNITY (A.C.C.) DRUG COURT AND DEARBORN COUNTY VETERANS COURT (D.V.C)

The Dearborn Superior Court I Accountability, Change, and Community (A.C.C.) Drug Court and Dearborn County Veterans Court (D.V.C.) are certified by the Indiana Judicial Center and are established pursuant to Indiana Code 33-23-16 and shall have the following fees payable to the Clerk of Court:

- I. Administration Fee \$100.00
- II. Monthly Fee \$50.00
- III. Drug Test Fee \$10.00

(Effective December 29, 2014)

**LR15-AR-14 DEARBORN COUNTY COURTHOUSE/GOVERNMENT
COMPLEX SECURITY COMMITTEE AND
ESTABLISHING SECURITY GUIDELINES**

I. Security Committee

A. The Dearborn County Courthouse/Government Complex Security Committee is hereby formed and established by joint approval of the Dearborn County Board of Commissioners and the elected judicial officers of Dearborn County. Committee members shall include the following:

- 1) The Dearborn County Sheriff
- 2) Judge of Dearborn Superior Court I
- 3) Judge of Dearborn Superior Court II
- 4) Judge of Dearborn Circuit Court
- 5) A representative selected by Dearborn County Board of Commissioners
- 6) A representative selected by the Dearborn County Council
- 7) The Dearborn County Prosecutor
- 8) The Dearborn County Clerk
- 9) Dearborn Superior Court Chief Probation Officer
- 10) Dearborn Circuit Court Chief Probation Officer
- 11) Dearborn County Juvenile Detention Center Director
- 12) Dearborn County Auditor
- 13) Dearborn County Maintenance Supervisor
- 14) Dearborn County Coordinator/Administrator
- 15) Dearborn County Personnel/Human Resources Director
- 16) Dearborn County Highway Superintendent
- 17) Dearborn County Emergency Management Director

Modification to the composition of the committee may be made by joint agreement of the Courts and the Commissioners.

B. The Dearborn County Courthouse/Government Complex Security Committee shall evaluate all physical aspects of the Dearborn County Government Complex, and also consider internal operations and controls within the Dearborn County Government Complex. The Dearborn County Government Complex includes the Courthouse, Juvenile Detention Center, Dearborn County Law Enforcement Center, Administration Building, Water Rescue, and Hoosier Square Annex.

C. Security Procedures:

Consistent with Indiana Administrative Rule 19, the committee shall consider the following:

- 1) Key control, use and issuance; authorization levels and restrictions, key inventory, key check out logging, accountability, and re-keying procedures.
- 2) Courthouse locking and unlocking procedures, opening and closing procedures. Courthouse hours of operation.

- 3) Lighting maintenance and operation responsibility.
- 4) Procedures for safeguarding cash, checks, and deposits.
- 5) Policies and procedures for access control points and reception areas.
- 6) Shipping and receiving operations, access to facility by repairmen, vendors, contractors and custodial services.
- 7) Notification policies for reporting security incidents (breaches) and thefts.
- 8) Property identification (labels and decals).
- 9) Employee training, employee vigilance and security awareness.
- 10) Building tenant/employee emergency information list including medical information and phone contacts.
- 11) In-house emergency equipment and qualified personnel (first aide; CPR; AED etc.).

In addition, the Security Committee shall also consider certain security procedures, including:

- 1) Evacuation Plan
- 2) Escaped prisoner plan
- 3) Hostage response plan
- 4) High risk trial plan
- 5) Judicial plans (separation of judges and public)
- 6) Sequestered jury plan
- 7) Riot or civil disturbance plan
- 8) Media policy and plan
- 9) Evidence management plan
- 10) Search policy, frisk, and sensor use
- 11) Arrest procedures and plans
- 12) Use of force policy and response to resistance
- 13) Use of restraints in Court policy
- 14) Prisoner transportation policy
- 15) Equipment and uniform policy
- 16) Courthouse weapons policy, including definitions
- 17) Bomb threat written plan
- 18) Severe weather plan
- 19) Fire and evacuation plan
- 20) After hours procedure plan
- 21) Suicide prevention plan
- 22) Separation of victim/witnesses plan

D. Court Specific Security:

1. Dearborn County Sheriff shall determine appropriate security measures to be in place at the Dearborn County Courthouse and the Hoosier Square Annex (housing Community Correction and Probation offices).

Additional security issues shall be subsequently reviewed by the Dearborn County Courthouse and Administration Security Committee.

2. Specific security procedures for the Dearborn County Courthouse and Hoosier Square Annex shall include the following:

All public traffic into the Dearborn County Courthouse shall be through the High Street entrance. This entrance is and shall remain manned by a trained and uniformed law enforcement officer during courthouse operating hours. Prior to entering the Dearborn County Courthouse visitors shall be screened through a metal detector.

All employees may enter the Dearborn County Courthouse through the rear basement entrance or East side entrance through use of an identification/proximity card. All employees shall be issued a key card identification. Operating hours for Dearborn County Courthouse shall be 8:00a.m. – 4:30p.m.

All public traffic into the Hoosier Square Annex shall be through the West William Street entrance. This entrance is and shall remain manned by a trained and uniformed law enforcement officer during operating hours. Prior to entering the Hoosier Square Annex visitors shall be screened through a metal detector.

All employees may enter the Hoosier Square Annex through the East side entrance through use of an identification/proximity card. All employees shall be issued a key card identification. Operating hours for Hoosier Square Annex shall be 8:00a.m. – 12:00p.m. and 1:00p.m. – 6:00p.m.

(Adopted effective March 6, 2014)

**LR15-AR-15 District 22 Southeastern Indiana Veterans
Treatment Court**

The Dearborn Superior Court No. 1 Veterans Treatment Court, hereinafter named the Southeastern Indiana Veterans Treatment Court, shall be available for all other courts in District 22 to refer cases to. If any referring district court identifies a potential United States Veteran with a pending felony or misdemeanor criminal charge, and the referring judge, prosecuting attorney, and defense attorney agree to the referral for potential placement in Veterans Court, then the referring judge, prosecuting attorney, or defense attorney shall contact the Veterans Court Coordinator to arrange assessments to determine eligibility and appropriateness.

If a participant is accepted into the Veterans Treatment Court, the referring court shall maintain jurisdiction of the case, and hold the guilty plea and potential sentencing hearing. All court costs, fines, restitution, and probation fees shall be collected and received by the referring court. If a participant is accepted into the Southeastern Indiana Veterans Treatment Court, the Judge of the Dearborn Superior Court No. 1 shall oversee all of the participant's Veterans Treatment Court proceedings, hearings, incentives, sanctions, potential termination hearing and potential graduation hearing. The Judge of the Dearborn Superior Court No.1 shall have authority to issue arrest warrants when necessary for a sanction or termination. Sanctions involving incarceration shall be served inside the Dearborn County Law Enforcement Center. The schedule of fees set forth under Indiana Code 33-23-16-23 shall be applicable in the Southeastern Indiana Veterans Treatment Court and procedures of assessment and collection of fees pursuant to Problem Solving Court Rules Section 16 shall be followed and received by the Southeastern Indiana Veterans Treatment Court.

All guilty plea and sentencing hearings shall be held in the courtroom of the referring court. All other Veterans Treatment Court hearings shall be held in the Dearborn Superior Court No. 1 courtroom.

If the participant is terminated from Veterans Treatment Court, then the referring court shall maintain jurisdiction over the case and shall be responsible for sentencing. If the participant graduates from Veterans Treatment Court, then the referring court shall ensure that any appropriate dismissal of charges or imposition of the appropriate plea agreement terms of sentence are imposed.

(Adopted effective August 1, 2016)

FAMILY RULES

LR15-FL-1: VISITATION GUIDELINES (Former Rule 16.3) will be as follows:

- A. Visitation is based upon consideration of what is most beneficial to the child(ren) and exists for the child(ren), and not for the parents.
- B. In custody Orders, the primary care, custody and control of the minor child(ren) of the parties is granted to the custodial parent, subject to reasonable visitation by the non-custodial parent at such times and places as may be mutually agreed upon by the parties. A visitation agreement made by both parents is preferred to a Court imposed solution. If the parties do not agree, the following shall be considered the minimum visitation to which the non-custodial parent shall be entitled. In any Order where the Court uses the term “reasonable visitation,” such term shall be interpreted in accordance with the following minimal visitation rights:
 - 1. **INFANT TO CHILDREN AGE 6 MONTHS:** two (2) hours per week at the home of the custodial parent or a grandparent;
 - 2. **6 MONTHS TO 2 YEARS:** visitation will be one (1) day per week with the non-custodial parent from 9:00 AM to 6:00 PM. There will be no overnight visitation;
 - 3. **2 YEARS AND OVER:** alternating weekends from Friday evening at 6:00 PM to Sunday evening at 6:00 PM. Summer visitation shall take place during the child’s school vacation for four (4) weeks which shall be divided into separate two (2) week segments. The child must be returned to the home of the custodial parent two (2) weeks before school starts; such extended visitation shall only take place upon thirty (30) days or more notice by the non-custodial parent to the custodial parent; extended precedence over the holidays and weekends; if the custodial parent should go on vacation during the summer, and the non-custodial parent loses a weekend visitation, then the non-custodial parent shall have an additional weekend upon the return of the custodial parent.

4. Transportation will be addressed as follows:

The non-custodial parent shall provide the transportation to and from the custodial parent's home provided the residence of the custodial parent and the non-custodial parent are within forty-five (45) miles of each other; In the event that the residences of the non-custodial parent and the custodial parent are more than forty-five (45) miles, the non-custodial parent shall be responsible for picking the child(ren) up at the time set out, and the custodial parent shall return the child(ren);

5. Long Distance Visitation will be addressed as follows:

After age three (3) until age twelve (12), long distance will be granted if the child(ren) is accompanied by a responsible adult. Parents shall share equally in the costs of travel if the custodial parent moves the child(ren) more than forty-five (45) miles from his/her former residence. Visitation shall be for a period of eight (8) weeks during a period of time which not will interfere with the child's(ren's) school activities provided weekend visitation is not feasible.

6. Holidays will be addressed as follows:

A. The following holidays are recognized as holidays for the purpose of this Rule, and shall be shared with the non-custodial parent alternatively, to-wit: Christmas Eve, Christmas Day, Thanksgiving, Easter, Memorial Day, New Years Day, Labor Day, 4th of July and the child's birthday for a child two (2) years and older, from 9:00 AM until 9:00 PM (other holidays falling on alternating weekends which will coincide with visitation rights herein set out). Holiday visitation shall take precedence over, and which shall be in addition to, weekend visitations when such holidays fall on a date other than a weekend visitation;

B. The fact that a birthday and a weekend visitation may fall on the same date, does not entitle the non-custodial parent to any additional visitation time.

7. Related Matter will be addressed as follows:
 - A. Support shall abate by fifty (50%) percent during the extended summer visits, and any extended visitation of seven (7) days or more;
 - B. Neither visitation nor child support shall be withheld because of either parent's failure to comply with a Court Order;
 - C. Each parent shall have the child(ren) ready for visitation and the child(ren)'s return to the custodial parent's home at the appropriate time. The custodial parent shall make arrangements to provide adequate clothing and other personal items for the visitation periods including, but not limited to, a child restraint device used for transporting said child(ren);
 - D. The non-custodial parent shall give the custodial parent three (3) days prior notice if he or she does not intend to exercise visitation unless an emergency situation exists, in which case he or she will give such notice as is possible under the circumstances;
 - E. Each parent shall supply the other with his/her current address and telephone number. Each parent shall allow reasonable telephone and mail privileges with the child(ren), and deliver all mail to the child(ren) sent by the other parent;
 - F. The custodial parent shall provide copies of all school and medical reports within ten (10) days of their receipt and shall immediately notify the other parent in the event of a medical emergency. The custodial parent shall inform the non-custodial parent of school functions permitting parental participation within twenty-four (24) hours after receiving notice of such function.

This Rule is maintained as to Orders issued prior to the effective date of the Indiana Supreme Court Child Parenting Guidelines effective March 31, 2001.

FL-2: DISSOLUTION EDUCATION WORKSHOP

All parties to dissolution cases with minor un-emancipated children who file for dissolution of marriage shall participate in a Dissolution Education Workshop for the purpose of encouraging agreements between the parties on child related matter and aiding the matters and aiding the parents in post-separation parenting. No final Decree of Dissolution in such cases shall be granted, nor shall the case be set for final hearing until a Notification of Compliance has been received that the parties have attended such workshop and paid the program fees. An Order to the parties shall be automatically issued by the Court upon the filing of a Petition for Dissolution of Marriage where un-emancipated children are involved. These Orders shall be enforceable by contempt proceedings. The Court may waive application of this Rule upon good cause (i.e. that the parties have already reached an acceptable agreement).

FL-3: SERVICE OF PLEADING AFTER DISSOLUTION

In all matters pertaining to Dissolution of Marriage commenced after the final Decree has been placed on the Order Book, notice of hearings thereon must be served upon the other party and upon the attorney who appeared for the other party in the dissolution proceedings. The Rule shall apply for all proceedings for contempt, modifications, proceedings supplemental and the like.

FL-4: PRELIMINARY ORDERS

- A. All Petitions for Provisional Orders which involve support money shall be accompanied by a child support guideline worksheet, and the same shall be attached to the Petition, and such worksheet shall be signed by the party submitting the same.
- B. All Petitions for Provisional Orders for child custody and support money shall be accompanied by a proposed Notice setting a date, within twenty-one (21) days, for a hearing on the same. The scheduling secretary of the Circuit Court shall attempt to set a date within five (5) days, if possible, from the date of the filing of the Petition and the Request for Temporary Orders. No emergency Provisional Orders shall be issued unless the proponent of the request has complied with the provisions of Indiana Rule of Trial Procedure 65(B).

**FL-5: MANDATORY DISCOVERY IN ACTIONS FOR
DISSOLUTION OF MARRIAGE**

- A. In all actions for dissolution of marriage filed after the date of the Order, the parties shall comply with the following:
1. Within forty-five (45) days of the filing of a Petition for Dissolution of Marriage, the parties shall exchange copies of Federal Income Tax Returns for the previous year, most recent pay stubs and all of the most current information available regarding pensions, 401-K's and any other retirement plans.
 2. Within sixty (60) days of the date of filing of the Petition, exchange verified financial declaration forms as set forth in Attachment 2 to these Rules.
 3. Within ninety (90) days of the date of filing, conduct and verify to the Court that a settlement conference between the parties and Counsel has been conducted and report to the Court any stipulations or agreements which have arisen from the settlement conference.
- B. Exchange of the above stated information constitutes mandatory discovery, and therefore Trial Rule 37 sanctions apply. Deadlines may be extended or shortened by the Court for good cause shown. No contested marriage dissolution action will be scheduled for final hearing unless Counsel for either or both parties certify to the Court that the above required disclosure has been completed by both parties. The settlement conference process of this Rule shall not apply in cases in which one or both of the parties is not represented by Counsel.