LOCAL RULES OF PRACTICE

FOR THE COURTS

OF THE 4TH JUDICIAL CIRCUIT

CLARK COUNTY, INDIANA

Adopted July 15, 2009
Amended and Updated effective January 1, 2016

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RULE 1
[LR10-AR00-1]
APPLICABILITY OF RULES

A. Scope. The following Local Rules of Practice shall apply to cases filed in the Circuit Courts of Clark County, Indiana.

B. Effective Date. These Rules shall be effective January 1, 2014, and shall supersede the rules currently applied in the Courts.

C. Citation. These Rules may be cited as Local Rule [LR10-AR00-__].

RULE 2
[LR10-AROO-2]
APPEARANCE AND WITHDRAWAL OF APPEARANCE

A. Initial Appearance. An attorney entering an appearance for any party shall file a written appearance in compliance with Trial Rule 3.1 of the Indiana Rules of Trial Procedure.

B. Withdrawal of Appearance. Except for appearances in estates, guardianships, or criminal matters, an attorney desiring to withdraw an appearance in any other proceeding shall file a written motion requesting leave to withdraw accompanied by a notice of hearing or proof satisfactory to the Court that a notice has been given to the client and all other parties of record at least ten (10) days in advance of the withdrawal date. The actual withdrawal date shall be set forth in the written notice.

C. Withdrawal in Estate, Guardianship, or Criminal Cases. An attorney who desires to withdraw his appearance in an estate, guardianship, or criminal case shall file a written notice requesting leave to withdraw accompanied by a notice of hearing which shall be served upon the personal representative, guardian, or criminal defendant directing the person to appear at the hearing. Proof of the notice shall be submitted to the Court at the time of the hearing.

E. Waiver of Rule. A motion for leave to withdraw an appearance accompanied by a written appearance of successor counsel shall constitute a waiver of the requirements of this rule. Except for appearances in estate, guardianship, or criminal cases, a motion to withdraw appearance accompanied by the written consent of the client shall also constitute a waiver of the requirements of this rule.

RULE 3
[LR10-AR00-3]
DUTY OF ATTORNEYS TO PREPARE ENTRIES

A. Preparation of Entry. When opposing counsel has appeared in a proceeding, the attorney who has agreed to prepare an entry as requested by the Court shall place on the last page of the entry appropriate signature lines indicating "prepared by" and "reviewed by" and shall submit the entry to opposing counsel for examination. Opposing counsel shall promptly examine the entry when submitted, shall sign the entry, and shall submit the entry to the Court within five (5) days of receiving the entry. If opposing counsel does not agree with the entry, counsel shall advise the Court and request a conference, telephonic or otherwise.

B. Failure to Submit Entry. If opposing counsel shall fail or refuse to sign the entry without advising the Court as to any objections to the entry, the preparing attorney shall submit the entry to the Court advising by letter of opposing counsel's failure or refusal and the Court shall accept the entry without opposing counsel's signature.

C. Failure to Prepare Entry. If an attorney agrees to prepare an entry and then fails to do so within fifteen (15) working days of the Court's request, opposing counsel may prepare the entry and submit the entry to the Court advising the Court by letter of the efforts made to gain preparation of the entry by opposing counsel. Failure of counsel to prepare an entry as agreed may subject counsel to sanctions including the assessment of reasonable attorney fees for the attorney who prepared the entry.

RULE 4
[LR10-AR00-4]
FORM AND STYLE OF PLEADINGS
FILING OF PLEADINGS

A. Signature Required. Any pleading, motion, brief or paper filed by an attorney but not signed by an attorney admitted to practice in this state shall not be accepted for filing, or, if inadvertently accepted for filing, may upon discovery be stricken from the record by the Court upon its own motion and by an appropriate minute placed on the Chronological Case Summary. This rule does not prohibit the filing of any pleading, motion, brief or paper by a pro se litigant. Pro se litigants are required to adhere to these Local Rules.

B. Paper Size. All pleadings, motions, entries, orders, judgments and other papers shall be filed on letter size [8 1/2 x 11] paper.

C. Identification. Every pleading, motion, brief, and paper shall clearly identify the name, office address, telephone number, and Indiana Supreme Court Attorney Number of the individual attorney or attorneys filing same.

D. Uniform Pleading Header. Every pleading shall have a header in the following style:

IN THE CIRCUIT COURT NO. _____ FOR CLARK COUNTY
STATE OF INDIANA

E. Use of Paralegal. All pleadings, motions, briefs and papers may be filed by the attorney's secretary or paralegal.

F. Orders and Entries. All proposed orders and entries shall reflect the name of the preparer under the indication "tendered by", shall be submitted in sufficient number for each person entitled to service, and shall contain a distribution list identifying by name and address each person entitled to service.

F. Use of Special Judge. If a case has a special judge, such fact shall be indicated by the words SPECIAL JUDGE (NAME) placed directly beneath the case number. Unless otherwise directed by a special judge after qualification, a copy of each document filed thereafter in the proceeding shall be served on the Special Judge at his private office or at the Court where the Special Judge regularly presides and the proof of service may reflect such service.

G. Orders and Judgments by Magistrate. Any Order or Judgment wherein a Magistrate has presided over the case in a criminal matter or Small Claims matter shall contain a signature line for the Magistrate only.

Any final and appealable Order or Judgment granted by a Magistrate in a civil matter, including but not limited to Judgments, Default Judgments, Summary Judgments, Dissolution Decrees, Adoption Orders and Foreclosure Judgments of any kind, shall include a Recommendation by the Magistrate and Approval by the presiding Judge as follows:

Recommended by: _____
Magistrate

Approved by: _____
Judge (Name of Judge)
(Name of Court)

(Amended effective January 1, 2012)

RULE 5
[LR10-AR00-5]
ALLOCATION OF CASES

A. Applicability. This rule shall apply to all felony and misdemeanor cases filed in the Circuit Courts in Clark County, Indiana and in the Clarksville Town Court.

B. Major Felony Cases. Except as otherwise specifically provided for, all cases which include Murder, Class A, Class B, Class C, Level 1, Level 2, Level 3, Level 4, or Level 5 Felony offenses as the most serious charged offense, shall be assigned as follows:

1. Cases alleging the most serious offense was committed during the months of February, April, June, August, October or December shall be assigned to the Judge of Clark Circuit Court No. 1.

2. Cases alleging the most serious offense was committed during the months of January, March, May, July, September, or November shall be assigned to the Judge of Clark Circuit Court No. 4.

Cases with co-defendants shall be filed in the same court.

C. Misdemeanor and Class D Felony Cases. Except as otherwise specifically provided, all cases having a Class D Felony or Level 6 as the most serious charge shall be assigned to the Judge of Circuit Court No. 3. Misdemeanor offenses occurring in Clarksville shall be assigned to the Judge of Clarksville Town Court; all other misdemeanor offenses shall be assigned to the Judge of Circuit Court No. 3.

D. Traffic-Related Cases. All cases which include a felony charge relating to traffic or motor vehicles, under Title 9 of the Indiana Code or Indiana Code 35-42-1 (Homicide) shall be assigned to the Judge of Circuit Court No. 3.

E. Controlled Substances Cases. All Class A, Class B, Class C, Class D, Level 1, Level 2, Level 3, Level 4, Level 5 and Level 6 felony cases which include a charge related to Controlled Substances under Indiana Code 35-48 or Legend Drugs under Indiana Code 16-42 shall be assigned to the Judge of Circuit Court No. 2. Class D or multiple Class D Felony cases which include driving offenses shall be assigned to the Judge of Circuit Court No. 3.

F. Juvenile Criminal Cases. All cases which include a misdemeanor or felony charge against a defendant alleged to be under the age of eighteen (18) at the time of the commission of the offense, shall be assigned to the Judge of Circuit Court No. 4.

All cases which include a charge of Neglect of a Dependent or Contributing to the Delinquency under Indiana Code 35-46-1-8 or Violation of Compulsory School Attendance under Indiana Code 20-8.1-3 shall be assigned to the Judge of Circuit Court No. 4.

G. Attempt, Conspiracy, and Aiding Cases. For purposes of this Rule, when a case includes a charge of Attempt under Indiana Code 35-41-5-1, Conspiracy under Indiana Code 35-41-5-1, or Aiding under Indiana Code 35-41-2-4, proper assignment of the case shall be determined by reference to the substantive offense underlying each charge.

H. Re-filing of Dismissed Cases, In the event a criminal case is dismissed, and thereafter, the same or similar case is filed against the same defendant(s) based upon the same transaction, the case shall be assigned to the judge who entered the Order of Dismissal on the earlier case.

I. Juvenile Paternity Cases. Juvenile Paternity cases shall be assigned on an equal basis to the Judges of Circuit Court No. 1 and No. 4.

J. Other Juvenile Cases. All Juvenile CHINS cases, Juvenile Status cases, Juvenile Termination of Parental Rights cases, and Juvenile Miscellaneous cases shall be assigned to the Judge of Circuit Court No. 4.

K. Mortgage Foreclosure and Civil Collection Cases. Mortgage Foreclosure cases shall be assigned on an equal basis to the Judges of Circuit Court No. 1 and No. 2.

L. Civil Tort and Civil Plenary Cases. Civil Tort cases shall be assigned one-third to the Judge of Circuit Court No. 1 and two-thirds to the Judge of Circuit Court No. 2. Civil Plenary cases shall be assigned to the Judge of Circuit Court No. 2. Any case involving a Clark County tax sale or conservancy district issue shall be assigned to the Judge of Circuit Court No. 1.

M. Small Claims Cases. All Small Claims cases shall be assigned to the Judge of Circuit Court No. 3.

N. Mental Health Cases. All Mental Health cases shall be assigned to the Judge of Circuit Court No. 1.

O. Domestic Relations Cases. Domestic Relations cases shall be assigned on an equal basis to the Judges of Circuit Court No. 1 and No. 4.

P. Reciprocal Support Cases. All Reciprocal Support cases shall be assigned to the Judge of Circuit Court No. 1.

Q. Protective Order Cases. All Protective Order cases shall be assigned to the Judge of Circuit Court No. 2 unless the Protective Order request is associated with a Dissolution of Marriage case filed in another court. In such instance, the Protective Order request shall be assigned to that court.

R. Guardianship and Estate Cases. Guardianship cases shall be assigned on an equal basis to the Judges of Clark Circuit Court No. 1 and No. 4. Estate cases (supervised and unsupervised) shall be assigned to the Judge of Circuit Court No. 1.

S. Trust Cases. All Trust cases shall be assigned to the Judge of Circuit Court No. 1.

T. Adoption Cases. All Adoption Cases shall be assigned on an equal basis to the Judges of the Circuit Courts.

U. Family Court Exceptions. This subsection applies to situations of pending CHINS or juvenile delinquency matters in Circuit Court No. 4. Notwithstanding any other provision of this Rule, when a family law case (e.g., dissolution, paternity, guardianship, adoption, reciprocal support) or a modification of an existing family law case involving the same family in the pending CHINS or juvenile delinquency matter is presented to the Clerk for filing, that matter shall be filed in or transferred to Circuit Court No. 4. When a CHINS or juvenile delinquency case is filed in Circuit Court No. 4 after a family law case has been filed in any other court, the judge with jurisdiction over the family law case shall transfer that case to Circuit Court No. 4. The Judge of Circuit Court No. 4 may request a transfer of certain criminal cases where those cases have a direct impact on allocation of parenting time or placement of the child in a pending CHINS or delinquency matter.

V. Exceptions for Defendant with Pending Cases. When a new criminal case filing involves a defendant who has a pending criminal case, other than a Petition to Revoke Probation, the provisions of this subsection shall apply. If a defendant has a pending case in Circuit Court No. 1 or Circuit Court No. 4 and is charged with a new offense that is not (1) a traffic or driving related offense or (2) a felony drug or controlled substance offense, the new case shall be filed where the current case is pending.

W. Transfer of Cases. When a Judge of the Circuit Court deems it appropriate, and consistent with the authority granted to these Courts by statute, any Judge of such Courts may enter an Order, after initial filing, transferring any civil, family or criminal case to the docket of any such other Court in Clark County.

X. Error in Case Assignments. Any error in the assignment of a criminal case shall not constitute grounds for an appeal or post-conviction relief unless actual bias or prejudice of the judge hearing the case is demonstrated

Y. Clerk Management of Case Assignment Process. The Clerk of the Circuit Courts shall, upon the approval of the Judges of each such Court, implement and manage an appropriate, efficient system for distribution of cases described in the foregoing subsections as being the object of assignment "on an equal basis."

RULE 6
[LR10-AR00-6]
PRE-TRIAL CONFERENCES
ASSIGNMENT OF CASES FOR TRIAL

A. Trial Settings. No case shall be assigned for jury trial without the Court having conducted a pre-trial conference or an Initial Hearing in a criminal case.

B. Attendance at Pre-trial Conference. At least one attorney, for each party, admitted to practice in Indiana, shall appear at the pre-trial conference. Attorneys, with court approval, may participate in the pre-trial conference telephonically. An attorney who fails to attend/participate for a pre-trial conference shall be bound by the trial date set by the Court as well as such other matters contained in the Court's Pre-Trial Order.

C. Requests for Bench Trial. The assignment of a case for a bench trial may be accomplished by a motion duly filed and accompanied by a proposed order. The motion shall reflect an estimate of the time required.

RULE 7
[LR10-AR00-7]
MOTIONS

A. <u>Generally</u>. All written motions shall be filed with (a) a proposed order of the Movant and (b) a proposed order setting the motion for hearing. Any motion not accompanied by these required draft orders may be returned, without action taken, to the filing party until these draft orders are tendered.

B. <u>Time for Responses to Motions</u>. Except when time periods are otherwise provided in Indiana Trial Rules, Criminal Rules or Statutes, it is recommended that any party opposing any written motion filed should file their Response or Objection within ten (10) days after filing of any Motion.

C. <u>Notice/Motion/Order Procedure</u>. In lieu of requesting any hearing on any motion, an attorney may utilize a Notice/Motion/Order procedure for non-dispositive and routine motions. The attorney utilizing this procedure shall also file, at the time of filing a written motion and orders required by subsection A above, a written Notice of Ruling, stating that the Court will rule on the Motion and enter its Order upon such Motion beginning at 1:30 o'clock p.m. on the Friday (unless a different day and time is required by any individual court). The Notice/Motion/Order pleadings shall be filed and served on the opposing party not later than seven (7) days prior to the date of the scheduled ruling.

RULE 8
[LR10-AR00-8]
CONTINUANCES

A. Generally. A motion for continuance of a hearing or trial shall be accompanied by an order which shall contain adequate space for the insertion of a new time and date for re-scheduling purposes.

B. Content of Motion/Position of Opposing Party. A Motion for Continuance shall set forth the scheduled date, the reason for the continuance, and the specific length of time the moving party desires the case to be delayed. Every Motion for Continuance must contain a statement of agreement or objection from opposing parties, obtained by the moving party after having made inquiry of opposing parties. Failure to state the position of opposing parties will prevent any court action on a Motion for Continuance.

C. Telephonic Conferences. If parties do not agree on a Motion for Continuance filed, either party may schedule a telephone conference with the Court for the purpose of discussing the motion or the objection.

RULE 9
[LR10-AR00-9]
DISCOVERY

A. **Scope/Resolution of disputes**. The parties to a case are expected to perform discovery on the manner provided by Indiana Trial Rules, statutes and case decisions. The parties shall conform to all requirements of Rule 26 (F) in attempting to resolve discovery disputes before seeking court intervention upon any such dispute.

B. **Use of Form Discovery.** No "form" discovery shall be served upon a party unless all discovery requests on such forms are consecutively numbered and applicable to the case.

C. **Admissions Format.** Answers or objections to requests for admissions filed and served pursuant to Trial Rule 36 shall set forth in full the request for admissions being answered or objected to immediately preceding the answer or objection.

D. **Limitation on Interrogatories.** The number of interrogatories which may be served pursuant to Trial Rule 33 shall be limited so as to require the answering party to make no more than forty (40) answers, each sub-part of an interrogatory counting as one (1) answer. This limitation does not mean a limit of forty (40) interrogatories and answers for the entire case but rather to each set of interrogatories propounded. Waiver of this limitation will be granted by the Court in cases in which this limitation would work a manifest injustice or would be impractical because of the complexity of the issues in the case.

E. **Motion for Waiver of Interrogatory Limit.** Each motion requesting a waiver of the above limitation of interrogatories shall contain, as an exhibit, the interrogatories which the party proposes to serve.

RULE 10
[LR10-AR00-10]
CONTEMPT/ISSUANCE OF BODY ATTACHMENT

A. Contempt Citation. Whenever a judgment debtor fails to appear as ordered for a scheduled hearing, the judgment creditor may file a contempt citation against the debtor. The citation must be filed within thirty (30) days of the failure to appear.

B. Personal Service Required. If a judgment creditor is desirous of using a body attachment whenever a judgment debtor fails to appear as directed in a contempt citation, the contempt citation must be personally read and served on the debtor with proof of service presented to the Court along with the request for issuance of the body attachment. Leaving a copy at the debtor's residence or place of business is insufficient.

C. Notice to Sheriff. The body attachment must include a Notice to Sheriff which states that "the Judgment Defendant must be served during regular business hours. Do not place in jail. Bring the Judgment Defendant to Court upon service."

RULE 11
[LR10-AR00-11]
APPLICABILITY TO FAMILY LAW AND CRIMINAL CASES

These Local Administrative Rules shall generally apply to Family Law cases unless the Family Law Rules provide otherwise. Unless otherwise addressed in published Trial Rules, Rules of Criminal Procedure or in statutes or case decisions, prescribing scope and procedures of matters addressed above, these Local Rules of Practice shall otherwise apply to criminal cases in the Clark Circuit and Superior Courts.

RULE 12
[LR10-AR00-12]
APPLICABILITY TO NON-REPRESENTED LITIGANT CASES

These Local Administrative Rules shall apply to all persons who appear in court without the benefit of counsel including cases where the other party appears with or without counsel.

RULE 13
[LR10-AR00-13]
APPLICABILITY OF CERTAIN RULES IN SMALL CLAIMS CASES

These Rules shall apply in Small Claims cases, unless otherwise waived by the presiding Judge.

RULE 14
[LR10-AR00-14]
COURT REPORTER SERVICES/FEES

A. Definitions. The following definitions shall apply under this Local Rule:

[1] *Court Reporter* - 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* - 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 and storing, and transcribing electronic data.

[3] *Work space* - 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* - 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* - the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

[6] *Regular hours worked* - 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* - those hours worked that are in excess of the regular hours worked but not in excess of forty (40) hours per work week.

[8] *Overtime hours worked* - those hours worked in excess of forty (40) hours per work week.

[9] *Work week* - 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* - the particular court for which the court reporter performs services. Court may also mean all the courts in Clark County.

[11] *County indigent transcript* - 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* - a transcript that is paid for from state funds and is for the use of a litigant who has been declared indigent by a court.

[13] *Private transcript* - a transcript, including but not limited to a deposition transcript, which is paid for by a private party.

B. Salaries. 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 reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation for compensatory time off regular work hours.

C. Per Page Fees. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be five dollars and fifty cents ($5.50) per page. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be five dollars and fifty cents ($5.50) per page. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be five dollars and fifty cents ($5.50) per page. The Index and Table of Contents pages may be charged at the per page rate being charged for the rest of the transcript.

If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be twelve dollars and fifty cents ($12.50) per page when the transcript the transcript must be prepared within 24 hours or less, and ten dollars ($10.00) per page when the transcript must be prepared within three working days. Index and Table of Contents will be charged at the same rate as the other pages.

D. Minimum Fee. A minimum fee of seventy-five dollars ($75.00) will be charged for transcripts less than ten (10) pages in length.

E. Binding Fees. An additional labor charge approximating an hourly rate based upon the court reporter's annual court compensation shall be added to the cost of the transcript for the time spent binding the transcript and exhibit binders.

F. Office Supplies. A reasonable charge may be made for the costs of office supplies required and utilized for the preparation of the transcript, the binding of the transcript, and the electronic transmission of the transcript. This charge shall be based upon the Schedule of Transcript Supplies annually established and published by the judges of the courts of record of the county.

G. Annual Report Requirement. Each court reporter 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.

H. Private Practice. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing a deposition transcript, all such private practice work shall be conducted outside regular working hours.

If a court reporter engages in such private practice 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 equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

[1] the reasonable market rate for the use of equipment, work space and supplies;

[2] the method by which records are to be kept for the use of equipment, work space and supplies; and

[3] the method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

I. Disk as Official Record. Upon the filing of a written request or praecipe for transcript, the court reporter shall transcribe any court proceeding requested and produce an original paper transcript along with an electronically formatted transcript. Multiple disks containing the electronically formatted transcript shall be prepared and designated as "Original Transcript" "Court Reporter's Copy" and "Court's Copy." Each disk shall be labeled to identify the case number, the names of the parties, the date completed, the court reporter's name, and the disk number if more than one disk is required for a complete transcript. The court's copy of the electronic transcript shall become the official record of the court proceeding, in lieu of a paper copy of the transcript, and shall be retained in the court where said proceeding was held. The court reporter's copy shall by retained by the court reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the Clerk if the transcript was prepared for purposes of appeal. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requesting party.

(Amended effective January 1, 2014)

RULE 15
[LR10-AR00-15]
APPOINTMENT OF SPECIAL JUDGES IN CIVIL CASES

A. Selection of Assignment Judge. On or before October 1st of each year, the Judges of the Circuit Courts of Clark County shall meet with the presiding judges of Administrative District 23 for the purpose of selecting a judge designated as the assignment judge who shall serve the Administrative District for a period of twelve (12) months.

B. Appointments. In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall send notice of the need of the appointment of a special judge to the Administrative District's assignment judge who shall then make such assignment within five (5) days of receiving said notice.

C. Method of Assignment. The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District or contiguous counties. The assignments shall be in sequential order beginning with the name of the judge following the last judge so assigned. If, however, a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case. The assignment judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.

D. Roster of Available Judges. The roster of available judges in Administrative District 23 shall be maintained by Court designation in the following sequential order and shall include senior judges as available.

(1) Clark Circuit #1
(2) Clark Circuit #2
(3) Clark Circuit #3
(4) Clark Circuit #4
(5) Floyd Circuit
(6) Floyd Superior #1
(7) Floyd Superior #2
(8) Floyd Superior #3
(9) Scott Circuit
(10) Scott Superior
(11) Senior Judges who agree to serve as Special Judge

E. Appointment Order. Upon selecting a special judge, the assignment judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending and enter an Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

F. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.

G. Form of Order. The Order of Appointment shall be in the following form:

IN THE _____ COURT FOR _____ COUNTY

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedures, the Honorable _____ of the _____ Court of _____ County is hereby appointed to serve as special judge in the above-captioned case.

SO ORDERED AND ASSIGNED THIS _____ DAY OF _____, _____ BY THE ASSIGNMENT JUDGE FOR THE 23RD JUDICIAL DISTRICT.

_____

Assignment Judge

H. Implementation of Rule. In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

I. Certification to Supreme Court. If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special judge. If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstances this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.

(Amended effective January 1, 2014)

RULE 16
[LR10-AR00-16]
APPOINTMENT OF SPECIAL JUDGES IN CRIMINAL CASES

A. Pursuant to Ind. Crim. Rule 2.2 and Ind. Crim. Rule 13(C), this rule shall apply to the reassignment of the case and the selection of special judges in felony and misdemeanor cases where a change of judge is granted pursuant to Ind. Crim. Rule 12(B) or an order of disqualification or recusal is entered in the case.

The reassignment procedure set forth in this rule shall also apply where a change of judge is granted pursuant to Ind. Post-Conviction Remedy Rule 1(4)(b) and in proceedings to enforce a statute defining an infraction and ordinance violation case where a change of judge is granted for cause pursuant to Crim. Rule 12(C).

B. A special judge shall be selected, by the Assignment Judge, from the list of judges below on a rotating basis, which includes all judges from Administrative District 23, other contiguous counties and senior judges:

(1) Clark Circuit #1
(2) Clark Circuit #2
(3) Clark Circuit #3
(4) Clark Circuit #4
(5) Floyd Circuit
(6) Floyd Superior #1
(7) Floyd Superior #2
(8) Floyd Superior #3
(9) Scott Circuit
(10) Scott Superior
(11) Jefferson Circuit Court
(12) Jefferson Superior Court
(13) Washington Circuit Court
(14) Washington Superior Court
(15) Senior Judges who agree to serve as Special Judge

C. Appointment Order. Upon selecting a special judge, the assignment judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending and enter an Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

D. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.

E. Form of Order. The Order of Appointment shall be in the following form:

IN THE CLARK CIRCUIT COURT NO. _

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Rule 13(C) of the Indiana Rules of Criminal Procedure, the Honorable _____ of the _____ Court of _____ County is hereby appointed to serve as special judge in the above-captioned case.

SO ORDERED AND ASSIGNED THIS _____ DAY OF _____, _____ BY THE ASSIGNMENT JUDGE FOR THE 23RD JUDICIAL DISTRICT.

_____

Assignment Judge

F. Implementation of Rule. In the event a selected Judge does not accept an appointment to serve as a special Judge, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

G. Certification to Supreme Court. If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special judge. If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstances this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.

(Adopted effective January 1, 2014)

RULE 17
[LR10-AR00-17]
PROBLEM SOLVING COURT FEES

A. The schedule of fees set forth under Indiana Code 33-23-16-23 shall be applicable in the problem solving courts of Clark County.

B. Each problem solving court in Clark County shall develop and observe written policies and procedures on the assessment and collection of fees pursuant to Problem Solving Court Rules Section 16.

C. Those persons directed to participate in the Clark County Drug Treatment Court Program shall pay a $100 administrative fee per admission to the problem-solving court for initial problem-solving court services regardless of the length of participation in the problem-solving court in accordance with IC 33-23-16-23. The clerk of court shall collect and transmit these fees within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the county user fee fund established under IC 33-37-8.

D. Those persons directed to participate in the Clark County Drug Treatment Court Program shall also pay $50 per month beginning with the second month of participation and for each month thereafter for the duration of participation in the problem-solving court in accordance with IC 33-23-16-23. The clerk of court shall collect and transmit these fees within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the county user fee fund established under IC 33-37-8.

E. Any fee may be waived by Order of the Court to avoid a financial hardship, upon termination, subsequent disqualification from the program or for any other reasonable circumstances determined by the court.

(Adopted effective January 1, 2014)

AMENDED

LOCAL FAMILY RULES

OF PRACTICE

FOR THE COURTS OF THE 4TH JUDICIAL CIRCUIT

CLARK COUNTY, INDIANA

TABLE OF FAMILY RULES

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2. Provisional Orders [LR10-FR00-2]

3. Financial Disclosure Statement [LR00-FR00-3]

4. Child Support/ Use of Support Guidelines [LR10-FR00-4]

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6. Seminar Requirement [LR10-FR00-6]

7. Trial Rule 65(E) Joint Preliminary Injunction Temporary Restraining Order [LR10-FR00-7]

8. Temporary Restraining Orders Issued Under I.C. 31-15-4-7 [LR10-FR00-8]

9. Matter of Protective Orders [LR10-FR00-9]

10. Other Ex Parte Orders [LR00-FR00-10]

11. Expedited Hearings [LR10-FR00-11]

12. Final Hearing on Dissolution of Marriage [LR10-FR00-12]

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14. Exhibit Requirements for Contested Hearings [LR10-FR00-14]

15. Service on Redocketed Matters [LR10-FR00-15]

16. Mandatory Mediation in Pro Se Cases with Minor Children [LR10-FR00-16]

APPENDIX TO LOCAL FAMILY RULES

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APPENDIX H Suggested form of Protective Order in a Dissolution action (commonly referred to as a Permanent Restraining Order) under I.C. 31-15-5-1 through 11

APPENDIX I Suggested format for Financial Disclosure Statement under Local Family Rule 3A

APPENDIX J Minimum Parenting Guidelines

RULE 1
[LR10-FR00-1]
APPLICABILITY OF RULES

A. Scope. These rules shall apply in the Clark County Circuit and Superior Courts in all family law matters.

B. Local Civil Rules. The Local Civil Rules of Practice enacted by the Courts shall be applicable in all family law matters when not in conflict with these Local Family Rules. (Local Civil Rules 12, 13, and 14 dealing with family matters are hereby repealed, the subject matters therein having been incorporated in these Local Family Rules).

C. Effective Date. These local family rules have been effective since March 1, 2000. The amendments consist primarily of the insertion of the words "parenting time" in place of the word "visitation."

D. Citation. These rules shall be cited as Local Family Rule ___.

RULE 2
[LR10-FR00-2]
PROVISIONAL ORDERS

A. Content of Provisional Pleading. A motion requesting provisional relief under I.C. 31-15-4-1 must be accompanied by an affidavit setting forth the factual basis and the relief requested. If the relief requested is in the nature of child support or other monetary assistance, the motion must contain information regarding each party's employment status and weekly gross income. When child support is requested, the motion must be accompanied by a Child Support Guideline Worksheet and a Parenting Time Credit Worksheet.

B. Order Scheduling Hearing/Preliminary Hearing. A motion requesting provisional relief must be accompanied by a proposed order for the setting of a hearing. If the provisional request includes relief in the nature of child custody or child support, the Court will set the matter for a preliminary hearing on those issues. The proposed Order scheduling hearings must be in a form consistent with that set forth in the Appendix to these Rules.

C. Procedure in Lieu of Hearing. A movant may waive the hearing requirements of I.C. 31-15-4-4 & 5 through the use of a Notice of Ruling accompanying the motion for provisional relief. The Notice of Ruling shall contain the following:

[1] A waiver of the hearing requirements;

[2] The date for ruling which shall not be less than ten (10) working days from the filing of the motion, the movant's counsel to select the date;

[3] Notice that the Court will consider a written response to the motion filed before the ruling date.

If a response to the motion for provisional relief is filed on or before the ruling date, the Court shall extend the ruling date by five (5) working days to allow the movant to file a reply to the response.

If service of the Summons and Notice of Ruling occurs on a date beyond the selected ruling date, the ruling date shall be automatically extended for ten (10) working days from the date of service and the time limitations for the filing of a response and a reply to the response shall be followed.

D. Request for Hearing. When a waiver of the hearing requirements has been made by the movant for provisional relief, the opposing party may, nonetheless, request hearing dates in accordance with the provisions of I.C. 31-15-4-4 & 5. A request for hearing dates must be filed within ten (10) days of the service of Summons and Notice of Ruling and must be accompanied by a proposed Order scheduling hearings in a form consistent with that set forth in the Appendix to these Rules. A request for hearing shall cancel the Notice of Ruling procedure described in Section C.

E. Effect of Change of Venue. The filing of a motion for a change of venue from the judge by either party shall not divest the court of jurisdiction from issuing a preliminary order on temporary custody, child support or parenting time. A written request for such a determination must be filed within five (5) days of service of the motion for change of venue. The filing of such a request shall be accompanied by a proposed Order for the setting of a preliminary hearing on those issues.

RULE 3
[LR00-FR00-3]
FINANCIAL DISCLOSURE STATEMENT

A. Requirement. In all contested dissolution, separation, and paternity actions each party shall prepare and exchange within forty-five (45) days of the filing of the action, a Verified Financial Disclosure Statement in such form consistent with that set forth in the Appendix to these Local Family Rules of Practice. For good cause, the time limit may be extended or shortened.

At the time of the filing of the action, the moving party shall serve a Notice upon the opposing party of the requirement to exchange a Verified Financial Disclosure Statement. Such Notice shall be in such form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

B. Exceptions. The Verified Financial Disclosure Statement need not be exchanged if the

the parties agree in writing within thirty (30) days of the initial filing to waive exchange, or the proceeding is uncontested, or the proceeding is one in which service is by publication and there is no response.

C. Mandatory Discovery. The exchange of the Verified Financial Disclosure Statement constitutes mandatory discovery, therefore, the Indiana Trial Rule of Procedures, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26E(2) and (3) the Statement shall be supplemented if additional material becomes available.

D. Statement Considered Confidential. When a Verified Financial Disclosure Statement is filed with the court, it shall be sealed and designated "**Confidential**."

RULE 4
[LR10-FR00-3]
CHILD SUPPORT
USE OF SUPPORT GUIDELINES

A. Contested Hearings. In all hearings involving child support, each party shall submit to the court a Child Support Guideline Worksheet and Parenting Time Credit Worksheet in such form consistent with that set forth in the Indiana Child Support Rules and Guidelines.

B. Settlement Agreements. In all settlement agreements in which child support is established**,** a Child Support Guideline Worksheet and a Parenting Time Credit Worksheet shall be attached as an exhibit with the affirmation executed by the parties.

C. Deviation from Guidelines. If an agreement of the parties or a court order regarding child support deviates from the Guidelines, an adequate explanation for such a deviation must be set forth in the agreement or the order.

D. Effective Date. All orders establishing or modifying child support shall be effective on the Saturday immediately following the date on which the request for child support was filed unless otherwise provided for by statute.

RULE 5
[LR10-FR00-5]
PARENTING TIME

A. Use of Guidelines. Unless the court enters specific orders to the contrary or unless the parties otherwise agree to specific parenting terms, parenting time granted to the non-custodial parent shall be in accordance with the Indiana Parenting Time Guidelines**.**

B. Availability/Receipt of Guidelines. At the time of the filing of any original action or modification request which includes the issues of child custody and/or parenting time,
the party bringing the action shall acquire a copy of the Indiana Parenting Time Guidelines fro the Clerk of the Court and send notice to the other party regarding the use of the Guidelines and the opportunity to obtain a copy of the Guidelines at the Clerk's office. The Clerk of the Court may charge a nominal fee for each copy of the Guidelines distributed. A notice in a form consistent with that set for in Appendix K will be sufficient.

C. Acknowledgment. If the parties acknowledge in writing that they have received a copy
of the Indiana Parenting Time Guidelines and adopt the Guidelines as written or otherwise explain any deviation from the Guidelines in a settlement or final decree, it will not be necessary that a copy of the Guidelines be attached to the agreement or decree. A document reflecting the parties' signatures acknowledging receipt of a copy of the Guidelines shall be attached to the agreement or decree with a reference in the agreement.

D. Different Parenting Plan. If the parties adopt a parenting plan which is
different from the guidelines, the plan must be set forth in the settlement agreement or dissolution decree.

RULE 6
[LR10-FR0-6]
SEMINAR REQUIREMENT

A. Mandatory Attendance. In any dissolution, ~~or~~ separation or paternity proceeding involving children under the age of eighteen (18) years of age, both parties to the proceedings shall attend and complete the seminar "Transparenting" or such other program or seminar which the Court may approve. In any subsequent proceeding where custody is in issue, both parties shall attend and complete the seminar unless a party has attended the seminar within the prior two (2) years.

B. Failure to Attend Seminar. A failure to attend and complete the seminar may constitute cause for denial of the granting of the dissolution or the relief requested and a continuance of the matter until attendance has been accomplished. A party, with leave of court, may attend a similar seminar or program.

C. Notice Requirement. At the time of the filing of a dissolution, separation or paternity proceeding where custody is in issue, the moving party shall serve a Notice upon the opposing party of the requirement of attendance in the Transparenting Seminar or such other program or seminar which the Court may approve. Such Notice shall be in a form consistent with that set forth in the Appendix to these Local Family Rules of Procedure.

D. Waiver of Requirement. Upon motion of a party or upon its own motion, the Court may waive the requirement for either or both parties to attend and complete the seminar.

RULE 7
[LR10-FR00-7]
TRIAL RULE 65(E)
JOINT PRELIMINARY INJUNCTION
TEMPORARY RESTRAINING ORDER

RELIEF UNDER TRIAL RULE 65(E)(1)

A. Joint Preliminary Injunction. In accordance with the provisions of Trial Rule 65(E)(1), the court will issue a joint preliminary injunction applicable to both parties upon the filing of a verified petition by either party alleging that injury would result to the moving party if no order were to issue and requesting that both parties be enjoined from:

(a) Transferring, encumbering, concealing or otherwise disposing of any joint property of the parties or assets of the marriage without the written of the parties or permission of the court; and/or,

(b) Removing any child of the parties then residing in the State of Indiana from the State with the intent to deprive the court of jurisdiction over such child without the prior written consent of the parties or permission of the court.

B. Form of Injunction. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Procedure.

C. Immediate Entry of Injunction. A request for a joint preliminary injunction will be entered in the record by the Clerk of the Court immediately upon filing and without bringing the matter to the attention of the judge or waiting for the judge to sign the original. Attorneys may use the court's signature stamp for the convenience of the Clerk and counsel.

RELIEF UNDER TRIAL RULE 65(E)(2)

D. Temporary Restraining Order. In accordance with the provisions of Trial Rule 65(E)(2), the Court will issue a temporary restraining order against the non-moving party upon the filing of a verified petition by either party alleging that injury would result to the moving party if no order were to issue and seeking to enjoin the non-moving party from:

(a) Abusing, harassing, disturbing the peace, or committing a battery on the moving party or Any child or step-child of the parties; or,

(b) Excluding the non-moving party from the family dwelling or any other place.

E. Specific Allegations Required. The moving party must set forth specific facts in the affidavit supporting the request for relief and the court shall determine from such facts whether such restraining order shall issue ex parte.

F. Form of Restraining Order. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

G. Entry Only After Court Approval. The Clerk of the Court shall enter the restraining order in the record only after the judge signs the original order. Attorneys may not use the court's signature stamp until the original is signed by the judge.

STATUS OF TRIAL RULE 65(E) ORDERS

H. No Depository Record Maintained. A joint preliminary injunction and/or a temporary restraining order issued under Trial Rule 65(E) does not qualify for filing in a depository maintained by a law enforcement agency and a violation of the injunction does not constitute a basis of arrest for the offense of Invasion of Privacy. Such status shall be reflected on the order issued.

RULE 8
[LR10-FR00-8]
TEMPORARY RESTRAINING ORDERS ISSUED UNDER I.C. 31-15-4-7

RELIEF BASED UPON I.C. 31-15-4-3(1) & (4)

A. Temporary Restraining Order-Property. The court will issue a temporary restraining order against the non-moving party upon the filing of motion accompanied by an affidavit by either party alleging that injury would result to the moving party if no order were to issue and seeking to restrain the non-moving party from:

(a) transferring, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life; and/or,

(b) granting temporary possession of property to either party.

B. Form of Order. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

C. Immediate Entry of Order. A request for a temporary restraining order regarding property will be entered in the record by the Clerk of the Court immediately upon filing and without bringing the matter to the attention of the judge or waiting for the judge to sign the original. Attorneys may use the court's signature stamp for the convenience of the Clerk and counsel.

RELIEF BASED UPON I.C. 31-15-4-3(2) & (3)

D. Temporary Restraining Order-Personal. The court will issue a temporary restraining order against the non-moving party upon the filing of a motion accompanied by an affidavit by either party alleging that injury would result to the moving party if no order were to issue and seeking the following relief:

(a) enjoining any party from abusing, harassing, or disturbing the peace of the other party; and/or,

(b) excluding either party from the family dwelling, from the dwelling of the other, or from any other place.

E. Specific Allegations Required. The moving party must set forth specific facts in the affidavit supporting the request for relief and the court shall determine from such facts whether such restraining order shall issue ex parte.

F. Form of Order. The moving party shall prepare such order in form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

G. Entry Only After Court Approval. The Clerk of the Court shall enter the restraining order in the record only after the judge signs the original order. Attorneys may not use the Court's signature stamp until the original is signed by the judge.

STATUS OF ORDERS ISSUED UNDER I.C. 31-15-4-7

G. Temporary Restraining Order-Property. An order protecting property based upon I.C. 31-15-4-3(1) and (4) does not qualify for filing in a depository maintained by a law enforcement agency and a violation of the order does not constitute a basis of arrest for the offense of invasion of privacy. Such status shall be reflected on the order issued.

H. Temporary Restraining Order-Personal. An order protecting a person and/or excluding the other party from a dwelling based upon I.C. 31-15-4-3(2) and (3) does qualify for filing in a depository and a violation of such order may constitute a basis of arrest for the offense of invasion of property. Such status shall be reflected on the order issued.

I. Separate Orders Required. A Temporary Restraining Order- Property and a Temporary Restraining Order-Person requested under I.C. 31-15-4-3 may not be combined under one order and must issue as separate orders.

RULE 9
[LR10-FR00-9]
MATTER OF PROTECTIVE ORDERS

A. Requirement upon Filing of Dissolution Petition and Issuance of Restraining Order-Personal. A Protective Order previously issued under I.C. 34-26-5 expires when a Petition For Dissolution of Marriage has been filed and a Temporary Restraining Order has been issued based upon the provisions of I.C. 31-15-4-3(2) or (3). In such event, the Petitioner shall file a Motion to Dismiss Protective Order in the Court where the original Protective Order was issued accompanied by an appropriate Order of Dismissal.

B. Requirement upon Filing of Dissolution Petition Only. When a Petition For Dissolution of Marriage has been filed in one court and the Petitioner has previously acquired a Protective Order issued under I.C. 34-26-5 in a different court, the Petitioner shall file a Motion to Dismiss Protective Order in the Court where the original Protective Order was issued accompanied by an appropriate Order of Dismissal. The Petitioner may simultaneously request the issuance of a protective order under I.C. 31-15-5 or a restraining order under I.C. 31-15-4-3 in the dissolution court, if desired.

C. Specific Request for Protective Order. If a dissolution or separation proceeding is pending, any request for a protective order must be filed in the separate action in the court where the dissolution or separation was filed.

D. Form of Order. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

RULE 10
[LR00-FR00-10]
OTHER EX PARTE ORDERS

A. Content of Requests for Emergency Orders. In all motions for ex parte emergency orders in family law matters other than those provided for under Local Family Rules 7 and 8, the motion must be accompanied by an affidavit setting forth specific facts supporting the relief requested and specifically alleging the irreparable injury, loss or damage that would result if the relief requested was not granted.

B. Certificate of Notice Requirement. A Certificate of Notice must accompany such request for an emergency order in which the movant or movant's attorney certifies to the court as follows:

(a) opposing counsel has been notified by telephone prior to the filing of the motion and when notification occurred; or

(b) attempts were made to contact opposing counsel and the nature of those attempts; or

(c) notice to opposing counsel should not be required and the reasons therefore.

A Certificate of Notice will not be required if there is no counsel of record, if counsel of record has withdrawn or if there has been no action pending in the case for at least sixty (60) days and there has been no contact with opposing counsel regarding any matters related to the case.

C. Issuance of Ex Parte Order. The court may, without the necessity of notice or hearing, issue the requested emergency order ex parte upon the court's finding that an emergency exists and that immediate and irreparable injury, loss or damage will occur before an adversarial hearing can be scheduled.

D. Order Scheduling Hearing. If the Court issues an ex parte order granting the emergency relief requested, the matter shall be set for an adversarial hearing as soon as possible. The party granted the emergency shall tender a proposed order for the setting of a hearing date. This order shall include the following language:

"As the recipient of this ex parte order for __(Describe order)__ , upon two (2) working days notice to the party who obtained such order (or in such shorter notice as the court may prescribe), you shall be allowed to appear before the court and be heard regarding the issuance of this order"

RULE 11
[LR10-FR00-11]
EXPEDITED HEARINGS

A. Nature of Proceeding. An expedited hearing is a proceeding in open court where the evidence is presented in summary narrative fashion by counsel accompanied by the submission of documentary evidence when applicable. The court may question the parties or counsel. Formal rules of evidence and procedure are not applicable. At the conclusion of the hearing, the court shall determine if the facts presented are sufficient to enable the court to make its findings or if a full evidentiary hearing should be required.

B. Hearing by Agreement. At the time of a scheduled evidentiary hearing, the parties may orally agree, on record, to proceed in an expedited basis. Prior to the scheduling of a matter for hearing, the parties may agree in writing to proceed in an expedited basis and a hearing shall be scheduled accordingly. The court shall enforce the agreement unless upon a showing of good cause it would appear that justice would not be served by proceeding in an expedited basis.

C. Discretion of the Court. If at any time the court determines that the matters at issue between the parties would be better resolved at a full evidentiary hearing, the court shall schedule such a hearing. The court may, on its own motion, conduct an expedited hearing to consider and determine any emergency matter or temporary situation until a full evidentiary hearing can be held.

RULE 12
[LR10-FR00-12]
FINAL HEARING ON DISSOLUTION OF MARRIAGE

A. Scheduling. A final hearing on a Petition for Dissolution of Marriage shall be set by the court in accordance with Local Rule 8 of the Local Rules of Civil Procedure if the cause is contested. If the cause is not contested, a final hearing shall be held at such time as is mutually convenient to the parties and the court or at such time as generally set by the court for hearings on uncontested matters.

B. Expedited Hearing. An expedited final hearing may be held in accordance with Rule 10 of these Local Family Rules.

C. Notice In Uncontested Action. In an uncontested action**,** written notice of an intention to proceed to final hearing on a date and time certain shall be given to a party not represented by counsel. The written notice shall be sent to the last known address of the party not represented and proof of service shall not be required, however, a copy of said notice shall be submitted to the court at the time of the final hearing.

D. Summary Disposition/Attachments Required. A summary disposition on a Petition for Dissolution of Marriage shall be entered by the court upon submission of the appropriate documentation to the court in accordance with statutory requirements.

In all summary dispositions in which child support is established, a copy of the child support guideline worksheet shall be attached as an exhibit with the affirmation thereon executed by the parties. In cases where there is a deviation from the child support guidelines, an adequate explanation for the deviation must be set forth.

In all summary dispositions in which guideline parenting time is referenced, a copy of the Parenting Time Guidelines shall be attached as an exhibit. An acknowledgment that both parties have received a copy of the current guidelines will satisfy this requirement.

E. Pro Se Dissolutions. All pro se dissolutions must be heard by the court where the cause of actions has been filed.

RULE 13
[LR10-FR00-13]
SUBMISSION OF AGREED MATTERS

A. Written Agreement Required. No agreed matter shall be submitted to the court unless it is in writing and signed by the parties and/or counsel and accompanied with other appropriate documents such as a Decree. However, if the parties reach an agreement just prior to hearing or trial, then the court may accept evidence of that settlement by way of a handwritten entry or on the record followed by the submission of a written agreement within a reasonable time thereafter.

B. Personal Property Disposition. All settlement agreements disposing of the personal property of the parties shall reflect that such personal property has been exchanged and that there are no disputes regarding such disposition.

C. Petition For Modification Required. An agreed modification entry shall not be approved by the court without a petition for modification having been first filed setting forth the reasons for such modification.

D. Pro Se Agreements. All pro se domestic agreements shall require a hearing before the Court.

RULE 14
[LR10-FR00-14]
EXHIBIT REQUIREMENTS FOR CONTESTED HEARINGS

In all contested hearings, each party shall submit the following exhibits to the Court, if applicable:

[a] a Child Support Guideline Worksheet.

[b] a Parenting Time Credit Worksheet

[c] a calculation of the child support arrearage.

[d] a listing of the marital assets with an indication of fair market values.

[e] a listing of the marital debts with an indication of the balance due and the minimum monthly payment requirement.

[f] the parties' proposed distribution of marital assets and debts.

RULE 15
LR10-FR00-15]
SERVICE ON REDOCKETED MATTERS

Trial Rule 4 Service Required. Service of process of post-dissolution actions such as petitions for modifications and applications for rule to show cause must be on a party pursuant to Trial Rule 4 of the Indiana Rules of Trial Procedure. Service of process of such actions upon the attorney who represented the party in the underlying dissolution action shall be deemed insufficient.

RULE 16
[LR10-FR00-16]
MANDATORY MEDIATION IN PRO SE CASES WITH MINOR CHILDREN

A. Applicability. In all pro se domestic relations cases with children or paternity cases, the parties shall be referred to mediation under the courts' Alternative Dispute Resolution Fund Plan.

B. Disqualification. A litigant shall not be qualified for mediation under the Plan if the litigant is currently charged with or has been convicted of a crime under Indiana Code 35-42 (offenses against the person) or is charged with or has been convicted of a crime in another jurisdiction that is substantially similar to the elements of a crime described in Indiana Code 35-42.

Procedure. Upon the filing a pro se case, the Clerk of the Court shall provide the parties with a form entitled Application for Mediation Services and advise the parties to complete the form and take it to the judge of the assigned court. Based upon the parties combined income, the judge will advise the parties of the estimated cost of the mediation, determine the appropriate assignment of the case and, utilizing an Order of Referral to Mediation Services, refer the parties to the Plan Administrator or to a specific mediator.

D. Mediator's Report. Upon the passage of sixty (60) days from the filing of the dissolution or paternity action, the mediator shall submit a Mediator's Report on the form provided along with the mediation agreement or with an indication that the mediation was not successful. The mediator should also submit a claim for services.

APPENDIX
TO
LOCAL FAMILY RULES

APPENDIX A

Suggested format for proposed Order under Local Family Rule 2

[CAPTION]

ORDER SETTING PROVISIONAL HEARINGS

There having been filed in this cause a motion requesting that a provisional order be issued
by the Court, this cause is hereby set for hearing as follows:

(1) On the issue of temporary child custody and/or child support, a preliminary hearing is hereby scheduled to begin at _____AM/PM on the _____ day of _____, 20___.

(2) A regular provisional hearing is hereby scheduled to begin at _____ AM/PM on the _____ day of _____, 20___.

SO ORDERED THIS _____ DAY OF _____, 20___.

_____
Judge, _____ Court

Ordered tendered by:

APPENDIX B

Suggested format for Notice requirement under Local Family Rule 3A

NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU MUST SUBMIT YOUR **VERIFIED FINANCIAL DISCLOSURE STATEMENT** WITH THE OPPOSING PARTY WITHIN 45 DAYS OF THE FILING DATE OF THIS CASE.

APPENDIX C

Suggested format for COPE Notice under Local Family Rule 6C.

[CAPTION]

NOTICE OF REQUIREMENT TO ATTEND SEMINAR

TO:

It is a standing Order of the Courts of Clark County, Indiana, that you are required to attend a seminar entitled "Children Cope With Divorce" within forty-five (45) days of the date of the filing of this action.

You failure to attend the seminar could result in the Court finding and holding you in contempt of the Court's Order.

The Seminar which you are ordered to attend is being conducted by the Clark Memorial Hospital. You should contact the Hospital at 1220 Missouri Avenue, Jeffersonville, Indiana, Telephone (812) 283-2198 or 283-2811 for additional information and enrollment in the Seminar.

Dated at Jeffersonville, Indiana, this _____ day of _____, 20___.

_____
Clerk, Clark _____ Court

Prepared by:

APPENDIX D

Suggested Order for Trial Rule 65(E) (1) Joint Preliminary Injunction.

[CAPTION]

JOINT PRELIMINARY INJUNCTION
ISSUED UNDER TRIAL RULE 65(E)(1)

(This Joint Injunction does not qualify for filing with a law enforcement agency and a violation of this Order does not constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that an Order should be entered pursuant to the provisions of Trial Rules 65(E)(1), both parties are hereby enjoined from:

(A) Transferring, encumbering, concealing, selling or otherwise disposing of any joint property of the parties or asset of the marriage except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the Court; and

(B) Removing any child of the parties now residing in the State of Indiana from the State with intent to deprive the Court of jurisdiction over such child without the prior written consent of all parties or the permission of the Court.

This Order shall remain in effect until the entry of a decree or final order or until modified or dissolved by the Court.

SO ORDERED THIS ____ DAY OF _____, 20___.

_____
Judge, _____ Court

Order tendered by:

APPENDIX E

Suggested Order for Trial Rule 65(E) (2) Temporary Restraining Order.

[CAPTION]

TEMPORARY RESTRAINING ORDER
ISSUED UNDER TRIAL RULE 65(E)(2)

(This Restraining Order does not qualify for filing with a law enforcement agency and a violation of this Order does not constitute a basis for arrest for invasion of privacy.)

Comes now the Court and having determined that an Order should be entered pursuant to the provisions of Trial Rule 65(E)(2), the (Petitioner/Respondent) is hereby ordered to refrain from:

[ ] Abusing, harassing, disturbing the peace of the (Petitioner/Respondent);
[ ] Committing a battery on the (Petitioner/Respondent);
[ ] Committing a battery on any child or step-child of the parties;
[ ] From coming on or about the family dwelling located at
_____
[ ] From coming on or about the (Petitioner's/Respondent's) dwelling located at
_____
[ ] From coming on or about such other place, to-wit:
_____

This Order shall remain in effect until the entry of a decree or final order or until modified or dissolved by the Court.

SO ORDERED THIS _____ DAY OF _____, 20___.

_____
Judge, _____ Court

Order tendered by:

APPENDIX F

Suggested form of Temporary Restraining Order (Property) under I.C. 31-15-4-3(1) & (4).

[CAPTION]

TEMPORARY RESTRAINING ORDER (PROPERTY)
ISSUED UNDER INDIANA CODE 31-15-4-3(1) & (4)

(This Restraining Order does not qualify for filing with a law enforcement agency and a violation of this Order does not constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that a Restraining Order should be issued pursuant to the provision of Indian Code 31-15-4-3(1) & (4), the (Petitioner/Respondent) is hereby ordered to refrain from:

(A) Transferring, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life;

(B) Interfering with the (Petitioner's/Respondent's) possession of the following property:
_____
_____

This Order shall remain in effect until entry of a decree or final order or until modified or dissolved by the Court.

SO ORDERED THIS _____ DAY OF _____, 20___.

_____
Judge, _____ Court

Ordered tendered by:

APPENDIX G

Suggested form of Temporary Restraining Order (Personal) under I.C. 31-15-4-3(2) & (3)

[CAPTION]

TEMPORARY RESTRAINING ORDER (PERSONAL)
ISSUED UNDER INDIANA CODE 31-15-4-3(2) & (3)

(This Restraining Order qualifies for filing with a law enforcement agency and a violation of this Order may constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that a Restraining Order should be issued pursuant to the provisions of Indiana Code 31-15-4-3(2) & (3), the (Petitioner/Respondent) is hereby ordered to refrain from:

[ ] Abusing, harassing, disturbing the peace of the (Petitioner/Respondent);
[ ] From coming on or about the family dwelling located at
_____;
[ ] From coming on or about the (Petitioner's/Respondent's) dwelling located at
_____;
[ ] From contacting or coming on or about the (Petitioner's/Respondent's) workplace;
[ ] From contacting or coming on or about the school of the parties' children;
[ ] From contacting or coming on or about the daycare center or the babysitter of the parties' children;
[ ] From contacting or coming on or about such other place, to-wit:
_____;

This Order shall remain in effect until entry of a final dissolution decree or until further order of the Court.

The Sheriff and the Law Enforcement Agency where the (Petitioner/Respondent) resides shall receive and maintain a copy of this Order in the Protective Order Depository as provided by Indiana Code 5-2-9.

Pursuant to the provisions of Indiana Code 35-46-1-15.1, a Law Enforcement Officer may arrest the person subject to this Order for the Offense of Invasion of Privacy, a Class B Misdemeanor punishable by imprisonment of up to 180 days and a fine of $1,000.00 when the officer has probable cause to believe that such person has violated this Order.

SO ORDERED THIS _____ DAY OF _____, 20___.

_____
Judge, _____ Court

Order tendered by:
Copies distributed to: (Must include Sheriff)

APPENDIX H

Suggested form of Protective Order in a Dissolution action (commonly referred to as a Permanent Restraining Order) under I.C. 31-15-5-1 through 11.

[CAPTION]

PROTECTIVE ORDER
ISSUED UNDER INDIANA CODE 31-15-5-1 THRU 11

(This Protective Order qualifies for filing with a law enforcement agency and a violation of this Order may constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that a Protective Order should be issued pursuant to the provisions of Indiana Code 31-15-5-1 thru 11, the (Petitioner/Respondent) is hereby ordered to refrain from:

( ) Abusing, harassing, disturbing the peace of the (Petitioner/Respondent);
( ) From coming on or about the family dwelling located at _____;
( ) From coming on or about the (Petitioner's/Respondent's) dwelling located at _____;
( ) From contacting or coming on or about the (Petitioner's/Respondent's) workplace;
( ) From contacting or coming on or about the school of the parties' children;
( ) From contacting or coming about the daycare center or the babysitter of the parties children:
( ) From contacting or coming about such other place, to-wit: _____;

This Order **shall remain in effect for one (1) year** from the date signed and at the request of a party, may be renewed for not more than one (1) year.

The Sheriff and the Law Enforcement Agency where the (Petitioner/Respondent) resides shall receive and maintain a copy of this Order in the Protective Order Depository as provided by Indiana Code 5-2-9.

Pursuant to the provisions of Indiana Code 35-46-1-15.1, a Law Enforcement Officer may arrest the person subject to this Order for the Offense of Invasion of Privacy, a Class B Misdemeanor punishable by imprisonment of up to 180 days and a fine of $1,000.00, when the Officer has probable cause to believe that such person has violated this Order.

SO ORDERED THIS _____ DAY OF _____, 20___.

_____
Judge, _____ Court

Order tendered by:
Copies distributed to: (Must include Sheriff)

APPENDIX I

Suggested format for Financial Disclosure Statement under Local Family Rule 3A

IN THE _____ COURT OF CLARK COUNTY

STATE OF INDIANA

IN RE THE MARRIAGE OF

_____,
PETITIONER
AND

CASE NO. _____

_____,
RESPONDENT

VERIFIED FINANCIAL DISCLOSURE STATEMENT

NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU MUST SUBMIT YOUR **VERIFIED FINANCIAL DISCLOSURE STATEMENT** WITH THE OPPOSING PARTY WITHIN 45 DAYS OF THE FILING DATE OF THIS CASE.

I. **PRELIMINARY INFORMATION**

Your Full Name:	
Your Address:	
Your DOB:	
Your SS#:	
Date of Marriage:	
Date of Physical Separation:	
Spouse's Name:	
Spouse's SS#:	
Spouse's DOB:	
Children: Name	Social Security # Age Date of Birth

YOU MUST ATTACH COPIES OF:

1. Your two (2) most recent paycheck stubs.
2. Your last Federal Income Tax Return including all schedules.

II. INCOME INFORMATION

A. YOUR EMPLOYMENT

Current Employer	
Address of Employer	
Medical Insurance	Cost each month to you Who covered?
Length of Employment	
Job Description	
Gross Income	Per week Bi-Weekly Per month Year
Net Income	Per week Bi-Weekly Per month Year

B. YOUR EMPLOYMENT HISTORY FOR LAST FIVE (5) YEARS

EMPLOYER	DATES OF EMPLOYMENT	COMPENSATION (per wk/month/year)

C. OTHER INCOME

List other sources of income; including but not limited to Dividends, Earned Interest, Rents, Public Assistance (AFDC), Social Security, Worker's Compensation, Child Support from prior marriage, Military or Other Retirement, Unemployment Compensation, etc.

SOURCE	AMOUNTS RECEIVED	REASON FOR ENTITLEMENT

D. FRINGE BENEFITS

Including but not limited to Company Automobile, Health Insurance, Club Memberships, etc.

Type of Benefit	Annual Value

III. PROPERTY

A. MARITAL RESIDENCE (If Owned)

Location/Address	
Date Purchased	
Purchase Price	$
Down Payment	$
Source of Down Payment	
Current Mortgage(s) Balance	$
Monthly Payment	$
Current Fair Market Value	$
1st Mortgage Payable To	
2nd Mortgage Payable To	
Are Taxes Included in Mortgage?	
Is Insurance Included in Mortgage?	

B. OTHER REAL PROPERTY OWNED (THIS MAY INCLUDE CEMETERY PLOTS, UNDEVELOPED LOTS ON LAKES, ETC.)

Location/Address	
Date Purchased	
Purchase Price	$
Down Payment	$
Source of Down Payment	
Current Mortgage Balances	$
Monthly Payment	$
Current Fair Market Value	$
1st Mortgage Payable To	
2nd Mortgage Payable To	
Are Taxes Included in Mortgage?	
Is Insurance Included in Mortgage?	

C. VEHICLES (Automobiles, Boats, Motorcycles, Tractors, Trucks, etc.)

MAKE/MODEL OF VEHICLE	DATE ACQUIRED	PURCHASE PRICE	TITLE WHOSE NAME	WHO DRIVES?	CURRENT VALUE
		$			$
		$			$
		$			$
		$			$
		$			$
		$			$

D. OTHER PERSONAL PROPERTY (Household furnishings, Jewelry, tools, lawn furnishings, guns, collections, etc. please list items separately [Attach additional pages if necessary])

DESCRIPTION	DATE ACQUIRED	PURCHAS PRICE	BALANC OWED	PAYMENT	CURRENT VALUE	IF YOU WANT TO RETAIN *
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	

DESCRIPTION	DATE ACQUIRED	PURCHAS PRICE	BALANC OWED	PAYMENT	CURRENT VALUE	IF YOU WANT TO RETAIN *
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	

E. BANK OR CREDIT UNION (SAVINGS, CHECKING, MONEY MARKET, CD) TO WHICH YOU AND/OR SPOUSE HAVE/HAD A DIRECT OR INDIRECT INTEREST WITHIN THE LAST YEAR (This includes any bank account to which you or your spouse has deposited money) (FOR BOTH HUSBAND AND WIFE ACCTS)

NAME BANK	WHOSE NAME ON ACCOUNT	TYPE ACCOUNT	ACCOUNT NUMBER	BALANCE DATE OF SEPARATION	CURRENT BALANCE
				$	$
				$	$
				$	$
				$	$

F. STOCKS, BONDS, MUTUAL FUNDS

NAME OF STOCK OR FUND	WHOSE NAME ON ACCOUNT	DATE PURCHASED	NUMBER OF SHARES	CURRENT PRICE PER SHARE	CURRENT VALUE
				$	$
				$	$
				$	$
				$	$
				$	$

G. INSURANCE POLICIES

NAME OF COMPANY	POLICY NUMBER	POLICY HOLDER NAME	BENEFICIARY NAME	FACE VALUE	CASH VALUE
				$	$
				$	$
				$	$

(If you don't know, call your agent)

H. RETIREMENT BENEFITS, 401K, IRA, KEOGH, PENSION, ETC.

COMPANY	TYPE ACCOUNT	ACCOUNT NUMBER	VALUE	OWNER YOU OR SPOUSE
			$	
			$	
			$	
			$	

I. INTEREST IN BUSINESS

NAME OF BUSINESS	TYPE (Corp., Partner, Sole Owner)	% (Percent) OWNED	ESTIMATED VALUE
			$
			$
			$

IV. DEBTS (including but not limited to Mortgages, Charge Cards, Loans, Medical Bills, Credit Union, Etc.; attach separate list, if necessary)

NAME OF CREDITOR	MONTHLY PAYMENT	CURRENT BALANCE	(H) HUSBAND (W) WIFE (J) JOINT
1ST MORTGAGE NAME	$	$	
2ND MORTGAGE NAME	$	$	
AUTO (MODEL)	$	$	
AUTO (MODEL)	$	$	
CREDIT CARD:	$	$	
CREDIT CARD:	$	$	
CREDIT CARD:	$	$	
	$	$	
	$	$	
	$	$	
	$	$	
	$	$	
	$	$	
	$	$	

	$	$	
	$	$	
	$	$	
	$	$	
	$	$	
	$	$	
TOTALS	$	$	

V. <u>YOUR ASSETS OWNED PRIOR TO OR RECEIVED DURING THE MARRIAGE THROUGH INHERITANCE OR GIFT</u> (Whether now owned or not) (Show significant assets only)

A. ASSETS OWNED BY YOU <u>PRIOR TO THE MARRIAGE</u>

DESCRIPTION OF ASSET	VALUE AT MARRIAGE	BALANCE OF ANY DEBT AT MARRIAGE	VALUE NOW
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$

B. ASSETS RECEIVED BY YOU <u>DURING THE MARRIAGE BY GIFT OR INHERITANCE</u>

DESCRIPTION	CURRENT VALUATION	RECEIVED FROM
	$	
	$	
	$	
	$	
	$	
	$	
	$	
	$	

VI. SUMMARY OF ASSETS AND DEBTS

ASSET	VALUE
HOME	$
OTHER REAL ESTATE	$
OTHER REAL ESTATE	$
VEHICLE	$
VEHICLE	$
VEHICLE	$
OTHER PERSONAL PROPERTY	$
BANK ACCOUNTS	$
STOCKS, MUTUAL FUNDS	$
INSURANCE - CASH VALUE	$
RETIREMENT	$
BUSINESS INTEREST	$
OTHER	$
TOTAL	$

DEBTS	BALANCE DUE
MORTGAGE(S) ON HOME	$
MORTGAGE(S) ON OTHER REAL ESTATE	$
CAR LOAN	$
CAR LOAN	$
CREDIT CARDS	$
MEDICAL BILLS	$
GENERAL CREDITORS	$
NOTE LOANS	$
OTHER DEBTS	$
TOTAL	**$**

(ASSETS MINUS DEBTS) TOTAL NET WORTH	$

VERIFICATION & DUTY TO SUPPLEMENT OR AMEND

I affirm, under penalties for perjury, that the foregoing representations are true to the best of my knowledge and belief. Further, I understand that I am under a duty to supplement or amend this VERIFIED FINANCIAL DISCLOSURE STATEMENT prior to trial if I learn that the information which has been provided is either incorrect or that information provided is no longer true.

SO DECLARED this _____ day of _____, 20____.

_____
Signature

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Verified Financial Disclosure Statement was delivered to the opposing party or his/her attorney of record, as set forth below, either in person or by U.S. mail postage prepaid this _____ day of _____, 20___:

_____

_____

_____

_____
_Signature of Counsel or Pro Se

APPENDIX J

MINIMUM PARENTING GUIDELINES

It is the goal of the Courts to encourage as much flexibility as possible regarding the exercise of parenting time. These guidelines are intended to advise parents of the *minimum* parenting time to which the non-custodial parent is entitled in most cases. The parents may agree to a schedule different from these guidelines when it is in the best interests of the children and meets the needs of both parents. Absent an agreement, however, the following parenting time shall be ordered.

1. The non-custodial parent shall have the following parenting time with the child or children of the parties except where the children are less than one (1) year old or where geographic distances make compliance with these guidelines prohibitive:

[a] On alternating weekends from 6:00 P.M. on Friday until 6:00 P.M. on Sunday,

or

if the child(ren) is regularly attending school then on alternating weekends from 6:00 P.M. on Friday until the beginning of the school day on Monday, the non-custodial parent to advise the custodial parent of the choice by August 15 before the school fall semester and by December 15 before the spring semester.

If the non-custodial parent chooses parenting time through Monday morning he/she shall have that responsibility throughout that semester and shall make certain that the children are in school on time on every Monday morning.

[b] Provided there exists no conflict with school activities, one evening per week from 6:00 P.M. until 8:00 P.M., the evening to be agreed upon by the parties. If the parties cannot agree, the-evening shall be Wednesday;

[c] In years ending with an odd number:

[1] The evening before each child's birthday from 6:00 P.M. until 9:00 P.M.;

[2] Memorial Day weekend from 6:00 P.M. on Friday until 6:00 P.M. on Monday;

[3} Independence Day from 6:00 P.M. on July 3 until 6:00 P.M. On July 5;

[4] Thanksgiving holiday from 6:00 P.M. on Wednesday until 6:00 P.M. on Sunday;

[5] From 6:00 P.M. on December 20 until 11:00 P.M. on Christmas Eve; and

[6] Martin Luther King holiday from 6:00 P.M. on the day before until 6:00 P.M. on the holiday.

[d] In years ending with an even number:

[1] On each child's birthday for the entire day until 8:00 P.M. unless a school day, then in such event from the end of school until 8:00 P.M. (The non-custodial parent is further entitled to simultaneous parenting time with the child's siblings on such day);

[2] Easter weekend from 6:00 P.M. on Friday until 6:00 P.M. on Sunday;

[3] Labor Day weekend from 6:00 P.M. on Friday until 6:00 P.M. on Monday;

[4] During Christmas holidays from 11:00 P.M. on Christmas Eve until 6:00 P.M. on January 1;

[5] From 6:00 P.M. on the evening before the school spring break until 7:00 P.M. on the last day of the school spring break.

[e] On the non-custodial parent's Birthday and Mother's Day or Father's Day, as applicable, from 10:00 A.M. until 6:00 P.M.

Similarly, the custodial parent shall have parenting time on the custodial parent's Birthday and Mother's Day or Father's Day, as applicable, when such day conflicts with these guidelines.

[f] In the summertime for **school age children**, for two non-consecutive three (3) week periods during the summer months, the periods to be agreed upon by the parties on or before May 15th of each year. However, if the summer parenting time is less than twelve (12) weeks, the vacation time shall be split equally between the parties.

There shall be no weekend parenting time during the exercise of these periods and the custodial parent shall be entitled to similar extended periods without interruption.

[g] In the summertime for **pre-school age children**, for two (2) weeks in the month of June and for two (2) weeks in the month of July, the periods to be agreed upon by the parties on or before May 15th of each year.

[h] Such other parenting time as may be agreed upon between the parties.

Missed Weekend Parenting Time as the Result of Holiday or Other Superseding Time. Whenever the child(ren) is with one of his or her parents for two (2) consecutive weekends, then notwithstanding any other provisions contained within these Guidelines, the parent that did not have physical custody of the child(ren) for these two (2) weekends, shall have the child for the following weekend and the parties shall then re-establish alternate weekend parenting time. The only exception to this provision of the reconfiguration of "alternate weekend parenting time" shall be during those times that either parent is exercising the extended summer parenting time as outlined herein. This provision is not intended to apply when the parents agree to "trade" weekends, unless this is the desire of the parties.

2. Where geographical distances make compliance with these guidelines prohibitive, the non-custodial parent shall have the following parenting time with the child or children of the parties:

[a] One (1) weekend per month beginning at 6:00 P.M. on Friday until 6:00 P.M. on Sunday, the parties to agree on the weekend;

[b] Six (6) consecutive weeks of summer parenting time, the weeks to be agreed upon by the parties on or before May 15th of each year;

[c] One (1) week at spring break beginning at 6:00 P.M. on the Friday the school week ends before spring break until 6:00 P.M. on the Sunday before school resumes;

[d] During odd numbered years, for the Thanksgiving holiday from 6:00 P.M. on Wednesday until 6:00 P.M. on Sunday;

[e] During the Christmas holiday, from 6:00 P.M. on December 25 until 6:00 P.M. on January 1;

[f] Such other parenting time as may be agreed upon by the parties.

3. Where a child is less than one (1) year old, parenting time shall be each week on Saturdays or Sundays, the parties to agree on the day, from 10:00 A.M. until 6:00 P.M. If the child is less than three (3) months old, such period shall be from 2:00 P.M. until 6:00 P.M.

4. The non-custodial parent shall advise the custodial parent forty-eight (48) hours in advance if he or she does not intend to exercise any period of parenting time.

5. Unless prior arrangements are made, the non-custodial parent shall pick up the children] at the times specified and return the children] at the times specified, and the custodial parent shall have the children] ready at the scheduled pick-up time and shall be present at the home to receive the children] at the scheduled return time.

6. The custodial parent shall send with the children sufficient clothing and outer wear appropriate for the season to last the period of parenting time.

7. Each parent shall supply the other with his or her current address and telephone number and shall allow liberal but reasonable telephone and mail privileges with the children.

8. The custodial parent shall inform the non-custodial parent of the children]'s school and/or social functions permitting parental participation within twenty-four (24) hours of notification to the custodial parent of such function, and the non-custodial parent shall be permitted to attend such functions, regardless of when the function occurs.

The opportunity to attend school functions should not be denied the children because the custodial parent is not able to attend. In such instances the children shall be allowed to attend with their non-custodial parent.

9. Each parent shall have rights of access to all providers of services to the children] as well as all medical reports, school reports, and the like, issued by any provider of services, all without the need of consent from either party. The custodial parent, nonetheless, shall take the necessary action with school authorities to list the non-custodial parent as a parent of the children], to authorize the school to release to the non-custodial parent any and all information concerning the children], and to otherwise insure that the non-custodial parent receives copies of all grade reports and any notices regarding the children], including scheduled meetings concerning the children].

10. The custodial parent shall promptly inform the non-custodial parent of any illness of the children] which shall require medical attention.

11. Each parent shall have the right of first refusal for child care or babysitting needs of the other parent whenever either parent has a need for child care or babysitting for a duration of four (4) hours or more. A good faith attempt should be made to inquire of the other parent with as much advanced notice as possible. The other parent is under no obligation to provide the child care or babysitting and if he or she elects to provide the care it shall be a no cost.

12. The child support obligation of the non-custodial parent shall abate by 50% during any period of parenting time of six (6) consecutive days or longer provided the non-custodial parent is current in the court-ordered support obligation (including ordered arrearage payments, if any).

If, as parents, you agree that it is in the best interests of your children to adopt a schedule different from these guidelines, such an agreement should be in writing and approved and ordered by the Court. Without such approval and order, the Court will not enforce such an agreement should a denial of parenting time occur. Under such circumstances, the Court will enforce guideline parenting time.