

**RULES OF CIVIL AND CRIMINAL PRACTICE AND  
PROCEDURE  
CIRCUIT AND SUPERIOR COURTS  
RANDOLPH COUNTY, INDIANA**

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## **LOCAL RULES OF TRIAL PROCEDURES**

### **LR68-TR3.1-101 APPEARANCES**

(A) **FILING.** Properly completed and signed appearance forms shall be filed in all actions pursuant to Indiana T.R. 3.1. An appearance, on the prescribed form, must be filed with the court to represent a party at a hearing and to receive notices from the Court. Each pleading, motion or other document filed, shall clearly identify the name, attorney number, address, telephone number and facsimile number of the attorney (if facsimiles are accepted), attorneys or pro se litigant filing the same and shall designate the party for whom an attorney appears. The Clerk shall note all appearances on the Chronological Case Summary (hereinafter referred to as the CCS).

(B) **PETITIONS TO WITHDRAW.** Counsel desiring to withdraw an appearance in any pending action shall file a petition requesting leave of Court to do so. Permission to withdraw shall be given only after the petitioning attorney has given his or her client ten (10) days written notice of the intent to withdraw. A copy of said written notice shall be attached to the petition. The written notice to the client shall contain the client's complete mailing address and shall explain to the client that failure to secure new counsel or appear may result in dismissal of the client's case or in the rendering of a default judgment, and shall further delineate other pertinent information such as any pending trial date, hearing date and any pleading, discovery or other pre-trial deadline(s).

(C) **PETITIONS ACCOMPANIED BY APPEARANCE OF OTHER COUNSEL.** A petition to withdraw appearance, accompanied by the proper appearance of other counsel, or where one has been recently filed, shall constitute a waiver of the notice requirements of (B) of this rule.

(D) **TENDERED ORDER.** At the time of filing a petition to withdraw, counsel shall tender to the Court an order granting the petition and ordering the relief sought.

### **LR68-TR4.15-102 ELECTRONIC RETURN RECEIPT**

The Randolph County Clerk shall be authorized to utilize a process for return of certified mail through an electronic version in accordance with USPS Postal Bulletin 22137 as an electronic return receipt. The Courts hereby designate this means of service as meeting the requirements of the Trial Rules governing service.

### **LR68-TR6-103 MOTIONS - FOR ENLARGEMENT OF TIME**

(A) **INITIAL MOTIONS.** An initial written motion for enlargement of time to respond to a claim, pursuant to T.R. 6(B)(1), shall be automatically granted, allowing an additional thirty (30) days from the original due date.

(B) **SUBSEQUENT MOTIONS.** Any subsequent motions for enlargement of time to respond to a claim, pursuant to T.R. 6(B)(1), shall be supported with a written statement of specific reasons why a second or subsequent extension is required. Further, the motion shall clearly indicate in the heading that is a second, third etc., motion for enlargement of time. The Court, upon its own discretion, may allow opposing counsel an opportunity to respond to subsequent motions for enlargement of time.

(C) **CONTENTS OF MOTION.** Any motion filed pursuant to this rule shall state the date when such response is due and the date to which time is requested to be enlarged. If the motion is not filed on or before the original due date it shall state specific reasons why it is not timely.

(D) **TENDER OF ORDER.** All motions for enlargement of time shall be accompanied by a tendered order sustaining same. The order tendered upon initial motions for enlargement of time shall recite the specific date, 30 days in advance, to which the time is extended. Subsequent motions for enlargement of time shall contain appropriate blank date lines for the Court's completion.

#### **LR68-TR7-104 MOTIONS - GENERAL**

(A) **NOTICE.** When a motion requires notice of hearing, a Notice of Hearing form shall be provided. The time and date of hearing shall be left blank and fixed by the Court unless previously arranged with Court staff.

(B) **HEARINGS ON MOTIONS.** As a general rule, hearings on motions will not be scheduled unless required by the Indiana Rules of Civil Procedure. All hearings set on motions, other than those required by the Rules of Civil Procedure, shall be within the discretion of the Court and may be set on the Court's own motion or upon the request of any party.

Where hearings upon motions are required by the Indiana Rules of Civil Procedure, the Court will set hearing upon said motions at the time of filing. Parties may, however, waive hearing upon said motions by filing with the Court, simultaneous with said filing, a written "WAIVER OF HEARING" upon a page separate from and not incorporated in the pleading or motion. Where a hearing has been set, if all parties consent to a waiver of hearing, the hearing will be stricken.

(C) **REQUEST FOR HEARINGS.** Any party may request hearing upon a motion, but the granting of a hearing is discretionary with the Court, except where required by the Indiana Rules of Civil Procedure. Requests for hearing should be made in writing and not by correspondence to the Court.

## **LR68-TR10-105 PREPARATION OF PLEADINGS, MOTIONS AND OTHER DOCUMENTS**

(A) **TITLES AND SUB-TITLES.** All pleadings and orders shall be titled to delineate each topic included in the pleading, and further specificity shall be provided by placing subtitles within the body of the pleading, e.g., where a pleading contains an Answer, a Counterclaim, a Cross-claim, a Motion to Dismiss, a Motion to Strike or a Jury Request. The abbreviation (H.I.) should not be used in pleadings. Any multi-page document shall be fastened together in the upper left hand corner.

(B) **SIGNATURES AND REQUIRED INFORMATION.** Neither typewritten signatures nor facsimile signatures shall be accepted on original documents. Facsimile signatures are, however, permitted on copies and facsimile filing. All pleadings shall contain the written signature and attorney number of the individual attorney, his or her printed signature, the name, if appropriate, of the law firm, complete address and telephone number (including zip and area codes respectively), and a designation as to the party for whom he or she appears.

(C) **NUMBER OF COPIES.** All documents submitted to the Court shall be accompanied by sufficient copies to provide retention of the original by the Clerk (plus one additional copy of orders for retention in the RJO) and copies for all parties or attorneys of record. Adequate copies must be furnished where a request is made for service by law enforcement authorities, e.g., protective orders.

(D) **COPIES TO SPECIAL JUDGE.** In the event a Special Judge is selected, and appointed, the Clerk shall notify such Judge of the appointment, shall furnish such Judge with copies of all pending pleadings and forward the same to the Special Judge, as well as a copy of the CCS pertaining to the cause. Once a Special Judge has qualified, parties shall mail or deliver to the Special Judge, copies of all pleadings, motions, briefs or other papers filed thereafter with a certificate of forwarding same made a part of the original documents.

(E) **REPRODUCTIONS.** Xeroxed, printed, photocopies and form pleadings will be accepted only if clearly typed or printed and are legible, understandable and unaltered by strikeover or erasures and in compliance with section (A) of this Rule.

## **LR68-TR12-106 MOTIONS - RULE 12**

(A) BRIEFS. All motions filed pursuant to T.R. 12 (Motions to Dismiss, Motion to Strike etc.) shall be accompanied by a brief or memorandum. An adverse party shall have 15 days after service of the movant's brief to file an answer brief. Failure to timely file briefs shall subject all motions filed pursuant to T.R. 12 to summary ruling.

(B) EXTENSIONS OF TIME. All requests for extensions of time for filing briefs or similar action shall be timely filed and shall be accompanied by a tendered order with sufficient copies as prescribed in Rule 3.

## **LR68-TR16-107 CIVIL PRE-TRIAL CONFERENCES**

(A) REQUIREMENT. A Pre-Trial Conference shall be conducted by the Court in civil cases pursuant to the following rules:

(1) In Cases Triable by Jury: Upon motion of any party; or upon order of the Court.

(2) In Cases Triable by the Court: Within the sole discretion of the Court. A party may request a Pre-Trial Conference in a case triable by the Court, but shall specifically state reasons in said request.

(B) CONFERENCE OF ATTORNEYS. The Conference of Attorneys provided for in Trial Rule 16(C) is encouraged, but not required. In the event a Conference of Attorneys is held, plaintiff's counsel shall prepare, in advance of the Pre-Trial Conference, a statement regarding the conference of attorneys and forward same to opposing counsel for their approval. Said statement shall then be filed with the Court at the time of the Pre-Trial Conference.

(C) ORDER FOR PRE-TRIAL CONFERENCE. Notice of the setting of the Pre-Trial Conference shall be given by CCS entry or order of the Court.

(D) MEANS OF CONDUCTING CONFERENCE. The Court shall designate within the text of the CCS entry or Order for Pre-Trial Conference whether the conference is to be held by telephone or by personal appearance in Court by counsel of record for the parties. For any telephonic Pre-Trial Conference, it shall be the obligation of the plaintiff to place the call and to coordinate same with opposing counsel.

(E) AGENDA. The Court may attach to an Order for Pre-Trial Conference a written agenda delineating matters to be considered at the Pre-Trial Conference. The Pre-Trial Conference will be held pursuant to that agenda and the provisions of T.R. 16. Counsel shall be prepared to address those matters contained in the agenda at the Pre-Trial Conference.

(F) PRE-TRIAL ORDER. Following the Pre-Trial Conference, the Court may request that counsel prepare and tender a proposed Pre-Trial Order or, in the alternative, the Court itself may prepare and forward to counsel a Pre-Trial Order. In all cases, however, the letter and intent of such Pre-Trial Order shall be strictly complied with by all counsel and parties.

#### **LR68-TR26-108 CIVIL DISCOVERY RULES**

(A) USE OF COPY. In the event it is made to appear to the satisfaction of the Court that the original of a deposition or request for discovery or response thereto cannot be filed with the Court when required, the Court may allow use of a copy instead of the original.

(B) MOTIONS TO SHORTEN TIME TO RESPOND. A motion requesting that the Court shorten the time period for response to discovery shall specifically set forth reasons for the request. Any such motion shall be accompanied by a tendered order containing blank lines for the Court's use in establishing the response date. Such motions shall specifically set forth why the shortened response time is necessary. Lack of diligence on the part of the requesting party may result in a summary denial of the request.

#### **LR68-TR26-109 SIGNATURES AND CERTIFICATION**

For discovery filed with the Court in seeking sanction or an order compelling, every request for and response to discovery shall be signed by a party as required by the Indiana Rules of Civil Procedure and shall further be signed by at least one attorney of record in his or her individual name. A party who is not represented by an attorney shall sign the request or response and state his or her specific address and phone number. Signature(s) shall constitute a certification that the signing person(s) has read the request or response and that, to the best of that person's knowledge, information and belief formed after a reasonable inquiry, such request, answer or objection is:

- (1) warranted by existing law or constitutes a good faith attempt to extend, modify or reverse existing law;
- (2) for no improper purpose, such as harassment, unnecessary delay or needless increase in the cost of litigation; and
- (3) not unreasonable, unduly burdensome or expensive, given the needs of the case, the prior discovery in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

Upon the failure to certify a request or response, or certification which is in violation of this Rule, the Court, on motion of party or upon its own initiative, may impose appropriate sanctions.

## **LR68-TR26-110 DISCOVERY CONFERENCE AND DISCOVERY MATERIALS**

(A) DISCOVERY CONFERENCE. At any time after commencement of an action, the Court may direct the attorneys for the parties to appear before it for a conference on the subject of discovery. The Court may do so upon motion by the attorney for any party if the motion is accompanied by a discovery plan which includes:

- (1) A statement of the issues as they then appear;
- (2) A proposed schedule of discovery;
- (3) Any limitations proposed to be placed on discovery;
- (4) Any proposed orders with respect to discovery; and
- (5) A statement showing that the attorney making the motion has made a reasonable effort to reach agreement with opposing attorneys on the matters set forth in the motion. Each party and his attorney are under a duty to participate in good faith in the framing of a discovery plan proposed by the attorney for any party. Notice of the motion shall be served on all parties. Objections or additions to matters set forth in the motion shall be served no later than ten (10) days after service of the motion.

(B) DISCOVERY CONFERENCE ORDER. Subsequent to the conference, the Court will enter a discovery conference order which will encompass the following:

- (1) A tentative identification of the issues;
- (2) Plan and schedule for discovery;
- (3) Recitation of limitations, if any, on discovery;
- (4) Allocation of expenses, as may be deemed necessary for the proper management of discovery in the action;
- (5) Any other matters relating to discovery.

A Discovery Conference order may be altered or amended when justice requires.



## **LR68-TR32-111 DEPOSITIONS**

(A) VIDEOTAPES/DVD'S. Subject to the Court's right to impose sanctions pursuant to T.R. 37, all videotapes, DVD's and any expense incurred in placing said tapes or DVD's in evidence at the time of trial shall be paid for by the moving party and not be taxed as Court costs. When videotapes or DVD's are offered into evidence, the offering party shall file with the Court a transcript of the testimony contained therein, unless prior approval of the Court removing this requirement has been given.

(B) AGREED USE OF DEPOSITIONS IN LIEU OF TESTIMONY AT TRIAL. Attorneys frequently express the opinion or belief that depositions are taken for discovery purposes only. The concept of "discovery deposition" does not exist in the trial rules. The Court, however, desires to encourage the taking of depositions with the anticipation that they may be used in lieu of oral testimony at time of trial. In the event an agreement to use depositions in such manner is reached, pursuant to T.R. 32(A)(3)(f), such agreement shall be noted within the context of the deposition. This rule is not to be construed as a limitation on the use of depositions at trial under those circumstances delineated in T.R. 32(A)(3).

## **LR68-TR33-112 INTERROGATORIES**

(A) NUMBER LIMITED. Interrogatories propounded pursuant to T.R. 33 shall be limited in number to a total of twenty-five (25) with no more than four (4) subparagraphs per interrogatory. Subparagraphs shall relate directly to the subject matter of the interrogatory. Interrogatories shall be used solely for the purpose of discovery and shall not be used as a substitute for the taking of a deposition. For good cause shown, and upon leave of Court first obtained, additional interrogatories may be propounded.

(B) ANSWERS AND OBJECTIONS. Answers and objections to interrogatories under T.R. 31 or 33 shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objection with the interrogatory numbers identified.

(C) INTERROGATORIES NUMBERED AND DUPLICATED FORMS. All interrogatories shall be consecutively numbered and be applicable to the cause in which the same are filed and served. No Xeroxed or otherwise duplicated forms containing interrogatories shall be served unless they comply with the provisions of this Rule.

## **LR68-TR37-113 MOTIONS TO COMPEL**

(A) **DISCOVERY AND PRODUCTION OF DOCUMENTS.** The Court encourages cooperation of counsel in effecting informal discovery and compliance with discovery requests in a timely manner. Trial Rule 26(F) shall be complied with prior to the filing of any Motion to Compel Discovery pursuant to Trial Rule 37 or any Motion for Protection from Discovery pursuant to Trial Rule 26(C).

(B) **TENDERED ORDER.** A motion to compel discovery shall be accompanied by a tendered order compelling discovery with blank date lines for use by the Court in setting a deadline for compliance.

(C) **AWARD OF EXPENSES OF MOTION PURSUANT TO T.R. 37(A)(4).** A party who seeks an award of expenses or attorney's fees in conjunction with the filing of a Motion to Compel, shall clearly make said request in the motion or in a separate written petition. The petition will not, however, be summarily granted. The opposing party shall have a period of ten (10) days after service of the petition in which to respond and request a hearing.

A failure to respond may result in a summary granting of the petition. The Court may, however, in its discretion, set hearing upon any such petition and response.

(D) **CONTENT OF MOTIONS TO COMPEL AND RESPONSES.**

- (1) **Motions to Compel.** All motions to compel discovery shall contain the precise question or request propounded and the responsive answer or objection.
- (2) **Responses to Motions.** All responses to motions to compel discovery shall set forth the respective question or request propounded and the response or objection. Additionally, a recitation of the legal grounds in support of the response shall be provided.
- (3) **Summary Ruling.** Motions to compel and responses or objections which merely make reference to the moving party's discovery motion and the opposing party's response or objection shall be subject to summary ruling.

## **LR68-TR52-114 FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In all cases where counsel has requested findings of fact and conclusions of law under Trial Rule 52, counsel shall be required to submit proposed findings and conclusions both in written form and on disc formatted for the particular Court's system. Counsel should contact the Court to determine the appropriate format.

## **LR68-TR53.5-115 CONTINUANCES**

(A) GENERAL. Motions for continuance are discouraged. Parties are not entitled to continuances as a matter of right, and the granting of a continuance for one party does not entitle opposing parties to a continuance as a matter of right.

(B) MOTION. A Motion for Continuance, unless made in open Court, shall be in writing and verified unless the Court directs otherwise. The motion shall set forth the date and time of the existing hearing and the specific reasons for the requested continuance. A motion which contains only general assertions, e.g., “Unavailability” or “other commitments”, with no additional specificity may be subject to summary denial.

(C) SIGNING REQUIREMENT BY PARTY TO SUIT. The Court may require any written Motion for Continuance to be signed by the party requesting the continuance in addition to counsel.

(D) TIME FOR FILING. Motions for Continuance shall be filed as soon after the cause for continuance is discovered by the party seeking same, and no later than five (5) business days before the date assigned for trial, unless the reasons therefore are shown by affidavit to have occurred within said five (5) day period. Faxed motions for Continuance filed less than five days prior to a hearing and which are contested by the opposing party must state an emergency basis for continuance or are subject to summary denial.

(E) CONSULTATION WITH OPPOSING COUNSEL. Prior to filing a Motion for Continuance, the movant’s counsel shall contact all opposing counsel of record and apprise them of the fact that a continuance will be sought and the reasons for the same. A Motion for Continuance shall recite that a consultation was sought and the position of opposing counsel to the sought continuance. Mere statements that attempts to reach opposing counsel have been unsuccessful without showing specific follow-up attempts may result in a summary denial of the motion.

(F) BY AGREEMENT OF COUNSEL. Where all counsel of record agree to the continuance, such agreement shall be submitted to the Court in a denominated “Agreed Motion for Continuance” signed by all counsel of record or by recitation within the text and title of the Motion that all counsel agree. Agreed Motions should be filed at least seven (7) days before the date of the hearing where feasible in order to permit the Court to schedule other matters.

(G) PAYMENT OF COSTS. The Court, in its discretion, may assess any costs and expenses necessarily incurred by the Court or parties as a result of continuances or delays.

(H) TENDER OF ORDER. All Motions for Continuance shall be accompanied by a tendered order sustaining same. The order shall identify the date and time of the existing hearing to be vacated and reset and contain appropriate blanks for the continued hearing to be completed by the Court.

## **LR68-TR56-116 MOTIONS - SUMMARY JUDGMENT**

(A) **MOTIONS FOR SUMMARY JUDGMENT - BRIEFS.** Motions for Summary Judgment shall be accompanied by a brief. An adverse party shall have thirty (30) days after service of the movant's brief to file an Answer brief and any opposing affidavits. Extensions of time for filing briefs shall be granted only by order of the Court.

(B) **MATERIAL IN SUPPORT OF AND IN OPPOSITION TO SUMMARY JUDGMENT.** At or prior to the time of filing a Motion for Summary Judgment and Brief in support thereof or an opposing brief, counsel shall insure, that all supporting or opposing materials, including affidavits, are made a part of the record in the cause.

(C) **BRIEFS.** Briefs in support of and in opposition to Motions for Summary Judgment shall make specific reference to materials relied upon to support or oppose the Motion. Wherever feasible, copies of said materials should be attached to the respective briefs of the parties. When reference is made in a brief to a pleading, counsel shall indicate to the Court the filing date of said pleading. When reference is made to interrogatories or deposition, copies of the pertinent questions and answers shall be attached to the brief. Failure to comply with the provisions of this rule shall subject such motions and responses to summary ruling.

(D) **TIME FOR FILING MOTIONS.** Although the rules of civil procedure permit early filing of Motions for Summary Judgment, counsel should refrain from filing Motions for Summary Judgment until discovery is sufficiently complete to permit a proper assessment of the Motion and Response. When Motions for Summary Judgment are prematurely filed, the Court may delay ruling and hearing thereon until a time subsequent to the Pre-trial Conference.

(E) **WAIVER OF HEARING.** The provisions of Rule 4(C) hereof, permitting waivers of hearings, shall apply to Motions for Summary Judgment.

(F) **UNTIMELY MOTIONS FOR SUMMARY JUDGMENT.** Due to congestion of Court calendars, any Motion for Summary Judgment filed less than thirty (30) days before the trial may not be considered by the Court.

(G) **PARTIAL SUMMARY JUDGMENT.**

- (1) Any Motion for Partial Summary Judgment shall be accompanied by proposed findings of fact and conclusions of law.
- (2) Responses to Motions for Partial Summary Judgment shall similarly be accompanied by proposed findings of fact which reflect the genuine issues which a party contends exist in a cause.
- (3) Each finding shall be accompanied by specific reference to the material that supports said finding.
- (4) Conclusions of law shall make reference to statutory or case citations supporting same.

The Court reserves the right to request proposed findings of fact and conclusions of law when it determines that pursuant to the filing of a general Motion for Summary Judgment, a Partial Summary Judgment may be in order.

#### **LR68-TR73-117 TELEPHONE AND/OR VIDEO CONFERENCING**

(A) **PURPOSE AND SETTING.** In order to expedite the Court's business, the Court encourages in conjunction with Trial Rule 73, the use of telephone and/or video conferencing for the hearing of motions, for the conducting of Pre-Trial Conferences and for other matters which may be reasonably conducted by use of telephone or video and shall be set at the discretion of the Court upon the Court's motion or upon request of a party.

(B) **HEARING ON MOTIONS.** Within ten (10) days after receipt of the notice of hearing, any party may request that the Court conduct the hearing in a manner different from that established in the notice. In the event the Court sets hearing upon a motion by means of a telephone conference, it shall be the obligation of the party requesting their appearance by telephone, or moving party, to arrange and place the call at the time designated by the Court.

(C) **SANCTIONS.** Should the Court elect to set hearing upon motions for Pre-Trial conference by telephone, all counsel shall treat said setting as if the hearing or conference was to be conducted in open Court. Therefore, the Court reserves the right to order payment of the telephone call or of attorneys' fees in the event it determines that abuses have occurred in that counsel have failed or refused to cooperate in the placement of or coordination for said call.

## **LR68-TR79-118 SPECIAL JUDGE IN CIVIL AND JUVENILE CASES**

Pursuant to Trial Rule 79 of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Randolph County adopt the following rule for the selection of special judges in civil and juvenile cases.

In civil cases and in the absence of agreement as to a particular special judge or an agreement to have the regular sitting judge appoint a special judge, the regular sitting judge shall select (on a rotating basis) one of the judges from the following available panel of judges from this and contiguous counties (omitting the judge from whom change of venue is being taken):

- a. Presiding Judge, Delaware Circuit Court No. 1
- b. Presiding Judge, Delaware Circuit Court No. 2
- c. Presiding Judge, Delaware Circuit Court No. 3
- d. Presiding Judge, Delaware Circuit Court No. 4
- e. Presiding Judge, Delaware Circuit Court No. 5
- f. Presiding Judge, Jay Circuit Court
- g. Presiding Judge, Jay Superior Court
- h. Presiding Judge, Blackford Circuit Court
- i. Presiding Judge, Blackford Superior Court
- j. Presiding Judge, Henry Circuit Court No. 1
- k. Presiding Judge, Henry Circuit Court No. 2
- l. Presiding Judge, Henry Circuit Court No. 3
- m. Presiding Judge, Randolph Circuit Court
- n. Presiding Judge, Randolph Superior Court
- o. Presiding Judge, Wayne Circuit Court
- p. Presiding Judge, Wayne Superior Court No 1
- q. Presiding Judge, Wayne Superior Court No. 2

In the event that a special judge selected from the rotating list is ineligible for, disqualified from or excused from appointment, then the regular sitting judge shall select (on the rotating basis) the next judge on the list. In the event that no judicial officer within the above list is eligible to serve as special judge or the particular circumstances of the case warrant 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.

In juvenile cases, and in the absence of agreement as to a particular special judge or an agreement to have the regular sitting judge appoint a special judge or transfer as set forth herein, the regular sitting judge shall select (on a rotating basis) one of the judges from the following available panel of judges from contiguous counties:

- a. Presiding Judge, Delaware Circuit Court No. 1
- b. Presiding Judge, Delaware Circuit Court No. 2
- c. Presiding Judge, Jay Circuit Court
- d. Presiding Judge, Henry Circuit Court No. 1
- e. Presiding Judge, Henry Circuit Court No. 2
- f. Presiding Judge, Blackford Circuit Court
- g. Presiding Judge, Randolph Superior Court

- h. Presiding Judge, Randolph Circuit Court
- i. Presiding Judge, Wayne Superior Court 3

In the event that a special judge selected from the rotating list is ineligible for, disqualified from or excused from appointment, then the regular sitting judge shall select (on the rotating basis) the next judge on the list. In the event that no judicial officer within the above list is eligible to serve as special judge or the particular circumstances 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.

The Randolph County Clerk shall maintain separate civil and juvenile lists, in the order of rotation as set forth in this rule, from which the regular sitting judge can determine the appropriate appointment in civil and juvenile cases.

## **RULES OF CRIMINAL PROCEDURE**

### **LR68-CR00-201 CRIMINAL PRE-TRIAL CONFERENCES**

Pursuant to T.R. 81, the following Local Rule is adopted with the intent to expedite criminal cases.

Step 1. At the Initial hearing, the Court will set the Omnibus date, Pre-Trial Conference and Jury Trial date. Defendants will be advised of these dates and the consequences of failing to appear.

Step 2. The Rules on Automatic Discovery will apply. The Automatic Discovery Rules require a discovery disclosure by the State within 30 days of the Initial hearing and a discovery disclosure by the Defendant within 15 days thereafter.

Step 3. The objective of the Pre-Trial Conference is to resolve the case by agreement or to be in a position to proceed to trial.

Step 4. (A) If a plea agreement or plea without agreement is intended, a date of disposition may be assigned or a plea may be taken at the Pre-Trial Conference.

(B) At all times, the Defendant's right to a speedy trial shall be honored.

(C) Absent obtaining prior approval from the Court, the use of telephone conferencing for the hearing of Pre-Trial conference is prohibited. Unless the conference is telephonic, the Defendant's attorney and the prosecutor assigned to the case shall physically appear at the Pre-Trial Conference. Defendant may always appear, but shall appear when ordered by the Court.

(D) If the case is to proceed to trial, the Pre-Trial Conference should resolve or schedule resolution of pre-trial issues, discuss length of trial, jury selection issues, evidentiary issues, instructions, possible lesser included offenses and any other matters necessary to expedite the trial.

## **LR68-CR00-202 AUTOMATIC CRIMINAL DISCOVERY RULES**

### **(A) GENERAL PROVISIONS**

1. Upon the entry of an appearance by an attorney for the Defendant, 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 Defendant shall disclose and furnish all relevant items and information under this rule to the State within fifteen (15) days after the State's disclosure.
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.

### **(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 recorded statements;



- (b) Any written, oral, or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making of statements;
  - (c) If applicable, the State shall disclose the existence of grand jury testimony of any person whom the Prosecuting Attorney may call as a witness at any trial or hearing in the case. In addition, 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 such witness or witnesses. 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 Prosecuting Attorney 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.
3. The State shall disclose to the Defendant(s) any material or information within its possession or control that tends to negate the guilt of the accused as to the offenses charged or would tend to reduce the punishment for such offenses.
  4. The State may perform these disclosure obligations in any manner mutually agreeable to the State and the Defendant. Compliance may include a notification to the Defendant or defense counsel 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. Defendants' counsel (or Defendant where 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 Defendant intends to call as witnesses along with copies of their relevant written and recorded statements;
  - (b) Any books, papers, documents, photographs, or tangible objects Defendant 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. The Defendant may perform these disclosure obligations in any manner mutually agreeable to the Defendant and the State. Compliance may include a notification to the State that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.

(D) ADDITIONS, LIMITATION 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.

3. Matters not subject to Disclosure

- (1) Work Product: Disclosure hereunder shall not be required of legal research or records, correspondence, reports, or memoranda to the extent of its legal or investigative staff, or of defense counsel or counsel's legal or investigative staff; and,
- (2) Informants: Disclosure of an informant's identity shall be required unless 1) there is a paramount interest of non-disclosure and 2) a failure to disclose will not infringe upon the Constitutional rights of the accused. Disclosure shall not be denied hereunder of the identity of witnesses to be produced at trial or hearing. This rule does not supersede any existing case law in this area.
- (3) 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 TO SUPPLEMENT RESPONSES

The State and the Defendant are under a continuing duty to supplement the discovery disclosure 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.

## **LR68-CR00-203 BAIL SCHEDULE**

### **A. BAIL SCHEDULE**

If not otherwise set by the court, the following is the bail schedule in criminal cases:

<b>Level</b>	<b>Surety Bond</b>
1. Murder	No bond
2. Level 1 Felony	\$70,000.00
3. Level 2 Felony	\$30,000.00
4. Level 3 Felony	\$20,000.00
5. Level 4 Felony	\$12,000.00
6. Level 5 Felony	\$ 8,000.00
7. Level 6 Felony	\$ 5,000.00
8. Class A Misdemeanor	\$ 1,000.00
9. Class B Misdemeanor	\$ 1,000.00
10. Class C Misdemeanor	\$ 1,000.00

### **B. BOND BASED ON HIGHEST OFFENSE**

The bond applied shall be based only on the highest class or level charged, if multiple offenses are charged. If habitual offender or habitual substance offender is charged, the bond shall be double the amount listed in the bail schedule. Also, if the Defendant is presently admitted to bail or on release from any Court awaiting final disposition in a pending criminal case or on probation or parole, the bond shall be double the amount listed in the bail schedule.

### **C. 10% CASH DEPOSIT**

For a Level 6 Felony and for all Classes of Misdemeanor the Sheriff may accept a cash deposit in the amount of 10% of the amount of the surety bond, which deposit shall promptly be provided to the Clerk on the next business day, and have the Defendant and the poster execute an agreement per I.C 35-33-8-3.2 that allows the Court to retain all or part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution that the Court may order the Defendant to pay if the Defendant is convicted. The Defendant must also pay the bond fee provided in I.C. 35-33-8-3.2(d)

#### **D. IMPAIRED PERSONS**

No person shall be released by the Sheriff of Randolph County, regardless of the provisions of this Order, unless such person clearly manifests that they are in a state of sobriety at the time the provisions of the Order would otherwise permit release. The Sheriff shall hold in custody any person who is under the influence of alcohol or controlled substances until such time it is determined, at the Sheriff's discretion, that the individual may be safely released without danger to self or others. A law enforcement agency may use the chart set out in I.C. 35-33-1-6 to determine the minimum number of hours an impaired person should be detained prior to release.

#### **E. EXCEPTIONS**

This bond schedule shall not be used for, nor be applicable to, the following cases until the appropriate hold time has passed:

- a) Sex offenses where hold and no contact conditions are applicable.
- b) Any persons arrested on a "crime of domestic violence" with an element of physical force or the threatened use of a deadly weapon where a 12 hour hold shall be applied prior to the posting of bond.
- c) Intoxication offenses (drug and/or alcohol).

**F. PROPERTY BONDS** All property bonds shall be granted only after notice is sent to the prosecuting attorney and counsel for the defense and a hearing is conducted to determine whether such bonds are proper.

**G. ADJUSTMENT OF BOND** All bonds are subject to being adjusted by the Court. The Court may require hearing pursuant to statute and application by counsel of record. If there is a difference between the amount of bond posted prior to the issuance of a probable cause order, the order shall govern the amount of bond. However, overpayments may not result in refunds to the Defendant. If a Defendant is arrested for a separate criminal offense while released on a prior posted bond, the release on the prior posted bond may be revoked by the Court.

**H. NO CONTACT PROVISIONS** Pursuant to I.C. 35-33-8-3.2(a)(4), a person who is arrested for any of the attached offenses shall be held for 12 hours before release from custody, unless released sooner pursuant to a Court Order. The release of such person on bail shall be conditioned upon the person having no direct or indirect contact with the alleged victim of the offense pursuant to the attached Order. During regular Court business hours the Prosecuting Attorney, alleged victim or advocate may petition for a no contact order or ex parte protective order.

If a no-contact order is needed at times other than regular court business hours, the Prosecuting Attorney or the Sheriff may contact a Judge and request release of the arrested person on bond or an oral authorization for a no-contact order, which shall be reduced to a written no-contact order and submitted to the Judge on the next business day of the Court. Failure to seek written order may result in release of the no contact provision. The person to be released shall be notified of the no-contact conditions of the bond with receipt acknowledged by the person. After release, should the Defendant encounter (any of) the alleged victim(s) by chance, the Defendant is ordered to make a reasonable effort to avoid contact with the alleged victim(s).

The Sheriff of Randolph County is hereby ordered to abide by this bond schedule for all criminal offenses filed or to be filed in the Randolph County Courts. This bail bond schedule supersedes all previous Bail Bond Schedules ordered by the Randolph County Courts.

The Randolph County Clerk approves of the Randolph County Sheriff collecting the bail posted under I.C. 35-33-8-3.2.

\_\_\_\_\_  
Randolph County Clerk

\_\_\_\_\_  
Date

**SHERIFF OF RANDOLPH COUNTY, INDIANA**

DATE \_\_\_\_\_  
TO: \_\_\_\_\_

By order of the Bail Bond Schedule issued by the Presiding Judges of the Randolph County Courts, you are hereby notified that you are released from the custody of the Sheriff of Randolph County, Indiana, on this date, on bond authorized upon the condition **that you shall have no contact, whether direct or indirect, with the following persons:**

THIS NO CONTACT ORDER OF THE JUDGES IS EFFECTIVE IMMEDIATELY. THIS ORDER WILL EXPIRE 10 DAYS AFTER YOUR RELEASE OR AT YOUR INITIAL HEARING, WHICHEVER OCCURS FIRST. A SEPARATE ORDER OF PROTECTION MAY BE SOUGHT BY THE VICTIM OR PROSECUTOR. AFTER RELEASE, SHOULD YOU ENCOUNTER ANY ALLEGED VICTIM(S) BY CHANCE, YOU ARE ORDERED TO MAKE REASONABLE EFFORT TO AVOID CONTACT WITH THE ALLEGED VICTIM(S).

Sheriff of Randolph County by:

\_\_\_\_\_  
Releasing Officer's Signature

\_\_\_\_\_  
Printed Releasing Officer's Name

**RECEIPT AND ACKNOWLEDGEMENT OF NO-CONTACT ORDER  
AS A CONDITION OF RELEASE ON BAIL**

The undersigned hereby acknowledges the receipt of a copy of the foregoing notification that the a No-Contact Order has been issued as a condition of release of the undersigned on bail and agrees to have no contact as ordered.

Received on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_m.

\_\_\_\_\_  
Signature of person arrested/being released

ONE COPY TO:  
Jail  
Defendant  
Court (Attach to Bond Paperwork)

## **LR68-CR00-204 SWORN STATEMENTS IN CRIMINAL CASES**

The following procedures may be used for taking sworn statements in pauper criminal cases and in other criminal cases as may be agreed upon between the State and the Defendant:

1. Sworn statements of witnesses will be taken at the Prosecutor's Office or such other place as the parties may agree upon.
2. It shall be the responsibility of the party taking the sworn statement to secure the presence of the witness unless otherwise agreed (preferably in writing) by the parties; however, the other party shall provide reasonable assistance in securing the presence of the witness.
3. At the commencement, the witness shall be sworn under oath by a person authorized by law to administer oaths.
4. The sworn statement shall be tape recorded by both parties.
5. The sworn statement shall be transcribed by the secretary for defense counsel when it reasonably appears that written transcript will be needed for trial, hearing or other necessary purpose.
6. Defense counsel may submit claim for transcription time, as part of the pauper fee claim, at the rate of \$15.00 per hour.
7. Within a reasonable time prior to trial, hearing or other necessary purpose, the transcript shall be presented to the Prosecutor's Office for review and correction, if needed. Proposed corrections shall be made by defense counsel's secretary. Should dispute arise regarding the transcript, the same may be presented to the Court for resolution.
8. Once agreed upon by the Defendant and the State, the transcription shall be presented to the affiant for review, signature and completion of change page, if desired. The parties shall cooperate in securing this review. If affiant fails to timely review and sign, the transcript may still be used.
9. Copies of all materials shall then be available to the Defendant and the State prior to any hearing or trial.
10. A sworn statement hereunder is not in lieu of a deposition as provided by the Indiana Trial Rules, but may be used for purposes permitted by the Indiana Rules of Evidence, including but not limited to impeachment. Under appropriate circumstances, formal depositions or other statement procedures may be used upon petition to the Court and Court Order for the same.



## **LR68-CR00-205 CRIMINAL CASE ASSIGNMENT**

(A) For purposes of this rule, the case shall be assigned according to the highest class charge. Cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court.

(B) All misdemeanor cases not filed in a city court and involving misdemeanors only shall be filed in the Randolph Superior Court. All Title 9 offenses shall be filed in the Randolph Superior Court, including homicide with a motor vehicle. All Class D felonies shall be filed in the Randolph Superior Court except the following, which shall be filed in the Randolph Circuit Court:

1. Neglect of a dependent and offenses against the family under I.C. 35-46-1-1 et. seq.;
2. Felony non-support, I.C. 35-46-1-5, when the underlying support order was issued by the Randolph Superior Court;
3. Welfare fraud, I.C. 35-43-5-7; and
4. Failure to Register as a Sex Offender, I.C. 5-2-12-9.

(C) All murder charges shall be filed in the Randolph Circuit Court.

(D) Level 1, 2, 3, 4 and 5 Felonies shall be filed in the following manner, based upon the month of commission of the crime:

1. Charges for crimes committed in January, February, April, May, July, August, October, and November shall be filed in the Randolph Circuit Court.
2. Charges for crimes committed in March, June, September, and December shall be filed in the Randolph Superior Court.
3. If multiple offenses are charged in a single information, the month of the earliest charge shall be the month used to determine in which Court the charges will be filed.

(E) Once a case has been assigned in accordance with the provisions set out herein, the case cannot be assigned to another judge by dismissal and refile if the second filing is based on the same underlying incident.

## **LR68-CR13-206 SPECIAL JUDGE IN CRIMINAL CASES**

In order to assure random selection of special judges in criminal cases, if a change of judge is required under Criminal Rule 12 or in the event of any type of recusal or disqualification in felony and misdemeanor cases, reassignment of a case to another judge shall be assigned in consecutive order from the following list of judges:

- Presiding Judge, Delaware Circuit Court No. 1
- Presiding Judge, Delaware Circuit Court No. 2
- Presiding Judge, Delaware Circuit Court No. 3
- Presiding Judge, Delaware Circuit Court No. 4
- Presiding Judge, Delaware Circuit Court No. 5
- Presiding Judge, Jay Circuit Court
- Presiding Judge, Jay Superior Court
- Presiding Judge, Blackford Circuit Court
- Presiding Judge, Blackford Superior Court
- Presiding Judge, Randolph Circuit Court
- Presiding Judge, Randolph Superior Court
- Presiding Judge, Henry Circuit Court 1
- Presiding Judge, Henry Circuit Court 2
- Presiding Judge, Henry Circuit Court 3
- Presiding Judge, Wayne Superior Court 1
- Presiding Judge, Wayne Superior Court 2
- Presiding Judge, Wayne Superior Court 3
- Presiding Judge, Wayne Circuit Court

Judges who have previously exercised jurisdiction in the case, except as a Pro-Tem or while acting as a Senior Judge, shall not be eligible for reassignment as a Judge.

In the event a judge is not available for assignment from such list or the particular circumstances of the case warrant selection of a Special Judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge pursuant to Criminal Rule 13(D).

The Randolph County Clerk shall maintain a separate Criminal Special Judge list, in the order of rotation as set forth in this rule, from which the regular sitting judge can determine the appropriate appointment in criminal cases.

## **LR68-CR13-207 DELETION OF ATTORNEYS FROM DOCKET**

In all criminal cases, once a pending matter has been resolved with no other issues pending, the Clerk shall remove the attorneys' names from the docket and/or party table. When additional filings are made, attorneys who are to be involved in the proceedings shall file a new Appearance.

## **TRIAL DE NOVO BOND SCHEDULE**

### **LR68-DN1-301 TRIAL DE NOVO**

This rule is adopted to implement the Supreme Court Rules regarding trial de novo requests from city and town courts.

### **LR68-DN1-302 BOND OR OTHER UNDERTAKING FOLLOWING CIVIL JUDGMENTS**

(A) The party filing the request for trial de novo shall file with the Clerk of the Court a surety bond or cash deposit in accordance with Supreme Court Rule 1(C)(1). The bond or cash deposit required by Supreme Court Rule 1(C)(1) shall be in the amount of the judgment entered in the city or town court, plus an amount equaling eight percent (8%) of the total judgment as an allowance for interest. In any case where attorney fees have been awarded as part of the total judgment, the amount of bond shall be increased by 25 percent (25%) of the total judgment as an allowance for additional attorney fees. This bond, however, shall not exceed the jurisdictional limit of the city or town court from which the appeal is taken.

(B) If unable to afford a surety bond or cash deposit, the party filing the request may instead file an affidavit of indigency and personal undertaking in accordance with Supreme Court Rules 1(C)(2).

### **LR68-DN2-303 BOND OR OTHER UNDERTAKING FOLLOWING JUDGMENTS FOR INFRACTIONS OR ORDINANCE VIOLATIONS**

(A) The party filing request for trial de novo shall file with the Clerk of the Court a surety or cash deposit in accordance with Supreme Court Rule 2(D)(1).

(B) The bond required by Supreme Court Rule 2(D)(1) shall secure the State or municipality's claims, interest, and court costs, undertaking both the litigation of the trial de novo to a final judgment and payment of any judgment entered against a party filing the request by the trial de novo court.

(C) The bond shall be in an amount as follows:

“C” infraction and traffic ordinance violations	\$500.00;
“B” infraction	\$1,000.00;
“A” infraction and non-traffic ordinance violations	\$1,500.00;

plus the statutory costs in the trial de novo court.

(D) If unable to afford a surety bond or cash deposit, the party filing the request may instead file an affidavit of indigency and personal undertaking in accordance with Supreme Court Rule 2(D)(2).

**LR68-DN3-304 BAIL OR INCARCERATION FOLLOWING MISDEMEANOR TRIAL**

**(A) STAY OF CITY OR TOWN COURT JUDGMENT AND APPEARANCE BOND.**

At the time the request for trial de novo is filed, the defendant may also file with the Clerk a surety bond or cash deposit conditioned on appearance for trial and sentencing as required by applicable statutes on bail in criminal prosecution and said bail shall be in the amount of \$1,000.00. Filing of the bond or undertaking stays the judgment of the city or town court, and during the period of the stay the defendant shall not be subject to incarceration or probation orders of the city or town court. Any defendant who is incarcerated pursuant to the judgment of the city or town court shall be released upon the posting of this bond or cash deposit. If the defendant does not file the surety bond or cash deposit, the judgment of the city or town court shall not be stayed, and the defendant will remain incarcerated or subject to probation orders of the city or town court until the stay imposed under subsection (F)(1) of Supreme Court Rule 3 takes effect. Even if the defendant is not seeking a stay, the posting of such a bond will serve as an appearance bond for the defendant. If such surety bond or cash deposit is posted, then a summons shall be issued to the defendant in accordance with I.C. 35-33-4-1, in lieu of any warrant that the State may request pursuant to I.C. 35-33-2-1.

(B) The city or town court may transfer any cash bond previously posted in the city or town court to the Clerk of the Court to be applied against the trial de novo bond. In addition, the trial de novo court may accept any surety bond previously posted in the city or town court to be applied against the trial de novo bond, but only if the trial de novo court receives written consent from the surety bondsman.

# **JURY RULES**

## **LR68-JR1-401 JURIES**

The procedure in Jury Trials shall be governed by the Indiana Jury Trial Rules numbered 1 through 30 effective January 1, 2003 and any subsequent amendments and modifications thereto. The Courts may require Jury Instructions to be submitted on disc formatted for the particular Court's system. Counsel should contact the Court to determine the appropriate format.

## **LR68-JR2-402 SUPERVISION**

The Judges of the Randolph Circuit and Superior Courts will supervise the jury system processes.

## **LR68-JR2-403 JURY ADMINISTRATOR**

The Judges of the Randolph Circuit and Superior Courts appoint the Clerk of Randolph County and such Deputy Clerks as the Clerk shall designate as jury administrator(s).

## **LR68-JR2-404 JURY POOL**

The jury administrator shall compile the jury pool annually by selecting names from the Randolph County list(s) approved by the Supreme Court, avoiding duplication of names.

## **LR68-JR3-405 DRAWING OF NAMES**

The jury administrator shall randomly draw names from the jury pool as needed to establish jury panels for jury selection. The Courts have authorized a "computerized random jury selection system".

## **LR68-JR4-406 TWO TIER NOTICE AND SUMMONS**

The Judges of the Randolph Circuit and Superior Courts select the two tier notice and summons procedure provided by Jury Rule 4(b).

## **FAMILY LAW**

### **LR68-FL00-501 FAMILY COURT RULES**

(A) **CHILD SUPPORT WORKSHEET AND CERTIFICATE OF ATTENDANCE.** All divorcing parents with minor children (younger than 18 years of age), and all litigants in paternity actions, must attend the “Families in Transition” program and provide the court with the original certificate of attendance. In dissolution actions, proof of attendance must be filed prior to the commencement of their final hearing or accompanying their Waiver of Final Hearing. The parties must also file a child support worksheet to accompany any Agreed Order involving support, including their Decree of Dissolution of Marriage. The Court may, in its discretion, continue the Final Hearing or withhold entering the Final Decree for failure to attend the required class or to provide the worksheet.

(B) **CONTESTED FINAL HEARINGS.** At contested final hearings, counsel are directed to prepare and submit a list of assets, list of debts, and proposed distribution of assets and debts indicating those items which are in dispute along with any other supporting documents or exhibits. Also, if applicable, a child support worksheet shall be filed by each party.

Requests for exemption from this rule will be handled on a case by case basis.

(C) **DECREE OF DISSOLUTION OF MARRIAGE INVOLVING MINOR CHILDREN.** The written decree must state that the non-custodial parent is responsible for the annual child support docket fee. Sufficient copies of the decree for all counsel and parties if unrepresented must be tendered. The decree must also provide for the payment of medical bills not paid for by insurance to the child support rules. A child support worksheet must be attached to all decrees.

(D) **DECREE PREPARED SUBSEQUENT TO HEARING.** A decree prepared following a hearing at the direction of the court shall be prepared by Counsel for the Petitioner and submitted to counsel for the Respondent who shall both sign the Decree “Approved as to Form.”

(E) **DOMESTIC/PATERNITY HEARINGS.** Hearings scheduled in provisional matters, IV-D Child Support Matters, Contempt Citation and Visitation matters set on Tuesdays in Superior Court and Fridays in Circuit Court may be subject to time limitations. If a party believes the hearing will take a substantial amount of time, a continuance should be requested, with the matter set on a different day of the week.

(F) GUARDIAN AD LITEMS/CASA. In CHINS cases, or other cases where a CASA is required or deemed appropriate by the Court, the Courts shall utilize the Randolph County Guardian Ad Litem/CASA office for the appointment of a CASA. The Courts will typically utilize attorneys to serve as Guardian Ad Litem when a CASA is not required or appropriate. A separate order will be issued by the court, and the CASA appointed by the Court should file a written report with the court, with a copy to all counsel and parties of record, within 2 days of any scheduled hearing. The Guardian Ad Litem/CASA should be available for hearing.

#### **LR68-FL00-502 DELETION OF ATTORNEYS FROM DOCKET**

In all divorce, custody, support and paternity cases, once a pending matter has been resolved with no other issues pending, the Clerk shall remove the attorneys' names from the docket and/or party table. When additional filings are made, attorneys who are to be involved in the proceedings shall file a new Appearance.

### **SMALL CLAIMS RULES**

#### **LR68-SC00-601 SMALL CLAIMS COURT RULES**

A Small Claims Manual may be obtained from the Randolph County Clerk and shall be followed in small claims cases.

## **ADMINISTRATIVE RULES**

### **LR68-AR1-701 PLAN FOR CASELOAD ALLOCATION**

**(A) CIRCUIT COURT.** The following cases shall be filed solely in the Randolph Circuit Court:

1. Murder (MR);
2. Mental Health (MH);
3. Adoption (AD);
4. Estate Supervised (ES);
5. Estate, Unsupervised (EU);
6. Guardianship (GU);
7. Trust (TR);
8. Juvenile CHINS (JC);
9. Juvenile Delinquency (JD);
10. Juvenile Status (JS);
11. Juvenile Termination of Parental Rights (JT);
12. Juvenile Paternity (JP); and
13. Juvenile Miscellaneous (JM).

**(B) SUPERIOR COURT.** The following case shall be filed solely in the Randolph Superior Court:

1. Criminal Misdemeanor (CM), unless part of multiple charges which include a felony being filed in Circuit Court;
2. Infraction (IF), unless part of multiple charges which include a felony being charged in Circuit Court;
3. Local Ordinance Violation (OV);
4. Exempted Ordinance Violation (OE);
5. Small Claims (SC); and
6. All Title 9 offenses, including homicide with a motor vehicle.
7. All eviction cases (EV).



**(C) All Level 6 Felonies** shall be filed in Superior Court except the following which shall be filed in Circuit Court:

1. Neglect of a dependent and offenses against the family under I.C. 35-46-1-1 et. seq.;
2. Felony non-support, I.C. 35-46-1-5, when the underlying support order was issued by the Randolph Superior Court;
3. Welfare fraud, I.C. 35-43-5-7; and
4. Failure to Register as a Sex Offender, I.C. 5-2-12-9.

**(D) Level 1, 2, 3, 4 and 5 Felonies** shall be filed in the following manner, based upon the month of commission of the crime:

1. Charges for crimes committed in January, February, April, May, July, August, October, and November shall be filed in the Randolph Circuit Court.
2. Charges for crimes committed in March, June, September, and December shall be filed in the Randolph Superior Court.
3. If multiple offenses are charged in a single information, the month of the earliest charge shall be the month used to determine in which Court the charges will be filed.

**(E)** Once a case has been assigned in accordance with the provisions set out herein, the case cannot be assigned to another judge by dismissal and refileing if the second filing is based on the same underlying incident.

**(F)** In criminal cases, the case shall be assigned according to the highest class charge. Cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court.

**(G)** All other cases may be filed in either Court at the election of the filer.

**(H)** Per I.C. 33-29-1-9, the Judge of the Randolph Circuit Court, with consent of the Judge of the Randolph Superior Court, may transfer any action or proceeding from the Circuit Court to the Superior Court, and the Judge of the Randolph Superior Court, with consent of the Judge of the Randolph Circuit Court, may transfer any action or proceeding from the standard Superior Court to the Circuit Court.

## **LR68-AR09-702 INTERNET POSTING OF NON-CONFIDENTIAL COURT INFORMATION**

The Randolph County Clerk shall be permitted to seek and obtain approval from the Division of State Court Administration for the posting of non-confidential court information on the Internet through service providers including, but not limited to, Doxpop and any state sanctioned case management system. The Randolph County Clerk shall seek appropriate renewals to remain in compliance and shall comply with Administrative Rule 9.

## **LR68-AR00-703 DISPOSITION OF TRIAL MATERIALS**

(A) MATERIALS NOT IN EVIDENCE. Trial materials left in the courtroom following trial and not offered or admitted into evidence, will not be the responsibility of the Court or the Court Reporter. Counsel and parties are responsible for removing all materials related to the trial which were not offered into evidence.

(B) MATERIALS OFFERED AND/OR ADMITTED INTO EVIDENCE IN CIVIL CASES. The Court Reporter will retain all trial materials admitted into evidence or offered into evidence. Such materials will be disposed of pursuant to the Supreme Court Rules regarding retention of exhibits as follows:

(1) During period less than 30 days following Judgment: Materials will be released by the Court Reporter to a party or the parties counsel within the 30-day period following judgment in which a Motion to Correct Errors or appeal might be filed, only by written agreement of all parties or counsel; or upon Order of the Court pursuant to application. When parties are permitted to withdraw exhibits, receipts should be prepared in advance for signature and provided to the Court Reporter in exchange for the exhibits withdrawn.

(2) More than 30 days following Judgment: Exhibits and trial materials will be released to counsel or parties pursuant to a receipt executed by counsel and upon proof that 10 days prior notice has been given to opposing counsel. The Court Reporter may dispose of trial materials at any time after 30 days following judgment, provided 10 days notice is given to all counsel of record.

## LR68-AR15-704 COURT REPORTERS

### SECTION ONE. DEFINITIONS

- (1) *A Court Reporter* is a person who is specifically designated by a 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 government entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, copy machines, fax machines, 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 courtroom and any designated 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 Appellate Procedure 7.2.
- (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.
- (7) *Gap hours worked* means 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* means those hours worked in excess of forty (40) hours 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 of record in Randolph 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. The county indigent transcript will also include any requests from the local Prosecutor's Office.
- (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 that is paid for by a private party, but not limited to a deposition transcript.
- (14) *Expedited* means transcripts which are requested to be completed within three (3) days.
- (15) *Rush/Overnight* means transcripts which are requested to be completed within twenty-four (24) hours.

## SECTION TWO. SALARIES AND PER PAGE FEES

(1) 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 inform the court reporter the manner in which the court reporter is to be compensated for gap and overtime hours, which is by receiving compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.50; including cover pages; ½ of per page fee for transcript for each page for a copy of a transcript provided to the Public Defender's

Office or the Prosecutor's Office; and ½ of per page fee for each exhibit. The fee for an "expedited" transcript (preparation within three (3) days) on a county case shall be \$6.50 per page. The court reporter shall submit a claim voucher to the supervising judge for approval of payment by the county for the preparation of any county indigent transcripts.

(3) If a court reporter is requested to prepare in indigent "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the per page fee shall be \$7.50.

(4) The maximum per page fee a court reporter may charge for the preparation of a State indigent transcript shall be \$4.50; and ½ of per page fee for transcript for each page for a copy of a transcript; and ½ of per page fee for each exhibit. The fee for a State Public Defender requested "expedited" transcript (preparation within three (3) days) on a State indigent case will in no event exceed \$6.50 per page. If a court reporter is requested by the State Public Defender to prepare an indigent "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the per page fee shall be \$7.50.

(5) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.50 with the court reporter being responsible for expenses as provided in Section Four (4), Paragraph Two (2). The fee for an "expedited" transcript (preparation within three (3) days) on a private case will be agreed upon between the court reporter and party requesting the same but in no event may exceed \$6.50 per page. The court reporter may charge up to ½ of per page fee for transcript for each page for a copy of a transcript (including a disc copy), or ½ of per page fee for each exhibit with the court reporter being permitted to use the court system's copy machine outside of regular work hours. If so requested by a party, an "original copy" generated from the computer may be reproduced and charged at one-half (½) the transcript fee.

(6) If a court reporter is requested to prepare a private "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the maximum per page fee shall be \$7.50.

(7) An additional labor charge approximating the hourly rate based upon the court reporter's annual fixed compensation as reflected in the court budget, may be charged for the time spent binding/scanning exhibit preparation the transcript and exhibit binders. The labor charge shall not exceed five (5) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the two (2) hour base.

(8) The Index and Table of Contents pages shall be charged at the per page rate being charged for transcript preparation either for county, state or private cases.

(9) A minimum fee up to \$35.00 per transcript shall be allowed for transcripts under eight (8) pages.

(10) The court reporter or designated court employee shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private 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.

(11) The preparation of any transcript for payment shall not be performed during regular work hours, including but not limited to, transcribing, copying, or other functions related to the compilation of the transcript.

### **SECTION THREE. PRIVATE PRACTICE**

(1) If a court reporter elects to engage in private practice through the preparation of a deposition transcript all such private practice work shall be conducted outside of regular work hours.

### **SECTION FOUR. SUPPLIES**

(1) All supplies for *County or State indigent transcripts*, i.e. transcript paper, binders and copy paper shall be provided through the court system's office supply account.

(2) All supplies for *Private transcripts*, i.e. transcript paper, binders and copy paper shall be the responsibility of the court reporter. The court reporter will not be allowed to charge for the cost of such supplies due to the allotted fee approved herein for the preparation of a private transcript.

*(Amended effective May 1, 2021)*