LAKE COUNTY LOCAL COURT RULES

(Updated February 2014)

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LAKE COUNTY RULES OF CIVIL PROCEDURE

LR 45-TR1-1 Scope and Title

A. Scope. These rules shall apply in the Lake Circuit Court and the Superior Court of Lake County, Civil Division and Juvenile Division.

B. These rules shall also apply to all civil cases in the Superior Court, County Division that are not designated as SC, IF or OV. However, L.R. 45-T.R. 79 Rule 15, regarding the assignment of special judges, shall apply to small claims cases.

C. Title. These rules may be known as the Lake County Rules of Civil Procedure, and abbreviated as LR.

LR 45-TR10-2 Preparation of Pleadings, Motions and Other Papers

For the purpose of uniformity, convenience, clarity and durability, the following requirements shall be observed in the preparation of all pleadings, motions and other papers:

A. Paper--Print, Quality and Binding. All pleadings, motions, chronological case summary entry forms, orders, process and other papers shall be neatly and legibly printed, typewritten or mechanically reproduced, on one side only, on white opaque paper. To satisfy the recordkeeping requirements of Indiana Rules of Procedure, Trial Rule 77, the print shall be of sufficient density and clarity for preservation and reproduction of microfilming, optical disk or other secondary sources. For this reason, the use of non-letter-quality printers is discouraged.

Paper and ink shall be of such quality as to withstand the test of time. All documents shall be produced on acid-free, non-thermal paper. It is recommended that a minimum of 20-pound, 25% cotton paper product be used. Documents of multiple pages shall be submitted in bound or stapled fashion, and the binding or stapling shall be at the top only. Covers or backings shall not be used.

B. Sanctions. Whenever materials submitted fail to meet the foregoing standards, the Court may impose appropriate sanctions.

C. Papers--Handwritten; Electronic Facsimile Transmission ("FAX"). Handwritten papers may be filed only if approved by the Court and a typewritten or printed true rendition thereof is filed within three (3) days thereafter and approved by the Court. Upon such approval, they shall be deemed and filed as the original, while the handwritten papers shall be retained therewith for evidentiary purposes.

Only when necessary on an emergency basis (i.e., when certified mail or other means of filing will not bring the document to the Judge's attention prior to the scheduled hearing or ruling), pleadings, motions and other papers may be filed by electronic facsimile transmission, or when specifically authorized by the Court.

D. Minute Sheets; Motion Blanks. Minute sheets and motion blanks shall no longer be used.

E. Special Judge Matters. The caption of all CCS Entry Forms, pleadings, motions, orders and other papers to be filed in a special judge case shall include in block text the words SPECIAL JUDGE and the name of the judge directly below the cause number on the caption.

LR 45-TR5-3 Filing

A. Filing and Submission Only to the Clerk; Proof of Service; Sanctions. All papers presented for filing shall be submitted to the Clerk and not to the court. All papers submitted for filing shall be mailed or delivered to the Clerk's office at the courthouse in which the case is pending; provided however, for special judge matters where the special judge is a full-time judge or magistrate serving within Lake County, all papers submitted for filing shall be delivered or mailed to the Clerk's office at the courthouse where the special judge regularly serves. All pleadings, motions and other papers submitted for filing which are required to be served under Trial Rule 5(A) shall be filed no later than three (3) days after service and shall contain proof of service pursuant to Trial Rule 5(B)(2). If such papers are filed before service, proof of service thereof shall be filed no later than three (3) business days thereafter. Upon failure to comply with this rule, the Court may, on motion of any party or on its own motion, impose appropriate sanctions.

B. Separate Motions and Orders; Order by Chronological Case Summary Entry Form; Service. Proposed orders shall be prepared and filed separately from the pleadings, petitions, motions or other papers to which they have reference.

Orders, either routine in nature or uncontested including, for example, those setting or continuing a hearing, shall be effected by the chronological case summary entry only, which shall contain the concise substance of the order.

All orders shall be accompanied with sufficient copies and stamped, pre- addressed envelopes, so that copies may be mailed to all parties.

C. Chronological Case Summary (CCS) Entry Forms. All filings shall be accompanied by a Chronological Case Summary (CCS) Entry Form to define or identify the documents filed. The Form used should be substantially similar to Appendix A.

LR 45-TR7-4 Motions

A. Briefs. All motions filed pursuant to Trial Rules 12 and 56 shall be accompanied by a separate supporting brief. An adverse party shall have thirty (30) days after service of the initial brief in which to serve and file an answer brief, and the moving party shall have ten (10) days after service of the answer brief in which to serve and file a reply brief. With regard to all other motions or matters submitted to the court, and so long as consistent with the Indiana Rules of Procedure, an adverse party wishing to respond shall do so within fifteen (15) days of service. The moving party shall have ten (10) days after service of the response within which to reply. Each motion shall be

separate, while alternative motions filed together shall each be identified on the caption. Failure to file an answer brief or reply brief within the time prescribed shall be deemed a waiver of the right thereto and shall subject the motion to summary ruling.

B. Oral Arguments. The granting of a motion for oral argument, unless required by the Indiana Rules of Procedure, shall be wholly discretionary with the court.

LR 45-TR3.1-5 Appearance by Attorney

A. Initiating Party. At the time an action is commenced, an attorney representing the initiating party must:

(1) be a member in good standing of the Bar of the State of Indiana; and

(2) file with the Clerk of the Court an appearance form setting forth the printed name, address, attorney number, the name of the firm, if any, telephone number, FAX number and signature of any attorney representing the initiating party as applicable.

B. Responding Party. At the time the responding party or parties first appear in a case, if that party or parties are represented by an attorney, the attorney must:

(1) be a member in good standing of the Bar of the State of Indiana; and

(2) file with the Clerk of the Court an appearance form setting forth the printed name, address, attorney number, the name of the firm, if any, telephone number, FAX number and signature of any attorney representing the responding party as applicable.

C. Pro Hac Vice. A person not a member of the Bar of the State of Indiana shall not generally be permitted to practice in the Civil Division of the Lake County Court System. The Court in its discretion may permit such counsel to appear only for a specifically limited purpose and time. Counsel's Motion shall strictly comply with Admission and Discipline Rule 3, and disclose such purpose, time, and all other cases in which the attorney or members of the firm have been permitted to appear in the State of Indiana.

D. Non-Resident Attorney. Whenever in its discretion the Court believes it would facilitate the conduct of litigation, the Court may require any attorney who is a member of the Bar of Indiana and who does not maintain an office in Indiana, to retain as local counsel a member of the Bar of Indiana who maintains a local office in Indiana. Notice served upon such local counsel shall constitute service upon all other counsel appearing of record for such party.

E. Withdrawal of Appearance. All withdrawals of appearance shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given a client ten (10) days' written notice of intention to withdraw. A copy of the notice of intention to withdraw shall be attached to the motion seeking leave to withdraw. This rule may be waived by the Court if withdrawal is at the written request of the client; accompanied by the appearance of successor

counsel; or for other good cause. In any event, all withdrawals shall fully comply with the Rules of Professional Conduct, Rule 1.16.

F. Withdrawal Shall Not Effect Continuance. Withdrawal, in and of itself, shall not effect a continuance of any pending matter.

LR 45-AR10-6

Consistent with the intent of Administrative Rule 10, neither the Case File, Chronological Case Summary nor contents of the Record of Judgments and Orders may be removed from the custody of the court or Clerk; provided, however, the Case File or Chronological Case Summary, upon proper receipt, may be entrusted to an attorney with whom the Clerk is familiar for delivery to the court.

No books may be removed from the judge's chambers or law libraries maintained in the respective courthouses or by the Lake County Central Law Library.

LR 45-TR53.5-7 Continuances--Extensions of Time to Answer

A. Motion. A motion for continuance, unless made during the hearing of a matter, shall be for cause, in writing and verified, with a copy thereof timely served upon opposing counsel unless the court otherwise directs. A motion for continuance may be granted ex parte only if the movant's attorney certifies to the court in writing the efforts, if any, which have been made to give notice and the reasons supporting his claim that actual notice should not be required.

B. Time for Filing. A motion for continuance must be filed as soon as possible after the cause for continuance is discovered, and not later than ten (10) days before hearing or trial, unless the reason therefor is shown by affidavit to have occurred within that period.

C. By Agreement of Counsel. An agreement by counsel to continue the hearing of any pending matter shall be signed by both counsel and parties (or proof of written notice to the parties in lieu of their signatures), and filed at least ten (10) days before hearing or trial, or such shorter period as the court in its discretion may allow.

D. Automatic Extension for Answer. Provided it is timely filed, the mere entry of appearance by a party or counsel in response to a summons in an action that requires an answer shall effect an extension of thirty (30) days from the filing thereof within which to respond. This provision is inapplicable to actions in replevin and ejectment.

LR 45-TR26-8 Discovery

A. Commencement and Extensions. In general, counsel are expected to begin discovery promptly and shall be granted extensions only upon a showing of diligence and good cause.

B. Interrogatories. Interrogatories shall be tailored specifically to the cause in which they are served and numbered consecutively to facilitate response. No party shall serve on any other party more than thirty (30) interrogatories or more than thirty (30) requests for admission (other than requests relating to the authenticity or genuineness of documents in the aggregate), including subparagraphs, without leave of court. Subparagraphs shall relate directly to the subject matter of the interrogatory or request for admission. Any party desiring to serve additional interrogatories or requests for admission shall file a written motion setting forth those proposed and the necessity therefor.

C. Attorney Conference. Strict compliance with Trial Rules 26 through 37 is required. The discovery process is intended to be largely self-actuating, with minimal court supervision. Therefore, the court will not rule on motions related to discovery disputes unless moving counsel represents that, after personal or telephonic conference in good faith effort to resolve differences, counsel are unable to reach accord. If counsel advises the court, by way of motion or response thereto, that opposing counsel has refused or delayed resolution of the discovery dispute, the court may, after hearing, impose appropriate sanctions.

LR 45-TR16-9 Pre-trial Procedure

A. Initial Status Conference. Upon motion of any party or the court, an initial status conference shall be scheduled and held within six (6) months of the filing of any Complaint in a civil plenary or civil tort case. Each party shall be represented at this conference by an attorney familiar with the case, who shall be prepared to discuss and enter into stipulations concerning:

(1) the exchange of lists of witnesses known to have knowledge of the facts supporting the pleadings. The parties thereafter shall be under a continuing obligation to advise opposing parties of other witnesses as they become known;

(2) the exchange of all documents, and any other evidence reasonably available, contemplated for use in support of the pleadings;

(3) a discovery schedule;

(4) the necessity for additional conferences in complex litigation; and

(5) the necessity for amendments to the pleadings and the filing or hearing of dispositive motions. Absent agreement, the court shall schedule the filing, briefing and hearing thereof.

B. Case Management Order. At the conclusion of the initial status conference, the court shall enter a case management order setting forth:
(1) a time limit for completion of discovery;

(2) a time limit for joinder of additional parties and amendment of pleadings;

(3) a time limit for filing all pre-trial dispositive motions;

(4) the scheduling of a pre-trial conference; and

(5) any other matters which the parties or the court have seen fit to address.

C. Mandatory Pre-Trial Conference. A pre-trial conference shall be held in every civil plenary and civil tort action, at which each party shall be represented by the attorney who will conduct the trial.

The parties shall exchange written lists of witnesses and photocopies of exhibits, together with contentions and statements of issues of fact and law, at least thirty (30) days prior to the pre-trial conference. Counsel for the plaintiff shall prepare a proposed pre-trial order, which shall be executed by counsel for all parties and filed not later than five (5) days prior to the pre-trial conference. The pre-trial stipulation shall set forth in the following sequence:

(1) the jurisdiction of the court;

(2) the pleadings raising the issues;

(3) a list of motions or other matters requiring action by the court;

(4) a concise statement of stipulated facts, with reservations, if any;

(5) a concise statement of issues of fact which remain to be litigated;

(6) a concise statement of issues of law which remain for determination by the court;

(7) the plaintiff's contentions;

(8) the defendant's contentions;

(9) the plaintiff's numbered list of trial exhibits;

(10) the defendant's numbered list of trial exhibits;

(11) the plaintiff's numbered list of trial witnesses, with addresses. Expert witnesses shall be so designated;

(12) the defendant's numbered list of trial witnesses, with addresses. Expert witnesses shall be so designated; and

(13) the estimated length of trial.

When, for any reason, the pre-trial stipulation is not executed by all counsel, each shall file not later than five (5) days prior to the pre-trial conference a written statement of the reason therefor accompanied with a proposed pre- trial stipulation.

D. Pre-Trial Order. At the conclusion of the pre-trial conference, the court shall render a pre-trial order which, when entered, shall control the course of the trial and may not be amended except by order of the court to prevent manifest injustice.

E. Memoranda of Law. Memoranda of law, addressing any unusual questions of law, shall be filed and served no later than seven (7) days prior to trial.

F. Proposed Jury Instructions. Proposed preliminary and final jury instructions shall be filed and served no later than seven (7) days prior to trial. Instructions covering issues arising at trial which could not reasonably be anticipated may be submitted during the trial. Each instruction shall be accompanied by citations of authority.

G. Sanctions. A failure of the parties or their attorneys to be prepared for the initial status conference, for the pre-trial conference, or to otherwise comply with this Rule, shall subject them to sanctions under Trial Rule 16(K).

LR 45-TR40-10 Trial Settings

Except for those set by the pre-trial order, all cases shall be set for trial by the court upon motion preceded by good faith effort of the parties to agree to the date thereof.

LR 45-TR6-11 Briefs

Briefs, other than those addressed in Rules 4 and 9 hereof, shall be filed no later than two (2) calendar days preceding the hearing or trial to which directed.

LR 45-TR43-12 Exhibits

All exhibits offered or admitted into evidence shall be placed in the custody of the Court Reporter unless otherwise ordered. No earlier than three (3) years after the date of trial, they may be obtained by the parties offering them. A detailed receipt shall be left with the Court Reporter. No earlier than forty-two (42) months after the date of trial, the Court Reporter shall, upon order of the court, dispose of those exhibits unclaimed.

LR 45-TR63-13 Courts

Whenever the presiding judge in any Room of the Civil Division of the Superior Court is absent or otherwise unavailable, and there is no judge pro tempore or temporary judge sitting in his stead, cases docketed in that Room may be submitted to any other judge of the Civil Division then available.

LR 45-TR75-14 En Banc Court

In the event the Civil Division is called upon to sit en banc, the following rules shall apply:

A. The judge of the court in which the action is filed shall serve as the presiding judge for all proceedings.

B. A majority of the Civil Division judges shall constitute a quorum sufficient to conduct en banc proceedings.

C. Oral arguments will not be heard on any matter without court approval.

D. In the event of an emergency, the presiding judge, or if the presiding judge is unavailable, any of the remaining judges, may hear and determine the matter until en banc action may be taken.

LR 45-TR79-15 Appointment of Special Judge

A. If a motion for change of Judge is granted in a case or an order of disqualification is entered in a case, and a special judge is not appointed and qualified as provided in Trial Rule 79(D), (E) or (F), a special judge shall be appointed from the attached lists of eligible persons on a rotating basis.

B. Each eligible person shall have the option to be removed from or remain on the attached lists or, if omitted, the option to be added to said lists.

C. This rule shall have no application to the selection of a special judge in a Post Conviction Relief petition. The rules of Criminal Procedure and the Local Rules of the Lake Superior Court, Criminal Division, shall apply in said instance.

D. The lists of eligible persons shall be maintained in the office of the Lake Superior Court Administrator (Administrator). When it becomes necessary to select a special judge from said lists, the following procedure shall be followed:

1. The judge who submitted the panel from which the special judge did not accept the appointment shall immediately contact the Administrator for the name of the next available person. The Administrator shall provide a name from the attached lists on a rotating basis beginning with the first name on the list for the particular case category.

2. The selected person appointed to serve under this local rule must accept jurisdiction unless disqualified under circumstances set out in the Rules of Trial Procedure 79(H). The order of appointment by the regular judge shall constitute acceptance. An oath or additional evidence of acceptance is not required.

Case Designation-PL	Case Designation-MH
Judge Dywan	Judge Arredondo
Judge Davis	Judge Dywan
Judge Svetanoff	Judge Davis
Judge Pera	Judge Svetanoff

Judge Schneider
Judge Hawkins
Judge Cantrell
Magistrate Pagano
Judge Tavitas
Magistrate Hill
Magistrate Raduenz

Judge Pera
Judge Cantrell
Judge Schneider
Judge Hawkins
Magistrate Pagano

Case Designation -CT

Judge Arredondo
Judge Dywan
Judge Davis
Judge Svetanoff
Judge Pera
Judge Schneider
Judge Hawkins
Judge Tavitas
Magistrate Hill
Magistrate Raduenz
Judge Cantrell
Magistrate Pagano

Case Designation -PO

Judge Davis
Judge Pera
Judge Schneider
Judge Cantrell
Judge Hawkins
Judge Tavitas
Magistrate Hill
Magistrate Raduenz
Judge Villalpando
Magistrate Pagano

Case Designation-SC

Judge Davis
Judge Hawkins
Judge Cantrell
Magistrate Pagano

Case Designation-EU/GU/TR

Judge Schneider
Judge Hawkins
Judge Tavitas
Magistrate Hill
Magistrate Raduenz
Judge Pera

Case Designation -JP

Judge Hawkins
Judge Tavitas

Case Designation-MI

Judge Dywan
Judge Pera
Judge Schneider
Judge Hawkins
Judge Tavitas
Magistrate Hill
Magistrate Raduenz
Judge Arredondo
Judge Cantrell
Magistrate Pagano

Case Designation -AD/AH

Judge Schneider
Judge Hawkins
Judge Tavitas
Magistrate Raduenz
Judge Pera

Case Designation -JD/JS/JM

Judge Hawkins
Judge Tavitas
Magistrate Pagano
Judge Cantrell

Case Designation -DR

Judge Hawkins
Judge Tavitas
Magistrate Hill
Magistrate Raduenz

Case Designation -JC/JT

Judge Tavitas

Case Designation-MF

Judge Schneider
Judge Hawkins
Judge Svetanoff
Judge Davis
Judge Pera
Judge Dywan
Judge Cantrell
Magistrate Pagano

Case Designation-CC

Judge Schneider
Judge Hawkins
Judge Tavitas
Magistrate Hill
Judge Davis
Judge Pera
Judge Dywan
Judge Arredondo
Judge Villalpando
Judge Cantrell
Magistrate Pagano

CCS ENTRY FORM

LAKE SUPERIOR COURT)
ROOM NUMBER THREE)

CAUSE NO:

CAPTION:

The activity of the Court should be summarized as follows on the Chronological Case Summary (CCS):

ATTORNEY FOR: PETITIONER

ATTORNEY FOR: RESPONDENT

* * * * * * * * * * * * *

(TO BE DESIGNATED BY THE COURT)

THIS ENTRY FORM SHALL BE:

{ } PLACED IN CASE FILE

{ } DISCARD AFTER ENTRY ON THE CCS

{ } MAILED TO ALL COUNSEL BY: ___ COUNSEL ___ CLERK ___ COURT

{ } THERE IS NO ATTACHED ORDER; OR THE ATTACHED ORDER SHALL BE PLACED IN THE RJO: { } YES { } NO

DATE: _____ APPROVED: _____

CONFIDENTIAL INFORMATION AND ELECTRONIC FILING OF DOCUMENTS

LR 45-A.R.9 (G)(1)-16 Confidential Information and Sealed Documents

Pursuant to Trial Rule 81, the Superior Court of Lake County and the Lake Circuit Court hereby adopt this rule regarding the filing and retention of documents containing information which is excluded from public access under Administrative Rule 9 or which are governed by an order for the sealing of records.

A. Cases Subject to Rule for Electronic Filing and Service.

1. Documents containing information excluded from public access pursuant to Administrative Rule 9, or documents which are ordered to be filed under seal shall be filed electronically, pursuant to L.R.45-A.R.16-17(D)(9), whenever possible, along with a copy of the applicable order to seal the records, and the filer shall designate the documents as "Not for Public Access Pursuant to Administrative Rule 9(G)(1)" at the time of filing.

2. Documents containing information excluded from public access pursuant to Administrative Rule 9, or documents which are ordered to be filed under seal, which cannot be legibly scanned and filed electronically, shall be conventionally filed under seal and designated by the filer as "Not for Public Access Pursuant to Administrative Rule 9(G)(1)" at the time of filing. The unredacted version shall be filed on light green paper which is conspicuously marked "Not for Public Access"; and a redacted version, with confidential information deleted, shall be filed on white paper which shall be available for public access. The filer shall also electronically file a Notice of Manual Filing.

B. Cases Not Subject to Rule for Electronic Filing and Service.

Documents containing information excluded from public access pursuant to Administrative Rule 9, or documents which are ordered to be filed under seal, shall be conventionally filed under seal and designated by the filer as "Not for Public Access Pursuant to Administrative Rule 9(G)(1)" at the time of filing. The unredacted version shall be filed on light green paper which is conspicuously marked "Not for Public Access"; and a redacted version, with confidential information deleted, shall be filed on white paper which shall be available for public access.

C. The clerk shall maintain all sealed and "Not For Public Access" documents, whether in electronic or paper format, as required by Administrative Rule 9.

D. Attorneys or others who violate the rules regarding the filing of documents containing information excluded from public access shall, after a hearing, be subject to appropriate sanctions by the court having jurisdiction over the case in which the documents were filed in

violation of the rules. Any person may petition the court with jurisdiction over the case for the imposition of sanctions, or the court may act *sua sponte*.

LR 45-A.R.16-17. Electronic Filing and Service

Pursuant to Administrative Rule 16 and Trial Rule 77, the Superior Court of Lake County and the Lake Circuit Court, are authorized to establish practices and procedures for the filing, signing, verification and service of pleadings and papers, and sending notices, by electronic means. The judges and the clerk of the Superior Court of Lake County and the Lake Circuit Court have determined that an electronic filing system would advance efficiency in the Clerk's offices and the courts, and that members of the public and bar would be well served by such a system. Pursuant to Trial Rule 81 and Administrative Rule 16, the Superior Court of Lake County and Lake Circuit Court hereby adopt these rules establishing an electronic filing and service system in Lake County by using the Lake County Online Docket (LCOD) to file documents in the court's case management system, CourtView, and to serve the documents upon other persons in a case. The electronic filing and service system shall be designed, constructed, and maintained so as to function in compliance with Administrative Rules 6, 7, 9, and 16.

A. Application.

Unless otherwise ordered, these rules apply to all documents submitted for filing, no matter when the case was originally filed, according to the following schedule:

1. For all cases in Case Type MF in the Circuit Court and all Rooms of the Civil Division commencing on February 1, 2010.

2. For all cases in Case Type CC, PL, CT, MF and MI in Rooms 2 and 3 of the County Divisions, commencing on July 16, 2012, and cases in Case Type CC commencing September 1, 2013 in County Division Room 4.

3. Other case types and/or courts may be added to become subject to these electronic filing rules. Any additions will be made upon at least sixty (60) days advance notice, which shall be published in the offices of the Clerk of the Circuit and Superior Courts and on the Lake County Online Docket.

B. Official Record.

The official record of the court for all documents filed under these rules is the electronic record maintained by the clerk. The clerk shall establish an electronic Record of Judgments and Orders as provided by Trial Rule 77(D).

C. Registered Users.

Attorneys admitted to practice before the Supreme Court of Indiana (including those admitted *pro hac vice*) may register as users of the LCOD. A *pro se* litigant may elect to register as a user for the limited purpose of utilizing the electronic filing and service features for purposes of his or her case. Registrants will be issued a login and password upon fulfilling the registration requirements for the LCOD. *Pro se* registrants shall not knowingly permit or cause to permit their password to be used by anyone other than themselves. Attorney registrants shall not knowingly permit or cause to permit the password to be used by anyone other than an authorized agent of the registrant. Registered users will be assessed fees in accordance with the Schedule of Fees and Charges. Registered users are bound by the Registered User Agreement, which is posted on the LCOD, and registration also constitutes the following:

1. The registrant's consent to receive service and/or notice electronically and a waiver of the right to receive service and/or notice by personal delivery or first class mail, including notice of the entry of an order or judgment under Trial Rule 72, except with regard to documents which are excluded from electronic filing, or service of a summons and complaint, or other legal process which is required by law to be served under Trial Rules 4 - 4.17.

2. An affirmation that the registrant will endeavor to file all documents electronically.

3. The registrant is responsible for all transactions under his or her password and is obligated to notify the Web Administrator if his or her password is compromised.

D. Electronic Filing of Documents.

Unless otherwise permitted by these rules or otherwise authorized by the judicial officer assigned to a particular case, all documents submitted for filing (including the original complaint, or equivalent pleading, and summons) shall be filed electronically with the clerk using the LCOD, no matter when the case was originally filed. The LCOD may be accessed via any Internet connection available to the registered user and at public access terminals located in the offices of the clerk. Attorneys who wish to be exempted from the requirement that they file electronically may file a Petition for Electronic Filing Exemption and an *Electronic Filing Technical*

Requirements Questionnaire, which must be filed in each pending case to which these rules are applicable. The petition will be reviewed by the judicial officer assigned to that particular case and granted only upon a showing of good cause. The *Electronic Filing Technical Requirements Questionnaire* is appended hereto as Form 1.

1. Format. Electronically filed documents must meet the same requirements of format as documents conventionally filed pursuant to L.R.45-T.R.10-2 or other applicable Local Rule(s).

2. Appearance. Electronic filing of a Notice of Appearance shall act to establish the filing attorney as an attorney of record representing a designated party in a particular case.

3. Titles of Documents. The person electronically filing a document will be responsible for designating a title for the document at the time it is filed. The LCOD will generate the appropriate entry onto the CCS to record the filing of the document.

4. Chronological Case Summary Entry Forms (CCS Entry Forms). Separate CCS Entry Forms shall not be submitted. The LCOD shall make an appropriate entry upon the CCS whenever any document is filed electronically.

5. Citations and Hyperlinks. Electronically filed documents may contain hyperlink references to an external document as a convenient mechanism for accessing material cited in the document. Filers wishing to insert hyperlinks into documents shall continue to use the traditional method of citation to authority in addition to the hyperlink provided. The hyperlink is merely a convenience to the court and the material referenced is extraneous to the file and not a part of the court's record.

6. Attachments and Exhibits. All documents which form part of a single submission and which are being filed at the same time and by the same filer may be electronically filed together under one document filing, e.g., the motion, supporting affidavits, memorandum in support, designation of evidence, exhibits.

Large documents which do not exist in an electronic format shall be scanned into .pdf format and filed electronically as separate attachments. A scanner is available in each clerk's office for use by the public and the bar in scanning and saving image files if needed.

7. Filings Requiring Leave of Court. In order to file a document which requires leave of court, such as an amended pleading or a document to be filed late, the proposed document shall be attached as an exhibit to a motion.

8. Form Orders. Proposed orders, which are submitted for the court's convenience under L.R.45-T.R.5-3 or other applicable Local Rule(s), shall be submitted as attachments to motions.

9. Confidential Documents. Documents containing information excluded from public access under Administrative Rule 9, or governed by an order for the sealing of records, which can be filed electronically shall be designated by the filer as "Not for Public Access Pursuant to Administrative Rule 9(G)(1)" at the time of filing on the LCOD. The LCOD shall permit only the Judge, the clerk, and attorneys or parties in a particular case to view the confidential documents in the case. Such confidential documents or information shall be served upon the parties in accordance with the applicable Indiana Rules of Court and local rules for filing and service. The Judge may permit additional persons to view the confidential documents in a case pursuant to Administrative Rule 9(I).

E. Conventional Filing of Documents.

A conventionally filed document is one presented to the clerk or to a party in paper or other non-electronic, tangible format. Unless specifically authorized by the court, only the following documents may be filed conventionally and not electronically:

1. Exhibits And Other Documents That Cannot Be Converted To A Legible Electronic Form, Such As Videotapes, X-Rays, And Similar Materials. Whenever possible, the filer is responsible for converting filings to an electronic form. If electronic filing is not possible, the filer shall electronically file a *Notice of Manual Filing* as a notation to be placed on the CCS that filings are being held in the clerk's office in paper. The filer shall serve the *Notice of Manual Filing* and the documents in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s); and shall file a certificate of service. A *Notice of Manual Filing* form is appended hereto as Form 2; a *Certificate of Service* form is appended hereto as Form 3.

2. Documents Delivered To The Clerk By P*ro Se Litigants.* Documents filed by *pro se* litigants who have not elected to become registered users may be presented in the clerk's office for filing. Such documents shall then be converted to an image document by the clerk. The clerk shall thereupon electronically file and serve such documents upon each registered user of record in that case; and, the filer shall also conventionally serve these documents upon opposing attorneys or parties who are not registered users in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s); and, shall also file a certificate of service. After completion of scanning and filing, the original paper documents shall remain in the custody of the *pro se* litigant who has not elected to become a registered user.

If the original documents cannot be scanned into a legible electronic document, then the originals shall be placed into the case file and a notation of that action shall be placed onto the CCS; and, the filer shall also conventionally serve these documents in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s); and, shall also file a certificate of service.

3. Documents Mailed To The Clerk By *Pro Se* Litigants. Documents received by the clerk in the mail from *pro se* litigants who have not elected to become registered users shall be scanned and electronically filed by the clerk. The clerk shall thereupon serve such documents upon each registered user of record in that case; and, the filer shall also conventionally serve these documents in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s); and, shall also file a certificate of service. After scanning, the originals shall be returned to the filer, if a return envelope is provided. If no return envelope is provided, the original documents shall be discarded.

If the original documents cannot be scanned into a legible electronic document, then the originals shall be placed into the case file and a notation of that action shall be placed onto the CCS. The filer shall

also conventionally serve these documents in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s); and, shall also file a certificate of service.

4. Confidential Documents. Documents containing information excluded from public access under Administrative Rule 9, or governed by an order for the sealing of records, which cannot be legibly scanned and filed electronically, shall be conventionally filed under seal and designated by the filer as "Not for Public Access Pursuant to Administrative Rule 9(G)(1)." Only the Judge, the clerk, and attorneys or parties in a particular case may view the confidential documents in the case. The Judge may permit additional persons to view the confidential documents in a case pursuant to Administrative Rule 9(I). Such confidential documents or information shall be served upon the parties in accordance with the applicable Indiana Rules of Court and local rules for filing and service of conventional documents.

5. Notice of Manual Filing. Parties making a conventional filing shall file electronically, in place of the conventionally filed document, a Notice of Manual Filing setting forth the reasons why the document could not be filed electronically. The conventionally filed documents must be presented to the clerk within 24 hours after the electronic submission of the Notice of Manual Filing. A paper copy of the electronically filed Notice of Manual Filing must accompany the component at the time of conventional filing.

6. Titles of Documents. The person conventionally filing a document will be responsible for designating a title for the document at the time it is filed.

7. Chronological Case Summary Entry Forms (CCS Entry Forms). Separate CCS Entry Forms shall not be submitted. The clerk shall make an appropriate entry upon the CCS whenever any document is filed conventionally.

F. Service of Documents.

1. Service of Process. A party may not electronically serve a summons or other process and complaint or equivalent pleading, but instead must perfect service according to Trial Rules 4 – 4.17.

a. Service by Sheriff. The copies of the complaint or equivalent pleading and summons or other process, or any other documents such as an order to appear, necessary for service by sheriff shall be printed by the office of the clerk. The copies of the complaint and summons, or other

documents, shall be forwarded to the sheriff for service and return. The clerk shall scan and electronically file the return of service and the paper original may then be discarded.

b. Service by Certified Mail – Initial Summons for a Defendant. If a plaintiff does not request service by sheriff, the clerk will upon request electronically issue a summons for service by certified mail, and the initial summons to be served upon a defendant will be printed and served by certified mail by the clerk. The clerk shall scan and electronically file the return receipt or notice of unsuccessful service when received by return mail, and the paper original may then be discarded.

c. Service by Certified Mail – Additional Summons or Other Process after Initial Service. The clerk will electronically issue any additional summons or other process requested for service by certified mail or special process server, and the summons or other process will be printed and served by certified mail by the party or attorney requesting the documents to issue, or by the special process server appointed for that purpose. The party or attorney shall scan and electronically file the certificate of mailing and/or service, and the return receipt or notice of unsuccessful service when received by return mail, and retain the original documents.

2. Service of Other Documents. The LCOD will generate a "Notice of Electronic Filing and Service" when any document is filed and served. This notice will be emailed to each registered user of record in a case, and an electronic service event will be added to the work queue of each registered user of record in the case. The party filing the document should retain a paper or electronic copy of the Notice of Electronic Filing and Service. This notice represents proof of filing and service of the document on registered users of record in that case. The filer shall not be required to conventionally serve any document on any party receiving electronic service.

The filer shall also conventionally serve those parties not designated or able to receive electronic notice or service but who are nevertheless entitled to notice of said pleading or other document in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s). In such cases, the filer shall also file a certificate of service, as appropriate.

G. Signatures.

1. Signature of Registered User. The electronic filing of a document which is required to be signed shall constitute the filer's representation under Trial Rule 11. Unless the electronically

filed document has been scanned and shows the filer's original signature, the signature of the filer shall be indicated by "s/Attorney's Name", or "s/Party's Name" in the case of a *pro se* litigant, on the line where the signature would otherwise appear.

2. Signatures on Jointly Signed or Filed, Verified or Other Documents. In the case of a stipulation, agreed order, jointly signed motion or other document which needs to be signed by two (2) or more persons, or in the case of documents which must contain original signatures and which require verification or an unsworn declaration under rule or statute, the signatures may be indicated by either:

a. submitting a scanned copy of the originally signed document; or,

b. submitting the document with the use of "s/Name" in the signature block(s) where the original signature(s) appear(s) in the original document; provided, however, that the filer shall first obtain the physical signature of all persons necessary.

The filer shall retain the original executed document.

H. Orders and Judgments.

All orders and judgments shall be entered or filed electronically by a judicial officer assigned to the case.

1. Administrative Entries. The judicial officer may direct the issuance of administrative entries which are routine in nature (e.g., setting or continuing dates) by way of a text entry upon the Chronological Case Summary (CCS). In such a case, the signature of the judicial officer is not required, no further document will issue and the CCS entry shall indicate that the court will issue no further written order.

2. All Other Orders and Judgments. In all other cases, unless the original document has been scanned and shows the signature(s) of the judicial officer(s), the signature(s) of the judicial officer(s) shall be indicated by "s/Judicial Officer's Name" on the line where the signature(s) would otherwise appear; and, shall carry the same weight and authority as a written order signed by the judicial officer(s). Judicial officers shall not knowingly permit or cause to permit their passwords to be used by anyone other than an agent authorized in writing by the judicial officer.

Such written authorization, or a revocation of such authorization, shall be filed with the clerk. Whenever appropriate, the clerk shall place a hardcopy version of any designated order or judgment in the Court's Record of Judgments and Orders, pursuant to Trial Rule 77(D).

3. Service. The LCOD will generate a "Notice of Electronic Filing and Service" when any order is filed and served. This notice will be emailed to each registered user of record in a case, and an electronic service event will be added to the work queue of each registered user of record in the case. This notice represents proof of filing and service of the order on registered users of record in that case. All other parties or attorneys of record will be served with a hardcopy version by first class mail in accordance with the provisions of Trial Rule 72(D).

I. Time of Filing.

Filing electronically does not alter any filing deadlines or any time computation pursuant to state or federal statutes, any Rules of the Indiana Supreme Court, including without limitation the Rules of Trial Procedure, the Rules of Appellate Procedure or the Administrative Rules, or applicable Local Rule(s). The office of the Lake County Clerk is open for electronic filing under these rules 24 hours a day. A document is deemed filed at the date and time it is received by the LCOD server. Filing must be completed before midnight local time in order to be considered filed that day. Lake County observes Central Time and electronic filers are strongly urged to file documents during hours when the LCOD help line is available, from 9:00 a.m. to 4:00 p.m. local time, although documents can be filed electronically 24 hours a day.

In the event of complete failure of the LCOD to accept documents from all electronic filers for a period of in excess of three (3) hours, as determined by the Web Administrator, any filing deadlines which expire on the date of such failure, in cases subject to electronic filing, shall be extended until 6:00 p.m. of the first day on which the court is open for business following the day the LCOD returns to operation. The date, time and duration of such complete failure, as well as the time and date of the return to operation, shall be posted on the LCOD as soon as possible.

J. Technical Failures.

If a registered user is unable to file a document in a timely manner due to technical difficulties in the LCOD, the registered user must file a document with the court as soon as possible notifying the court of the inability to file the document. A sample document titled *Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties* is attached hereto as Form 4. Delayed filings shall be rejected unless accompanied by the declaration attesting to the filer's failed attempts to file electronically at least two times, separated by at least one hour, after noon on each day of delay due to such technical failure.

K. Retention of Documents in Electronically Filed Cases.

Registered users must retain signed copies of electronically filed documents until two (2) years after all time periods for appeals expire. Documents that are electronically filed and require original signatures other than that of the registered user must be maintained in paper form. On request of the court, the registered user must provide original documents for review.

Originals of documents filed electronically which require scanning (*e.g.* documents that contain signatures, such as affidavits) must be retained by the filer and made available, upon request, to the court and other parties for a period of two (2) years following the expiration of all time periods for appeals.

The clerk shall maintain all filed documents in accordance with the Administrative Rules 6 and 7 and all other applicable law.

L. Fees and Charges.

The clerk shall collect all filing and electronic system fees due at the time of the commencement of a case or appearance in a case. Persons who have been determined by court order to be indigent in a case shall not be required to pay fees for electronic filing or service in that case. In the case of registered users, all fees due shall be collected via a credit card charge to each registered user's designated credit card at the time of filing.

Conventional copies and certified copies of documents may be purchased at the offices of the clerk during regular business hours and upon payment of the customary copying fees prescribed by law.

The fees so collected shall be collected, maintained, and accounted for pursuant to Lake County Ordinance and all existing procedures as approved by the Indiana State Board of Accounts.

M. Public Access to the LCOD.

Remote access to documents filed through the LCOD via the Internet shall only be available to registered users. Other individuals shall have access only at terminals located in each of the offices of the clerk, during regular business hours.

Access to documents that are confidential as provided by Adm. R. 9, shall be restricted as required by that rule.

APPENDIX A

CCS Entry Form

CIRCUIT/SUPERIOR COURT OF LAKE COUNTY

Case No.:

Title of Case:

The activity of the Court should be summarized as follows on the Chronological Case Summary (CCS):

Attorney for Plaintiff: **Attorney for Defendant:**

_____

(TO BE DESIGNATED BY THE COURT)

This CCS Entry Form shall be:

( ) Placed in case file

( ) Discarded after entry on the CCS

( ) Mailed to all counsel by: __Counsel ___Clerk __Court

( ) There is no attached Order; or

The attached Order shall be placed in the RJO: ___Yes __No

Date: Approved:_____

FORM 1

SUPERIOR COURT OF LAKE COUNTY AND LAKE CIRCUIT COURT

ELECTRONIC FILING TECHNICAL REQUIREMENTS QUESTIONNAIRE

1. Have you attended or would you be able to attend (in person or by phone) a free, 90-minute e-filing training session conducted by the Administrator?

   Yes ☐ No ☐

2. Does your office have at least one computer running on a Windows or Macintosh operating system?

   Yes ☐ No ☐

   Please indicate the operating system(s) installed on your computer(s): _____

   (For example, Windows 98, Windows XP, Windows Vista, Mac OS10, etc.)

3. Does your office have word processing software to create court-filed documents (e.g., Microsoft Word or Corel WordPerfect)?

   Yes ☐ No ☐

4. Does your office have Internet access via a 56K modem or faster?

   Yes ☐ No ☐

   If so, please indicate the type of Internet connection used in your office, dial-up or broadband. _____

5. Does your office have at least one e-mail account?

Yes ☐ No ☐

6. Have you ever filed a Petition for E-filing Exemption in any other cases in the Lake Superior Court or Lake Circuit Court?

Yes ☐ No ☐

If so, please provide the case number(s):

Case Number(s):_____

Note: All questions above must be answered and attached to each Petition for E-filing Exemption before the Petition will be considered.

If you have any questions about these requirements, please contact the Lake County Online Docket Administrator at __219-755-3635__.

FORM 2

STATE OF INDIANA	)	IN THE LAKE CIRCUIT/SUPERIOR COURT
	) SS:	
COUNTY OF LAKE	)	

_____,	)	
	)	
Plaintiff(s),	)	
	)	
v.	)	CASE NO. _____
	)	
_____,	)	
	)	
Defendant(s).	)	

NOTICE OF MANUAL FILING

_____ is in paper form only and is being maintained in the case file in the Clerk's Office.

_____

Attorney for (Plaintiff or Defendant) *or*

Name of *pro se* litigant

Address:_____

_____

_____

Date:_____

FORM 3

STATE OF INDIANA) IN THE LAKE CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF LAKE)

_____,)
)
Plaintiff(s),)
)
v.) CASE NO. _____
)
_____,)
)
Defendant(s).)

CERTIFICATE OF SERVICE

I hereby certify that on __(date)_____ I

(a) electronically filed the foregoing document(s) with the Clerk of the Court using the Lake County Online Docket Electronic Filing System which sent notification of such filing to the following parties or attorneys who are registered for electronic filing and service in the case: _____,

or

(b) I conventionally filed the foregoing document(s) with the Clerk of the Court.

I hereby certify that I have mailed copies of the document(s)by United States Postal Service to the following parties or attorneys who are not registered for electronic filing in this case:_____.

Dated:_____ _____

FORM 4

STATE OF INDIANA) IN THE LAKE CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF LAKE)

_____,)
)
Plaintiff(s),)
)
v.) CASE NO. _____
)
_____,)
)
Defendant(s).)

DECLARATION THAT PARTY WAS UNABLE
TO FILE IN A TIMELY MANNER

Please take notice that _____ was unable to file _____ in a timely manner due to technical difficulties. The deadline for filing the _____ was _____. The reason(s) that I was unable to file the _____ in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform]

I declare under penalty of perjury that the foregoing is true and correct.

s/[Name of Password Registrant]

Name of Password Registrant

Address

City, State, Zip Code

Phone: XXX-XXX-XXXX

Fax: XXX-XXX-XXXX

E-mail: XXX@XXX.XXX

Lake County Rules of Family Law

PREAMBLE

The Rules of Professional Conduct mandate that all lawyers conduct themselves honorably and remind lawyers that they have a special responsibility for the quality of justice. For lawyers who practice family law, that special responsibility for the quality of justice often occurs in an emotionally-charged arena with litigants who are angry, disappointed, hurt, hostile, betrayed, sad, fearful, shocked, and/or lost. When a case involves minor children, emotions run even higher.

Some statistics indicate that, every thirty-two seconds, a child in America witnesses his or her parents' divorce. Out of wedlock births to adults have increased exponentially. Research establishes that how parents conduct themselves during a domestic relations proceeding has a greater impact on their children than the proceeding itself. These local rules have been enacted to help effectuate a dignified and effective means of resolving all family law disputes, but especially those disputes involving minor children. While recognizing our adversarial system for resolving family law problems, these local rules mandate that attorneys not ignore but embrace their equally important roles as negotiators and advisors and their special responsibility for the quality of justice.

LR 45-FL00-1 Scope, Citation and Definition, Cooperative Approach and Liberal Construction

A. Scope. These rules shall apply to family cases in the Lake Circuit Court and the Superior Court of Lake County, Civil and Juvenile Divisions.

B. Citation. These rules may be cited as the Lake County Rules of Family Law and abbreviated as F. L. R.

C. Definition. Family cases shall include all cases involving claims for or related to marital dissolution or separation, paternity, child custody, parenting time or visitation with a child, and support of a child or spouse.

LR 45-FL00-2 Statement of Policy and Purpose

The Circuit and Superior Courts of Lake County are committed to a cooperative model for the handling of family cases by parents, attorneys, and judges. These rules shall be liberally construed and applied to serve the healthy and child-sensitive functioning of families. In all family cases with children, the goal will be protecting the best interests of those children.

LR 45-FL00-3 General Obligations of Cooperation of Attorneys and Parties

A. Attorneys and parties in family cases are expected to act with the courts as co-problem solvers, not mere problem-reporters. Attorneys shall both inform and remind their clients about the judicial expectations of cooperation in family cases, assist their clients to understand and observe these standards, and encourage clients to participate in co-parenting classes, counseling, mediation, and other appropriate problem-solving processes.

B. In order to establish and maintain an atmosphere which fosters cooperative problem-solving, all parties and attorneys shall:

(1) explore resources which may reduce conflict, build cooperation and protect children;
(2) attempt reasonable cooperative measures before resorting to the court;
(3) avoid disrespectful language and behavior; and,
(4) avoid unnecessary motions or petitions, hearing and arguments.

Commentary

The Circuit and Superior Courts of Lake County recognize that conflict in family cases is destructive and often dangerous. Litigating family cases does not end or resolve the conflict; it heightens the conflict. The cooperative model for handling family cases is implemented in order to minimize such conflict and, instead, foster the healthy and child-sensitive functioning of families.

Actions taken in the earliest stages of parents' separation and other family crises, whether those actions are helpful or destructive, often define much of the future of the family case and the family; and, attorneys' language and conduct in these earliest days are often crucial to the future course of both the case and the future functioning of the family. Until the case is filed, the courts have no involvement and are powerless to help families at that point; however, at such early stages, attorneys can either set a tone of beneficial cooperation or of destructive conflict for the families they touch.

All too often in family cases the courtroom becomes an arena in which the parties are subjected to criticism, sometimes even ridicule or similar abuse. Such conduct will not be tolerated. Attorneys have an ethical obligation to refrain from abusive conduct and other offensive tactics; to treat all parties, witnesses and all others involved in the legal process with courtesy and

respect; and, to refuse to participate in any effort to embarrass, delay or burden someone. The courts consider such conduct to be repugnant. So should the attorneys and all members of the family. Attorneys have an ethical obligation to consult with their client about the means to be employed and clients normally defer to the attorney's special knowledge and skill in such matters. These rules and comments require that when doing so, the attorney should educate the client about the substantial risk that conflict presents for members of the family and of the benefits and opportunities for resolution through the cooperative model. If the prospective client will not abide by such advice, the attorney can and should consider declining the engagement. If a client agrees to abide but later shows the inability to do so or otherwise refuses, the attorney may and should consider withdrawing. Family members who elect to pursue the path of conflict instead of cooperation are not acting in the best interests of the children; and, the courts ***will*** *consider the decisions made by the parties in this regard as part of its evaluation of the children's best interests and in the allocation of attorney fees.*

This cooperative model will require some fundamental changes in the local legal culture, including the manner in which attorneys approach family cases. While fundamental change does not occur overnight, it must be done and begin now. Attorneys must change their primary focus in family cases. Instead of the gathering of evidence or other "case building", the attorney's primary focus must be on defusing the underlying source(s) of conflict(s) by helping the family to find the ways to reach resolution of their issues by using means which are less destructive than litigation.

As part of the cooperative model the courts will expect all parties and attorneys to consistently observe:

(1) personal responsibility by acting on one's own opportunities to solve problems and improve circumstances rather than merely reporting on the alleged fault in others;

(2) cooperation by sensibly defining and pursuing the best interests of all family members;

(3) courtesy by constant observance of respectful language and behavior; and,

(4) focused attention on children's needs including an awareness that parent conflict is dangerous to children.

As part of their duty to work as co-problem-solvers with the court in all family cases, if safe to do so, attorneys should:

(1) speak with all clients, as early as possible and as often as necessary, about the advantages and judicial expectations of safe cooperation in family cases;

(2) *refer clients to all co-parenting classes, counseling, mediation, and other problem-solving processes that appear to counsel to be promising resources for their clients;*

(3) *work with other counsel to ensure safety in families where domestic violence has been, or reasonably could be, an issue;*

(4) *work with other counsel in all cases to reduce conflict, build cooperation, and protect children;*

(5) *avoid unnecessary motions and hearings; and*

(6) *use the least divisive processes in pursuing safety, fairness, cooperation, and the protection of the best interests of children, for example:*

(a) *using certified mail or acknowledgment of service instead of sheriff service of process if viable,*

(b) *encouraging restraint and safe cooperation between family members,*

(c) *avoiding unnecessary motions and arguments, and*

(d) *exhausting all viable cooperative measures before requesting custody evaluations or trial settings.*

Before a case is filed, an attorney should:

(1) *Assessment of Case and Safety Considerations. Counsel meeting with a person contemplating filing a family case should promptly assess whether the case can safely be handled cooperatively and without adversarial motions, hearings and other formal proceedings. Unless safety or exceptional circumstances make cooperation unreasonable, counsel should handle the case in ways that avoid court and maximize the parties' development of cooperative problem-solving.*

(2) *Cooperation between Counsel Before Initial Filings. Counsel representing persons wishing to initiate a family case should make reasonable efforts to determine if the other spouse, parent, or putative parent is represented or may be seeking representation. Unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, counsel should:*

(a) *consult and cooperate with each other before filing;*

(b) *attempt in good faith to find cooperative resolutions to provisional matters, including peaceful separation, so that unnecessary provisional filings and hearings can be avoided; and*

(c) refer parents to resources such as co-parent education, co-parent counseling, marital counseling, and mediation that can help them build cooperation between them.

(3) Cooperation with Unrepresented Parties before Initial Filings. Unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, this same effort at consultation and cooperation should be made when counsel learns that the other spouse, parent, or putative parent is not intending to use legal representation. In such case, unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, counsel or the client should (a) communicate directly with that other spouse, parent, or putative parent and (b) attempt to avoid provisional filings and hearings on matters that could be resolved by cooperative measures including discussion, co-parent education, counseling, and mediation.

C. Website. Parties and counsel should visit the court's website at www.LakeCountyKids.org for more information on the procedures in use in Lake County in support of the cooperative handling of family cases.

LR 45-FL00-4 Initial and Provisional Hearings

Unless considerations of safety or other good cause make it unreasonable, before the date and time set for an initial or provisional hearing, counsel shall meet with each other (or any unrepresented party) in a good-faith attempt to resolve all matters.

LR 45-FL00-5 Mandatory Website Work for Parents

A. Dissolution of Marriage. In all dissolution cases where the parties have any children together under the age of 18, both parties shall complete the work on www.UpToParents.org within 30 days of initial filing.

B. Legal Separation. In all separation cases where the parties have any children together under the age of 18, both parties shall complete the work on www.WhileWeHeal.org within 30 days of initial filing.

C. Paternity. In all paternity cases, both parents shall complete the work on www.ProudToParent.org within 30 days of the court's finding of paternity.

D. Following completion of the website work required by this rule, the parents shall merge or exchange their chosen Commitments from their website work.

Commentary

The rule contemplates that, following completion of the website work required by this rule, the parents shall merge their chosen Commitments from their website work into a set of Agreed Commitments, review those Agreed Commitments before all hearings, and take copies of them to all hearings. If a hearing is held more than a year since the parents' completion of the website work, they shall redo the work, again merge their Commitments into a set of Agreed Commitments, and bring those Agreed Commitments to all hearings.

LR 45-FL00-6 Co-Parenting Class

A. Dissolution of Marriage and Legal Separation. Mandatory Attendance. In all dissolution and separation cases where the parties have any children together under the age of 18, both parties shall complete a co-parenting class. The court may order both parties to attend additional co-parenting classes in post-decree matters. Information regarding the approved classes is available on the court's website at www.LakeCountyKids.org.

B. Paternity. In all paternity cases the court may order the parties to attend and complete a co-parenting class.

LR 45-FL00-7 Proof of Compliance

A. Dissolution of Marriage and Legal Separation. In order to monitor compliance, within 60 days of the initial filing of an action for dissolution or separation, each party shall file a verified certification of their completion of the mandatory website work as required under FLR. 5, above, and of any mandatory co-parenting class as required under FLR. 6, above, a sample form of which is attached hereto as Appendix "A".

B. Paternity. In order to monitor compliance, within 45 days of the court's finding of paternity, each party shall file a verified certification of completion of the mandatory website work as required under FLR 5, above. A sample form is attached hereto as Appendix "B".

C. Any party failing to timely file such a certification may be subject to a hearing on such a failure.

LR 45-FL00-8 Parenting Plan Proposals

A. The Indiana Parenting Time Guidelines provide useful outlines of the **minimum** time each parent should have with the children to maintain frequent, meaningful, and continuing contact with them. Any parenting time plan submitted by agreement that provides for less then the **minimum** time allowed under the Indiana Parenting Time Guidelines must contain a written explanation for deviating from those guidelines. Agreed parenting plans that exceed the **minimum** time allowed under the Guidelines will not require a written explanation.

B. Unless they have already executed an agreed parenting plan, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing the form which is attached hereto as Appendix "C". Parents, personally and with the help of counsel and all useful counseling, mediation and other problem-solving resources, shall continue to attempt to reach an agreed parenting plan. Parents shall bring their respective Parenting Plan Proposals to all hearings, mediation sessions, and settlement discussions.

Commentary

A. Children whose parents live apart have special needs above and beyond those of other children, including the need for frequent, meaningful, and continuing contact with both parents. The courts will expect separated and divorced parents, wherever safely possible, to work together to support children's best possible relationships with each parent.

B. To assist parents and their counsel in developing parenting plans that will meet the needs of these children, parents with children under the age of 18 or dependent children over the age of 18 should use all reasonable efforts, discussion, counseling, mediation, and other resources to promptly agree on a parenting plan to include the decision-making and living arrangements that will serve to nurture and protect their children as the years progress. If a parenting plan is agreed on and signed by the parents, it may be submitted to the court for its consideration as the order which will govern the parents' co-parenting unless changed by agreement or court order.

C. Unless the parties have already entered in to a signed agreement resolving all such issues then, within 60 days of the initial filing of all actions for marital dissolution or separation, or any post-decree filing regarding the children, or the court's finding of paternity in all paternity cases, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing the form which is attached hereto as Appendix "C". Parents, personally

and with the help of counsel and all useful counseling, mediation and other problem-solving resources, shall continue to attempt to reach an agreed parenting plan. If parents do not reach an agreed parenting plan, they shall bring their respective Parenting Plan Proposals to all hearings, mediation sessions, and settlement discussions.

D. The Indiana Parenting Time Guidelines provide useful outlines of the ***minimum*** *time each parent should have with children to maintain frequent, meaningful, and continuing contact with them. It is the express preference of the Lake Circuit and Superior Courts that parenting plans, wherever safely possible, should:*

(1) help parents understand the important advantages of supporting each other's relationships with their children;

(2) exceed the Guideline minimums for each parent;

(3) fit the particular needs of the family; and,

(4) encourage parents' use of sensibility, flexibility, and reasonableness to allow for cooperative accommodations of special needs and circumstances in family activities.

E. Whenever parents need resources to reduce conflict, build cooperation, preserve family relationships, or respond to the needs of their children, they and their attorneys (if any), should use all resources that could help them. Such resources include:

(1) redoing the website work from www.UpToParents.org, www.WhileWeHeal.org, or www.ProudToParent.org;

(2) additional co-parenting classes, including re-attending the basic class or attending high-conflict classes;

(3) completing a new Parenting Plan Proposal;

(4) mediation;

(5) arbitration;

(6) a confidential therapeutic assessment of the parents to develop a set of recommendations for their improved interaction;

(7) individual, joint, family or child counseling;

(8) appointment of a parenting coordinator;

(9) appointment of a guardian ad litem for the children; and,

(10) any other measure that might protect children, reduce conflict, or build cooperation.

F. If parents nevertheless continue to have conflict and appear in court without an agreement about the resources they will use, the court may select the resources the parents will be ordered to use.

LR 45-FL00-9 Protocols after Initial Filing

A. Duties Regarding Consultation. Except in emergencies or when it might create a danger or substantial prejudice or is otherwise unreasonable to do so, counsel and pro se parties shall make a reasonable attempt to have a personal or telephonic consultation to resolve any issue before filing or seeking any other relief through the court. Counsel and pro se parties contacted for a consultation shall make themselves reasonably available for consultation. The duty of consultation shall be continuing.

B. Substance of Consultation. In the consultation, counsel and pro se parties shall:

(1) attempt to resolve all matters at issue;

(2) confirm the parties' compliance with FLR 5, FLR 6, FLR 7 and FLR 8; and,

(3) discuss the resources they believe the parents could use to resolve current and future issues and to build cooperation, including any resources listed in Commentary E to FLR 8.

C. Cooperation Update - Mandatory. All motions and pleadings other than the initial filings shall include a statement confirming compliance with items (1) through (3), above, including the date of the required personal or telephonic consultation; or, shall recite the specific reasons for the lack of a consultation.

D. Parents shall review and bring a copy of their website Commitments, as required by FLR 5 and the current Parenting Plan Proposals, as required by FLR 8, to every hearing.

Commentary

Counsel and pro se parties shall consult in advance of all court settings and exchange suggestions for the future course of the case that would serve the best interests of all family members.

During a Status Conference:

A. the attorneys and pro se parties will report on:
   (1) the status of compliance with each of these rules by the parties and their attorneys; and,

   (1) parent progress in reducing conflict, building cooperation, preserving family relationships, and responding to the needs of the children.
B. where beneficial, the families will to be referred for any necessary help; and,
C. *the court will consider the future course of the case.*

LR 45-FL00-10 Requirements before Custody Evaluations

All requests for custody evaluations must be (1) in writing (2) certify that both parties and their counsel, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or mediation.

The court will not grant a request for or otherwise order a custody evaluation except following a Status Conference in the presence of both parties and their attorneys, if any, during which the court has been satisfied that:

A. both parties have completed the mandatory website work pursuant to FLR 6, above; and,
B. both parents have completed any required co-parenting class pursuant to FLR 7, above; and,
C. both parties have exchanged Parenting Plan Proposals pursuant to FLR 8, above; and,
D. both parties and their attorneys, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or consultation pursuant to FLR 9, above; and,
E. the court has carefully considered and reviewed, with both parties and their attorneys, if any, the use of other resources including those listed in Commentary E to FLR 8.

Commentary

Custody evaluations are sometimes divisive and produce less, rather than more, cooperation between parents. As a result, custody evaluations will be reserved for cases where one or both parents lack the capacity to safely resolve the issues they face. No custody evaluation will be ordered or conducted unless reasonable cooperative measures have been attempted, such as co-parenting education, counseling and mediation.

LR 45-FL00-11 Case Captioning

Parties in dissolution, separation, and paternity cases shall not be captioned or designated as "petitioner", "respondent", "plaintiff", or "defendant". The parties shall be designated as

"Mother", "Father", "Husband", or "Wife", "Former Husband", "Former Wife", and "Putative Father". All captions shall comply with applicable statutes and case law.

LR 45-FL00-12 Form of Summons

Parties in dissolution, separation, and paternity cases shall prepare and utilize forms of summons as set forth herein.

A. Dissolution of Marriage and Legal Separation. In dissolution and separation cases, the appropriate summons shall be used and shall be substantially the same as the form(s) which attached hereto as Appendix "D", "D-1", "D-2", or "D-3".

B. Paternity. In paternity cases, the summons shall be substantially the same as the form which is attached hereto as Appendix "E".

LR 45-FL00-13 Preparation of Information Sheet for Family Court Pilot Project

Contemporaneously with the filing of any action for dissolution, separation, or paternity, the party filing the initial petition shall complete and furnish the Clerk with an Information Sheet which is substantially the same as the form which is attached hereto as Appendix "F". Because this form requires information which is excluded from the public access under Ind. Administrative Rule 9, this form shall be submitted on light green paper and conspicuously marked **"Not For Public Access"**.

LR 45-FL00-14 Judges' Notice

Whenever the initial filing is prepared by an attorney, the attorney shall also prepare and provide the client and the Clerk with a sufficient number of copies of the appropriate the Judges' Notice as required herein. In cases filed by pro se parties, the Clerk shall provide the appropriate Judges' Notice. The Judges' Notice to Parents Going through Divorce is attached as Appendix "G" and Judges' Notice to Parents in Paternity Cases is attached as Appendix "H".

LR 45-FL00-15 Financial Declaration Form

A. Requirement. In all relevant cases including dissolutions, separation, paternity, post-decree, or support proceedings and, irrespective of which court, each party shall prepare and

exchange, within 60 days of initial filing for dissolution or separation or within 30 days of filing of any paternity or post-decree matters, the appropriate Financial Declaration Form (see Appendix "I" and "J"). These time limits may be extended or shortened by court order for good cause shown. In those cases where there is service, but no appearance by counsel, it is the responsibility of the initiating party to provide the other party with the appropriate blank Form and to notify that party of the duty to prepare and serve the same.

B. Exceptions. The Form need not be exchanged if:

(1) the parties agree in writing within 60 days of the initial filing to waive exchange;

(2) the parties have executed a written agreement which settles all financial issues;

(3) the proceeding is merely at a provisional or emergency relief stage;

(4) the proceeding is one in which the service is by publication and there is no response; or,

(5) the proceeding is post-decree and concerns issues without financial implications.

Provided, however, when the proceeding is post-decree and concerns an arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely the portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation).

C. Use at trial. The Forms are intended primarily as mandatory discovery though, subject to appropriate objection, they shall be admissible at the request of any party. Therefore, particularly in view of the presumptive nature of the Indiana Child Support Guidelines, direct examination on form data shall address only unusual factors which require explanation or corrections and shall not, particularly with respect to issues of support, be routinely permitted. For evidentiary purposes, the pages of the Form shall be deemed severable.

D. Supporting documents. For the purposes of providing a full and complete verification of assets, liabilities, and values, each party shall attach to the form all information reasonably required and reasonably available. This shall include recent bills, wage and tax records, and bank, pension and year-end mortgage statements. Reasonably available means that material which may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed or is in the possession of the other party. Appraisals of real estate and pensions, or appraisals of personal property such as jewelry, antiques, or special collections (stamps, coins, or guns, for example) are not required. However, once an appraisal is obtained, it must be exchanged unless the appraisal was obtained in accordance with the provisions of Trial Rule 26(B) (4) (b) and is not expected to be utilized during trial. Moreover, the court may direct that an appraisal be obtained just as it may designate the appraiser.

E. Privacy - Sealing of Forms. Whenever the interest of privacy so requires, the court may, upon motion, direct the admitted Forms sealed until further order. However, such requests shall not be made as a matter of course.

When ordered sealed, the Court Reporter shall place the Forms in a flat manner in an envelope of sufficient size, seal the envelope, and affix a copy of the order. Forms may be withdrawn at the conclusion of the case on such terms as the court allows.

F. Financial Declaration Form as Mandatory Discovery. The exchange of Forms constitutes mandatory discovery. Thus, Indiana Rules of Procedure, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26(E) (2) and (3), the Form shall be supplemented if additional material becomes available. Further, any additional discovery, such as a motion to produce, interrogatories, or depositions of the parties shall not commence until the Forms are exchanged and, once exchanged, shall not seek information already obtained.

LR 45-FL00-16 Indiana Child Support Guidelines

A. Worksheet Required. In all proceedings involving child support, each party shall file with any settlement or enter into evidence during any trial Indiana Child Support Guidelines Worksheets - one or more depending upon the facts. Further, the Worksheet(s) shall, when reasonably possible, be delivered to the other parent simultaneously with the Financial Declaration Form, but, in any event, within 10 days of receiving the other parent's Form. The Worksheets shall be promptly supplemented if any changes occur prior to resolution. All Worksheets shall be signed by the party(ies) submitting the Worksheet.

B. Support Settlement Agreements. If an agreement concerning support provides any deviation from the amount calculated under the Indiana Child Support Guidelines, the parents shall present the court with a written explanation justifying the deviation.

LR 45-FL00-17 Preparation of Orders

A. Exchange. It shall be the duty of the parties' attorneys to prepare decrees and other orders as directed by the court. The attorney so directed is first to submit them to all other attorneys of record or to the unrepresented party to enable them to challenge any provision thereof before submission to the court for entry.

B. Additions. If the preparing attorney believes the other attorney or the other party, if the other party is proceeding pro se, is unreasonably withholding approval as to form, or if either believes the other is attempting to make additions not addressed by the court, either may submit

a proposed form to the court and shall attach thereto a written explanation of the dispute. The other party shall have 7 days to respond before the court enters any order. The court may enter sanctions against a party who has unreasonably withheld approval or attempted to make additions not addressed by the court.

C. Signatures. The signature line for counsel or pro se litigant shall indicate Approved as to Form. Such signature indicates that the order correctly reflects the court's ruling. It does not necessarily signify that the signing party or attorney agrees with the ruling.

LR 45-FL00-18 Sanctions

If a party or counsel fails to timely prepare, exchange or file a Financial Declaration Form or Child Support Worksheet or to cooperate in providing information therefore in a timely manner, either is subject to sanctions under Trial Rule 37.

LR 45-FL00-19 Attorney Fee Requests

A. Affidavits. When attorney fees (except those sought provisionally) are requested from the opposing party, the requesting attorney shall submit an appropriate affidavit, which, if the affidavit comports with these rules, the court shall admit as an exhibit.

B. Content. The affidavit shall indicate the:

(1) requested fee and the basis thereof;

(2) amounts counsel has billed, contracted for, or been promised; and,

(3) amount counsel has received from all sources.

A copy of the written fee contract, if any, shall be attached to the affidavit and deemed a part thereof.

Opposing counsel may cross examine the requesting attorney as to any of the submitted material.

LR 45-FL00-20 Agreed Matters - Submission

No agreed matter shall be submitted unless accompanied with a signed agreement, and other appropriate documents, such as the decree, a wage withholding order, or a qualified domestic relations order. However, if the parties reach a settlement on the courthouse steps, then the court shall accept evidence of that settlement on the record, and enter the appropriate order upon

preparation and filing by counsel within 21 days after submission, or such additional time as the court may allow.

LR 45-FL00-21 Orders Excluding Parent from the Residence

In all instances where emergency or extraordinary relief is requested including, but not limited to, excluding a parent from the residence, the court shall require full compliance with the provisions of Trial Rules 65(B) and 65(E). In situations involving allegations of physical abuse, intimidation or stalking, relief may be sought by a separate filing for an Order of Protection.

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Appendix A

CAPTION

CERTIFICATION OF COMPLIANCE

IN DISSOLUTION CASES

The undersigned, as the (select: Mother or Father) in the within cause, does hereby certify that:

1. On (type date) I did complete the mandatory website work as required by FLR 5 and have attached hereto my certificate to confirm the same; and,

2. On (type date) I did complete the mandatory co-parenting class as required by FLR 6 and have attached hereto my certificate to confirm the same.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: _____ _____

(Type name), (select: Mother or Father)

Appendix B

CAPTION

CERTIFICATION OF COMPLIANCE

IN PATERNITY CASES

The undersigned, as the (select: Mother or Father) in the within cause, does hereby certify that:

On (type date) I did complete the mandatory website work as required by the FLR 5 and have attached hereto my certificate to confirm the same.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: _____ _____

(Type name), (select: Mother or Father)

Appendix C

In Re The (select: Marriage/Paternity) of: _____

Cause No.: _____

(Select: Mother's/Father's) Parenting Plan Proposal

Parent's Affirmation

I hereby affirm, under the penalties for perjury, that **before** preparing this proposal I have:

1. carefully read the Indiana Parenting Time Guidelines, including the Preamble and General Rules and understand that they reflect the **minimum** parenting time; and,
2. completed all the work assignments for parents at (select: www.UpToParents.org/ www.ProudToParent.org [delete paragraph # 3 in paternity cases] ; and,
3. completed the co-parenting class required by the court.

Dated: _____, 20__. _____

(Select: Mother/Father)

Terms of This Proposal

The following proposal for the parenting plan for our children was prepared and is submitted in compliance with the Lake County Rules of Family Law and is part of the effort of both parents to devise a parenting plan to include the decision making and living arrangements that will serve to nurture and protect our children as the years progress. As stated in the Lake County Rules of Family Law, the following proposal was prepared and is submitted as part of the effort to compromise and settle these and other issues which now exist between the parents and, as a result, unless all of the terms of the following proposal are accepted as shown by the signature of both parents on page four (4) hereof, the following proposal and all of its terms, constitute privileged communications which are inadmissible for any purposes.

1. As the parents, important decisions in our children's lives (such as place of residence, school selection and other educational decisions, healthcare and religious upbringing) will be made as follows:

_____

_____

_____

_____

_____

2. The declared legal residence of our children for school and legal purposes will be:

_____

_____

_____

_____

3. Due to the circumstances of the lives of the members of our family, including work schedules and the like, our parenting time schedule for our children to be with each of us will vary from the **minimum** set forth in the Indiana Parenting Guidelines, as follows:

Weekdays: _____

_____

_____

Weekends: _____

_____

_____

Holidays and Special Days: _____

_____

_____

Extended Parenting Time/Summer Vacation: _____

_____

_____

4. In the event of disagreement, we will speak to one another first to try to resolve any parenting issues. If we are unable to resolve all the issues, then we will utilize the following:

(Circle all that apply and add any additional ones.)

A. Redoing the (select: www.UpToParents.org/ www.ProudToParent.org) website work.
B. Additional co-parenting classes, including re-attending the basic class or attending high-conflict classes.
C. Mediation.
D. Arbitration.
E. Individual, joint, family, or child counseling.
F. Appointment of a parenting time coordinator (PTC) to work with us.
G. Appointment of a guardian ad litem (GAL) for our children.
H. Other (specify): _____

_____

_____

5. Other provisions of our parenting plan would be: _____

_____

_____

Dated:_____, 20__.

_____

(Select: Mother/Father)

_____

(attorney's name)

Indiana Attorney No.: _____

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number)

ACCEPTANCE

By our signatures, we, as the parents, we now agree to all of the terms set forth above as our Parenting Agreement and that this document is now admissible in to evidence in court.

_____	_____
(Select: Mother/Father)	(Select: Mother/Father)
Date: _____, 20__.	Date: _____, 20__.
_____	_____
(attorney's name)	(attorney's name)
Indiana Attorney No.: _____	Indiana Attorney No.: _____
(firm name)	(firm name)
Attorney for (select: Mother/Father)	Attorney for (select: Mother/Father)
(address)	(address)
(phone number)	(phone number)

Appendix D

STATE OF INDIANA COUNTY OF LAKE	SS:	IN THE (Title, Address and Phone Number of Court)

IN RE: THE MARRIAGE OF (Name of Filing Party), (select: Mother, Wife, Father, Husband) and (Name of Spouse), (select: Mother, Wife, Father, Husband)	Cause No.

SUMMONS

AND NOTICE OF HEARING

IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE

THE STATE OF INDIANA TO : (name of spouse being served)

(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: www.LakeCountyKids.org.

THIS IS YOUR OFFICIAL NOTICE that a hearing on Provisional Orders has been scheduled for , 20_____, at _____ ____M. before this Court, in (room number) which is located on the (floor), at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. If you do not appear for that hearing, a provisional order could be entered by default which could remain in effect until this action is concluded.

THIS IS YOUR OFFICIAL NOTICE that a final hearing has been scheduled for _____, 20_____, at M. before this Court, in (room number) which is located on the (_____ floor), at the address listed in the upper right hand corner of this Summons.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

Date:

(Name of attorney for Filing Party)

Indiana Attorney No: (insert)

(firm name)

Attorney for (select: Mother, Wife, Father, Husband)

(address)

(phone number)

THOMAS R. PHILPOT

CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: _____

Deputy Clerk

PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.

If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20__, I mailed a copy of this Summons and a copy of the Petition to the party being served, _____, by _____ mail, requesting a return receipt, at the address furnished by the filing party.

THOMAS R. PHILPOT

CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__.

BY:

_____

Deputy Clerk

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, _____, was accepted by the party being served on the _____ day of _____, 20____ .

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the _____ day of _____, 20_____.

THOMAS R. PHILPOT

CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__.

BY:

_____

Deputy Clerk

RETURN OF SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within Summons:

1) By delivering on _____, 20___, a copy of this Summons and a copy of the Petition to each of the within named person(s).

2) By leaving on _____, 20____, for each of the within named person(s) a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, in _____, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.

3) This Summons came to hand this date, _____, 20___. The within named _____ was not found in my bailiwick this date, _____, 20__.

ALL DONE IN LAKE COUNTY, INDIANA.

ROY DOMINGUEZ

SHERIFF OF LAKE COUNTY, INDIANA

By:_____

SERVICE ACKNOWLEDGED

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at _____ in _____, Indiana, on this date, _____, 20__.

_____

___

Signature of Party Served

Appendix D-1

STATE OF INDIANA COUNTY OF LAKE	SS:	IN THE (Title, Address and Phone Number of Court)

IN RE: THE MARRIAGE OF (Name of Filing Party), (select: Mother, Wife, Father, Husband) and (Name of Spouse), (select: Mother, Wife, Father, Husband)	Cause No.

SUMMONS

IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE

THE STATE OF INDIANA TO : (name of spouse being served)

(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: www.LakeCountyKids.org.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion

or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

(select: Registered or certified mail, return receipt #

Sheriff of Lake County

Private service by:

Other (specify): _____)

Date:

(Name of attorney for Filing Party)

Indiana Attorney No: (insert)

(firm name)

Attorney for (select: Mother, Wife, Father, Husband)

(address)

(phone number)

THOMAS R. PHILPOT

CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: _____
Deputy Clerk

PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.

If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court. (Form: DS 1/97)

Appendix D-2

STATE OF INDIANA COUNTY OF LAKE	SS:	IN THE (Title, Address and Phone Number of Court)

IN RE: THE MARRIAGE OF (Name of Filing Party), (select: Mother, Wife, Father, Husband) and (Name of Spouse), (select: Mother, Wife, Father, Husband)	Cause No.

SUMMONS

AND NOTICE OF HEARING

IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE

THE STATE OF INDIANA TO : (name of spouse being served)

(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: www.LakeCountyKids.org.

THIS IS YOUR OFFICIAL NOTICE that a hearing on Provisional Orders has been scheduled for _____, 20_____, at _____ ___M. before this Court, in (room number) which is located on the (_____ floor), at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. If you do not appear for that hearing, a provisional order could be entered by default which could remain in effect until this action is concluded.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

Date:

(Name of attorney for Filing Party)

Indiana Attorney No: (insert)

(firm name)

Attorney for (select: Mother, Wife, Father, Husband)

(address)

(phone number)

THOMAS R. PHILPOT

CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: _____

Deputy Clerk

PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.

If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

Appendix D-3

STATE OF INDIANA COUNTY OF LAKE	SS:	IN THE (Title, Address and Phone Number of Court)

IN RE: THE MARRIAGE OF (Name of Filing Party), (select: Mother, Wife, Father, Husband) and (Name of Spouse), (select: Mother, Wife, Father, Husband)	Cause No.

SUMMONS

AND NOTICE OF HEARING

IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE

THE STATE OF INDIANA TO : (name of spouse being served)

(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: www.LakeCountyKids.org.

THIS IS YOUR OFFICIAL NOTICE that a final hearing has been scheduled for _____, 20_____, at M. before this Court, in (room number) which is located on the (_____ floor), at the address listed in the upper right hand corner of this Summons.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

(select: Registered or certified mail, return receipt #

Sheriff of Lake County

Private service by:

Other (specify): _____)

Date:

(Name of attorney for Filing Party)

Indiana Attorney No: (insert)

(firm name)

Attorney for (select: Mother, Wife, Father, Husband)

(address)

(phone number)

THOMAS R. PHILPOT

CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: _____
Deputy Clerk

PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.

If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court. (Form: DS 1/97)

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20___, I mailed a copy of this Summons and a copy of the Petition to the party being served, _____, by _____ mail, requesting a return receipt, at the address furnished by the filing party.

THOMAS R. PHILPOT

CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__.

BY:

_____

Deputy Clerk

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, _____, was accepted by the party being served on the _____ day of _____, 20____ .

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the _____ day of _____, 20_____.

THOMAS R. PHILPOT

CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20___.

BY:

_____

Deputy Clerk

RETURN OF SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within Summons:

1) By delivering on _____, 20___, a copy of this Summons and a copy of the Petition to each of the within named person(s).

2) By leaving on _____, 20_____, for each of the within named person(s) a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, in _____, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.

3) This Summons came to hand this date, _____, 20____. The within named _____was not found in my bailiwick this date, _____, 20____.

ALL DONE IN LAKE COUNTY, INDIANA.

ROY DOMINGUEZ

SHERIFF OF LAKE COUNTY, INDIANA

By: _____

SERVICE ACKNOWLEDGED

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at _____ in _____, Indiana, on this date, _____, 20__.

_____

Signature of Party Served

Appendix E

STATE OF INDIANA
COUNTY

IN THE SUPERIOR COURT OF LAKE

JUVENILE DIVISION, 3000 West 93rd Avenue,

COUNTY OF LAKE

Crown Point, Indiana 46307 (219) 660-6900

IN THE MATTER OF THE PATERNITY OF:

CAUSE NO. 45D06-0107-JP-0000

KIRBY UPRIGHT

Male Born 1/1/2007

HOOVER ORECK,

Putative Father,

and

DYSON UPRIGHT,

Mother

KIRBY UPRIGHT b/n/f HOOVER ORECK

SUMMONS

AND NOTICE OF INITIAL HEARING IN A PATERNITY CASE

THE STATE OF INDIANA TO: Dyson Upright

1234 Electrolux Lane

Berber, IN 46000

A paternity action has been filed in the Court stated above. A copy of the Petition (and, in come cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both parties to this case complete certain specific tasks. You should immediately and carefully review those requirements at the website established by the Court at: www.LakeCountyKids.org.

THIS IS YOUR OFFICIAL NOTICE that an Initial Hearing to Establish Paternity is scheduled for **the ___ day of _____, 20__, at _____ o'clock ___.m.** at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. **If you do not appear for that hearing, a final order could be entered by default determining paternity, custody, parenting time and child support.**

If you do not file a written appearance with the Clerk and serve a copy on the attorney whose name and address is set forth at the bottom of this page, you may not receive notice of any further proceedings in this action. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against the person who filed the Petition, you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served upon the attorney whose name and address is set forth at the bottom of this page.

The following manner of service is designated: **Sheriff (or CMRRR, or Private Server etc.)**

Date:

F.Q. Cannister, #000-45

Attorney for Putative Father

789 Suction Lane

Vacuum, IN 46000

219.000.0000

THOMAS R. PHILPOT

CLERK, SUPERIOR COURT OF LAKE COUNTY

By: _____

Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20__, I mailed a copy of this Summons and a copy of the Petition to the party being served, _____, by _____ mail, requesting a return receipt, at the address furnished by the filing party.

THOMAS R. PHILPOT

CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__. BY:_____

Deputy Clerk

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, _____, was accepted by the party being served on the _____ day of _____, 20____ .

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the _____ day of _____, 20_____.

THOMAS R. PHILPOT

CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__. BY:_____

Deputy Clerk

RETURN OF SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within Summons:

1. By delivering on _____, 20___, a copy of this Summons and a copy of the Petition to each of the within named person(s).

2. By leaving on _____, 20____, for each of the within named person(s) a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, in _____, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.

3. This Summons came to hand this date, _____, 20___. The within named _____ was not found in my bailiwick this date, _____, 20___.

ALL DONE IN LAKE COUNTY, INDIANA.

ROY DOMINGUEZ

SHERIFF OF LAKE COUNTY, INDIANA

By:_____

SERVICE ACKNOWLEDGED

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at _____ in , Indiana, on this date, _____, 20___.

_____

Signature of Party Served

APPENDIX F

NOT FOR PUBLIC ACCESS

Cause No. _____

_____

Petitioner

_____

Respondent

INFORMATION SHEET

FOR FAMILY COURT PILOT PROJECT

This form is required to be completed in full and filed with the Clerk's Office with all new petitions filed for dissolution of marriage, legal separation and determination of paternity. The information on this form will be used to identify families who have more than one cause of action pending in the Lake County Court system, and to aid the Courts in tracking the progress of these matters.

	Full Name	**Soc. Sec. Number**	**Date of Birth**	**Sex (M/F)**
Petitioner:				
Respondent:				

Names of all children of the parties:	**Soc. Sec. Number**	**Date of Birth**	**Sex (M/F)**

Names of all other persons residing in the parties' household:

Full Name	Soc. Sec. Number	Relationship	Date of Birth	Sex (M/F)

Please list all other court cases in which the parties, their children or any members of their household are involved in any capacity. Include all cases, including Juvenile, Probate, Criminal, Civil, Domestic Relations, Protective Orders, Small Claims and Traffic.

Title of case:	Name and location of court:
Type of case:	Cause Number:

Title of case:	Name and location of court:
Type of case:	Cause Number:

Title of case:	Name and location of court:
Type of case:	Cause Number:

Use additional sheets if necessary to supply complete information.

Appendix G

JUDGES' NOTICE TO PARENTS GOING THROUGH DIVORCE

We, the Judges and Magistrates of Lake County, share the following information so that you will know of our commitment to the best interests of children. *Please read this information carefully, as we expect you and all other persons involved in your case to be partners in serving those best interests.*

1. As soon as possible, visit www.LakeCountyKids.org to learn about the Courts' expectations and to read the Lake County Rules of Family Law for important information about how divorce cases will be handled to:

- ensure safety;
- reduce conflict;
- build cooperation; and,
- protect the best interests of all family members, especially all children.

2. If there will be no attorneys in your case, see the "Cases Without Attorneys" link on Courts' website, www.LakeCountyKids.org, for special work required of you.

3. If you and your spouse have any children under the age of 18, you **must** do the following within 30 days:

   a. Register for a co-parenting class. You will find more information about the class and how to register at the link on the Courts' website, www.LakeCountyKids.org.

   b. Complete the work on www.UpToParents.org, and take your completed work to your co-parenting class, give a copy to your attorney, and bring it with you to all court appearances and other meetings.

4. If you and your spouse have any children under the age of 18, you should attempt to establish your own plan for the decision making and living arrangements that will serve to nurture and protect your children. A plan which is worked out between the parents to fit the needs of their children and family is almost always the best. You should review the Indiana Parenting Time Guidelines at the link on the Courts' website, www.LakeCountyKids.org. The Court considers those Guidelines to be the **minimum** parenting time for each parent to have frequent, meaningful, and continuing contact with their children. We recommend that you use the Parenting Plan Proposal/Worksheet which you will also find on the Courts' website, www.LakeCountyKids.org.

5. You and your spouse must complete and exchange Financial Declaration Forms with all required attachments. You will find this Form at the link on the Courts' website, www.LakeCountyKids.org.

Appendix H

JUDGES' NOTICE TO PARENTS IN PATERNITY CASES

We, the Judges and Magistrates of Lake County, share the following information so that you will know of our commitment to the best interests of children. *Please read this information carefully, as we expect you and all other persons involved in your case to be partners in serving those best interests.*

1. **If either of you question whether or not the man named as the father in this case is the father,** the Court will order genetic testing at the initial hearing to establish paternity. If the man named as father is found not to be the father by genetic testing, the case will be dismissed.

2. **If paternity is established,** whether by agreement or otherwise, or following genetic testing, the Local Rules of the Circuit and Superior Court of Lake County, Indiana, require you to do the following:
   - A. **Complete the work on www.ProudToParent.org** and furnish the Court with a certification that you have done so.
   - B. **Complete and exchange Financial Declaration Forms with all required attachments.** You will find this form at the link on the Court's website, www.LakeCountyKids.org.
   - C.
3. **In addition, if paternity is established,** whether by agreement or otherwise, or following genetic testing, you will be expected to do the following:
   - A. **Devise a Parenting Plan for your children.** A Parenting Plan consists of the decision making and living and financial arrangements that will serve to nurture and protect your children as the years progress. A plan which is worked out between the parents to fit the needs of their children and family is almost always best. You should review the Indiana Parenting Time Guidelines at the link on the Court's website, www.LakeCountyKids.org. The Court considers those Guidelines to be the **minimum** parenting time for each parent to have frequent, meaningful, and continuing contact with their children. We recommend that you use the Parenting Plan Proposal/Worksheet which you will also find on the Court's website, www.LakeCountyKids.org. If you fail to devise a successful Parenting Plan for your children, this Court may require you to attend and complete, at your own expense, a co-parenting class.
   - B. **If there will be no attorneys in your case,** read the "Cases Without Attorneys" link on the Court's website, www.LakeCountyKids.org, for special work required of you.
   - C. **Read the Lake County Rules of Family Law and the Indiana Parenting Time Guidelines** which are available on the Court's website, www.LakeCountyKids.org, for additional important information on the Court's expectation that everyone involved in your case will be a partner in:
     - **ensuring safety;**
     - **reducing conflict;**
     - **building cooperation; and,**
     - **protecting the best interests of all family members, especially all children.**

Appendix I

DISSOLUTION OF MARRIAGE: FINANCIAL DECLARATION FORM

STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS OF LAKE COUNTY

IN RE THE MARRIAGE OF:

Cause No. _____

_____

(select: Mother, Wife, Father, Husband)

and

_____

(select: Mother, Wife, Father, Husband)

FINANCIAL DECLARATION OF: _____

This declaration is considered mandatory discovery and must be exchanged between the parties within 60 days of the initial filing of the Dissolution of Marriage. Parties not represented by counsel are required to comply with these practices. Failure by either party to complete and exchange this form as required will authorize the court to impose sanctions set forth in Rule 6 of the Lake County Rules of Family Law. If appraisals or verifications are not available within 60 days the from must be exchanged within 60 days with a notation that appraisals or verifications are being obtained and then the Declaration shall be supplemented within 30 days thereafter.

Husband: _____

Address: _____

_____

Soc. Sec. No.: _____

Badge/Payroll No.: _____

Occupation: _____

Employer: _____

Date started this employment: _____

Birth Date: _____

Wife: _____

Address: _____

_____

Soc. Sec. No.: _____

Badge/Payroll No.: _____

Occupation: _____

Employer: _____

Date started this employment: _____

Birth Date: _____

Date of Marriage: _____

Date of Physical Separation: _____

Date of Filing: _____

List Names, dates of birth, and social security numbers of all children of this relationship, whether by birth or adoption:

_____ _____

_____ _____

_____ _____

List Names and dates of birth of any other children living at the residence of the person responding (identify if these are children of the responding party) and for each such person indicate the amount of support, if any, that is received:

_____ _____

_____ _____

_____ _____

Part I INCOME AND EXPENSES STATEMENT

Attach COMPLETE copies of your Federal Income Tax Returns for the last three taxable years including all W2's and 1099's. Also attach proof of all wages earned in the present year up to the date of your response. If current wage statement shows year to date wages and itemized deductions this is sufficient. If current wage statement does not indicate year to date earnings and deductions attach the 8 most recent pay stubs.

Person Responding

A. Gross yearly income from Salary and Wages, including

commissions, bonuses, allowances and overtime received in most recent year. _____

Average gross pay per pay period (indicate whether you are paid weekly each 2 weeks or twice per month) _____

B. Gross Monthly Income from Other Sources[1]

List and explain in detail any Rents received, Dividend income, or Pension, Retirement, Social Security, Disability and/or Unemployment Insurance benefits - or any other source including Public assistance, food stamps, and child support received for any child not born of the parties of this marriage.

_____

_____

[1]Some of these items may not apply to support or maintenance computations.

C. SELECTED LIVING EXPENSES: List names and relations of each member of the household of the Responding party whose expenses are included.

_____ _____

_____ _____

_____ _____

For each expense attach verification of payment even if it is not specifically requested on this form - please note that Indiana uses an Income Shares model for determining support and thus in most cases the expenses that a party has or does not have are not relevant in determining support under the Indiana Support Guidelines. **However if** you claim your expenses justify a deviation from the support guidelines attach a detailed list of expenses together with verification of same.

Person Responding

Rent or Mortgage payments (residence) _____

Real Property Taxes (residence) if not included in mortgage payment _____

Real Property Insurance (residence) if not included in mortgage payment _____

Cost of all Medical Insurance - specify time period - Attach verification of payment if not on pay stub _____

Cost of only that medical insurance that is related to the children of this action - specify time period - attach verification from employer or insurance company _____

Child care costs - to permit work - specify time period (per day, week, month) - attach verification _____

Pre-School Costs (specify time period week, semester or year) _____

School Tuition - per semester (Grade or High School) _____

Book Costs - per semester (Grade or High School) _____

For Post High School Attach separate list with explanation of loans and scholarships and grants _____

Child support paid for children other than those involved in this case - attach proof of payment _____

D. IN ALL CASES INVOLVING CHILD SUPPORT: Prepare and attach any Indiana Child Support Guideline Worksheet (with documentation verifying your income); or, supplement with such a Worksheet within ten (10) days of the exchange of this Form.

Further, if there exists a parenting plan or pattern then state the number of overnights the non-custodial parent will have the child during the year.

The yearly number of overnights is _____

E. POST HIGH SCHOOL EDUCATION EXPENSE

If any of the children subject to this case are attending post high school classes, or will attend within the next six months list the following information for each such student. **Further attach to this financial affidavit any documentation you have in support of these answers.**

Name of Student _____

Name of School _____

Cost of School per year - If applicable, include room and board _____

Identify all student financial aid including grants, scholarships, and loans and for each indicate what it is and how much will be received: _____

_____

Note in those cases where it is appropriate parties may want to engage in additional discovery concerning assets that might be applied to education such as IRA's, 401 K's etc. Note further that withdrawals from IRA's for educational expenses do not suffer a 10% penalty (IRC code sec 72 (t) 2 (e).

F. Debts and Obligations: (Include credit union) attach additional sheets as needed. Indicate any special circumstances, i.e., premarital debts, debts in arrears on the date of physical separation, or date of filing and the amount or number of payments in arrears.

ATTACH A COPY OF THE MOST RECENT STATEMENT FOR EACH LISTED DEBT

Creditor's Name & Persons on Account	**Balance**	**Monthly Payment**

PART II NET WORTH - ATTACH ALL AVAILABLE DOCUMENTATION TO VERIFY VALUES -

List all property owned either individually or jointly. Indication who holds or how the title is held: (H) Husband, (W) Wife, or (J) Jointly or other appropriate indication. WHERE SPACE IS INSUFFICIENT FOR COMPLETE INFORMATION OR LISTING PLEASE ATTACH SEPARATE PAGE.

A. Household Furnishings: (Value of Furniture, Appliances, and Equipment, as a whole - You need not itemize - indicate whether you use replacement cost or a garage sale value)

_____

B. Automobiles, Boats, Snowmobiles, Motorcycles, Etc.:

Year - Make & Present Value	Titled Owner	Balance Owed

C. Cash and Deposit Accounts: (including **ALL** banks, savings and loan associations, credit unions, thrift plans, mutual funds, certificate of deposit, savings and/or checking accounts, IRA's and annuities). **This also includes listing the contents of any safety deposit boxes**. Use additional page if necessary.

Name of Institution & Type of Account	"Owners"	Account No.	Balance

D. Securities: (Stocks, Bonds, Etc) - use additional page if necessary

Company Name	"Owner"	Shares	Value

E. Real Estate: (attach separate sheet with the following information for each separate piece of real estate).

Address: _____

_____

Original Cost: _____

Type of Property: _____

Date of Acquisition: _____

Present Value: _____

Basis for Valuation: _____

(Attach appraisal if obtained)

1st MORTGAGE BALANCE AS OF DATE OF ANSWER: _____

Other liens (amount and type): _____

Monthly payment on each mortgage: 1st: _____ 2nd: _____

To whom paid: _____

Taxes (if not included in Mtg. payment): _____

Insurance (if not included in Mtg. payment): _____

Special Assessments (including utility or condo assessments): _____

Identify Individual contributions to the real estate (for example, inheritance, pre-marital assets, personal loans, etc.): _____

_____

_____

F. Retirement Plans: List monthly amount you would be entitled to at earliest retirement date (indicating that date) if you stopped work today. Your response should indicate date of valuation. Further, if it is a defined interest plan list present amount in plan and date of valuation.

Also, identify whose plan it is and list both the name and the address of administrator of plan - indicate whether plan is vested - if not vested, indicate when it will vest:

_____

_____

_____

Attach documents from each plan verifying information. If not yet received, attach a copy of your written request to the plan(s).

G. Life Insurance: Give name of insured, beneficiary, company issuing, policy #, type of insurance (term, whole life, group), face value, cash value and any loans against - include plans provided by employer:

_____

_____

_____

H. Business or Professional Interests: Indicate name, share, type of business, value less indebtedness, etc.:

_____

_____

_____

I. Other Assets: (this includes coin, stamp or gun collections or other items of unusual value). Use additional pages as needed:

_____

_____

_____

PART III VERIFICATION

I declare, under the penalty of perjury, that the foregoing, including any valuations and attachments, is true and correct and that I have made a complete and absolute disclosure of all of my assets and liabilities. Furthermore, I understand that if, in the future, it is proven to this court that I have intentionally failed to disclosure any asset or liability, I may lose the asset and may be required to pay the liability. Finally, I acknowledge that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose income, assets or liabilities.

DATE: _____ _____

PARTY'S SIGNATURE

PART IV ATTORNEY'S CERTIFICATION

I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligation under Trial Rule 11 of the Indiana Rules of Procedure.

DATE: _____

_____

(attorney's name)

Indiana Attorney No.: _____

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number)

Appendix J

PATERNITY & POST DECREE: FINANCIAL DECLARATION FORM
STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS OF LAKE COUNTY

IN RE THE MARRIAGE OF: Cause No. _____

_____
(select: Mother, Wife, Father, Husband)
and

_____
(select: Mother, Wife, Father, Husband)

FINANCIAL DECLARATION OF: _____

This declaration is considered mandatory discovery and must be exchanged between the parties within 30 days of the filing of any paternity case or any post decree matter. Parties not represented by counsel are required to comply with these practices. Failure by either party to complete and exchange this form as required will authorize the court to impose the sanctions set forth in Rule 6 of the Lake County Rules of Family Law, these include costs and attorney fees.

Father: _____ Mother: _____

Address: _____ Address: _____

_____ _____

Soc. Sec. No.: _____ Soc. Sec. No.: _____

Badge/Payroll No.: _____ Badge/Payroll No.: _____

Occupation: _____ Occupation: _____

Employer: _____ Employer: _____

Date stated this employment: _____ Date started this employment: _____

Birth Date: _____ Birth Date: _____

List the following Dates as Applicable:

Date of Dissolution: _____ Date of most recent support order: _____

Date of Filing of this paternity action: _____

Date of Filing of this post decree action: _____

List Names, dates of birth, and social security numbers of all children of this relationship, whether by birth or adoption:

_____ _____

_____ _____

_____ _____

List Names and dates of birth of any other children living at the residence of the person responding (identify if these are children of the responding party) and for each such person indicate the amount of support, if any, that is received:

_____ _____

_____ _____

_____ _____

Part I. INCOME AND EXPENSES STATEMENT

Attach COMPLETE copies of your Federal Income Tax Returns for the last three taxable years including all W2's and 1099's. Also attach proof of all wages earned in the present year up to the date of your response. If current wage statement shows year to date wages and itemized deductions this is sufficient. If current wage statement does not indicate year to date earnings and deductions attach the 8 most recent pay stubs.

Person Responding

A. **Gross yearly income from Salary and Wages**, including commissions, bonuses, allowances and overtime received in most recent year. _____

Average gross pay per pay period (indicate whether you are paid weekly each 2 weeks or twice per month) _____

B. **Gross Monthly Income from Other Sources**[2]

[2]Some of these items may not apply to support or maintenance computations.

List and explain in detail any Rents received, Dividend income, or Pension, Retirement, Social Security, Disability and/or Unemployment Insurance benefits - or any other source including Public assistance, food stamps, and child support received for any child not born of the parties of this marriage.

_____

_____

_____

C. **Selected Living Expenses**: List names and relations of each member of the household of the Responding party whose expenses are included.

_____ _____

_____ _____

_____ _____

For each expense attach verification of payment even if it is not specifically requested on this form - please note that Indiana uses an Income Shares model for determining support and thus in most cases the expenses that a party has or does not have are not relevant in determining support under the Indiana Support Guidelines. However if you claim your expenses justify a deviation from the support guidelines attach a detailed list of expenses together with verification of same.

Person Responding
Rent or Mortgage payments (residence) _____

Real Property Taxes (residence) if not included
in mortgage payment _____

Real Property Insurance (residence) if not included
in mortgage payment _____

Cost of all Medical Insurance - specify time period -
Attach verification of payment if not on pay stub _____

Cost of only that medical insurance that is related to the
children of this action - specify time period - attach
verification from employer or insurance company _____

Child care costs - to permit work - specify time
period (per day, week, month) - attach verification _____

Pre-School Costs (specify time period week, semester or year) _____

School Tuition - per semester (Grade or High School) _____

Book Costs - per semester (Grade or High School) _____

For Post High School Attach separate list with explanation
of loans and scholarships and grants _____

Child support paid for children other than those involved in
this case - attach proof of payment _____

D. **In All Cases Involving Child Support**: Prepare and attach any Indiana Child Support Guideline Worksheet (with documentation verifying your income); or, supplement with such a Worksheet within ten (10) days of the exchange of this Form.

Further, if there exists a parenting plan or pattern then state the number of overnights the non-custodial parent will have the child during the year.

The yearly number of overnights is _____

PART II ARREARAGE COMPUTATION

If case involves a claim of a support or other arrearage, attach all records or other exhibits regarding payment history and compute the arrearage as of the date of the filing of the petition or motion which raises that issue. Explain in detail how arrearage is calculated.

_____

_____

PART III POST HIGH SCHOOL EDUCATION EXPENSE

If any of the children subject to this case are attending post high school classes, or will attend within the next six months list the following information for each such student. Further attach to this financial affidavit any documentation you have in support of these answers.

Name of Student _____

Name of School _____

Cost of School per year - If applicable, include room and board _____

Identify all student financial aid including grants, scholarships, and loans and for each indicate what it is and how much will be received:

_____

_____

_____

_____

Note in those cases where it is appropriate parties may want to engage in additional discovery concerning assets that might be applied to education such as IRA's, 401 K's etc. Note further that withdrawals from IRA's for educational expenses do not suffer a 10% penalty (IRC code sec 72 (t) 2 (e).

PART IV VERIFICATION

I declare, under the penalty of perjury, that the foregoing is true and correct and that I have made a complete and absolute disclosure of all of my income and expenses as asked. I acknowledge that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose income or liabilities.

DATE: _____ _____

PARTY'S SIGNATURE

PART V ATTORNEY'S CERTIFICATION

I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligation under Trial Rule 11 of the Indiana Rules of Procedure.

DATE: _____ _____

(attorney's name)

Indiana Attorney No.: _____
(firm name)

Attorney for (select: Mother/Father)
(address)

(phone number)

PROBATE FEE GUIDELINES AND RULES

INTRODUCTION

It is important that certain criteria be called to your attention as they pertain to Attorney and Personal Representative Fees.

The Attorney, and his or her Client, must consider these factors. The Court in making its determination as to the fees allowed will also consider the same.

The criteria to be considered include the following:

A. The time and labor required; the novelty, complexity, or difficulty of the questions involved; and, the skill required to perform the services properly;

This factor shall include a determination as to how much of the Attorney's time was devoted to legal matters and how much of it was devoted to ministerial functions.

B. The nature and extent of the responsibilities assumed by the Attorney and the results obtained;

Included herein are considerations such as the identity of the Personal Representative, and his/her level of expertise in administering an estate; the character of the probate assets; and the character of any non-probate assets transferred.

C. The sufficiency of assets properly available to pay for legal services;

Inherent herein is whether the Attorney's duties are expanded by the existence of non-probate assets because of their inclusion for tax purposes, both federal and state.

and

D. The timeliness with which the necessary services are performed consistent with statutory requirements, the Court's Rules of Procedure and the Rules of Professional Conduct applicable thereto.

In considering all of these factors, Attorneys are urged to discuss their fee and that of the Personal Representative or Guardian at the time they are retained in all Probate and Guardianship matters.

LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO ESTATES

LR 45-PR00-1

All Probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

LR 45-PR00-2

Probate matters must be transacted with the Probate Commissioner. Only emergency matters may be submitted to the presiding Judge. Telephone calls or visits to the Probate Commissioner's private office should be kept at a minimum.

LR 45-PR00-3

Unless the Probate Clerk has sent the files to the Probate Commissioner, Attorneys must obtain files from the Probate Clerk prior to submitting any matter to the Probate Commissioner.

LR 45-PR00-4

All petitions, of any nature or kind, in all matters, must be executed and verified by the Personal Representative, the Trustee, or the Interested Party (Petitioner), and not by the Attorney.

LR 45-PR00-5

All Attorneys are required to prepare CCS Entry Forms showing each pleading filed, and setting forth all necessary matters for all proceedings.

LR 45-PR00-6

All Attorneys are required to prepare orders in a form approved by the Court (order per form or OPF) for all proceedings, except where expressly indicated to the contrary by the respective Probate Commissioner.

LR 45-PR00-7

Where matters are filed by mail, or left with the Court for filing, a self-addressed stamped envelope must be included for return of documents to the Attorney.

LR 45-PR00-8

Routine matters, such as Inventories, Proofs of Publication, Inheritance Tax Returns, Affidavits of No Inheritance Tax Due, Closing Statements, and Final Reports, may be filed with the Probate Clerk for transmittal to the Probate Commissioner.

LR 45-PR00-9

Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

LR 45-PR00-10

Any contested matters scheduled for hearing on a probate day shall take precedence over unscheduled business; attorneys are encouraged to call the Court to find out when contested matters are routinely scheduled.

LR 45-PR00-11

The Attorney shall prepare any required notices and shall ensure that such notices are properly served in compliance with statutory requirements. The Attorney shall ascertain and provide adequate proof that notice was properly served prior to bringing a matter to the attention of the Probate Commissioner.

LR 45-PR00-12

Copies of petitions and accountings must be sent with all notices, where the hearing involved arises from the matters contained in the petition and/or accounting.

LR 45-PR00-13

An inventory must be filed in all supervised estates within sixty (60) days after appointment of the Personal Representative. An inventory is not required to be filed in an unsupervised estate.

LR 45-PR00-14

Attorneys must attend the hearings on current or final accounts on the date scheduled for such hearings. The Court may, in its discretion, require the attendance of the Personal Representative or Trustee at all such hearings.

LR 45-PR00-15

Unless otherwise ordered by the Court, all accountings to the Court shall be accompanied by an affidavit stating that receipts are available for disbursements contained in the accounting.

LR 45-PR00-16

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

LR 45-PR00-17

All accountings must follow the prescribed statutory format. Informal or handwritten accounting will not be accepted.

LR 45-PR00-18

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any estate.

LR 45-PR00-19

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

LR 45-PR00-20

In a supervised estate, any petition for the allowance of fees for the Attorney and/or the Personal Representative shall be set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a supervised estate. A separate petition must be filed requesting such fee determination. No fee shall be paid without the prior approval of the Court. No Attorney or Personal Representative fees will be authorized for payment until the estate is substantially settled.

LR 45-PR00-21

Where contracts for legal services have been entered into prior or subsequent to the opening of, or conversion to, a supervised estate without prior Court approval, the Court reserves the right to approve or disapprove the fee contracts.

LR 45-PR00-22

Attorney and Personal Representative fees will not be determined or authorized for payment by the Court in an unsupervised estate.

LR 45-PR00-23

Unless otherwise stated in the decedent's Last Will and Testament, any Attorney or Personal Representative fees determined to be due by reason of non-probate assets shall be assessed against the recipients of the non-probate assets.

LR 45-PR00-24

All deeds submitted to the Court for approval must be signed by the Personal Representative and the signature notarized prior to its submission. Copies of such deeds must be filed for the Court records.

LR 45-PR00-25

In all wrongful death proceedings, the Personal Representative must be present at the time of the settlement, either partial and/or final, is presented to the Court for approval.

LR 45-PR00-26

All documents filed with the Court must comply with the requirements of Indiana Trial Rule 5(G) and Administrative Rule 9(G)(1).

LR 45-PR00-27

For good cause shown, the Court may waive any local procedural rule.

LR 45-PR00-28

When required by law, all Wills must be admitted to Probate unless filed with the Clerk pursuant to Indiana Code 29-1-7-3.1, as amended.

LR 45-PR00-29

Bond procedures for Estates:

a. If the decedent's Will provides for no bond, the Court may honor the request unless otherwise required by statute;

b. If all heirs request no bond or a minimal bond, the Court may honor such request unless otherwise required by statute;

c. In all instances, upon petition by an interested person, the Court may require a bond to protect creditors, heirs, legatees, or devisees;

d. In all other situations, the Court will determine and set the amount of the bond and in no event shall it be less than that required to protect creditors and taxing authorities;

e. Personal surety must meet the requirements of Indiana Code 29-1-11-5;

f. No Attorney will be accepted as personal surety on any bond required to be filed in Court.

LR 45-PR00-30

Where an account with expenditures restricted by Court Order has been created, an acknowledgment of or acquiescence to the restriction by the financial institution involved must be filed by the Personal Representative's Attorney within ten (10) days of the Court Order creating such an account.

LR 45-PR00-31

Three (3) months and fifteen (15) days after the date of the first published notice to creditors, the Personal Representative, or the Personal Representative's Attorney, must allow or disallow each claim filed against the estate.

LR 45-PR00-32

If an estate cannot be closed, the Personal Representative must report the condition of the estate to the Court one (1) year after the date of the Personal Representative's appointment, and thereafter every year until the estate is fully administered.

LR 45-PR00-33

Inheritance Tax Returns, with all required attachments, must be filed in triplicate. Proposed Orders Determining Inheritance Tax Due must be filed in quadruplicate at the time of determination of the tax.

LR 45-PR00-34

The Federal Estate Tax closing letter and/or the countersigned receipt, or a photocopy thereof, showing payment of the Federal Estate and/or Indiana inheritance tax liability in the estate must be filed with the Final Report or the Supplemental Report.

LR 45-PR00-35

Proof of publication of all notices required to be published shall be filed with the Court by the Attorney for the estate. It is the Attorney's responsibility to ensure that publication was timely made, and proof thereof is properly filed with the Court.

LR 45-PR00-36

The Court shall have no involvement, other than for opening, closing and determining Indiana inheritance tax due in an unsupervised estate. If the jurisdiction of the Court is invoked for any other matter, the administration shall become a supervised administration from there on for all remaining matters.

LR 45-PR00-37

When a verified closing statement has been filed, an affidavit executed by the Personal Representative stating that no proceedings are pending shall be filed with the Court upon the expiration of the three (3) month statutory waiting period.

LR 45-PR00-38

If the Personal Representative has filed a claim in the estate, the claim may be allowed by the Court if all interested parties have consented. In the event the consents have not been obtained, a special administrator shall be appointed and a hearing on the claim will be held as prescribed by statute.

LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO GUARDIANSHIPS

LR 45-PR00-39

All probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

LR 45-PR00-40

Guardianship matters must be transacted with the Probate Commissioner. Only emergency matters may be submitted to the presiding Judge. Telephone calls or visits to the Probate Commissioner's private office should be kept at a minimum.

LR 45-PR00-41

Unless the Probate Clerk has sent the files to the Probate Commissioner, attorneys must obtain files from the Probate Clerk prior to submitting any matter to the Probate Commissioner.

LR 45-PR00-42

All petitions, of any nature or kind, in all matters, must be executed and verified by the Guardian or the Interested Party (Petitioner), and not by the Attorney.

LR 45-PR00-43

All Attorneys are required to prepare CCS Entry Forms showing each pleading filed, and setting forth all necessary matters for all proceedings.

LR 45-PR00-44

All Attorneys are required to prepare orders in an form approved by the Court (order per form or OPF) for all proceedings, except where expressly indicated to the contrary by the respective Probate Commissioner.

LR 45-PR00-45

Where matters are filed by mail, or left with the Court for filing, a self-addressed stamped envelope must be included for return of documents to the Attorney.

LR 45-PR00-46

Routine matters, such a Bonds, Inventories, and Status Reports, may be filed with the Probate Clerk for transmittal to the Probate Commissioner.

LR 45-PR00-47

Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

LR 45-PR00-48

Any contested matters scheduled for hearing on a probate day shall take precedence over unscheduled business; attorneys are encouraged to call the Court to find out when contested matters are routinely scheduled.

LR 45-PR00-49

The Attorney shall prepare any required notices and shall ensure that such notices are properly served in compliance with statutory requirements. The Attorney shall ascertain and provide adequate proof that notice was properly served prior to bringing a matter to the attention of the Probate Commissioner.

LR 45-PR00-50

Copies of petitions and accountings must be sent with all notices, where the hearing involved arises from the matters contained in the petition and/or accounting.

LR 45-PR00-51

Inventories must be filed in all temporary guardianships of the estate within thirty (30) days after appointment of the Guardian. For permanent guardianships of the estate, inventories must be filed within ninety (90) days after appointment of the Guardian.

LR 45-PR00-52

Attorneys must attend the hearing on current or final accounts on the date scheduled for such hearings. The Court may, in its discretion, require the attendance of the Guardian at all such hearings.

LR 45-PR00-53

Unless otherwise ordered by the Court, all accounting to the Court shall be accompanied by an affidavit stating that receipts are available for all disbursements contained in the accounting.

LR 45-PR00-54

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

LR 45-PR00-55

All accountings must follow the prescribed statutory format. Informal or handwritten accountings will not be accepted.

LR 45-PR00-56

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any guardianship.

LR 45-PR00-57

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

LR 45-PR00-58

Any petition for the allowance of fees, for the Attorney and/or the Guardian shall set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a guardianship proceeding. A separate petition must be filed requesting such fee determination. No fee shall be paid without prior approval of the Court.

LR 45-PR00-59

Where contracts for legal services have been entered into prior or subsequent to the opening of a guardianship over the estate of an incapacitated individual without prior Court approval, or when a settlement has been reached and no Guardianship is required, the Court reserves the right to approve or disapprove the fee contracts.

LR 45-PR00-60

Attorney and Guardian fees will not be determined or authorized for payment by the Court in guardianship proceedings over the person of the incapacitated individual.

LR 45-PR00-61

All deeds submitted to the Court for approval must be signed by the Guardian and the signature notarized prior to its submission. Copies of such deeds must be filed for the Court records.

LR 45-PR00-62

In all wrongful death proceedings, the Guardian must be present at the time the settlement, either partial and/or final, is presented to the Court for approval. The Court retains the right to require the presence of the minor, incapacitated person, or a Custodial parent at the time the settlement is presented to the Courts for approval.

LR 45-PR00-63

All documents filed with the Court must comply with the requirements of Indiana Trial Rule 5(G) and Administrative Rule 9(G)(1).

LR 45-PR00-64

For good cause shown, the Court may waive any local procedural rule.

LR 45-PR00-65

In all guardianship matters pertaining to declaring an adult incapacitated for any reason, at a minimum, the Physician's Statement in a form acceptable to the Court, executed by the licensed physician treating the alleged incapacitated person, must be submitted at the time the petition is filed or on the hearing date. No determination will be made without the Physician's Statement and/or supporting medical testimony. (SEE ATTACHED FORM)

LR 45-PR00-66

A bond shall be required equal to the sum of the full value of the personal property of the protected person and one year's estimated income from all assets in the Guardianship. Exceptions as provided by statute may be permitted, in the Court's discretion.

LR 45-PR00-67

Where an account with expenditures restricted by Court order has been created, an acknowledgement of or acquiescence to the restriction by the financial institution involved must be filed by the guardian's Attorney within ten (10) days of the Court Order creating such an account. (SEE ATTACHED FORM)

LR 45-PR00-68

Current reports filed by the Guardian must show the present whereabouts of the protected person and his/her general welfare.

LR 45-PR00-69

All Guardian's accountings must contain a certification by an officer of a financial institution or the holding institution that the assets remaining in the guardianship which are in the charge, custody, or control of the holding institution, other than real estate, have been exhibited to said officer, and that they correspond with what is shown in the recapitulation section of the accounting. (SEE ATTACHED FORMS)

LR 45-PR00-70

All benefits and payments, such as Social Security benefits received on behalf of a protected person, must be included and accounted for in the Guardian's accountings unless excluded by prior order of the Court.

LR 45-PR00-71

Neither the Guardian nor the Attorney shall take or receive any fees until the amount thereof has been approved by the Court.

LR 45-PR00-72

An order in a form approved by the Court (order per form or OPF) must be submitted at the time of the appointment of a Guardian, detailing the duties, responsibilities and powers of the Guardian. Any limitations on the duties, responsibilities and powers of the Guardian must be detailed on a separate schedule which shall be incorporated in or attached to the Letters of Guardianship.

LR 45-PR00-73

In all instances in which the appointment of a Guardianship is contested, a Guardian Ad Litem shall be appointed unless waived by law, or by the Court in the Court's discretion, or if the alleged incapacitated person is represented by counsel.

GUARDIANSHIP FORMS

FORM A. ACCOUNT VERIFICATION

ACCOUNT VERIFICATION

TO: _____

FROM: _____

Guardian's Name

RE: Guardianship of _____

In order to comply with the rules of the Probate Court, I am required to file a Certification of Account Balances. Please certify the balances and names on the accounts I have listed below, as of _____, 2_____.

Dated: _____

Guardian: _____

Guardian's Name

FOR BANK USE ONLY:

I certify that on _____, 2_____, on deposit in this institution to the the last day of the period credit of the Guardian, the following covered by this accounting, there was balance:

NAME ON ACCOUNT	ACCOUNT NUMBER	BALANCE	DATE

Name and Address of Institution:

_____

_____

Signature of Certifying Officer:

_____

Signature

_____

Title

_____

Date

FORM B. CERTIFICATE OF INVESTMENT

CERTIFICATE OF INVESTMENT

KIND OF SECURITY	INTEREST RATE	DATE OF ACQUISITION	FACE VALUE	GUARDIANSHIP VALUE

I certify that the securities listed as being the property of the Protected herein were exhibited to me by the Person and in the custody of the Guardian.

_____,
Guardian

_____ _____
Date Signature and Title of Certifying Officer

_____
Name and Address of Institution

FORM C. PHYSICIAN'S REPORT

PHYSICIAN'S REPORT

_____, a physician holding an unlimited license to practice medicine in the State of Indiana, submits the following report on _____, 'Patient', based upon examination of Patient.

1. Set forth the dates of all examinations of the Patient within the last one (1) year from the date hereof.

_____

_____

_____

2. In your opinion, based upon your examination and observation of the Patient, is the Patient incapacitated? If so, describe the nature and type of incapacity.

_____

_____

_____

3. In your opinion, based upon your examination and observation of the Patient, how long has the Patient been incapacitated?

_____

_____

_____

4. Describe the Patient's mental and physical condition; and if appropriate, describe the Patient's educational condition, adaptive behavior and social skills.

_____

_____

_____

5. In your opinion, is the Patient totally or only partially incapable of making personal and financial decisions? And, if the latter, state the kinds of decisions which the Patient can and cannot make. Include the reason for this opinion.

_____

_____

_____

6. In your opinion, what is the most appropriate living arrangement for the Patient? And, if applicable, describe the most appropriate treatment or rehabilitation plan. Include the reasons for your opinion.

_____

_____

_____

7. Can the Patient appear in Court without injury to his/her health? _____ Yes _____ No

If the answer is no, explain the medical reasons for your answer.

_____

_____

_____

8. If the Patient capable of consenting to the appointment of a Guardian? _____ Yes _____ No

9. Is the nature of the Patient's incapacity such that it prevents the Patient from making a knowing and voluntary Waiver of Notice? _____ Yes _____ No

10. In your opinion, is a Guardian needed to care for the Patient? _____ Yes _____ No

If a Guardian is needed, is one needed for personal or financial needs, or both?

_____ Yes _____ No

I affirm, under the penalties of perjury, the above and foregoing is true and correct to the best of my knowledge and belief.

Signed: _____

Address: _____

_____

Telephone: _____

Dated: _____

If the description of the Patient's mental, physical and educational condition, adaptive behavior or social skills is based on evaluations by other professionals, please provide the names and addresses of all professionals who are able to provide additional evaluations. Evaluations on which the report is based should have been performed within three (3) months of the date of the filing of the Petition.

Names and addresses of other persons who performed evaluations upon which this report is based:

Name: _____

Address: _____

_____

Telephone: _____

Name: _____

Address: _____

_____

Telephone: _____

FORM D. LAWYER'S UNDERTAKING AND OBLIGATION

LAWYER'S UNDERTAKING AND OBLIGATION

I, _____, having been appointed as Guardian or as the Person best suited to protect the Estate of _____, by the Superior Court of Lake County, sitting at _____, Indiana, hereby authorize my Attorney _____, to deposit all of the net guardianship assets, in the amount of $_____, in a bank account or other interest bearing account in my name on behalf of the Protected Person, _____, with the restriction that withdrawal of principal or interest may be made ONLY on written order of the Court, or upon the Protected Person reaching the age of majority.

DATE:_____ _____

Guardian of Protected Person

I, as an Officer of the Court and as Attorney for the above Guardianship, hereby assume and undertake personal responsibility to the above named Protected Person and to the Court to make the above designated restricted deposit and to deliver copies of the SIGNATURE CARD or CERTIFICATE evidencing the restricted deposit and the amount thereof to the Court with ten (10) days from the receipt of the funds, or to refund all of the funds to the Court immediately upon demand.

DATE:_____ _____

Attorney

FORM E. CERTIFICATE OF ACCOUNT RESTRICTION

CERTIFICATE OF RESTRICTION OF ACCOUNT

IN COMPLIANCE WITH LAWYER'S UNDERTAKING

The undersigned hereby certifies that he/she is an Officer or employee of the below named financial institution and that the following account has been opened:

Type of Account: _____

Account Number: _____

Amount Deposited: _____

Owner per Signature Card or Document of Title: _____

_____

The undersigned further certifies that a copy of the Order of the Superior Court of Lake County has been examined in full by us and that the terms of this account included a restriction that withdrawal of principal or interest may be made only on written order of the Superior Court of Lake County, or upon the Protected Person reaching the age of majority.

DATE: _____

_____

Name of Financial Institution

_____

Signature

_____

Printed

_____

Title

LAKE COUNTY ALTERNATIVE DISPUTE RESOLUTION RULES

LR 45-ADR2.2-1 Applications and list of mediators

A. Any individual who fulfills the qualifications for mediator established by the Supreme Court of Indiana may submit an application to the circuit or any superior court to be placed upon the list of mediators. The application shall include the following information:

1. mediator's name, address and telephone number;

2. county of residence;

3. information about co-mediator if applicable;

4. type of cases which the mediator is competent to mediate;

5. any known limitations on referrals, such as disqualification because of marital relationship or employment, etc.;

6. statement of mediation training;

7. statement of professional background, including attorney number and date of admission to bar, and/or educational requirements for domestic mediation;

8. statement of use of effective conflicts-checking system;

9. such other information on background and mediation training relevant to the court's review of the application.

A sample form is provided as Appendix A.

B. The court shall review each application and determine the eligibility of the individual to be included on the list of mediators approved by the court.

1. The court administrator shall maintain a comprehensive list of all court- approved mediators for the county. A copy of the list of mediators shall be available to the public for inspection in the Office of the Clerk of Lake County.

2. The court administrator shall also maintain a comprehensive list of lawyers engaged in the practice of law in the county who are willing to serve as arbitrators. A copy of the list of arbitrators shall likewise be available to the public for inspection in the Office of the Clerk of Lake County.

LR 45-ADR2.7-2 Civil cases

A. Definition. For the purposes of this rule, "alternative dispute resolution" and "ADR" shall mean mediation and/or mini-hearings. This rule does not affect the parties' rights to agree to arbitration as provided by the ADR Rules of the Supreme Court of Indiana.

B. Case Selection and Objections. The court may order the parties to mediation or mini-hearing upon the occurrence of any of the following:

1. Any party's written request for mediation or mini-hearing any time after the expiration of the fifteen (15) day period allowed for peremptory change of venue;

2. At any time following the filing of the claim for relief if all of the parties file a written stipulation therefor; or

3. More than ninety (90) days have elapsed since the initiation of the claim and the case has not been scheduled for a pretrial conference.

In determining whether a case is appropriate for a judicial referral to ADR, the court may consider such factors as:

(a) whether the case has been pending more than 180 days;

(b) whether a pretrial conference has been requested;

(c) whether the case is eligible for dismissal pursuant to TR 41(E);

(d) whether the case is set for trial.

C. Nothing in this rule shall be interpreted to constrain or otherwise limit the court from referring a case to ADR at such other time as the court deems appropriate.

D. Any party may object to an order for mediation or mini-hearing by filing a written objection specifying the grounds for the objection within fifteen (15) days of the date of the order referring the case to mediation or mini-hearing, as provided in ADR Rule 2.2. Any response to the objection must be filed within ten (10) days of the service of the objection.

E. Completion of Mediation. The mediator and the parties shall make a good faith effort to complete the mediation process within ninety (90) days from the date of the order to engage in ADR, unless specifically ordered otherwise. In the event mediation is not complete within that time, the mediator shall file a report with the court as to the current status of the mediation and the projected date of completion of the mediation.

If the mediation is complete, the mediator shall file the agreement and report as required by ADR Rule 2.7(E) within 15 days of completion of the mediation. However, if the parties agree, a party may file the agreement in place of the mediator. If a party is to file the agreement, that party shall be identified in the mediator's report.

F. Payment of the Mediator's Fees. Unless otherwise specifically set forth in the order referring the case to mediation, or unless otherwise agreed by the parties, the mediator's fees shall be paid in the following proportions:

one-third (1/3) by the plaintiff or plaintiffs;
one-third (1/3) by the defendant or defendants;
one-third (1/3) by the intervenor or third party.

In the case of multiple plaintiffs, defendants or intervenors, the mediator's fee shall be apportioned equally among the number of plaintiffs, defendants or intervenors, unless they shall agree otherwise.

G. Written Agreements. All agreements which resolve issues shall be reduced to writing and signed by all parties and their counsel, and shall be submitted to the court with the mediator's report, or as soon thereafter as is practicable.

H. Parties to Attend. In all non-family cases, the attorney(s) who will try the case and the parties shall attend the mediation conference. A corporate party shall send a corporate representative with full authority to settle the case. If insurance is involved in the matter, the insurance carrier shall send a company representative who has full and absolute authority to resolve the matter for an amount which is the lesser of the policy limits or the most recent demand of the adverse party.

LR 45-ADR00-3 Domestic relations cases

A. Case Selection. In applying the Alternative Dispute Resolution Rules, mediation is the appropriate method of court-ordered dispute resolution in domestic relations cases.

B. Time for Filing Motions and Stipulations. Either party may file a motion for referral to mediation at any time during the pendency of the case, from the time of filing and thereafter until the final hearing. The parties may file a joint application for referral to mediation at any time during the pendency of the case.

1. In determining whether a case is appropriate for judicial referral to ADR, the court may consider such factors as:

(a) whether the time for exchange of financial disclosure information has passed;

(b) when time for a contested hearing has been requested on the court's calendar;

(c) whether the case involves post-decree issues.

2. Nothing in this rule shall be interpreted to constrain or otherwise limit the court from referring a case to ADR at such other time as the court deems appropriate.

3. Completion of Mediation. The mediator and the parties shall make a good faith effort to complete the mediation process within sixty (60) days from the date of the order to engage in ADR. In the event that mediation is not complete within that time, the mediator shall file a report with the court as to the current status of the mediation and the projected date of completion of the mediation. If the mediation is complete, the mediator shall file the agreement and report as required by ADR Rule

2.7(E). However, if the parties so agree, a party may file the agreement separately, and that party shall be identified in the mediator's report.

The mediator's report shall also include the parties' agreement as to a date certain for filing their agreement.

4. Payment of Mediator's Fees. Unless otherwise specifically set forth in the order referring the case to mediation, or unless otherwise agreed by the parties prior to the mediation conference, the mediator's fees shall be paid in the following proportions:

one-half (1/2) by the petitioner;
one-half (1/2) by the respondent.

5. Parties to Attend. In domestic relations cases, the attendance of the parties' counsel is not required at every session. If counsel choose not to attend, they shall be given the opportunity to review and discuss any settlement proposal made at a mediation conference.

APPENDIX A. MEDIATOR'S APPLICATION FOR CIVIL/DOMESTIC CASES

(strike one if necessary)

I, _____, hereby apply to be placed on the court's listing of mediators, and include the following information pursuant to ADR Rule 2.5:

1. NAME AND ADDRESS

Name: _____
Business address: _____
_____
Phone: _____
Resident of _____ County

2. CO-MEDIATOR (check one)

This is not a joint application _____
This is a joint application _____
My co-mediator has also filed an application with the court, and his/her name is _____.

3. TYPES OF CASES In accordance with ADR Rule 2.3, I am applying to mediate the following types of cases:

CIVIL:

____ CONTRACT
____ TORT
____ PROBATE
____ all civil cases
____ PROBATE
____ PROPERTY
____ OTHER (list)

DOMESTIC RELATIONS:

____ CHILD CUSTODY ONLY
____ PROPERTY DIVISION
____ COMPLETE DIVORCE--NO CHILDREN
____ COMPLETE DIVORCE WITH CHILDREN
____ CHILD SUPPORT ONLY
____ OTHER (list)

4. LIMITATION ON REFERRALS I am unable to accept referrals pursuant to ADR Rule 2.5(A)(1) when one of the following attorneys is an attorney of record in the case, because I am employed by them OR related to them: _____.

5. MEDIATION TRAINING I have completed the following total number of hours of mediation training:

CORE MEDIATION TRAINING I have attended a forty (40) hour minimum mediation training course certified as appropriate by the Indiana Commission for Continuing Legal Education.

Number of hours: _____

Dates of training: _____

Trainers: _____

Title of seminar: _____
Location of seminar: _____
Sponsor: _____

Such training was: _____ pre-certified by the commission; or _____certified after the fact by the commission.

(Attach copy of certificate)

6. PROFESSIONAL BACKGROUND:

CIVIL: I am an attorney in good standing in Indiana. I was admitted to the Indiana bar on _____, and my attorney number is _____.

DOMESTIC RELATIONS: I am an attorney in good standing in Indiana. I was admitted to the Indiana bar on _____, and my attorney number is _____.

AND/OR:

I have a bachelor's degree from the following accredited institution of higher learning:

degree
earned:_____
Date conferred: _____ Major:
_____ Other
graduate degrees: _____

7. CONFLICT-CHECKING SYSTEM I utilize an effective system to identify potential conflicts of interest, as required by ADR Rule 2.8.

8. DOMESTIC MEDIATOR KNOWLEDGE REQUIREMENTS I have knowledge (or my mediation team has combined knowledge) of all of the following to the extent practicable, as required by ADR Rule 2.5(C)(2). I personally have knowledge of the following:

_____ Indiana judicial system

_____ procedures used in domestic relations cases

_____ community resources for client referral

_____ stages of child development

_____ clinical issues relating to children

_____ the effects of divorce on children

_____ family systems theory

9. FEES

My fee or fee range for civil matters is _____

_____.

My fee or fee range for domestic matters is _____

_____.

_____

Signature

_____

Date

(VERIFICATION)

LAKE COUNTY CRIMINAL RULES

LR 45-CR2.2-1 Local Rule for the Assignment of Criminal Cases in Lake County

All misdemeanors and felonies not filed by the prosecuting attorney in the city or town courts of the circuit shall be filed, assigned, and reassigned only in accordance with this rule.

A. Filing

1. Except as otherwise provided, unless the prosecuting attorney elects to file a misdemeanor charge in a city or town court, all misdemeanors shall be filed in the county division of the superior court.

2. All murder, Class A, B and C felonies shall be filed in the criminal division.

3. Except as otherwise provided, the prosecuting attorney may file a Class D felony in either the county or criminal division.

4. If a defendant who is being charged with a Class D felony is on probation to the county division, has other charges pending in the county division, or has previously been sentenced in the county division for an offense, then the Class D felony shall be filed in the county division.

5. If a defendant who is being charged with a Class D felony is on probation to the criminal division, has other charges pending in the criminal division, or has previously been sentenced in the criminal division for an offense, then the Class D felony shall be filed in the criminal division.

6. Notwithstanding the filing requirements above, all charges involving multiple offenses or defendants shall be filed in the same division as one another if the charges arise from:

a. a single act;
b. a series of acts connected together or constituting parts of a single scheme or plan;
c. a conspiracy; or,
d. a number of offenses so closely connected in respect to time, place, and occasion that it would be difficult to separate proof of one offense from proof of the others.

7. Except as otherwise provided, and whenever possible, charges which have previously been filed and dismissed may only be refiled in the same division. This includes all charges arising out of the same offense report, arrest report, or set of operative facts.

B. Assignment

1. Charges shall be assigned within a division according to the following rules, which are listed in order of precedence:

a. Charges involving multiple offenses or defendants shall be assigned to the same judge if the charges arise from:

(1) a single act;

(2) a series of acts connected together or constituting parts of a single scheme or plan;

(3) a conspiracy; or,

(4) a number of offenses so closely connected in respect to time, place, and occasion that it would be difficult to separate proof of one offense from proof of the others.

b. Charges filed against defendant who has other charges pending shall be assigned to the judge handling the pending charges.

c. Charges filed against a defendant who has previously been sentenced by a judge shall be assigned to that same judge. If the defendant has previously been sentenced by more than one judge of the division, then the case shall be assigned to the judge who still has jurisdiction over the defendant through probation, if applicable, or else to the judge who sentenced the defendant most recently.

d. Charges against a defendant who has previously been a defendant in the division shall be assigned to the same room of the division.

e. If more than one defendant in a new case has other charges pending before separate judges within the same division, the new case shall be assigned to the judge with the greater number of cases pending against all codefendants in the case. If the number of such pending cases is equal for two or more judges, then the case shall either be randomly assigned to one of those judges or else be assigned to the judge whose cases are closer to disposition at the time of the new filing.

f. Charges filed in the county division involving violations of IC 35-48 shall be assigned to Room 2 of that division if the defendant is a resident of the city of Gary or the offense is alleged to have occurred in Gary.

g. All other cases shall be randomly assigned so that the assignment of all criminal cases to judges within a division is kept relatively equal.

2. Charges which have been dismissed and refiled shall be assigned to the same judge who had jurisdiction of the charges when they were dismissed. This includes all charges arising out of the same offense report, arrest report, or set of operative facts.

C. Reassignment

If a motion for change of judge is granted in a case or an order of disqualification or recusal is entered in the case, then the case shall be reassigned to another judge of the same division following the rules of precedence set forth above.

D. Transfer

This rule shall not prohibit the court from transferring a case from one judge to another or from one division to another in accordance with statute. This rule shall also not be understood to encourage or permit the transfer of a case merely on the agreement of the prosecution and defense.

LAKE COUNTY ADMINISTRATIVE RULES

Caseload Allocation Rule **LR 45-AR1-01**

Priority of Bond Schedule **LR 45-AR 00-02**

Alcohol and Drug Services Program Fees **LR 45-AR 00-03**

Court Reporter Services **LR 45-AR 15-04**

LR45-AR1-01 CASELOAD ALLOCATION RULE

Pursuant to TR81(a), the Lake Circuit/Superior Court adopts this Rule governing the assignment of cases as required by and in accordance with AR 1(E). This rule shall be effective January 1, 2013.

I. Judicial Reallocation

To comply with the requirement that the utilization variances between all courts of record in Lake County not exceed forty (40) percentage points, the Court adopted the modifications set forth in Table 1 for the 2011 Caseload Plan. This plan will remain in place for the 2013 Caseload Plan.

TABLE 1

COURT	JUDICIAL OFFICERS ASSIGNED UNDER 2011 PLAN
Criminal Division 1 G01	1.5
Criminal Division 2 G02	1.5
Criminal Division 3 G03	1.5
Criminal Division 4 G04	1.5
Circuit Court C01	3.4

Civil Division 1 D01	1.2
Civil Division 2 D02	1.2
Civil Division 3 D03	3
Civil Division 4 D04	1.2
Civil Division 5 D05	1
Civil Division 6 D10	1
Civil Division 7 D11	1
Juvenile Court D06	7.5
County Division 1 D07	2
County Division 2 D08	2.3
County Division 3 D09	2.4
County Division 4 D12	1.3

II. Civil and County Division Case Filing

Notwithstanding the enactment of the following statutes, IC 33-28-1-2, IC 33-29-1-1.5, IC 33-29-1.5-2 and IC 33-31-1-9, all of which address jurisdictional issues, the Lake Circuit and Superior Court adopts the following assignment schedule to maintain the efficient administration of justice and to ensure an even distribution of judicial workload among the courts of record in the County of Lake, pursuant to AR1(E).

The following case types shall be filed as follows:

1. Random filing of PL, CT, MF, and MI cases in the Circuit Court and the Civil Division, Rooms 1, 2, 4, 5, 6 and 7.
2. Random filing of CC and PO cases in the Circuit/Civil Division Courts by court location.

3. The equal distribution amongst the Civil Division of quiet title cases, previously filed exclusively in the Circuit, will allow the Court to meet the .40 objective detailed in AR1(E)(2).
4. With respect to PO cases in Crown Point and Gary, the Circuit Court and Civil Division, Room 3, hear all cases where there is a pending or concluded DR case in those courts involving the same parties. All other PO cases are randomly filed between the Circuit Court and Civil Division Courts at each location.
5. The Superior Court will also continue the practice of assigning CT and PL cases equally amongst the members of the Superior Court, pursuant to the court order of May 7, 2010.
6. Random filing of FD cases will also continue between the 4 Criminal Division and 4 County Division Courts with the Court maintaining sole discretion over the filing of FD cases in the Superior Court.
7. The filing of IF and OV cases are addressed in LR45-C.R.2.2-1
8. There shall be no random filing of civil cases in the County Division.
9. The County Division shall have exclusive original jurisdiction of all Small Claims Cases, and appeals and/or Trials De Novo of civil cases from City or Town Courts and shall maintain a Plenary Docket, with limited jurisdiction as more fully described below:

1. A. The Plenary Docket is limited to cases designated as PL, CT, CC, PO and MI.

2. B. .Damages for any case filed on the Plenary Docket shall be capped at $10,000.00 (ten-thousand dollars).

C. The term "damages" shall include attorney fees, but excludes court costs, post judgment interest and any sanctions that a court may impose.

D. No case seeking equitable relief shall be filed on the Plenary Docket, with the following exceptions:

a Orders directing the Bureau of Motor Vehicles to issue car titles, car registrations and driver's licenses

b Evictions,

c Replevins, provided the value of the property at issue does not exceed $10,000.00,

d Civil proceedings against property related to criminal activities, provided the value of the property does not exceed $10,000.00,

e This rule shall not be construed as limiting the powers of the County Division Courts with respect to collecting judgments, punishing contempts or enforcing its orders.

E. These rules should not be construed to exclude a County Division Judicial Officer from adjudicating a case, via transfer or special judge assignment, that would otherwise exceed the jurisdictional parameters set forth for the County Division Courts.

F. By filing suit on the Plenary Docket or by filing a counterclaim or cross claim, a party waives any right to relief that is beyond the County Division's jurisdictional parameters. However, if a party can establish that the claim was mandatory or that due diligence would not have disclosed the need to request such relief prior to filing their suit, or that transfer is appropriate pursuant to T.R. 75(B), upon motion, the case shall be transferred to a court of general jurisdiction. Upon such transfer, the case shall no longer be constrained by the jurisdictional parameters laid out in this rule.

10. This rule shall apply to all cases pending in the County Division upon its adoption

III. Case Movement

County Division 1 – D07 will receive **60%** of all IF cases filed in the Superior Court.

County Division 2 – D08 will not have new IF cases filed.

County Division 3 – D09 will receive **25%** of all IF cases filed in the Superior Court.

County Division 4 - D12 will receive **15%** of all IF cases filed in the Superior Court.

To address the utilization disparities in the least intrusive manner, the 2013 Caseload Allocation plan focuses mainly on the movement of cases rather than judicial officers whenever possible. The 2011 Caseload Allocation plan returned all SC cases filed in Hammond to County Division 4. As such, these cases are no longer assigned to Civil Division 5 in Hammond.

The current filing pattern in the County Division, which calls for an additional 350 CM cases be filed in County Division 1, will be maintained.

To maintain parity and allowable utilization figures in the Civil Division of the Superior Court, additional PL and CT cases will be assigned, as needed, to Civil Division 4 and Civil Division 5 as part of the normal distribution of cases for equalization purposes. The majority of these cases would have normally been assigned to Civil Division 2, but given the large CC caseload in Civil Division 2 and the nature of batch filing CC cases, PL and CT cases will be reduced in that court, bringing the utilization figures in Civil Divisions 4 and 5 closer to the other courts in the Civil Division.

Finally, to close the gap and achieve the .40 variance threshold, the quiet title cases that had been exclusively filed in the Circuit Court, will be equally distributed amongst the 8 Civil Courts. In 2011, there were 74 such cases filed. By equally dividing the quiet title PL caseload, the gap between the court with the highest utilization figure, Circuit Court, would drop from 1.33 to 1.30 and the court with the lowest utilization figure, Civil Division Room 5, would rise from .88 to .90, thus meeting the requirements set forth in AR1(E)(2). The projected 2013 utilization figures for the Lake Superior and Circuit Courts are portrayed below in Table 3. The Courts with the highest utilization figure under this plan will be the Circuit Court, with projected utilization figures of 1.30. The Court with the lowest projected utilization figure is Civil Division 5 at .90. This .40 difference again meets the requirements of Administrative Rule 1(E).

TABLE 3

COURT	CURRENT 2011 UTILIZATION	2013 PROJECTED UTILIZATION
Criminal Division 1 G01	1.11	1.11
Criminal Division 2 G02	1.06	1.06
Criminal Division 3 G03	1.09	1.09
Criminal Division 4 G04	1.08	1.08
Circuit Court C01	1.33	1.30
Civil Division 1 D01	.89	.90
Civil Division 2 D02	1.09	1.10
Civil Division 3 D03	1.01	1.10
Civil Division 4 D04	.89	.90
Civil Division 5 D05	.88	.90
Civil Division 6 D10	.91	.92
Civil Division 7 D11	.91	.92
Juvenile Court D06	1.17	1.17
County Division 1 D07	1.15	1.15
County Division 2 D08	1.21	1.21
County Division 3 D09	1.10	1.10
County Division 4 D12	1.23	1.23
	CURRENT UTILIZATION DIFFERENCE **.45**	**PROJECTED. UTILIZATION DIFFERENCE** **.40**

LR 45-AR00-02 **PRIORITY OF BOND SCHEDULE**

The Clerk of the Circuit Court, at the time of disposition, in all cases in which fees are owed and there is a cash bond, before bond is released to defendant, or to the attorney pursuant to bond assignment, shall deduct and collect fees from the cash bond in the subsequent manner:

1st Restitution when ordered;

2nd LADOS Full Program Fee/ LADOS Monitoring Referral Fee/ LADOS Transfer Fee/ LADOS Education Only Fee/ LADOS Evaluation Only Fee. The Clerk of the Circuit Court, is ordered to deposit all funds collected for said LADOS Division 1 Program into the Lake Superior Court, County Division Room 1 **(LADOS Division 1) User Fee Fund 217.** The Clerk of the Circuit Court, is ordered to deposit all funds collected for said LADOS Division 2 Program into the Lake Superior Court, County Division Room 2 **(LADOS Division 2) User Fee Fund 218**;

3rd Administration Probation Fee pursuant to statute;

4th All Probation User Fees pursuant to statute;

5th Countermeasure and/or any other fee;

6th Court Costs

LR 45-AR00-03 **ALCOHOL AND DRUG SERVICES PROGRAM FEES**

1. Full Program Fee: Includes Intake, Objective Testing, Substance Abuse Assessment, Case Management, placement in Level 2 (10) Hour or Level 3 (20) Hour Prime for Life Education, and/or may also include referral to a certified substance abuse, or mental health agency, case management, ancillary services, and compliance monitoring until program discharge.

   Full Program Fee: $ 400.00

2. Substance Abuse Assessment Only Fee: Includes Intake, Objective Testing and Client Interview, development of Independent Service Contract and referral recommendations supported by the evidence and findings of the assessment.

   Substance Abuse Assessment Only Fee: $ 150.00

3. Substance Abuse Education Only Fee: Includes placement in the Prime for Life Level 2 (10) hour or Level (3) 20 hour education component, workbook, case management and compliance monitoring until course completion and/or discharge.

   Substance Abuse Education Only Fee: $ 300.00

4. Referral Monitor Fee: Includes Intake, referral to a certified substance abuse treatment facility, mental health agency, or inpatient substance abuse treatment facility, case management, ancillary services and compliance monitoring until discharge.

   Transfer Monitor Fee: $ 200.00

5. Transfer Fee: Includes Intake, case management, and case transfer to a State Certified Court Administered Alcohol and Drug Service Program.

   Transfer Fee: $ 100.00

LR 45-AR 15-04 **COURT REPORTER SERVICES**

The following rule for the provision of court reporter services in the Civil, County, Criminal and Juvenile Divisions of the Circuit and Superior Courts of Lake County is hereby adopted.

I. Definitions

A. A *court reporter* is a person who is designated by a court, division or room to perform court reporting services, including the preparation of transcripts.

B. *Equipment* means all physical property owned by the court or other government entity and used by a court reporter in providing court reporting services. Equipment shall include, but not be limited to, telephones, photocopiers, computer hardware and software, disks, tapes, and any other device for recording, storing, and transcribing electronic data.

C. *Work space* means those portions of court facilities used by a court reporter while providing court reporting services.

D. *Page* means the page unit of a transcript prepared in accordance with the Indiana Rules of Appellate Procedure.

E. *Recording* includes any electronic, mechanical, stenographic or other recording of a proceeding.

F. *Regular hours worked* means the hours that a court, division or room is officially open each work week.

G. *Gap hours worked* means those hours worked in excess of the regular hours worked, but not hours in excess of forty hours per work week.

H. *Overtime hours worked* means those hours worked in excess of forty hours per work week.

I. A *work week* means Sunday through Saturday.

J. *Court* means the Circuit and/or Superior Courts of Lake County, including all civil, county, criminal and juvenile divisions.

K. *Division* means the civil, county, criminal or juvenile division of the court.

L. *Room* means an individual courtroom of a division of the court.

M. *Transcript* means the original of the transcription of a proceeding. Under the rules of trial, criminal and appellate procedure, the original is usually filed with the clerk of the court.

Deposition transcript means the original and one copy of the transcription of a proceeding. The original and one copy is provided to the requesting party.

N. An *expedited transcript* is a transcript which is required to be delivered to a requesting party within fifteen (15) calendar days.

O. A *daily transcript* is a transcript which is required to be delivered to a requesting party within twenty-four (24) hours.

P. An *hourly transcript* is a transcript which is required to be delivered to a requesting party within the same day.

Q. *County indigent transcript* means a transcript that is paid for from county funds.

R. *State indigent transcript* means a transcript paid for from state funds.

S. *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for from funds other than county or state funds.

T. *Independent transcript* means a transcript that is prepared by a *contract transcriber*.

U. In a court, division or room currently without a court reporter on its payroll or assigned for the court's use, whose duties include the preparation of transcripts, a *contract transcriber* is a person not on a court's payroll, but who is designated by a court, division or room, pursuant to a memorandum of understanding consistent with the requirements of Administrative Rule 15, to prepare transcripts and who is prohibited from using court or county equipment, work space or supplies.

II. Compensation

A. A court reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court, a division or a room during any regular work hours, gap hours or overtime hours. A written agreement consistent with the personnel policies of the court reporter's division which outlines the manner in which the court reporter is to be compensated for gap hours and overtime hours worked shall be entered into between a court reporter and the court, division or courtroom for which the court reporter provides services.

B. The fee that a court reporter or contract transcriber may charge for the preparation of a county indigent transcript four dollars ($4.00) per page.

C. A claim for the preparation of a county indigent transcript shall be submitted directly to the county.

D. The fee that a court reporter or contract transcriber may charge for the preparation of a state indigent transcript four dollars ($4.00) per page.

E. The fee that a court reporter or contract transcriber may charge for the preparation of an indigent deposition transcript is four dollars ($4.00) per page.

The fee that a court reporter or contract transcriber may charge for the preparation of a private deposition transcript is four dollars and twenty-five cents ($4.25) per page.

F. The fee that a court reporter or contract transcriber may charge for the preparation of all other private transcripts is four dollars and fifty cents ($4.50) per page, with a minimum fee of forty dollars ($40.00).

G. The fee that a court reporter or contract transcriber may charge for an additional copy of a transcript two dollars ($2.00) per page.

H. A court reporter or contract transcriber may charge up to an additional one dollar ($1.00) per page for an expedited county transcript.

I. A court reporter or contract transcriber may charge up to an additional one dollar and fifty cents ($1.50) per page for an expedited private transcript.

J. A court reporter or contract transcriber may charge up to an additional two dollars and fifty cents ($2.50) per page for a daily transcript.

K. A court reporter or contract transcriber may charge up to an additional three dollars and fifty cents ($3.50) per page for an hourly transcript.

L. A court reporter or contract transcriber may charge up to an additional one dollar and 25 cents- ($1.25) per page for a private transcript consisting primarily of technical testimony.

M. A court reporter or contract transcriber may charge up to an additional one dollar ($1.00) per keyword index page for a private or indigent transcript with a keyword index.

N. A court reporter or contract transcriber may charge up to an additional twenty-five cents ($0.25) per page for a private or indigent transcript which is printed in a condensed format.

O. A court reporter or contract transcriber may charge thirty cents ($0.30) per page for photocopying of exhibits for private transcripts.

P. A court reporter or contract transcriber may charge an additional labor charge approximating an hourly rate based upon the court reporter's annual court compensation or contract transcriber's hourly rate of pay for the time spent binding the transcript and the exhibits pursuant to Indiana Rules of Appellate Procedure 28 and 29.

Q. A court reporter or contract transcriber shall be reimbursed for the cost of office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, as itemized in the "Schedule of Supplies".

R. The county shall provide supplies for the preparation of notices of filing private transcripts and motions for extension.

S. At least once each year a court reporter shall report all transcript fees received to the Indiana Supreme Court, Division of State Court Administration.

III. Private Practice

A. If a court reporter elects to engage in private practice through the recording of a deposition or preparing of a deposition transcript and the court reporter desires to use the court's equipment, work space or supplies, 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 the 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 equipment, work space and supplies.

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