

**STATE OF INDIANA– COUNTY OF JEFFERSON**  
**IN THE JEFFERSON CIRCUIT AND SUPERIOR COURTS**

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**Notice of Proposed New Rules, Abolishment  
and Amendments and to Local Court Rules**  
**April 25, 2025**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the Jefferson Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to:

amend Local Rules LR39-AR-21 Assignment & Reassignment of Criminal Cases; LR39-TR-79-TR-3 Special Judge Assignment in Civil Cases; LR39-AR-15-AD-6 Court Reporter Services; LR39-AR-1-AD-7 Caseload Allocation;

establish Local Rules LR39-AR7-1 Retention of Evidence; LR39-TR00-FL-1 Child Support Use of Child Support Guidelines; LR39-TR3.1-1 Appearance When Not Represented by an Attorney;

abolish Local Rules LR-39-CF-2.2-CR-2.3 Discovery in Criminal Cases; and LR39-AR-1-AD-7.5 Domestic Relations Cases, for the courts of record of Jefferson County, effective January 1, 2026.

All new text is shown by underlining and deleted text is shown by ~~striketrough~~.

The time period for the bar and the public to comment shall begin on June 1, 2025, and shall close on July 1, 2025. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2025, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2025.

Comments by the bar and the public should be made in writing and mailed to:

Hon. Blaine S. Goode, Judge of the Jefferson Superior Court, Attn: Public Comment on Local Rules, Jefferson County Courthouse, 300 E. Main Street, Room 205, Madison, Indiana.

A paper copy of the proposed amended local rule will be made available for viewing in the office of the Clerk of Jefferson County, Jefferson County Courthouse, 300 E. Main Street, Madison, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rules at the following websites:

<http://www.courts.IN.gov/rules/local>

/s/Blaine S. Goode  
Blaine S. Goode, Judge  
Jefferson Superior Court

**LR39-AR-21**

**Assignment & Reassignment of Criminal Cases**

- A. Except as herein set forth, all misdemeanor cases shall be filed in the Jefferson Superior Court.
- B. Any Title 35 offenses where the defendant is under the age of eighteen shall be filed in the Jefferson Circuit Court. All Level 5 and Level 6 felony non-support cases shall be filed in the Jefferson Circuit Court.
- C. All other Level 6 and Level 5 felonies shall be filed in the Jefferson Superior Court.
- D. All murder and Level 1, Level 2, Level 3 and Level 4 felony cases shall be filed in the Jefferson Circuit Court.
- E. Any criminal charge based upon the issuance of a protective order issued by either Court shall be filed in the Court that issued the protective order. Any criminal case against a person who has a pending petition to revoke probation case in either Court shall be filed in the Court where the probation revocation is pending, except murder and Level 1 felony charges which shall be filed in the Jefferson Circuit Court, or where such transfer would create a conflict of interest for the intended receiving judge.
- F. Any cases which may be joined by statutes shall be treated as one case for purposes of determining which Court shall be selected. The highest charge filed shall determine selection.
- G. The judges of the two courts shall retain authority to reassign cases between the courts whenever the work load of each Court, or convenience in handling the case, makes such a reassignment judicially desirable. When a disqualification or recusal of a sitting judge has occurred pursuant to Code of Judicial Conduct 2.11(A)(1) and a successor judge cannot be assigned in the same manner as the initial judge, ~~Senior Judge Richard Striegel~~ or Senior Judge Carl Taul shall be assigned to preside over those cases for purposes of the effective use of judicial resources. Should ~~Senior Judge Striegel~~ or Senior Judge Taul decline appointment, be otherwise unable to serve or if a party has lodged a written objection, another Senior Judge who has elected to serve Jefferson County shall be appointed.
- H. When a change of Judge has been granted pursuant to Administrative Rule 21(A) and a successor judge cannot be assigned in the same manner as the initial judge, the Clerk shall assign a full-time judicial officer or a senior judge ~~from Scott, Switzerland, Jennings, Ripley, Clark, Ohio and Dearborn counties~~, or a senior judge, including but not limited to:
  - 1. Judge of the Scott Circuit Court
  - 2. Judge of the Scott Superior Court
  - 3. Magistrate of the Scott Circuit & Superior Courts
  - 4. Judge of the Switzerland Circuit Court
  - 5. Judge of the Jennings Circuit Court

6. Judge of the Jennings Superior Court
7. Magistrate of the Jennings Circuit & Superior Courts
8. Judge of the Ripley Circuit Court
9. Judge of the Ripley Superior Court
10. Judge of the Clark Circuit Court 1
11. Judge of the Clark Circuit Court 2
12. Magistrate of the Clark Circuit Court 2 and Superior Court 6
13. Judge of the Clark Circuit Court 3
14. Magistrate of the Clark Circuit Court 3
15. Judge of the Clark Circuit Court 4
16. Magistrate of the Clark Circuit Court 4
17. Judge of the Clark Superior Court 5
18. Magistrate of the Clark Superior Court 5
19. Judge of the Clark Superior Court 6
20. Judge of the Dearborn/Ohio Circuit Court
21. Magistrate of the Dearborn/Ohio Circuit Court
22. Judge of the Dearborn Superior Court 1
23. Judge of the Dearborn Superior Court 2
24. Any Senior Judge who has elected to serve in Jefferson County

### LR-39-CF-2.2-CR-2.3

#### DISCOVERY IN CRIMINAL CASES

**Purpose:** To facilitate the timely exchange of essential, non-protected case information between the State of Indiana and the defendant without the necessity of motions or court orders.

**General Provisions:**

- a. ~~Within thirty (30) days from the date of this order, the State shall disclose and provide to the Defendant all relevant items and information under this Order to the defendant. The Defendant shall disclose and provide to the State all relevant items and information under this Order to the State within ten (10) days after the State's disclosure.~~
- b. ~~Written Motions for discovery or compliance with Ind. Evidence Rule 404(B) are unnecessary and disfavored. No written motion is required, except to compel compliance with this order, for additional discovery not covered under this order, for a protective order, or for an extension of time.~~
- c. ~~All parties have a *corresponding duty to seek out discovery*. Motions for specific discovery are permitted. Failure to file a Motion to Compel may result in the waiver of this right; failure to comply with providing discovery may result in sanctions, including the exclusion of evidence.~~
- d. ~~The State shall file a Notice of Intended Witnesses & Exhibits no later than fifteen (15) days after providing initial discovery to the Defendant. The Defendant shall file a Notice of Intended Witnesses & Exhibits within five (5) days after receipt of the State's Notice.~~
- e. ~~Matters not subject to Disclosure:~~
  - i. ~~Work Product: Disclosure hereunder shall not be required of any records to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staff, or of Defense counsel or counsel's legal or investigative staff.~~
  - ii. ~~Informants: Disclosure of an informant's identity shall not be required where there is a paramount interest of non-disclosure and where a failure to disclose will not infringe upon the Constitutional rights of the accused. Disclosure shall not be denied hereunder of the identity of witnesses to be physically produced at trial or hearing.~~

- f.—~~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. Ind. Trial Rule 26(G).~~
- g.—~~All parties are under a continuing duty to supplement the discovery disclosures required hereunder. Supplementation of disclosures shall be made within a reasonable time after the obligation to supplement arises.~~
- h.—~~Failure of a party to comply with either the disclosure requirements or the time limits required by this Order 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.~~
- i.—~~The parties may perform these disclosure obligations in any manner mutually agreeable, including by EFM Service, email, or other means. 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.~~
- j.—~~Any disputes among the parties concerning discovery shall be resolved in accordance with Ind. Trial Rule 26(F).~~

**State Disclosures:**

- k.—~~The State shall disclose the following materials and information within its possession or control:
  - i.—~~The names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and/or recorded statements.~~
  - ii.—~~Any written, oral, or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.~~
  - iii.—~~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.~~
  - iv.—~~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.~~~~

- v.—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.
- vi.—Any criminal history information of the Defendant and of any witness the State intends to call at hearing or trial.
- vii.—Any character or credibility evidence under Ind. Evidence Rules 404, 405, 608 and/or 609, as to the Defendant or any witness. This Order shall be construed as a request for the same by a Defendant under Evid.R. 404(b)(2).
- viii.—Any material or information within the State's 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.
- t.—The State may refrain from providing a witness' address or other contact information under this rule if the State in good faith believes this disclosure may jeopardize the safety of the witness or the witness' immediate family. In such cases, the State shall make the witness available to the defense counsel upon reasonable notice.

**Defendant's Disclosures:**

- m.—The Defendant shall furnish the State with the following material and information within his or her possession or control:
  - i.—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.
  - ii.—Any books, papers, documents, photographs, or tangible objects Defendant intends to use as evidence at any trial or hearing.
  - iii.—Any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at any trial or hearing.
  - iv.—Any defense, procedural or substantive, which the defendant intends to make at any hearing or trial.
  - v.—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 or cross examine at any hearing or trial.

~~vi.—Any character or credibility evidence under Ind. Evidence Rules 404, 405, 608 and/or 609, as to the Defendant or any witness. *Garland v. State*, 788 N.E.2d 425, 428-430 (Ind. 2003).~~

~~n.—The Court may deny disclosure required by this Order 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 to defendant or counsel.~~

**~~Indiana Rules of Trial Procedure, Statutory & Case Law:~~**

~~This Local Rule shall not be interpreted as a limitation of any Rule promulgated by the Indiana Supreme Court, Indiana statute or binding case law; nor shall it be interpreted as alleviating a party's legal and ethical responsibilities regarding discovery. This Local Rule does not preclude either party from utilizing the provisions governing requests for discovery provided for in the Indiana Rules of Trial Procedure, Indiana statute or binding case law to the full extent permitted by said rules. Additionally, the parties may utilize all remedies available in the Indiana Rules of Trial Procedure, Indiana statute or binding case law to enforce, modify, or extend the time within which to comply with this reciprocal discovery Local Rule.~~

## **RETENTION OF EVIDENCE**

### **Retention Periods for Evidence Introduced in All Non-criminal Proceedings.**

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

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

### **Retention Periods for Evidence Introduced in Criminal Misdemeanor, Level 6 Felonies, and Attempts.**

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

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

### **Retention Periods for Evidence Introduced in Level 1-5 Felonies and Attempts.**

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

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

### **Retention Periods for Evidence Introduced in Murder, Life without Parole, and Death Penalty Cases.**

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

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

### **Non-documentary and Oversized Exhibits**

Non-documentary and oversized exhibits shall not be sent to the appellate level courts but shall remain in the custody of the trial court or trial court administrative agency during the appeal. Such exhibits shall be briefly identified in the transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits.

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

### **Biologically Contaminated Evidence**

A party who offers biologically contaminated evidence must file a pretrial notice with the trial court and serve all the parties so that the court may consider the issue and rule appropriately before trial. A party may show contaminated evidence or pass photographs of it to jurors, but no such evidence, however contained, shall be handled or passed to jurors or sent to the jury room.

### **Notification and Disposition**

In all cases, the court shall provide actual notice, by mail (including e-mail), to all attorneys of record and to parties only if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and parties have the duty to keep the court informed of their current addresses and notice to the last current

address shall be sufficient. Court reporters should maintain a log of retained evidence and scheduled disposition date, and evidence should be held in a secure area. At the time of removal, a detailed receipt shall be given to the court reporter by the party receiving and removing the evidence. The receipt will be made part of the court file.

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

**LR39-TR-79-TR-3**  
**Special Judge Assignment in Civil Cases**

Whenever a special judge is not agreed upon by the parties within seven (7) days of the notation of an order granting a change of judge or an order of disqualification on the chronological case summary, as set out in Rule 79(D) of the Indiana Rules of Trial Procedure, and is to be selected pursuant to Trial Rule 79(H), the following method shall be used:

- A. The Jefferson County Clerk shall select a Special Judge by making a random selection from the following list, excluding the then presiding judge of the Court and the judge before whom the cases then pending:
  1. Judge of the Jefferson Circuit Court
  2. Judge of the Jefferson Superior Court
  3. Judge of the Dearborn and Ohio Circuit Courts
  4. Judge of the Dearborn Superior Court – No. 1
  5. Judge of the Dearborn Superior Court – No. 2
  6. Magistrate of the Dearborn Circuit Court
  7. Judge of the Switzerland Circuit Court
  8. Judge of the Ripley Circuit Court
  9. Judge of the Ripley Superior Court
  10. Any Senior Judge who has elected to serve in Jefferson County
  
- B. In the event no judge listed above is eligible to serve as a special judge or the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court, that situation shall be certified to the Indiana Supreme Court for selection of a special judge.

**LR39-TR00-FL-1**  
**CHILD SUPPORT**  
**USE OF CHILD 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 the form set forth in the Indiana Child Support Rules and Guidelines or as generated on the Indiana Child Support Calculator found on [www.in.gov](http://www.in.gov).
- B. **SETTLEMENT AGREEMENTS** – In all settlement agreements in which child support is established, a Child Support Guideline Worksheet and a Parenting Time Credit Worksheet signed by both parties shall be attached as an exhibit.
- C. **DEVIATION FROM GUIDELINES** – If an agreement of the parties or a proposed court order regarding child requests the entry of an order for an amount that differs from the amount recommend by the Child Support Guidelines and shown on the Child Support Obligation Worksheet(s) submitted by the parties, an adequate explanation for such deviation must be set forth in the agreement or proposed order. If the explanation set forth in the agreement or proposed order is not sufficient to allow for deviation and Court approval, then the agreement or proposed order will be set for hearing as to the requested deviation only.

**LR39-TR3.1-1**

**APPEARANCE WHEN NOT REPRESENTED BY ATTORNEY**

- A. **PARTY FILING THE ACTION** - When an action is commenced by a party who is not represented by an attorney, the party shall file with the clerk of the court a completed appearance from setting forth that information required by Rule 3.1 of the Indiana Rules of Trial Procedure. Appearance Forms setting forth the information required by Rule 3.1 may be obtained from the clerk of courts or at [www.indianalegalhelp.org](http://www.indianalegalhelp.org).
- B. **PARTY AGAINST WHOM THE ACTION IS FILED** - When a responding party not represented by an attorney first appears in a case, the responding party shall file with the clerk of the court a completed appearance from setting forth that information required by Rule 3.1 of the Indiana Rules of Trial Procedure. Appearance Forms setting forth the information required by Rule 3.1 may be obtained from the clerk of courts or at [www.indianalegalhelp.org](http://www.indianalegalhelp.org).
- C. **CHANGES AND CORRECTIONS** – All parties shall promptly advise the clerk of the court in writing of any change or correction in the information previously supplied to the court on the completed appearance form. Written changes in information shall be supplied by the filing of an updated/corrected appearance from (available at [www.indianalegalhelp.org](http://www.indianalegalhelp.org)) setting forth that information required by Rule 3.1 of the Indiana Rules of Trial Procedure or on any alternative form provided by the clerk of the court.
- D. **REQUIREMENT TO UPDATE** – A party’s obligation to update information required by the appearance form continues until:
- a. All minor children have reached the age of nineteen in JP (juvenile paternity) DC (dissolution of marriage with children) and RS (reciprocal support) cases.
  - b. Until an order terminating guardianship has been entered in GU (unsupervised guardianship) and GS (supervised guardianship) cases.
- E. **THE EFFECT OF FAILURE TO KEEP APPEARANCE INFORMATION CURRENT** – Information supplied on an appearance form determines where Notices, Orders and other pleadings filled within a case are served. A party’s failure to keep the information required by Rule 3.1 of the Indiana Rules of Trial Procedure current within a case may result in the setting of a hearing, receipt of evidence or issuance of an order without the knowledge or participation of parties who have failed to keep their information current.

**LR39-AR-15-AD-6**  
**Court Reporter Services**

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular hours, gap hours or overtime hours.
2. Court Reporters shall do all transcripts on their own time and using their own equipment.
3. Court Reporters may charge \$5.00 per page for indigent and non-indigent appellate and non-appellate transcripts, including table of contents pages and the volume cover pages. Court Reporters may charge \$5.00 per page for other transcripts and \$2.50 per page for copies of transcripts and exhibit volume. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$8.00 per page where the transcript must be prepared within 24 hours or less and \$6.50 Per page where the transcript us be prepared within 3 working days. A minimum fee of \$50.00 may be charged for transcripts of ten pages or less. An hourly rate of \$22.00 per hour may be charged for ~~time spent binding~~ assembling the transcript and exhibit volumes.
4. Court Reporters shall submit directly to the county claims for indigent transcripts.
5. Court Reporters on a form prescribed by the state, shall on an annual basis report income for transcripts to the Indiana Supreme Court ~~Division of State Court Office~~ of Judicial Administration (IOJA), on forms prescribed by IOJA, all transcript fees (either county indigent, state indigent, or private) received by the court reporter.
6. ~~Court Reporters shall not engage in the private practice of recording depositions or of typing deposition transcripts.~~ If a court reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript, said private practice shall be conducted outside of regular working hours and the court shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. either monetary compensation or compensatory time off regular work hours. If the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of 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;
  - (3) the method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
7. The Court can also contract transcript preparation to non-employees at the prices heretofore stated.

8. ~~The Court and the Court Reporter shall enter into a separate written agreement that will regulate the terms and conditions by which gap and overtime hours are governed.~~

**LR39-AR-1-AD-7**  
**Caseload Allocation**

Pursuant to AR1, the Courts of Jefferson County, Indiana, adopt the following local rules as to caseload allocation:

1. All Child in Need of Services (CHINS), juvenile, mental health, probate, paternity and cases for which the Prosecuting Attorney's IV-D office has entered an appearance shall be filed in Circuit Court.
2. Any DR, DC, or RS case, in which the Prosecuting Attorney's IV-D office enters an appearance subsequent to the initial filing, shall be transferred to the Jefferson Circuit Court upon the entry of appearance by the Prosecuting Attorney's IV-D office.
3. Any DC, DN or PO case initiated as an original action after December 31, 2025, shall be filed in Circuit Court.
4. Any CC, CT, MF or MI case initiated as an original action after December 31, 2025, shall be filed in Superior Court.
5. All small claims cases and evictions where the damages alleged are less than ten thousand dollars (\$10,000.00) shall be filed in the Jefferson Superior Court.
6. All criminal cases shall be filed pursuant to LR 39-CF-2.2-CR-2.
7. All other cases may be filed in either Court.
8. The Judges of the Circuit and Superior Courts retain authority to reassign ~~all types of~~ individual cases between the courts whenever the workload of each court or convenience in the handling the case makes such a reassignment judicially desirable.

**LR39-AR-1-AD-7.5**  
**Domestic Relations Cases**

- A. ~~All Domestic Relations With Children cases (DC) shall alternate between Circuit and Superior Court.~~
- B. ~~All Domestic Relations No Children (DN) shall alternate between Circuit and Superior Court.~~
- C. ~~The method of assigning alternating domestic relations actions shall be by blind random draw done by the Clerk or one of the Clerk's deputies.~~