VANDERBURGH CIRCUIT AND SUPERIOR COURT RULES
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CRIMINAL RULES OF THE VANDERBURGH CIRCUIT COURT

LR82-CR2.2-2.01
Assignment of Criminal Cases

(A) All cases in Vanderburgh County, Indiana in which the highest crime charged is a D felony and at least one charge filed is an alcohol or controlled substance crime shall be assigned to Division II of Superior Court. The remaining felony charges shall be randomly assigned (by the Clerk of Vanderburgh County) to the Circuit and Superior Courts of Vanderburgh County in the following ratio: two (2) cases are to be assigned to the Vanderburgh Circuit Court for each one (1) case assigned to Vanderburgh Superior Court. Each felony cause number shall be deemed a case within the meaning of this rule, regardless of the number of counts or defendants charged in said case.

(B) All cases assigned to the Vanderburgh Circuit Court shall be tried by the Circuit Court Judge or the Magistrate of the Court as determined in the discretion of the Court.

(C) All felony cases assigned to the Vanderburgh Superior Court shall be tried in accordance with the rules of that Court.

(D) All cases reassigned from the Circuit Court Judge of Vanderburgh County or the Magistrate of that Court shall be reassigned to the Senior Judge of the Vanderburgh Circuit Court and/or the Judges of Division I and II of the Vanderburgh Superior Court.

(E) All cases reassigned within the Vanderburgh Superior Court shall be reassigned in accordance with the rules of that Court.

(F) All criminal cases filed in the County in which the highest crime charged is a misdemeanor, shall be assigned to the Misdemeanor/Traffic Division of the Vanderburgh Superior Court.

(G) A dismissed criminal action may only be refiled in the same Court to which the case was originally assigned.

(H) The Circuit Court Judge and or the Judge of Division I or the Judge of Division II of the Vanderburgh Superior Court may by agreement, order transfer of any felony case pending in either Court to provide consolidated legal defense for those defendants facing multiple criminal charges. Such cases shall be consolidated unless efficient case disposition may be adversely affected by transfer.

LR82-CR00-2.02
Transfer of Cases between Vanderburgh Circuit and Superior Courts

If a defendant has a pending case in the Vanderburgh Superior Court prior to the filing of a case in Circuit Court, the Circuit Court case will be transferred to Superior Court. Similarly, if a defendant has a prior pending case in Circuit Court, any newer case in Superior Court will be transferred to Circuit Court. The Judges of the Vanderburgh Circuit Court and Divisions I and II of the Vanderburgh Superior Court may, by agreement, transfer a pending case out of Division II of Superior Court or Vanderburgh Circuit Court in their discretion to satisfy the requirements of these rules. The Judges of the Vanderburgh Circuit Court and Divisions I and II of the Vanderburgh Superior Court may, by agreement, transfer a pending case into Division II of the Superior Court or Vanderburgh Circuit Court in their discretion to satisfy the requirements of this rule. Judges of the Vanderburgh Circuit Court and Divisions I and II of the Vanderburgh Superior Court may, by agreement, transfer any criminal case to Division II of the Vanderburgh Superior Court if justice requires.

LR82-CR00-2.03
Bond Schedule

All persons charged by indictment or affidavit shall be held to bail in the amount set forth below:

(A) Felonies: No bonds shall be set in any felony matters except as determined by a Judicial Officer. The Court shall consider factors found in IC 35-33-8-4 in setting appropriate bond in all cases.

(B) Class A Misdemeanors: Unless otherwise specified, all Class A Misdemeanors shall have a bond of $100.00 for Indiana residents and $200.00 for non-residents.

Specific Exceptions for Class A Misdemeanors:

Domestic Violence Battery
First offense: $500.00
Second offense: $1000.00
Third offense: $5000.00
Leaving the scene of an accident causing personal injury: $500.00.
All OMVWI bonds shall be determined by a Judicial Officer.

(C) Class B Misdemeanors: Unless otherwise specified, all Class B Misdemeanors shall have a bond of $50.00 for Indiana residents and $100.00 for non-residents.

Specific Exceptions for Class B Misdemeanors:

Invasion of Privacy involving co-habitating or formerly co-habitating adults:
First offense: $500.00
Second offense: $1000.00
Third offense $5000.00

(D) Class C Misdemeanors: Unless otherwise specified, all Class C Misdemeanors shall have a bond of $50.00 for Indiana residents and 100.00 for non-residents.

Specific Exceptions for Class C Misdemeanors: Minor possession / consumption / transport: $25.00 for Indiana resident and $50.00 for non-residents.

LR82-CR00-2.04
Discovery

In each criminal case in the Vanderburgh Circuit and Superior Courts, the Vanderburgh County Prosecutor's Office and the law enforcement agencies which are involved in the case shall produce to the defense attorney the entire case file, including a list of all evidence held, within thirty (30) days of the defense attorney's first appearance in court. This is a continuing rule, and all additions to the case file shall be produced immediately upon their creation.

Except by order of court, a defense attorney receiving such a case file shall not reveal any victim's or witnesses' confidential identifying information, including Social Security number, driver's license number, and date of birth, to anyone other than an associate or employee of the attorney. In the event the defense attorney wishes to show the case file to any other person, including the defendant, the attorney shall first redact such information from the file.

LR82-CR00-C2.05
Court Sessions

Regular court sessions are held every weekday at 9 a.m. and 1 p.m. All holding dates, progress dates, and sentencings for persons not in custody shall be scheduled for 9 a.m. court. Video Court shall take place during 1 p.m. court. All in custody video probable cause hearings, initial hearings and persons arrested on warrants, and sentencings for defendants in custody shall take place during 1 p.m. court. Out of custody probable cause hearings, initial hearings and persons arrested on warrants who have posted bond may be set at either 9 a.m. or 1 p.m. Special court sessions for petitions to revoke, motions for modification from community corrections programs, and related matters are held on Wednesday and Thursday at 11 a.m. Court sessions are held in Room 208 on the second floor of the Courts Building. If Room 208 is being used for a trial or another matter, then court sessions are held in Room 202.

LR82-CR00-C2.06
Probable Cause Hearings

If a defendant is arrested without an arrest warrant having previously been issued, a probable cause hearing will be held. The hearing will be held at the court session immediately following the arrest and booking of the defendant in the Vanderburgh County Jail. At this hearing, the Court will review the affidavit of probable cause filed by the State to decide if there is probable cause for the offense(s) alleged by the State. If the Court finds that there is not probable cause, the defendant will be discharged. If the Court finds that there is probable cause, the Court will advise the defendant of the charges and some preliminary rights and set bond. The Court will also order the defendant to appear in three business days for an initial hearing at which time the defendant should appear with an attorney if he/she intends to hire counsel and the State should file any formal charges.

LR82-CR00-C2.07
Initial Hearings

An initial hearing will be held on the third business day after the probable cause hearing unless the defendant was arrested as a result of an arrest warrant. If an arrest warrant was issued and then the defendant was arrested, an initial hearing will be held at the next regular court session immediately following the arrest and booking of the defendant in the Vanderburgh County Jail. At the initial hearing, the Court will advise the defendant of the charges, penalties, and constitutional rights; review bond; set an omnibus date and a holding date; and appoint counsel or set an appearance date for the defendant to appear with private counsel.

LR82-CR00-C2.08
Readiness Conferences

Readiness Conferences are an opportunity for the prosecutor, the defense attorney, and the Court to discuss the case and any plea offers. Only the attorneys need to appear for these conferences. (This is not an appearance date for the defendant). The date of the initial hearing controls when the readiness conferences are set. Readiness conferences for cases with initial hearings on the 1st through the 15th of the month will be set on the first consecutive Wednesday and Thursday of the next month. Readiness conferences for cases with initial hearings on the 16th through the 31st of the month will be set on the third consecutive Wednesday and Thursday of the next month. Readiness conferences for non-drug and non-sex crime cases will be held on the first and third Wednesdays at 1:30 p.m. Readiness conferences for drug and sex crime cases will be held on the following Thursdays at 1:30 p.m. Attorneys will be advised of the readiness conference date at the

time of the initial hearing. The conferences will be held in the jury or grand jury room of Circuit Court. An attorney should contact Court staff and the Prosecutor's Office if he/she is unable to appear at his/her scheduled readiness conference.

LR82-CR00-C2.09
Holding Dates

Holding dates are dates for the defendant and his/her attorney to appear so that the defendant can accept or reject any offer by the State of Indiana and/or set the matter for trial. The date of the initial hearing controls when the holding date is set. Holding dates will be set six weeks after the initial hearing on the same weekday as the initial hearing. If the scheduled holding date is a holiday, then the Court will set the holding date on the business day after the holiday if that day is in the same week. Otherwise, the holding date will be set on the business day prior to the holiday.

LR82-CR00-C2.10
Omnibus Dates

The omnibus date is not an appearance date. However, it does control several legal deadlines for pleading certain matters and filing certain documents. The omnibus date is set 75 days from the initial hearing.

LR82-CR00-C2.11
Miscellaneous Hearings

If an attorney needs a hearing for a miscellaneous matter, including but not limited to, hearings for motions to suppress, motions to sever or join offenses or defendants, and motions for bond reduction, the attorney should contact opposing counsel and then court staff to schedule such a hearing or by agreement of the parties add the case on the court's calendar during 9 a.m. regular matters.

LR82-CR00-C2.12
Adding Cases to the Court Docket

If an attorney needs to add a criminal matter to the court's calendar, the attorney should advise opposing counsel and then contact court staff. If the defendant is in custody the case must be added on at least one full day prior to the appearance date. The attorney should advise the court staff if the defendant is in custody.

LR82-CR00-C2.13
Pre-Trial Conferences

Pre-trial conferences will be held approximately two weeks prior to trial. Pre-trials should be scheduled during the regular court session when the parties agree to a trial date. At the pre-trial conference, the court and parties will discuss the issues in the case, motions that need to be taken up in advance, possible plea agreements and any other relevant matters. (This is not an appearance date for the defendant.)

LR82-CR00-C2.14
Trial Dates

When a party requests a trial date, the Court will attempt to set the date within approximately 30 days if the defendant is in custody and 60 days if the defendant is not in custody. All trials, including court and Jury trials start at 8 a.m. unless the Court advises otherwise. Questionnaires for prospective jurors will be available approximately two days prior to the trial. If additional time is needed to review the questionnaires, the bailiff can be contacted at 812-435-5196. Preliminary instructions will be provided on the first day of trial and final instructions will be provided during the trial. If additional time is needed to review the instructions, the staff attorney can be contacted at 812-435-5312. Peremptory challenges and challenges for cause are to be in writing on a form provided by court staff on the day of trial.

LR82-CR10-C2.15
Plea and Sentencing Hearings

If a defendant and the State have entered into a plea agreement, the Court will not take a guilty plea and order a pre-sentence investigation until the agreement has been reduced to writing and executed by the parties. When a defendant pleads guilty with or without a plea agreement with the State, the Court will establish a factual basis for each offense and advise the defendant of the penalties and constitutional rights. For these cases and for cases in which the defendant has been found guilty after a jury or court trial, a judgment and sentencing date will be set. The judgment and sentencing date will usually be scheduled approximately 20 days later if the defendant is in custody and approximately 40 days later if the defendant is not in custody. After a judgment and sentencing date has been set, the defendant should immediately report to the Probation Department in Room 127 of the Administration Building so that an interview can be scheduled for the defendant's pre-sentence report. If the defendant is in custody, a member of the probation staff will interview the defendant in the jail. Subject to the Court's approval, and if both parties agree, pre-sentence investigation reports may be waived in certain Class D felonies.

LR82-CR00-C2.16
Modification Requests - Community Corrections or Probationary Sentences

Any request for modification of a community corrections or probationary sentence should be in writing and sent to the court. Hearings on such requests are set on Wednesdays and Thursdays at 11 a.m. This shall include requests for modification of driver's license suspensions.

LR82-CR00-C2.17
Petitions to Revoke - Community Corrections or Probationary Sentences

If a petition to revoke the sentence of a person on a community corrections program or on probation is filed, either a bench warrant will be issued or the defendant will be advised of an appearance date by summons. These hearings are set on Wednesdays and Thursdays at 11 a.m.

LR82-CR00-C2.18

Shock Probation Hearings - Department of Corrections Sentences

Any request for modification of a sentence being served at the Indiana Department of Corrections should be in writing and sent to the court. Once a modification request is received, court staff will request a progress report from the facility where the defendant is an inmate. Once the progress report has been received by the court, a shock probation hearing will be scheduled. (If the sentence involved a plea agreement with the State, the State must agree to have a shock probation hearing before a hearing is set.) These hearings are usually held on the last Thursday of each month. If the Court is unavailable on such date, a different date will be selected. If a defendant is represented by an attorney, the attorney will be sent a notice of the hearing date. (Defendants are not transported back to Vanderburgh County for these hearings.)

CRIMINAL RULES OF THE VANDERBURGH SUPERIOR COURT

LR82-CR2.2-2.01
Assignment of Criminal Cases

(A) All cases in Vanderburgh County, Indiana in which the highest crime charged is a D felony and at least one charge filed is an alcohol or controlled substance crime shall be assigned to Division II of Superior Court. The remaining felony charges shall be randomly assigned (by the Clerk of Vanderburgh County) to the Circuit and Superior Courts of Vanderburgh County in the following ratio: two (2) cases are to be assigned to the Vanderburgh Circuit Court for each one (1) case~~s~~ assigned to Vanderburgh Superior Court. Each felony cause number shall be deemed a case within the meaning of this rule, regardless of the number of counts or defendants charged in said case.

(B) All cases assigned to the Vanderburgh Circuit Court shall be tried by the Circuit Court Judge or the Magistrate of the Court as determined in the discretion of the Court.

(C) All felony cases assigned to the Vanderburgh Superior Court shall be tried in accordance with the rules of that Court.

(D) All cases reassigned from the Circuit Court Judge of Vanderburgh County or the Magistrate of that Court shall be reassigned to the Senior Judge of the Vanderburgh Circuit Court and/or the Judges of Division I and II of the Vanderburgh Superior Court.

(E) All cases reassigned within the Vanderburgh Superior Court shall be reassigned in accordance with the rules of that Court.

(F) All criminal cases filed in the County in which the highest crime charged is a misdemeanor, shall be assigned to the Misdemeanor/Traffic Division of the Vanderburgh Superior Court.

(G) A dismissed criminal action may only be refiled in the same Court to which the case was originally assigned.

(H) The Circuit Court Judge and or the Judge of Division I or the Judge of Division II of the Vanderburgh Superior Court may by agreement, order transfer of any felony case pending in either Court to provide consolidated legal defense for those defendants facing multiple criminal charges. Such cases shall be consolidated unless efficient case disposition may be adversely affected by transfer.

LR82-CR00-2.02
Transfer of Cases between Vanderburgh Circuit and Superior Courts

If a defendant has a pending case in the Vanderburgh Superior Court prior to the filing of a case in Circuit Court, the Circuit Court case will be transferred to Superior Court. Similarly, if a defendant has a prior pending case in Circuit Court, any newer case in Superior Court will be transferred to Circuit Court. The Judges of the Vanderburgh Circuit Court and Divisions I and II of the Vanderburgh Superior Court may, by agreement, transfer a pending case out of Division II of Superior Court or Vanderburgh Circuit Court in their discretion to satisfy the requirements of these rules. The Judges of the Vanderburgh Circuit Court and Divisions I and II of the Vanderburgh Superior Court may, by agreement, transfer a pending case into Division II of the Superior Court or Vanderburgh Circuit Court in their discretion to satisfy the requirements of this rule. Judges of the Vanderburgh Circuit Court and Divisions I and II of the Vanderburgh Superior Court may, by agreement, transfer any criminal case to Division II of the Vanderburgh Superior Court if justice requires.

LR82-CR00-2.03
Bond Schedule

All persons charged by indictment or affidavit shall be held to bail in the amount set forth below:

(A) Felonies: No bonds shall be set in any felony matters except as determined by a Judicial Officer. The Court shall consider factors found in IC 35-33-8-4 in setting appropriate bond in all cases.

(B) Class A Misdemeanors: Unless otherwise specified, all Class A Misdemeanors shall have a bond of $100.00 for Indiana residents and $200.00 for non-residents.

Specific Exceptions for Class A Misdemeanors:

Domestic Violence Battery

First offense: $500.00
Second offense: $1000.00
Third offense: $5000.00

Leaving the scene of an accident causing personal injury: $500.00.

All OMVWI bonds shall be determined by a Judicial Officer.

(C) Class B Misdemeanors: Unless otherwise specified, all Class B Misdemeanors shall have a bond of $50.00 for Indiana residents and $100.00 for non-residents.

Specific Exceptions for Class B Misdemeanors:

Invasion of Privacy involving co-habitating or formerly co-habitating adults:

First offense: $500.00
Second offense: $1000.00
Third offense $5000.00

(D) Class C Misdemeanors: Unless otherwise specified, all Class C Misdemeanors shall have a bond of $50.00 for Indiana residents and 100.00 for non-residents.

Specific Exceptions for Class C Misdemeanors:

Minor possession/consumption/
transport: $25.00 for Indiana resident and $50.00 for non-residents.

LR82-CR00-2.03.1
Drug and Alcohol Deferral Services (DADS) - Schedule of Fees

Operating a Motor Vehicle While Intoxicated (O.M.V.W.I.) Program

$250.00 - Full program fee.
$150.00 - For clients referred for transfer and/or monitoring services.
$ 75.00 - For clients referred from Misdemeanor Court for Possession of Marijuana u/30 grams.

Youth Alcohol Program (Y.A.P.) Violation of the Indiana State Liquor Law (V.L.L.)

$175.00 - Full program fee.
$75.00 - Transfer and/or monitoring services.

V.C.S.A. Program - Violation of Controlled Substance Act (V.C.S.A.)
$400.00 - For clients referred for Felony offenses related to controlled substances.

The program fee for all programs covers maintenance and operating costs of the D.A.D.S. program, and is separate from the costs of referral services for education, counseling, or other treatment costs (including urine drug screens as required). The costs of referral services will be the client's responsibility.

For multiple eligible offenses, the standard fee may be levied for each additional offense.

A fee of $15.00 may be charged for each missed D.A.D.S. appointment.

LR82-CR00-2.03.2
Vanderburgh County Day Reporting Drug Court/Forensic Diversion Program
Schedule of Fees

$500 - Full program fee
$100 - Public Defender fee
$ 75 - Evaluation fee

Drug Testing Fees

$13 - urinalysis on site
$25 - urinalysis by lab
$25 - oral test

There is also a statutory Drug and Alcohol Interdiction Fee of $200 which is paid in the Clerk=s Office.

LR82-CR00-2.04
Discovery

In each criminal case in the Vanderburgh Circuit and Superior Courts, the Vanderburgh County Prosecutor's Office and the law enforcement agencies which are involved in the case shall produce to the defense attorney the entire case file, including a list of all evidence held, within thirty (30) days of the defense attorney's first appearance in court. This is a continuing rule, and all additions to the case file shall be produced immediately upon their creation.

Except by order of court, a defense attorney receiving such a case file shall not reveal any victim's or witnesses' confidential identifying information, including Social Security number, driver's license number and date of birth to anyone other than an associate or employee of the attorney. In the event the defense attorney wishes to show the case file to any other person, including the defendant, the attorney shall first redact such information from the file.

LR82-CR00-S2.05
Assignment of Criminal Matters

All Felony criminal matters and Misdemeanor Jury Trials are assigned to Divisions II and VI on a consolidated calendar matter, if room is taken then court sessions are held in Room 202.

LR82-CR00-S2.06
Initial Appearance of the Accused

All defendants in the custody of the Sheriff at the time of the filing of a request for determination of Probable Cause or an Information or Indictment, shall appear before the Court not later than the next judicial day. All defendants arrested on warrants shall appear in open court for initial hearing not later than the next judicial day following the defendant=s apprehension, or upon the date the defendant is summoned to appear, if any.

LR82-CR00-S2.07
Continuance of Initial Hearing

The initial hearing may be continued for a period of time not to exceed twenty days to allow the defendant to obtain private counsel.

LR82-CR00-S2.08
Trial Scheduling

Trial shall be set not more than ten weeks form the week in which Counsel first appears, or the defendant is granted leave to proceed Pro Se.

LR82-CR00-S2.09
Holding Dates

The Court shall set a Holding Date at 8:30 am on the Wednesday five weeks prior to the trial. The State shall provide the Defense with a copy of the Police file and an offer of settlement (if the State intends to make such an offer on the case) not less than one week prior to the Holding Date. On the Holding Date, the Parties shall appear and report to the Court whether or not the State has provided the Police file to the Defense and whether or not the defendant has received and will accept or reject an offer by the State. If the defendant rejects the State=s offer, the defense shall inform the Court and the State whether there is a counter-offer forthcoming. If the defendant fails to appear on the Holding Date without lawful justification or excuse, the Court shall modify the defendant=s bond in accordance with Indiana Code 35-33-8-7 and 8, and issue a Bench Warrant for the defendant=s arrest. The Judge presiding over Division II on the morning of the Holding Date or his or her designee shall take intents to plead guilty and guilty pleas, if any. That Judge shall do the sentencing on any defendant entering an intent to plead guilty or a guilty plea before him or her.

LR82-CR00-S2.10
Trial Date Selection

Cases in which the highest crime charged is a C felony or above shall be set on Mondays or on the first business day of the week on which the Court is open following a Monday holiday. Cases in which the highest grade of offense charged is a D felony or Misdemeanor, shall be set for trial on Thursdays. Private Counsel may not set more than two trials for the same trial date in any court.

LR82-CR00-S2.11
Pre-Trial Conference

A Pre-Trial Conference shall be set at 1:30 p.m. on the Wednesday of the week immediately after the week in which the Holding Date is set. The Judge who will preside at trial will conduct the Pre-trial conference if available; the back-up Magistrate shall attend all Pre-trial conferences. If the Judge is unavailable the back-up Magistrate shall conduct the Pre-trial. The representative or representatives of the State appearing at the Pre-trial conference on a case shall have full authority to make and accept offers and counter-offers on said case.

LR82-CR00-S2.12
Progress Date

The defendant shall be ordered to appear after the Pre-trial conference to indicate intent to plead guilty or to make other progress on the case.

LR82-CR00-S2.13
Assignment of Trial Weeks

Unless otherwise agreed by the Division II and Division VI Judges, the Division II Judge shall be the lead trial Judge for trial weeks containing an odd numbered Monday. The Division VI Judge shall be the back-up Judge for said weeks. The Division VI Judge shall be the lead trial Judge for trial weeks containing an even numbered Monday. The Division II Judge shall be the back-up Judge for said weeks.

LR82-CR00-S2.14
Trial Prioritization

Cases in which a defendant is in custody may have priority over other cases on the docket. Otherwise, the oldest cases on the docket are to be tried first, regardless or custodial status of the accused, provided however prioritization by age may be superseded by expedited trial pursuant to Criminal Rule 4(g), or for other showing of extreme necessity. For purposes of trial priority, the age of the case will be determined from the date of filing.

LR82-CR00-S2.15
Add On Matters

Pre-trial appearance dates and hearings shall be scheduled not less than twenty four hours prior to said appearance or hearing, except for good cause shown.

LR82-CR00-S2.16
Filing Pleadings and Motions

All pleadings and motions in felony cases and misdemeanor cases transferred to the felony divisions of the Court other than Petitions to Revoke shall be filed in open court. For purposes of this rule a filing made at the Holding Date Conference or at the Pre-trial Conference shall be considered a filing in open court.

CIVIL RULES OF THE VANDERBURGH CIRCUIT AND SUPERIOR COURTS

LR82-TR81-1.01
Applicability, Effective Date, and Designations

These rules apply to all litigants whether or not represented by counsel. These rules shall be effective beginning January 1, 2007, and supersede all rules or parts of rules previously followed by these Courts. Each rule applies to both Circuit and Superior Courts, except where one Court's designation ("C" for Circuit and "S" for Superior) appears in the last set of characters in a rule number, in which case that rule applies only to the designated Court.

LR82-AR00-1.02
Case Allocation Plan

(A) Balance within Superior Court. The Vanderburgh Superior Court is divided into seven Divisions as follows:

1. Division I –Civil
2. Division II – Criminal
3. Division III – Civil
4. Division IV – Domestic Relations
5. Division V – Civil
6. Division VI – Criminal, Small Claims and Misdemeanor/Traffic
7. Division VII – Juvenile and Probate

Divisions I through VI are presided over by six of the Judges who rotate through these Divisions on a monthly basis.
Division VII is presided over by a single Judge. This assignment is a one year minimum assignment.

All Felony criminal cases (MR, FA, FB, FC, FD) and civil cases (PL, MF, CC, CT, MI, PO) are assigned to one of the six rotating Judges by blind lot in the order presented for filing. The County utilizes Court View 2000 software package which evenly distributes the cases among the Judges. This software also adjusts the new case assignments to account for recusals so that every attempt is made to evenly distribute the case load among the six rotating Judges.
All miscellaneous felony criminal matters (MC) are assigned to Division II. Each Judge rotates through this Division for a one month period, according to the schedule set out in the first paragraph, so that each Judge serves two non-consecutive months a year in this Division. The Judge serving in Division VI also serves as a backup for Division II.

All Domestic Relations (DR) matters are assigned to Division IV. Each Judge rotates through this Division for a one month period according to the schedule set out in the first paragraph, so that each Judge serves two non-consecutive months a year in this Division. In addition, four Magistrates rotate through this Division so that each Magistrate presides in Division IV for three non-consecutive months a year.

Cases over which Juvenile Court has concurrent original jurisdiction involving adults charged with the crime of contributing to delinquency (IC 35-46-1-8) or adults charged with violating the compulsory school attendance law (IC 20-8.1-3) shall be assigned to the Juvenile Division of the Vanderburgh Superior Court and presided over by the Judge assigned to Juvenile Court or the Magistrate assigned thereto. All remaining Misdemeanor and Traffic (CM, IF) cases shall be assigned to Division VI. These cases are presided over by four Magistrates subject to the supervision of one of the Judges. The Magistrates rotate through on a monthly basis serving three non-consecutive months a year.

All Small Claims (SC) and Ordinance Violation (OV, OE) cases are assigned to Division VI. These cases are presided over by four Magistrates subject to the supervision of one of the Judges. The Magistrates rotate through on a monthly basis serving three non-consecutive months a year. There is an assignment of one Magistrate to hear all OE cases in a court set up and named "Housing Court".

Mental Health cases are also assigned to Division VI and are heard by the presiding Judge or Magistrate presiding in Small Claims for that month.

All Probate and Juvenile matters (JS, JT, JP, JM, AD, AH, ES, EU, GU, TR, JC, JD) are assigned to Division VII. This Court is presided over by the Judge who does not participate in the rotation schedule set out in paragraph one. There is one Magistrate assigned to Juvenile Court. This Magistrate assignment is a one year minimum assignment.

The rotating schedules and the use of the Court View 2000 software creates a nearly as is possible a completely even distribution of the work load within Superior Court.

(B)Balance between Circuit and Superior Courts. The Circuit Court hears both civil and felony criminal cases. After a review of the Weighted Caseload Study for both Circuit and Superior Courts, the Judges of both Courts have unanimously agreed that no adjustment between the Courts is necessary for the following reasons:

1. The random method of assigning newly filed felony cases to Circuit or Superior Court, as adopted by both Courts, assigns four cases to Circuit Court for every three cases that are assigned to Superior Court. This results in Circuit Court being assigned more felony cases, including more serious felony cases, than Superior Court. This results in a heavier criminal jury trial schedule in Circuit Court.
2. Circuit Court assumes responsibility for and administers all Grand Juries called to hear cases in Vanderburgh County.
3. Circuit Court administers the Adult Felony Probation Department for both Courts.
4. Circuit Court administers the Alcohol Intensive Supervision Program and the Drug Intensive Supervision Program for both Courts.
5. Recognition by the Judges of both Courts that the general administration responsibilities of Superior Court are shared by seven Judges while the Circuit Court Judge assumes the total burden of these duties for Circuit Court.

The Judges of the Vanderburgh Circuit and Superior Courts unanimously believe that the current procedures comply with the Order for Development of Local Caseload Plans.

LR82-AR00-S1.03
Assignment of Judges within Superior Court

(A) Chief Judge and Judges of Superior Court. There shall be a Chief Judge elected on a date between January 1 and January 31 of each year by the Judges who shall begin his/her term as the Chief Judge on the following February 1st. The Chief Judge will be primarily responsible for the efficient and expeditious operation and conduct of the Court. In the absence of the Chief Judge, the Judge sitting in Division One shall act as temporary Chief Judge.

The following Courts shall have Judges elected as supervisors on a yearly basis: drug court, misdemeanor and traffic, small claims and domestic relations. Each Judge so selected shall be responsible for the efficient and expeditious operation of that Court. Each supervisor shall report periodically to the Chief Judge and all other Judges any change in the current operations of that Court. There shall be appointed each year a Supervisor of Information and Technology to oversee and assure the Court's compliance with Administrative Rule 9.

(B) Superior Court Rotation. Superior Court Judges shall rotate their sitting in the respective Divisions of this Court consecutively in numerical order. The rotation shall commence on the first Monday of each month. Any new Judge replacement shall sit in the Division of the Judge whom he/she replaces unless otherwise agreed by majority vote of the Court as a whole. The Court, by a date not later than the first day of December or the first business day thereafter, shall publish a schedule of the sessions of this Court for the following calendar year of the Court together with the names of the Judges who will be sitting in the Divisions of this Court during each session thereof similar to Appendix B as attached hereto.

LR82-AR00-S1.04
Assignment and Disposition of Civil Cases in Superior Court

All Civil cases shall, upon being filed in the office of the Clerk, be assigned in the following manner:

(A) Assignment. Each Civil Case shall be assigned to one of the six (6) rotating Judges by blind lot in the order presented for filing. The Judge assigned to each case shall have responsibility for all proceedings in that case including hearings of all motions, arguments and petitions. All emergency matters shall be heard by the assigned judge unless he/she is unable to do so, in which case he/she may refer the matter to another Judge. Where the assigned Judge is unavailable to refer the matter, such emergency matter may be heard by any other Judge.

(B) Transfer within County. Where a case originates in the Small Claims, Juvenile or Probate Divisions and is transferred to the Civil Division, the clerk shall assign such case to a specific Judge in the same manner as in other Civil Cases.

(C) Transfer from another County. All Civil cases transferred to this Court from another County shall be assigned by the Clerk as provided by the rules stated herein for the assignment of Civil Cases.

LR82-SC00-S1.05
Superior Court Small Claims

All Small Claims matters are assigned to Division Six wherein the following Rules will apply:

(A) Service. On first appearance the Court will not allow service of process to be sent to the defendant's employer. On Proceeding Supplemental the Court will consider proper service for the purpose of obtaining an order of garnishment when service is good upon the employer, even though service may not be good upon the defendant. When the employer refuses service, it can be considered sufficient service for the purpose of an order of garnishment only. Service may be obtained by a process server if an affidavit of service is filed.

(B) Attorney Fees. Attorney's fees are awarded solely for the principal amount of the debt.

(C) Claim for Insufficient Funds. Upon filing of a claim for insufficient funds on bad checks where multiple statutory remedies are available, the claimant should elect which remedy is being requested and list the same on the statement of claim.

(D) Proceedings Supplemental - Judgment Entry. Parties must wait seven (7) days after obtaining a judgment before filing a Proceedings Supplemental, and the Judgment Entry must be filed with the Court prior to the Proceedings Supplemental being filed.

(E) Proceedings Supplemental - Hearings. Proceedings Supplemental hearings shall not be continued for progress after an order of garnishment or a personal order of garnishment has been obtained. A subsequent Motion for Proceedings Supplemental shall only be filed if the motion sets forth circumstances that have changed since the last hearing in regard to the defendant's financial status.

(F) All Cases to Have Future Date. No cases will be continued without date.

(G) Claims for Rent and Damages. All claims for rent and damages on leased property must be documented by a back rent and damages form available in the Small Claims Office, Room 223-1. This includes "judgments on proof" taken after the tenant has vacated the property, or claims for rent & damages sought on an initial appearance on a statement of claim.

(H) Non-Parties. Non-parties may be subpoenaed for initial hearings only upon leave of court.

LR82-TR63-S1.06
Superior Court Judges Pro Tempore

All appointments of Superior Court Judges Pro Tempore shall be made by the Chief Judge or by the Judge assigned to the Division wherein the pro tem will sit.

LR82-TR79-1.07
Special Judge

In the event a Special Judge does not accept a case under Sections D, E, F, of TR 79, or a Judge of Circuit or Superior Court disqualifies or recuses under Section C of that rule, the case shall be referred to the Court Administrator of the Vanderburgh Superior Court for random reassignment to one of the non-recusing elected Judges of Vanderburgh County in both Circuit and Superior Courts.

LR82-AR11-1.08
Format of Filings

Pleadings, motions and other papers shall be either legibly printed or typewritten on white opaque paper of at least sixteen (16) pound weight, eight and one-half (8 ½) inches wide and eleven (11) inches in length. All copies shall likewise be on white paper of sufficient strength and durability to resist normal wear and tear. If typewritten, the lines shall be double spaced, except for quotations, which shall be indented and single spaced. Script type shall not be used. Margins shall be at least 1 inch. Type face shall be 12 or larger in body, text, and footnotes.

LR82-TR00-1.09
Filing of Pleadings, Motions and Other Papers

All pleadings, motions and other papers shall be prepared in accordance with the provisions of the Indiana Rules of Trial Procedure. For the purpose of uniformity and convenience, the following requirements shall also be observed:

(1) All pleadings, subsequent to the original complaint, shall be filed in the office of the Judge to whom the case is assigned at any time during the office hours established by the Court. All orders submitted to the Court shall be in sufficient number and shall be accompanied by postage paid envelopes addressed to each party or counsel of record.

(2) All appearances by attorneys shall be filed in writing, together with proof of mailing or delivery thereof on counsel of record in compliance with Indiana Rules of Procedure.

(3) All filings shall be accompanied by a minute sheet which shall contain the number of the cause, the date, the suggested docket entry and a certificate of proof of service or copies. This minute sheet shall be signed by counsel or Pro Se Party, dated, stamped and filed with the Court. The Court may in its discretion, amend any such form of entry.

(4) All order book entries shall contain in their title the date for which said entry was made. A copy of all entries, which result from a hearing or trial, shall be submitted to the opposing counsel at least three (3) days before being presented to the Court.

(5) All pleadings filed and served upon opposing parties shall be clear and legible.

(6) No pleading other than a copy thereof shall be taken from the file. Any person taking any portion of the Court's files shall be deemed to be in contempt of Court. Upon request, the Clerk or Court shall (subject to Administrative Rule 9) furnish anyone with a copy of all or any part of such files upon payment of a reasonable charge therefore.

LR82-TR10-1.10
Form of Pleading

(A) Caption. Every pleading shall contain a caption setting forth the name of the Court, the Division and Room Number, the title of the action and the file number.

(B) Titles. Titles on all pleadings shall delineate each topic included in the pleading, where a pleading contains an Answer, a Motion to Strike or Dismiss or a Jury Request each shall be set forth in the title.

LR82-TR5-1.11
Verification of Service on Opposing Party

In all cases where any pleading or other document is required to be served upon an opposing party, proof of such service shall be made either by:

(1) A certificate of service signed by counsel of record or pro se party which specifies by name and address all counsel or parties upon whom the pleading or document was served, or

(2) An acknowledgment of service signed by the party served or counsel of record.

LR82-TR5-1.12
Verification of Trial Rule 5 Pleadings

All Court Records (pleadings or documents) filed by any party or their attorneys shall contain a verification certifying that the court records comply with the filing requirements of Trial Rule 5 (G) applicable to information excluded from the public record under Administrative Rule 9 (G). A certification in substantially the following language shall be sufficient:

> I/We hereby certify that the foregoing or attached Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative Rule 9(G).

_____

(Signed by party or counsel of record)

LR82-TR6-1.13
Extensions of Time

(A) Standard Time Limits Apply. The time limits set out in these local rules, where allowable under the Indiana Rules of Trial Procedure, may be extended by order of the Court.

(B) Extensions. In all civil cases, each party required to respond to a complaint, counterclaim, or cross-claim, may obtain an automatic thirty (30) day extension of time to plead or otherwise respond to such claim by filing a Notice of Extension with the Court and serving a copy of the same upon all parties. Requests for additional extensions of time must be made by motion and hearing unless agreed to by the parties.

LR82-AR00-1.14
Attorney Promptness

Attorneys are expected to be prompt in their attendance at matters assigned for hearing. Failure to appear promptly or to notify the Court of an inability to attend a hearing at the time and place indicated may result in imposition of sanctions allowable and deemed appropriate by the Court.

LR82-TR3.1-1.15
Attorney's Withdrawal

(A) Withdrawals Must Be in Writing. All withdrawals of appearance of counsel shall be in writing and by leave of Court. Leave of Court shall be granted only upon the following circumstances:

(1) The filing of an appearance by new counsel for said client; or

(2) Upon notice and hearing of the Petition for Leave to Withdraw, which said notice of hearing shall be served on the client at least 10 days prior to the hearing on the Petition for Leave to Withdraw. The Notice to the client shall include a copy of the Petition for Leave to Withdraw. Notice to the client shall also inform the client that the client can obtain new counsel or the client can represent himself/herself, if permissible, and that the client is required to notify the Court within 30 days of the withdrawal of the client's decision. The Notice shall also include the name of the Judge assigned to the case and the address of the Court with information sufficient to advise the client that a failure to respond may result in the dismissal of the matter before the Court. Proof of service of the Notice shall be made by certified mail, return receipt, to be filed with the court on or before the date of the hearing.

(B) Withdrawal Petition Requirements. A Petition for Leave to Withdraw shall include the following:

(1) The last known address and telephone number of the client;

(2) The date the case is assigned for trial, if any;

(3) A statement of any current motions pending before the Court and

(4) A statement of the status of the case, including a verified statement that all entries have been filed.

LR82-TR12-1.16
Motions and Petitions

(A)Briefs for Motions and Petitions

(1) A Motion to Dismiss under Rule 12 of the Indiana Rules of Trial Procedure, for Summary Judgment, for judgment on a pleading, for more definite statement, or to strike, shall be accompanied by a separate Supporting Brief. The adverse party shall have thirty (30) days after service of the initial brief within which to serve and file an Answer Brief, and the moving party shall have fifteen (15) days after service of the Answer Brief within which to serve and file a Reply Brief. With respect to all other motions, the adverse party shall have fifteen (15) days after service thereof within which to serve and file a response thereto, and the moving party shall have seven (7) days after service of such response within which to serve and file a reply thereto. If multiple motions are within the same filing, said motions shall be separated by identity in the title.

(2) The provision of this rule requiring a separate Supporting Brief shall apply to every defense asserted pursuant to Rule 12 (b) of the Indiana Rules of Trial Procedure, whether asserted in the responsive pleading or by separate motion.

(3) Each party shall supply a proposed Order with the Brief or Reply.

(B) Motions for Summary Judgment

(1) Any Motion for Summary Judgment shall be filed no later than one hundred twenty (120) days before the trial date.

(2) In addition to a separate Supporting Brief, and a proposed Summary Judgment shall be submitted with any Motion for Summary Judgment.

LR82-TR16-1.17
Scheduling Conference

(A) Scheduling Conference Meeting. Upon the closing of the issues in civil cases, the Court may order or the parties may request a Scheduling Conference. At the Scheduling Conference, the Court shall establish deadlines and time limits to ensure the progress of the litigation and will enter a Scheduling Order similar to that contained in Appendix A. To the extent that the parties are in a position to discuss and/or apprise the Court of any of the situations set forth below they should do so.

(1) Whether there is a question of jurisdiction over the person or the subject matter of the action;

(2) Whether all parties, plaintiff or defendant, have been correctly designated;

(3) Whether there are any questions concerning the joinder of parties or claims;

(4) Whether a third party complaint or impleading petition is contemplated;

(5) Whether there is a question of appointment of a guardian ad litem, next friend, administrator, executor, receiver or trustee;

(6) The time reasonably required for the completion of discovery;

(7) Whether there are pending motions;

(8) Whether a trial by jury has been timely demanded;

(9) Whether separation of claims, defenses, or issues would be desirable, and if so, whether discovery should be limited to the claims, defenses, or issues first to be tried;

(10) Whether related actions are pending or contemplated in any Court;

(11) The estimated time required for trial;

(B) Items Included in Scheduling Order. The Scheduling Order will include, among other things, a date certain for a Pre-Trial Conference. The dates contained in the Court's Scheduling Order may be amended by the Court on its own motion or at the request of one or more of the parties.

LR82-TR16-1.18
Pre-Trial Conference

The normal Pre-Trial requirements are set forth in Rule 16 of the Indiana Rules of Civil Procedure. The counsel who will try the lawsuit shall attend the Pre-Trial Conference in person and be prepared to discuss the following:

(1) Whether the parties are prepared to proceed to trial;

(2) Whether mediation has occurred;

(3) Whether there are pending motions;

(4) The progress of each party in obtaining stipulations of fact and authenticity of exhibits;

(5) A statement as to whether the parties are willing to waive their jury request;
(6) Whether the Court may assist in the settlement of the case;
(7) Any significant evidentiary issues;
(8) Any other matters of which the Court should be advised.

LR82-TR33-1.19
Interrogatories

A party may, without leave of Court, serve upon another party up to thirty (30) interrogatories including sub-parts.

Any party desiring to serve additional interrogatories upon another party, shall first file a written motion with the Court, identifying the proposed additional interrogatories and setting forth the reasons demonstrating good cause for their use.

LR82-TR16-1.20
Trial Briefs and Motions in Limine

Unless ordered otherwise at the scheduling conference, trial briefs and motions in limine may be furnished to the Court by the parties at least two (2) weeks prior to the Pre-Trial Conference. Copies of any such trial briefs and motions in limine shall be furnished to opposing counsel and served in the same manner as other pleadings. Opposing counsel, after having been so served, shall have seven (7) days to file any response and shall serve the other party in the same manner as other pleadings.

LR82-TR51-1.21
Instructions

At the pre-trial conference, counsel for each party shall tender a proposed "issues" instruction (see Indiana Pattern Jury Instruction 1.03). They shall also be prepared to present and discuss any non-routine preliminary or final instructions. Other proposed preliminary or final instructions may be presented to the Court and shall be served upon opposing counsel on the first day of trial. Additional or amended final instructions may be presented upon a showing of good cause or in order to conform the instructions to the evidence at trial.

LR82-TR55-1.22
Default Judgments - Attorneys Fees

Application for default judgment requesting an allowance of attorney's fees shall be accompanied by an affidavit executed by the attorney requesting the fee. The affidavit shall be in a form and substance to enable the Court to determine if attorney's fees are appropriate, and if so, the reasonable amount thereof. Said affidavit shall support the request by setting forth the authority for the Court to award attorney's fees (e.g. contract, statute, etc.) and the basis upon which the proposed fees are computed, such as the number of hours employed and the number of hours anticipated that will be employed pursuing satisfaction of judgment. In the absence of an affidavit there shall be no attorney's fees allowed.

LR82-TR69-1.23
Post-Judgment Proceeding

(A) Entry of Final Decree Required. No post-judgment proceedings shall be instituted until there is a final decree or judgment entered of record with the Vanderburgh County Clerk's Office. The Court may waive this requirement where it is shown a party is being unduly harmed by its enforcement.

(B) Waiting Period. After Judgment is obtained and an entry is filed with the Court, parties may file Proceedings Supplemental. Parties must wait seven (7) days after obtaining a judgment before filing Proceedings Supplemental with the Court.

(C) Hearings on Proceedings Supplemental. Proceedings Supplemental hearings shall not be continued for progress after an order of garnishment or a personal order of garnishment has been obtained. A subsequent Motion for Proceedings Supplemental shall only be filed if the motion sets forth circumstances that have changed since the last hearing in regard to the defendant's financial status. No cases will be continued without date.

LR82-AR7-1.24
Custody, Disposition and Withdrawal of Original Records and Exhibits

(A) Governed by Local Rules. Except as provided for in Administrative Rule 7, the custody, distribution, and withdrawal of original records and exhibits shall be governed by this rule.

(B) Court Reporter Maintains Custody. After being marked for identification, models, diagrams, exhibits and materials offered or admitted into evidence in any cause pending or tried in this Court shall be placed in the custody of the Court Reporter, unless otherwise ordered by the Court, and shall not be withdrawn until after time for an appeal has run or the case is disposed of otherwise. Should an appeal be taken, such items shall not be withdrawn until the final mandate of the reviewing Court is filed in the office of the Clerk, and until the case is disposed of as to all issues unless otherwise ordered.

(C) Retrieval. Subject to provisions of subsection A, B and D hereof, unless otherwise ordered, all models, diagrams, documents, exhibits or material placed in custody of the Court shall be retrieved by the party offering them in evidence within ninety (90) days after the case is decided. In cases in which an appeal is taken, said items shall be removed within thirty (30) days after the case is disposed of as to all issues, unless otherwise ordered. At such time of removal, a detailed receipt shall be provided by the party retrieving the evidence and filed in the cause. No motion or order is required as a prerequisite to the removal of an exhibit pursuant to this subpart.

(D) Disposal of Unretrieved Items. If the parties or their attorneys shall neglect to remove models, diagrams, exhibits or material within sixty (60) days of when the case is disposed of, the Court may direct disposition of the same.

(E) Contraband. Contraband exhibits, such as controlled substances, money and weapons shall be released to the investigative agency at the conclusion of the trial and not placed in the custody of the Court Reporter. A receipt shall be issued and a photograph substituted when such contraband exhibits are released.

(F) Withdrawal. Except as otherwise herein provided, with respect to the dispositions of models and exhibits, no person shall withdraw any original paper, pleading, record, model or exhibit from the custody of the Clerk or other office of the Court having custody thereof except by order of the appropriate Judge.

LR82-AR9-1.25
Access to Court Records

(A) Information Excluded from Public Access. The following information is excluded from public access and is confidential:

(1) Information that is excluded from public access pursuant to Federal Law,

(2) Information that is excluded from public access pursuant to Indiana Statute or Court Rule,

(3) All personal notes, email and deliberative material of judges, jurors and court staff, judicial agencies, and information recorded in personal data assistants (PDA's) or organizers and personal calendars,

(4) Diaries, journals or other personal notes serving as the functional equivalent of a diary or journal, pursuant to Ind. Code 5-14-3-4(b)(7),

(5) Advisory or deliberative material created, collected or exchanged by, between or among Judges, including journals or minutes of Judge's Meetings, and

(6) Information excluded from public access by specific court order.

(B) Access to Information Excluded From Public. Access to information which is excluded from public access and is confidential may not be accessed without the prior written authorization of the Judge supervising that office or department which created or archived that information. In some instances, access will require authorization from all Judges of Vanderburgh County.

LR82-AR15-1.26
Court Reporters

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

(1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing and transcribing electronic data.

(3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Trial Procedure 74.

(6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each week.

(7) Gap hours worked means those hours worked that are in excess of the regular hours worked but not in excess of forty (40) hours per work week.

(8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.

(9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same day throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Vanderburgh County.

(11) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of litigant who has been declared indigent by a court.

(13) Private transcript means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

(B) Salaries and per page fees.

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

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be Four Dollars and Twenty-five Cents ($4.25) for appellate transcripts and Three Dollars and Seventy-five Cents ($3.75) for all other transcripts. The Court Reporter shall, after approval by the Court, submit a claim directly to the county for the preparation of any county indigent transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars ($35.00).

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be Four Dollars and Twenty-five Cents ($4.25) for appellate transcripts and Three Dollars and Seventy-five Cents ($3.75) for all other transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars ($35.00).

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Four Dollars and Twenty-five Cents ($4.25) for appellate transcripts and Three Dollars and Seventy-five Cents ($3.75) for all other transcripts. All transcripts will be subject to a minimum fee of Thirty-five Dollars ($35.00).

(5) The maximum per page fee a court reporter may charge for the preparation of copies of a transcript shall be One Dollar and Fifty Cents ($1.50).

(6) An additional labor charge of Twenty Dollars ($20.00) per hour may be charged for the time spent binding the transcript and exhibit binders which reflect an approximate average of the annual Court Reporters' salaries in Vanderburgh County.

(7) An additional $1.50 per page fee may be charged for the preparation of an expedited transcript (one which is to be completed within 10 calendar days).

(8) Each court reporter shall report, at least on annual basis all transcripts to the Indiana Supreme Court Division of State of Court Administration. The reporting shall be made on forms prescribed by the Division of State of Court Administration.

(C) Private Practice

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

(a) The reasonable market rate for the use of equipment, work space and supplies,

(b) The method by which records are to be kept for the use of equipment, work space and supplies, and

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

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

APPENDIX A
SCHEDULING CONFERENCE ORDER

The parties, by their respective attorneys, reviewed the issues of the cause with the Court at a scheduling conference, and it appearing that the above litigation is at issue, the Court enters the following Order.

1._____shall be the date by which all parties shall have completed discovery of the issues in this cause or shall have filed their Motion to Compel Discovery.

2._____shall be the date when plaintiff shall have filed with the Court, and served upon opposing counsel, the specific acts of alleged negligence and/or other specific acts of breach or otherwise that the plaintiff intends to produce evidence upon at the trial.

3._____ shall be the date by when the plaintiff shall file with the Court and serve on opposing counsel a list of plaintiff's prospective witnesses and exhibits together with an itemization of damages the plaintiff intends to produce evidence upon at the time of trial.

4._____shall be the date by when the defendant shall file with the Court and serve upon opposing counsel the specific acts constituting defenses alleged by the defendant that the defendant intends to produce evidence upon at the time of trial.

5._____ shall be the date by when the defendant shall file with the Court and serve upon opposing counsel a list of defendant's prospective witnesses and exhibits together with an itemization of damages, if any, upon any Counterclaim which the defendant intends to produce evidence upon at the time of trial.

6._____shall be the date by when the plaintiff supplements or amends any data furnished as required above.

7._____ shall be the date when any party may file a Motion for Summary Judgment upon pleadings and issues for trial.

8._____ shall be the date when each party shall notify the Court that a settlement of issues is not successful and the trial date is confirmed.

9._____ shall be the date when any party is to update their itemization of damages they intend to present evidence upon at the time of trial and for the filing of any Motions in Limine.

10._____ shall be the date by when each party shall submit to the Courts its Proposed Preliminary, if any, and its Final Instructions for the Jury.

11._____ shall be the date on which this cause shall be submitted to trial by jury or by Court.

12._____ shall be the alternate date which this cause may be tried by jury.

13._____ shall be the date on which the counsel for the parties attend a conference of attorneys as contemplated by Indiana Rules of Trial Procedure.

14._____ shall be the date on which the Court will hold its Pre-Trial conference pursuant to Trial Rule 16 of the Indiana Rules of Trial Procedure.

15._____ shall be the date to give Statement of Facts to Court.

APPENDIX B

IN THE VANDERBURGH SUPERIOR COURT

2011 TERM

The Judges of the Vanderburgh Superior Court have fixed and now publish the following schedule of assignment for the 2011 Term of the Court.

Week of		Div. I Civil	Div. II Crim.	Div. III Civil	Div. IV Dom. Rel.	Div. V Civil	Div. VI Crim.
Jan.	3	Pigman	Kiely	Trockman	Tornatta	D'Amour Lloyd	
	10	Pigman	Kiely	Trockman	Tornatta	D'Amour Lloyd	
	17	Pigman	Kiely	Trockman	Tornatta	D'Amour Lloyd	
	24	Pigman	Kiely	Trockman	Tornatta	D'Amour Lloyd	
	31	Pigman	Kiely	Trockman	Tornatta	D'Amour Lloyd	
Feb.	7	Lloyd	Pigman	Kiely	Trockman	Tornatta	D'Amour
	14	Lloyd	Pigman	Kiely	Trockman	Tornatta	D'Amour
	21	Lloyd	Pigman	Kiely	Trockman	Tornatta	D'Amour
	28	Lloyd	Pigman	Kiely	Trockman	Tornatta	D'Amour
Mar.	7	D'Amour Lloyd	Pigman	Kiely	Trockman	Tornatta	
	14	D'Amour Lloyd	Pigman	Kiely	Trockman	Tornatta	
	21	D'Amour Lloyd	Pigman	Kiely	Trockman	Tornatta	
	28	D'Amour Lloyd	Pigman	Kiely	Trockman	Tornatta	
Apr.	4	Tornatta	D'Amour Lloyd	Pigman	Kiely	Trockman	
	11	Tornatta	D'Amour Lloyd	Pigman	Kiely	Trockman	
	18	Tornatta	D'Amour Lloyd	Pigman	Kiely	Trockman	
	25	Tornatta	D'Amour Lloyd	Pigman	Kiely	Trockman	
May	2	Trockman	Tornatta	D'Amour Lloyd	Pigman	Kiely	
	9	Trockman	Tornatta	D'Amour Lloyd	Pigman	Kiely	
	16	Trockman	Tornatta	D'Amour Lloyd	Pigman	Kiely	
	23	Trockman	Tornatta	D'Amour Lloyd	Pigman	Kiely	
	30	Trockman	Tornatta	D'Amour Lloyd	Pigman	Kiely	
June	6	Kiely	Trockman	Tornatta	D'Amour Lloyd	Pigman	
	13	Kiely	Trockman	Tornatta	D'Amour Lloyd	Pigman	
	20	Kiely	Trockman	Tornatta	D'Amour Lloyd	Pigman	
	27	Kiely	Trockman	Tornatta	D'Amour Lloyd	Pigman	
July	4	Pigman	Kiely	Trockman	Tornatta	D'Amour Lloyd	
	11	Pigman	Kiely	Trockman	Tornatta	D'Amour Lloyd	
	18	Pigman	Kiely	Trockman	Tornatta	D'Amour Lloyd	
	25	Pigman	Kiely	Trockman	Tornatta	D'Amour Lloyd	

Aug.	1	Lloyd	Pigman	Kiely	Trockman	Tornatta	D'Amour
	8	Lloyd	Pigman	Kiely	Trockman	Tornatta	D'Amour
	15	Lloyd	Pigman	Kiely	Trockman	Tornatta	D'Amour
	22	Lloyd	Pigman	Kiely	Trockman	Tornatta	D'Amour
	29	Lloyd	Pigman	Kiely	Trockman	Tornatta	D'Amour

Sept.	5	D'Amour	Lloyd	Pigman	Kiely	Trockman	Tornatta
	12	D'Amour	Lloyd	Pigman	Kiely	Trockman	Tornatta
	19	D'Amour	Lloyd	Pigman	Kiely	Trockman	Tornatta
	26	D'Amour	Lloyd	Pigman	Kiely	Trockman	Tornatta

Oct.	3	Tornatta	D'Amour	Lloyd	Pigman	Kiely	Trockman
	10	Tornatta	D'Amour	Lloyd	Pigman	Kiely	Trockman
	17	Tornatta	D'Amour	Lloyd	Pigman	Kiely	Trockman
	24	Tornatta	D'Amour	Lloyd	Pigman	Kiely	Trockman
	31	Tornatta	D'Amour	Lloyd	Pigman	Kiely	Trockman

Nov.	7	Trockman	Tornatta	D'Amour	Lloyd	Pigman	Kiely
	14	Trockman	Tornatta	D'Amour	Lloyd	Pigman	Kiely
	21	Trockman	Tornatta	D'Amour	Lloyd	Pigman	Kiely
	28	Trockman	Tornatta	D'Amour	Lloyd	Pigman	Kiely

Dec.	5	Kiely	Trockman	Tornatta	D'Amour	Lloyd	Pigman
	12	Kiely	Trockman	Tornatta	D'Amour	Lloyd	Pigman
	19	Kiely	Trockman	Tornatta	D'Amour	Lloyd	Pigman
	26	Kiely	Trockman	Tornatta	D'Amour	Lloyd	Pigman

2011 MAGISTRATE SCHEDULE

MONTH	MISDEMEANOR COURT	SMALL CLAIMS	DIVISION IV	OTHER	JUVENILE COURT
JANUARY	MARCRUM	HAMILTON	MAURER	CORCORAN	FERGUSON
FEBRUARY	MAURER	MARCRUM	HAMILTON	CORCORAN	FERGUSON
MARCH	MAURER	CORCORAN	MARCRUM	HAMILTON	FERGUSON
APRIL	HAMILTON	MAURER	CORCORAN	MARCRUM	FERGUSON
MAY	MARCRUM	HAMILTON	MAURER	CORCORAN	FERGUSON
JUNE	CORCORAN	MARCRUM	HAMILTON	MAURER	FERGUSON
JULY	MAURER	CORCORAN	MARCRUM	HAMILTON	FERGUSON
AUGUST	HAMILTON	MAURER	CORCORAN	MARCRUM	FERGUSON
SEPTEMBER	MARCRUM	HAMILTON	MAURER	CORCORAN	FERGUSON
OCTOBER	HAMILTON	CORCORAN	MARCRUM	MAURER	FERGUSON
NOVEMBER	MAURER	MARCRUM	CORCORAN	HAMILTON	FERGUSON
DECEMBER	CORCORAN	MAURER	HAMILTON	MARCRUM	FERGUSON

**Housing Court is held on the 2nd Thursday of each month; the Magistrate in the Other column will switch with the presiding Housing Court Magistrate.

DIVISION IV RULES

LR-82-FL-00-4.01
Scope, Title and Effective Date

A. Scope. These rules are adopted pursuant to the authority of T.R. 81 of the Indiana Rules of Trial Procedure, and are intended to supplement those rules. These rules shall govern the practice and procedure in all domestic relations cases in the Vanderburgh Superior Courts.

B. Title. These rules will be known as the "Vanderburgh Superior Court Division IV Rules."

C. Effective Date. The effective date of these rules is January 1, 2006.

LR-82-FL-00-4.02
Notice

In all relevant family law matters, the moving party shall give notice of the time and place of a hearing or of a trial, by order to appear or notice of hearing, served upon the adverse party at least five (5) business days prior to the hearing or trial and file a copy of the notice with the Court on or prior to the hearing or trial.

LR-82-FL-00-4.03
Pauper Affidavits

If a pauper affidavit is filed in lieu of Court costs, the attorney representing the party seeking pauper status shall attest on the affidavit that the attorney has made sufficient inquiry and that the attorney is of the opinion that the party requesting pauper status does qualify. In each case where a pauper affidavit has been filed and granted, the parties shall address the payment of costs in the provisional order. If one of the spouses has the means to pay Court costs, the Court may require the non-pauper party to pay costs within sixty (60) days of the filing date or prior to the final hearing, whichever occurs earlier.

LR-82-FL-00-4.04
Scheduling

A. **Initial Meeting.** All Division IV matters to be heard shall be initially set by the Clerk's Office for 8:00 A.M. Monday through Friday. All attorneys of record shall contact any other attorney of record prior to setting any matter for hearing to endeavor to set the matter on an agreeable date. If a matter is set for an initial meeting, the parties and counsel are required to attend unless excused by agreement of all counsel of record. No attorney may unilaterally excuse his/her client from the initial meeting. At that meeting, the parties and counsel shall discuss in good faith a resolution of the issues. If an agreement cannot be reached, however, a contested hearing shall be scheduled. The Court Administrator, a Magistrate or a Judge will hear uncontested matters beginning at 8:00 A.M. until 10:00 A.M.

B. **Contested Hearings.** Contested hearings will be scheduled beginning at 9:00 A.M. before a Judge or 10:00 A.M. before a Magistrate and may only be set on the Division IV calendar with the consent of the Court Administrator, Magistrate or Division IV Judge, and only after the matter has been set for either an uncontested setting as set forth in paragraph A above or the parties each verify that they have met and consulted in a good faith effort to reach a settlement. The parties shall verify the settlement conference, either in person on the record, or by a verified statement filed with the Court signed by the party, personally. Verification of Settlement Conference forms can be obtained from the office of any hearing officer exercising jurisdiction in Division IV. (See Appendix A) The requirement for a settlement meeting may be waived or modified for good cause shown by the judicial officer scheduled to hear the matter. Additionally, summary hearings can be scheduled for Friday mornings between 9:00 A.M. and Noon as set forth in Subpart "E" of this Rule and in Rule 4.05. No contested hearing reserving more that a half (1/2) day shall be set unless the parties either have mediated the matter or have entered into a mediation agreement that provides that the matter must be mediated

at least thirty (30) days prior to any trial setting. The Court, in its discretion, may order parties to mediate their matter regardless of the time reserved for a contested hearing or trial. This mediation requirement may only be waived by a Judge or Magistrate and the waiver shall be documented in the Chronological Case Summary.

C. **Reporting to Hearing.** Parties and their attorneys are ordered to report to the Court no later than thirty (30) minutes prior to the time of a contested matter and shall be present at the time set for the hearing. Failure to so comply may subject any noncomplying party and/or attorney to Court sanctions. Upon request of a party or *sua sponte*, a Judge may retain jurisdiction of the matter. Upon agreement of all parties, a Magistrate may retain jurisdiction of the matter.

D. **Reporting of Settlements.** When the parties have settled any matter which has been set for contested hearing, the parties shall immediately inform the Court that the matter has been settled so that the Court may make that time available to other parties, if possible.

E. **Docket Priority.** Emergency matters involving imminent threats to the health and welfare of a party, children, or the preservation of assets will be given docket priority.

1. Contested hearing times for Fridays on the Magistrate's or Judge's calendars shall be reserved for emergency matters, and provisional hearings. A Friday contested hearing will only be scheduled with the prior consent of the Judicial Officer who shall hear the matter.

2. Emergency matters and provisional hearings may also be heard in Summary fashion before the Magistrate scheduled to hear Friday Summary Hearings. These Summary Hearings shall be set in one-half (1/2) hour increments beginning at 9:00 A.M. and ending at noon. A one-half (1/2) hour summary hearing may be scheduled by the parties in the same manner as other hearings are set. If more than one-half (1/2) hour is needed, permission must be obtained by the judicial officer scheduled to hear the matter before scheduling same.

LR-82-FL-00-4.05
Summary Hearings

A. **Purpose.** By agreement of the parties all issues and evidence relevant to a domestic relations case may be presented in summary fashion. This method allows parties access to the Court relatively quickly and with less expense. While summary hearings are not appropriate for all cases, it is believed these hearings will reduce the time most cases have to wait to be heard.

B. **Scheduling of Summary Hearings.** Summary hearings shall be heard in increments of one-half (1/2) hour every Friday morning before a Magistrate beginning at 9:00 A.M. and ending at noon. A summary hearing may be scheduled by the parties in the same manner as other hearings are set.

C. **Agreement of Parties.** All parties of record must agree to set the hearing in a summary fashion and must agree to the method of conducting the same. Testimony and evidence shall be presented in a summary fashion or by such other method agreeable to the parties. At a summary hearing, each party shall be allocated equal presentation time. Time limits at summary hearings will be strictly enforced.

D. **Exhibits.** Any exhibits to be presented at a summary hearing shall have been exchanged prior to that hearing and stipulated to in terms of admissibility. Child support guideline worksheets shall be completed and signed by the submitting party.

E. **Financial Declaration Forms.** Prior to any summary hearing, each party shall complete a financial declaration form approved by the Vanderburgh Superior Court (See Appendix B). Said forms shall be exchanged at least one business day prior to the scheduled hearing. Failure to properly prepare and exchange said form shall subject the offending party to sanctions under Ind. Trial Rule 37.

F. **Statement of Issues.** The Court may exercise discretion at a summary hearing in approving the method of conducting the hearing and approving the means of presenting evidence and testimony. At a summary hearing, the parties will submit to the Court, preferably in writing, or in opening statements, the issues before the Court.

LR-82-TR-65-4.06
Orders without Notice

All requests for orders without notice must comply with Ind. Trial Rule 65 and be set with the Court in accordance with local rule 4.04(E) above.

LR-82-FL-00-4.07
Agreed Matters

A. **Written Settlement.** No agreed matter shall be submitted unless accompanied with a signed agreement stating "Agreed as to Form and Substance," and other appropriate documents, such as a decree, a Wage-Withholding Order, or a Qualified Domestic Relations Order. However, if the parties reach a settlement "on the Courthouse steps," then the parties shall recite the entire agreement for the record, and enter the appropriate order upon preparation and filing by counsel.

B. **Modifying Custody.** No change of custody agreement will be approved by the Court unless the party relinquishing custody either appears in open Court or fails to appear after proper notice of an uncontested Court setting.

LR-82-TR-58-4.08
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 shall first submit them to all other attorneys of record, to enable them to challenge any provision thereof, before submission to the Court for entry.

B. **Additions.** If a party is withholding approval as to form or is making additions not addressed by the Court, the matter may be set for conference before the judicial officer having jurisdiction concerning the same. The party setting the conference shall provide to the Court and to the opposing party a proposed order with the notice of the scheduled conference. 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 each counsel or pro se litigant on orders arising from contested matters shall indicate "Approved As to Form Only". 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 that ruling.

LR-82-FL-00-4.09
Standing Order for Parental Education Workshop

The Judges of the Vanderburgh Superior Courts find that it is in the best interests of society, of children and of the Courts to encourage cooperation and mediation between separating and divorcing parents. We further find that a mandatory parental education workshop will:

Aid the children of divorcing parents;
Aid the parents in post separation parenting;
Encourage agreements between litigating parents in the best interest of their children; and
Conserve the court time by reducing repetitive petitions over child custody, parenting time and support.

Therefore the Judge orders both parties to any dissolution of marriage or separation action filed in the Vanderburgh Superior Courts to attend a parental education program if the parties have a minor child or children less than the age of 17 years, 6 months at the date of filing.

The parties are responsible for paying the cost of attending the program. All or a portion of the attendance fee may be waived upon the showing of indigence.

The Lampion Center is an approved provider of a parental education program for the Vanderburgh Superior Courts. The Lampion Center's program brochures shall be provided by the Clerk of the Court to petitioners and served with the summons upon each respondent by Sheriff (See Appendix C). Other program providers are subject to approval by the Court.

The Court may waive attendance upon a showing that a party has completed a similar program, has been in individual counseling, or for other good cause in an individual case.

The workshop provider will furnish each participant and the Court with a certificate of completion of the program.

If a party fails to complete the program within seventy (70) days of service on the respondent, the Court will take appropriate action, which action may include punishment for contempt of Court.

LR-82-FL-00-4.10
Child Support Guidelines

A. **Worksheet Required.** In all proceedings involving child support, each party shall file with any settlement, or submit to the Court at any hearing or trial, Indiana Child Support Guidelines worksheets – one or more depending upon the facts.

B. **Support Settlement Agreements**. If an agreement concerning support provides any deviation from the Guidelines, the parties shall present to the Court a written explanation.

C. **Income Withholding Order Required.** In all proceedings involving child support, an Income Withholding Order shall be submitted with any Settlement Agreement or Final Decree pursuant to Ind. Code § 31-16-15-1(a).

LR-82-FL-00-4.11
Hearings

Hearings will be limited to the time scheduled on the calendar and it shall be the responsibility of the parties to ensure adequate time for completion of a hearing. Should the parties be unable to complete the presentation within that time, the matter will be continued and reset on the calendar in the usual manner.

LR-82-TR-53.2-4.12
Continuances

Motions for Continuances of a final hearing, unless made during trial, shall be in writing, shall state with particularity the grounds, and shall be verified, with copies of such request served upon opposing counsel. Unless such Motion is accompanied by a stipulation signed by both counsel, the Motion must be scheduled on the calendar by the moving party for argument before a ruling is made. Interlocutory or post decree matters may be continued by the petitioning party, without argument or stipulation, only on the condition that no attorney has appeared of record for the nonmoving party.

LR-82-FL-00-4.13
Financial Declaration Form

A. **Requirement.** In all relevant family law matters, including dissolution, separation, paternity, post-decree and support proceedings and excepting Rule 4.05(E) hearings, the parties shall simultaneously exchange a Financial Declaration Form seven (7) days prior to any contested hearing and a copy of the same with a green paper cover sheet shall be filed with the Court on the date of the hearing (See Appendix B). These time limits may be amended by Court order for good cause shown.

B. **Exceptions.** The Financial Declaration Form need not be exchanged if:

1. The parties agree in writing to waive exchange;
2. The parties have executed a written agreement which settles all financial issues;
3. The proceeding is one in which the service is by publication and there is no response; or
4. The proceeding is post-decree and concern issues without financial implications. Provided, however, when the proceeding is post-decree and concerns only an arrearage, the alleged delinquent party shall complete the entire Form, which the support recipient needs to complete merely that portion thereof which requires specifications of the basis of the arrearage calculation (with appropriate supporting documentation).

C. **Admissibility.** Subject to specific evidentiary challenges, the Financial Declaration shall be admissible into evidence upon filing. The submission of the Financial Declaration Form shall not prohibit any other relevant discovery permitted under the Indiana Trial Rules.

D. **Financial Declaration – Mandatory Discovery.** The exchange of Forms constitutes mandatory discovery. Thus, Ind. Trial Rule 37 sanctions apply. Additionally, pursuant to Ind. Trial Rule 26(E)(2) and (3), the Form shall be supplemented if additional material becomes available.

LR-82-FL-00-4.14
Support Arrearage

In all informations for contempt based upon nonpayment of support, where a party was ordered to make payments through the Clerk's Office, the party claiming an arrearage shall support the testimony on that issue by filing with the Court a current support printout from the Clerk's Office at the time of the hearing.

LR-82-FL-00-4.15
Attorney Fees

A. **Preliminary Attorney Fees.** Attorney fees may be awarded based on evidence presented by affidavit or oral testimony at a preliminary hearing. Affidavits shall be admissible subject to cross examination. The following factors will be considered:

1. The number and complexity of the issues. (e.g., custody dispute, complex asset valuation).
2. The nature and extent of discovery.
3. The time reasonably necessary for the preparation for or the conduct of contested *pendente lite* matters or final hearings.
4. Other matters requiring substantial expenditure of attorney's time.
5. The attorney's hourly rate.
6. The amount counsel has received from all sources.

B. **Preliminary Appraisal and Accountant Fees.** Appraisal or accounting fees may be awarded based on evidence presented by affidavit or oral testimony at a preliminary hearing. The following factors will be considered:

1. An itemized list of property to be appraised or valued (e.g., Defined Benefit Pension, Business Real Estate, Furnishings, Vehicles, etc.).
2. An estimate of the cost of the appraisals and the basis therefore.
3. The amount of a retainer required and the reason an expert is necessary.

C. **Contempt Citation Attorney Fees.** An attorney may submit an affidavit, or oral testimony, along with an itemized statement of his or her requested fee. Affidavits shall be admissible into evidence by the Court.

LR-82-FL-00-4.16
Appellate Records

When an appeal is initiated by the filing of a Notice of Appeal pursuant to Ind. Appellate Rule 9 and a transcript of all or any part of the evidence is sought for the record on appeal, the counsel filing the Notice of Appeal shall contemporaneously and personally deliver a copy of the Notice of Appeal to the Court Reporter expected to prepare the transcript of the evidence, shall advise the Reporter of the deadline for preparation of the record, and shall arrange to pay the Reporter for the preparation of the transcript.

LR-82-FL-00-4.17
Termination of Representation

A. **Termination of Representation.** Upon the entry of a final Decree of Dissolution of Marriage, Legal Separation, Paternity, or an Order of permanent modification of any custody, parenting time and/or child support Order, the representative capacity of all attorneys appearing on behalf of any party shall be deemed terminated:

1. After the filing of all entries due during the period of time the attorney provided representation; And upon:
2. An Order of withdrawal granted by the Court; or
3. The expiration of time within which an appeal of such Order may be preserved or perfected pursuant to the Indiana Rules of Trial Procedure and /or the Indiana Rules of Appellate Procedure; or
4. The conclusion of any appeal of such Order commenced pursuant to the Indiana Rules of Trial Procedure and/or the Indiana Rules of Appellate Procedure.

B. **Post Dissolution Service.** The service of any post dissolution pleadings upon any party not represented by counsel pursuant to paragraph A above, shall be made upon that person pursuant to the Indiana Rules of Trial Procedure.

C. **Professional Courtesy.** Any copy served upon original counsel will be deemed to be a matter of professional courtesy only.

APPENDIX A

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

IN THE VANDERBURGH SUPERIOR COURT

IN RE THE MARRIAGE OF:	**)**	
	)	
_____,	**)**	
Petitioner,	**)**	
	)	
And	**)**	**CAUSE NO. 82D04-_____-DR-**
	)	
_____,	**)**	
Respondent,	**)**	

<u>VERIFICATION OF SETTLEMENT CONFERENCE FORM</u>

Comes now the Petitioner/Respondent, in person, and by counsel/*pro se*, and hereby verifies and states to the Court that the parties in this case have met and consulted with each other in a good faith effort to reach a settlement in this matter. Furthermore, Petitioner/Respondent verifies and states that the parties were unable to reach an agreement in this matter and requests that the Court schedule the above matter for a contested hearing on the Division IV calendar.

I hereby affirm under the penalties of perjury that the above representations are true and correct to the best of my knowledge, information and belief.

Petitioner/Respondent

APPENDIX B

This Document

Not for Public Access

Pursuant to Administrative Rule 9

Cause No.

Caption:

FINANCIAL DECLARATION FORM
STATE OF INDIANA: SUPERIOR COURT: VANDERBURGH COUNTY

_____, Petitioner — CAUSE NO.: _____,

and — Dated: _____

_____, Respondent — VERIFIED FINANCIAL DECLARATION OF (HUSBAND/FATHER) (WIFE/MOTHER)

HUSBAND/FATHER:

Name: _____
Address: _____
_____
_____
Occupation: _____
Employer: _____
Year of Birth: _____

WIFE/MOTHER:

Name: _____
Address: _____
_____
_____
Occupation: _____
Employer: _____
Year of Birth: _____

ATTORNEYS:
Name, Address, Telephone Number

SPACE BELOW FOR USE OF COURT CLERK ONLY

GROSS WEEKLY INCOME - ATTACH LAST THREE (3) PAY STUBS	AMOUNTS
1. Gross Weekly SALARY, WAGES, and COMMISSIONS	
2. Gross Weekly PENSIONS/RETIREMENT/SOC. SECURITY/ UNEMPLOYMENT/WORKMEN'S COMP.	
3. Gross Weekly CHILD SUPPORT (received from any prior marriages, not this marriage)	
4. Gross Weekly DIVIDENDS and INTEREST (Attach calculations)	
5. Gross Weekly RENTS/ROYALTIES less ordinary and necessary expenses (Attach calculations)	
6. Gross Weekly BUSINESS/SELF-EMPLOYMENT INCOME less ordinary and necessary expenses (Attach calculations)	
7. ALL OTHER SOURCES (Specify*)	
8. TOTAL GROSS WEEKLY INCOME (Total of Lines 1 through 7)	

* Includes Bonuses; Alimony and Maintenance Received from Prior Marriages; Capital Gains; Trust Income; Gifts; Prizes; In-Kind Benefits from Employment such as Company Or Free Housing, Reimbursed Meals, DO NOT Include ADC, SSI, General Assistance, Food Stamps.

Monthly Expenses and Deductions from Income
Names and relations of all members of household whose expenses are included:

9. Minus Weekly COURT-ORDERED CHILD SUPPORT for prior children - amounts actually paid	
10. Minus Weekly LEGAL DUTY CHILD SUPPORT for prior children	
11. Minus Weekly HEALTH INSURANCE PREMIUMS for Children of This Marriage Only	
12. Minus Weekly ALIMONY/SUPPORT/MAINTENANCE for Prior Spouses - amounts actually paid	
13. WEEKLY AVAILABLE INCOME (Line 8 minus Lines 9 through 12)	
14. Weekly WORK RELATED CHILD CARE COSTS for Custodial Parent to work for Children of this Marriage Only	
15. Weekly EXTRAORDINARY HEALTHCARE EXPENSES (Children of this Marriage Only - Uninsured Only)	
16. Weekly EXTRAORDINARY EDUCATION EXPENSES (Children of this Marriage Only)	

1. FEDERAL INCOME TAXES (weekly deduction times 4.3)	
2. STATE INCOME TAXES (weekly deduction times 4.3)	
3. LOCAL INCOME TAXES (weekly deduction times 4.3)	
4. SOCIAL SECURITY TAXES (weekly deduction times 4.3)	
5. RETIREMENT PENSION FUND (Mandatory) (Optional) (weekly deductions times 4.3)	
6. RENT/MORTGAGE PAYMENTS (Residence)	
7. RESIDENCE/PROPERTY TAXES/INSURANCE if not included in Mortgage Payment (Total for Year divided by 12)	
8. MAINTENANCE ON RESIDENCE	
9. FOOD/HOUSEHOLD SUPPLIES/LAUNDRY/CLEANING	
10. ELECTRICITY (Total for year divided by 12)	
11. GAS (Total for year divided by 12)	
12. WATER/SEWAGE/SOLID WASTE/TRASH COLLECTION (Trash for year divided by 12)	
13. TELEPHONE (including Long distance Charges)	
14. CLOTHING	
15. MEDICAL/DENTAL EXPENSES (Not Reimbursed by Insurance)	
16. AUTOMOBILE - LOAN PAYMENT	
17. AUTOMOBILE - GAS/OIL	
18. AUTOMOBILE - REPAIRS	
19. AUTOMOBILE - INSURANCE (Total for year divided by 12)	

20. LIFE INSURANCE	
21. HEALTH INSURANCE (exclude payments made by children on Page 2, Line 11)	
22. DISABILITY/ACCIDENT/OTHER INSURANCE (Please specify)	
23. ENTERTAINMENT (Clubs, Social Obligations, Travel, Recreation, Cable TV)	
24. CHARITABLE/CHURCH CONTRIBUTIONS	
25. PERSONAL EXPENSES (Haircuts, cosmetics, grooming, tobacco, alcohol, etc.)	
26. BOOKS/MAGAZINES/NEWSPAPERS	
27. EDUCATION/SCHOOL EXPENSES (Self and children you have custody of)	
28. DAYCARE/WORK RELATED CHILD CARE COSTS (weekly amount times 4.3)	
29. OTHER EXPENSES (Please specify)	
30.	
31.	

MONTHLY LOAN/CHARGE CARD EXPENSES FOR (Do not include monthly payments shown above)	BALANCE	PAYMENTS
32.		
33.		
34.		
35.		
36.		
37.		
38.		
39. Total Monthly Expenses and Deductions from Income (Total of Lines 1 thru 38)		
40. Average Weekly Expenses and Deductions (Total monthly expenses - 4.3)		

Disclose all assets known to you, even if you do not know the value. Under ownership, H=Husband; W=Wife; J=Joint. Lien amount includes only those debts secured by an item, such as a mortgage against a house, debts shown as title to a vehicle, loans against life insurance policies or loans where an item is pledged as collateral. Value assets as of the date of petition for Dissolution of Marriage was filed.

New valuation date here: _____

DESCRIPTION	GROSS VALUE	LESS: LIENS/ MORTGAGES	NET VALUE	H	W	J
A. HOUSEHOLD FURNISHINGS, FURNITURE/APPLIANCES						
1. In possession of Husband						
2. In possession of Wife						
B. AUTOMOBILES, TRUCKS, RECREATIONAL VEHICLES (Include make, Model and Year)						
3.						
4.						
5.						
6.						
C. SECURITIES - STOCKS, BONDS AND STOCK OPTIONS						
7.						
8.						
9.						
10.						
D. CASH, CHECKING, SAVINGS, DEPOSIT ACCOUNTS, CDs (Include name of Bank/Credit Union and type of account)						
11.						
12.						
13.						
14.						
15.						
E. REAL ESTATE (Including Land Sales Contracts)						

16. Marital Residence (show address) Basis of Valuation: _____ Name of Lender 1st Mortgage: _____ Name of Lender 2nd Mortgage: _____						
17. Other (show address) Basis of Valuation: _____ Name of Lender 1st Mortgage: _____ Name of Lender 2nd Mortgage: _____						
18. Other (show address) Basis of Valuation: _____ Name of Lender 1st Mortgage: _____ Name of Lender 2nd Mortgage: _____						

F. CASH RETIREMENT ACCOUNTS(IRAs, SEPS, KEOUGHS, 401K Employee savings plans, stock ownership/profit sharing, etc.)						
19.						
20.						
21.						
22.						
23.						
G. RETIREMENT BENEFITS, DEFERRED COMPENSATION PLANS AND PENSIONS (Include information available on benefits whether benefits are vested or in pay status)						
24.						
25.						
H. BUSINESS INTERESTS						
26.						
27.						
28.						
I. LIFE INSURANCE (Show Company name and Death Benefit)						
Term and Group						
29. Named Beneficiary	0	0	0			
30. Named Beneficiary	0	0	0			
31. Named Beneficiary	0	0	0			
Whole Life and Others (Show cash Value under Gross value)						

32. Named Beneficiary _____						
33. Named Beneficiary _____						
34. Named Beneficiary _____						
J. OTHER ASSETS include any type of assets having value, including jewelry, personal property, assets located in safety deposit boxes, accrued bonuses, etc.						
35.						
36.						
37.						
38.						
39.						
40.						
41.						

ASSETS ACQUIRED BY YOU PRIOR TO MARRIAGE OR THROUGH INHERITANCE OR GIFT
(Whether now owned or not)

SHOW SIGNIFICANT ASSETS ONLY	GROSS VALUE	LESS: LIENS/ MORTGAGES	NET VALUE	VALUATION DATE
A. ASSETS OWNED BY YOU PRIOR TO MARRIAGE (value as of date of marriage)				
1.				
2.				
3.				
4.				
5.				
B. ASSETS ACQUIRED BY YOU DURING MARRIAGE THROUGH INHERITANCE OR GIFT (value as of date of acquisition)				
6. Acquired from whom:				
7. Acquired from whom:				
8. Acquired from whom:				

I declare under the penalties of perjury that the foregoing, including any attachments, is true and correct, that this declaration was executed on the _____ day of _____, 200___.

Signature:_____

Printed Name:_____

You are under a duty to supplement or amend this Financial Declaration prior to trial if you learn the information provided is incorrect or the information provided is no longer true.

CERTIFICATE OF SERVICE

I hereby certify that a true, exact, and authenticate copy of the foregoing has been served upon the following, by U.S. Mail, first class postage prepaid, this _____ day of _____, 200___.

_____
Attorney

APPENDIX C

LAMPION CENTER

Counseling for Individuals & Families

"TRANSPARENTING PROGRAM"

SEMINAR FOR DIVORCING PARENTS

Divorce is a very stressful experience for parents and children. This four (4) hour educational program focuses on ways to help your children cope with your divorce. ATTENDANCE IS REQUIRED by Order of the Courts of Vanderburgh County. The seminars are presented by qualified professionals at Lampion Center (formerly Family & Children's Service), a United Way Agency.

REGISTRATION:
Arrangements are to be made directly with Lampion Center. To register, call the agency at (812) 471-1776 and ask to register for the TransParenting program. Your cause number from the divorce papers is required upon registration. You will also be asked to provide your name, phone number, and information about any restraining orders you may have pending with your spouse/former spouse.

PAYMENT:
The cost of the seminar is (forty-five dollars) $45.00 per parent payable by cash, check, or money order to Lampion Center. Payment is requested upon arrival. This fee may only be waived by way of Pauper's Orders, Legal Aid referrals, and for persons receiving TANF. Documentation for any of these situations must be provided upon arrival.

TIME:
Morning Program: Generally scheduled the 1st Thursday of every month from 8:30 a.m. to 12:30 a.m.
Evening Program: Generally scheduled the 2nd and 3rd Tuesday of every month from 6:00 p.m. to 8:00 p.m.
(Must attend *both* evening sessions to complete)
Sign-in begins one-half (1/2) hour prior to class. **No one will be allowed in late.** For holidays and other reasons, the above schedule may vary. Please verify dates of classes upon registration.

LOCATION:
Lampion Center (formerly Family & Children's Service, Inc.)
655 S. Hebron Avenue
Evansville, IN 47714

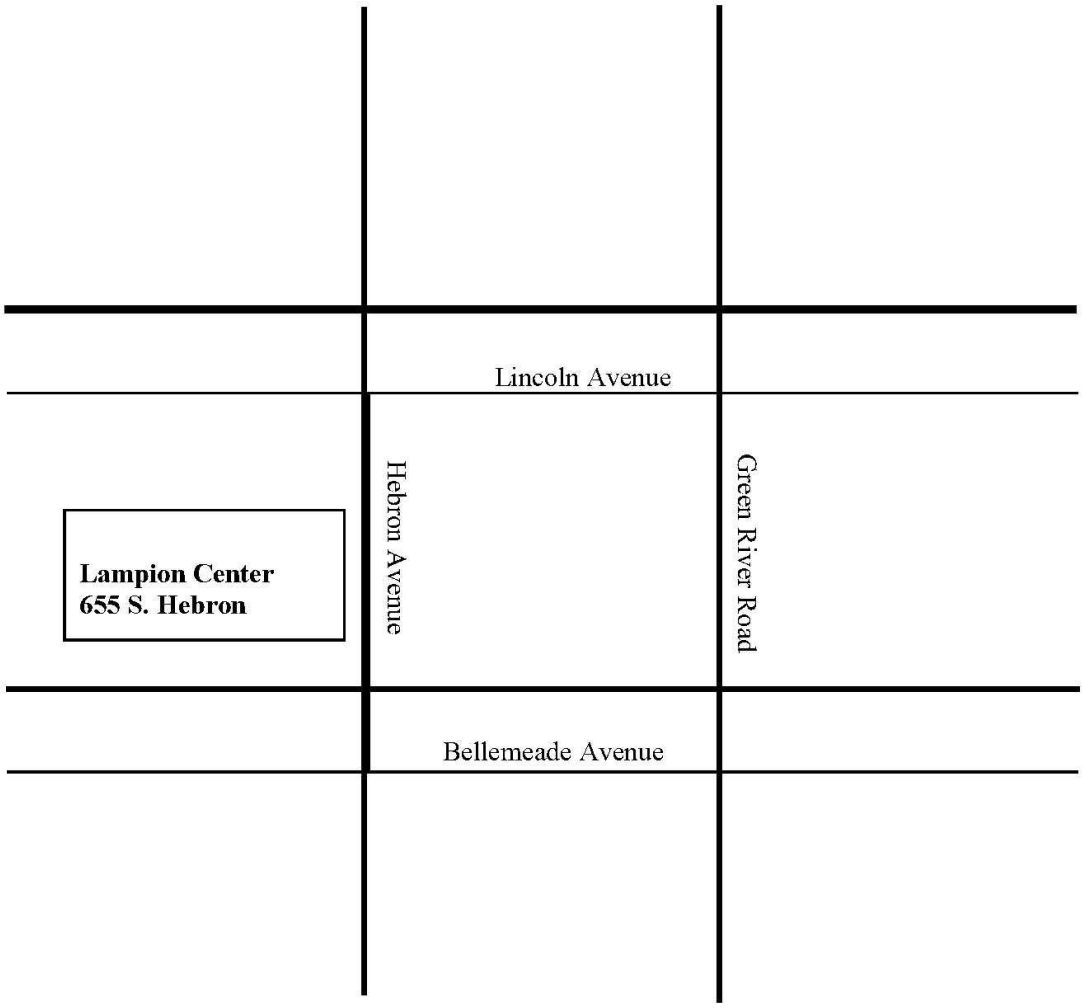
(One block west of Green River Road on Hebron between Lincoln and Bellemeade Avenue)

QUESTIONS:
Call (812) 471-1776 and ask about the Seminar for Divorcing Parents.

PLEASE NOTE: No child care is provided. Please make other arrangements for the care of your children.

655 South Hebron Avenue Evansville, Indiana 47714
Phone 812-471-1776 Fax 812-469-2000
www.lampioncenter.com
A United Way Agency

LAMPION CENTER
655 S. Hebron Avenue
Evansville IN 47714



Our phone number is: 812-471-1776
The fax number is: 812-469-2000

LOCAL PROBATE RULE LR82-PR-1

NOTICE

1.1_ Whenever notice is required to be given to interested persons pursuant to I.C. 29-1-1-11 through I. C. 29-1-1-18, it shall be the duty of the attorney for the person invoking the jurisdiction of the Court to prepare and give the required notice, and to provide the Court with proof thereof.

1.2 Copies of pleadings shall be served with the notice of hearing thereon.

1.3 Notice of hearing to be held on Petition to Determine an Estate Insolvent shall be served on all interested parties, including the Vanderburgh County Assessor, all claimants, and all reasonably ascertainable creditors.

LOCAL PROBATE RULE LR82-PR-2

FILING OF PLEADINGS

2.1 When pleadings are filed by mail or left with the Court for filing, a self-addressed, stamped envelope shall be included for return of documents to the attorney.

2.2 All pleadings invoking the jurisdiction of the Court in probate matters and all proceedings thereafter shall be filed in the offices of the Probate Division of the Vanderburgh Superior Court.

2.3 Until approved by the Vanderburgh Superior court pursuant to Indiana Trial Rule

5(E) (2) and Administrative Rule 12, no pleadings will be accepted as filed by electronic facsimile.

2.4 All attorneys are required to prepare orders for al proceedings except when expressly directed otherwise by the Court.

2.5 Every pleading filed by or on behalf of a fiduciary in an Estate or Guardianship proceeding, including but not limited to Inventories, Petitions, and Accountings, shall be signed and verified by the fiduciary.

2.6 All pleadings filed shall contain the attorney=s name, address, telephone number and registration number.

2.7 The initial Petition to open an Estate or Guardianship shall contain the name, address, social security number or date of birth and telephone number of the Personal Representative or Guardian. In the event of a change in address, the individual Personal Representative or Guardian shall immediately advise the court of the new address.

2.8 The Instructions to the Personal Representative or Guardian, executed by the fiduciary, must be filed with the court at the time letters are ordered issued in the proceeding. (See attached Instruction forms.)

LOCAL PROBATE RULE LR82-P-3

ATTENDANCE OF PROPOSED FIDUCIARIES

3.1 Unless waived by the court, all proposed personal representatives and guardians who are residents of Indiana shall appear before the Vanderburgh County Clerk to qualify.

3.2 Unless waived by the court, non-resident personal representatives and guardians shall appear in person before the Vanderburgh County Clerk to take their oath and submit an affidavit describing their education, employment and lack of felony convictions.

3.3 Such personal representative or guardian is under a continuing order of the Court to personally advise the Court and the attorney of record in writing as to any change of required information.

LOCAL PROBATE RULE LR82-PR-4

REPRESENTATION OF FIDUCIARIES BY COUNSEL

4.1 No personal representative or guardian of an estate may proceed without counsel without Court approval.

LOCAL PROBATE RULE LR82-PR-5

BOND

5.1 In every estate, the Court shall apply the provisions of I.C. 29-1-11 for fixing or waiving bond of the Indiana resident individual to serve as a personal representative, and shall apply the provisions of I.C. 29-1-10-1(d) to qualification of a non-resident individual to serve as a personal representative.

5.2 In every guardianship, the Court shall apply the provisions of I.C. 29-3-7-1 and 2 for establishing bond.

5.3 In the event the Court imposes restrictions upon access to property without a court order in a guardianship pursuant to I.C. 29-3-7-1 (c) (2), or access to property in an estate without a court order pursuant to I.C. 29-1-11-2, the fiduciary shall thereafter file with the Court within ten (10) days of the Order authorizing the creation of the restricted account or investment, evidence satisfactory to the court that the account or investment has been created, and that the account or investment is restricted as required by the Court=s order.

LOCAL PROBATE RULE LR82-PR-6

INVENTORY

6.1 An inventory shall be prepared by the fiduciary in all estates and guardianships. Such inventory shall be filed in supervised estates and guardianships as follows: Supervised estates, within sixty (60) days; Guardianships, within ninety (90) days for permanent guardian and within thirty (30) days for temporary guardian. The attorney for the fiduciary shall retain in his or her file the original of the inventory, or any supplement or amendment to it. In lieu of an inventory being filed in Unsupervised Estates, a personal representative may certify to the Court that an Inventory has been prepared, under the provisions of I.C. 29-1-7.5-3.2(a) and that the same, and any supplement or amendment thereto, is available. The attorney for the personal representative shall retain in his or her file the original of the inventory, or any supplement or amendment to it. All times relate to the date of appointment of the fiduciary. (Form: Certification of Inventory Preparation is attached). Upon application by the personal representative, the Court may, in its sole discretion, order an inventory, or any supplement or amendment to it, to be sealed. If so ordered, it may not be opened without an order of the Court, after notice to the personal representative and an opportunity for hearing.

6.2 In the event a supplement or an amendment to an inventory is filed, all such subsequent inventories must contain a recapitulation of prior inventories.

LOCAL PROBATE RULE LR82-PR-7

REAL ESTATE

7.1 In all supervised estates and guardianships in which real estate is to be sold a written professional appraisal prepared by a licensed real estate appraiser shall be filed with the Court at the time of filing the Petition for Sale, unless such appraisal was filed with the inventory.

7.2 All appraisals required by Rule 7.1 shall be made within one (1) year of the date of the Petition for Sale.

7.3 A copy of the deed shall be submitted with the Report of Sale of Real Estate or at the time of the hearing on the Final Account. Copies of such deeds shall be filed with the Court for its records.

7.4 Whenever a Final Decree reflects that real estate has vested in heirs or beneficiaries, evidence of recording, at the expense of the estate, a certified copy of the Final Decree in every county of this state in which any real property distributed by the decree is situated (except Vanderburgh County) shall be provided to the court with the Supplemental Report.

LOCAL PROBATE RULE LR82-PR-8

SALE OF ASSETS

8.1 In all supervised estates and guardianships, no Petition to Sell Personal Property shall be granted unless a written appraisal prepared by a person competent to appraise such property and setting forth the Fair Market Value thereof, is filed with the Court at the time of the filing of the Petition to Sell, unless such appraisal was filed with the Inventory. This rule shall not apply to personal property that is sold at public auction.

8.2 All appraisals required by Rule 8.1 shall be made within one year of the date of the Petition to Sell.

8.3 No written appraisal shall be required for the sale of assets which are traded in a market and the value of which is readily ascertainable. Such assets include, but are not limited to, stocks, bonds, mutual funds, commodities, and precious metals.

LOCATE PROBATE RULE LR82-PR-9

ACCOUNTING

9.1 Whenever an estate is not closed within one (1) year, the Personal Representative shall:

A. In a supervised estate, file an intermediate account with the Court within thirty days (30) after the expiration of one (1) year and each succeeding six (6) months thereafter. The accounting shall comply with the provisions of I.C. 29-1-16-4 and 29-1-16-6 and,

B. Shall state the facts showing why the estate cannot be closed and an estimated date of closing;

C. Shall purpose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants; or,

D. In an unsupervised estate, file a statement with the Court stating the reasons why the estate has not been closed.

9.2 All accountings concerning restricted guardianship bank accounts shall contain a verification of those account balances by an officer of the financial institution in which such guardianship bank accounts are held.

9.3 All Social Security, Veterans, Retirement, or Medicare benefits received on behalf of an incapacitated person or minor shall be included and accounted for in the guardianship accountings unless Court approval has been previously granted to allow said funds to be paid directly to a residential or health care facility.

9.4 In all supervised estate and guardianship accountings, a notation shall be placed by each expenditure indicating the reason for or nature of the expenditure unless the payee name indicates the name of the expenditure.

EXAMPLE: CVS Drug Store - Prescription Drugs for Incapacitated Person
Dr. Edward Mohlenkamp - Doctor's Appointment
Hoffman Plumbing - Plumbing repairs to ward's home
Good Samaritan Nursing Home - January Nursing Home Care
Weinbach's - Clothing for ward

9.5 All accountings shall follow the prescribed statutory format. Informal, handwritten, or transactional accountings will not be accepted.

9.6 In a supervised estate, all Court Costs shall be paid and all claims satisfied and released and proof presented to the Court before the hearing on the Final Account.

9.7 The Federal Estate Tax Closing Letter and the Indiana Inheritance Closing Letter (countersigned tax receipt), or a photocopy thereof, showing payment of all Federal Estate and/or Indiana Inheritance Tax liability shall be filed prior to entry of an order on the Final Accounting.

LOCAL PROBATE RULE LR82-PR-10
FEES OF ATTORNEYS AND FIDUCIARY

10.1 No fees for personal representative, guardians or attorneys shall be paid from any guardianship or supervised estate without prior written order of the Court.

10.2 A petition for fees must be signed or approved in writing by the personal representative or guardian.

10.3 Unless otherwise ordered by the court, payment of fees in a supervised estates shall be authorized as follows:

A. One-half upon the filing of an inheritance tax return or upon a Court determination of no tax due; and

B. The remaining one-half upon approval of the final accounting.

10.4 In a guardianship an initial petition for fees may be filed upon filing the inventory.

Except as provided in paragraph 10.5, no further petition for fees will be approved until an annual, biennial or final account is approved.

10.5 When unusual circumstances require substantial work in a guardianship, the Court may award fees prior to the approval of an account.

10.6 Attorney fees for representing a minor in settlement of a claim for personal injuries are subject to Court approval. If the entire attorney fee is to be paid at the time a structured settlement is approved, the amount of the fee must be based on the present value of the settlement.

10.7 Unjustified delays in carrying out duties by the fiduciary and/or attorney may result in a reduction of fees.

LOCAL PROBATE RULE LR82-PR-11
GUARDIANSHIP

11.1 A Guardian Ad Litem appointed pursuant to I.C.29-3-2-3 will be paid reasonable compensation, considering the needs of the alleged incompetent respondent, the nature and relative difficulty of the services provided, local custom, the availability or limitations of resources of the Ward's Estate, and, in the discretion of the Court, any other considerations deemed relevant under the circumstances of the case.

11.2 In all guardianship matters seeking to declare an adult incapacitated for any reason, a Physician's Report by the doctor treating the alleged incapacitated person or such additional evidence as the court shall require, shall be presented to the Court at the time the petition is filed or on the hearing date to support the findings required by I.C. 29-3-4-1(d). The Physician's Report shall be in a form substantially similar to the form provided by these Rules.

11.3 In every petition for the appointment of a guardian of the person of a minor child, in addition to the statements required by I.C. 29-3-5-1(a), the following information shall also be given.

A. The places where the child has lived within the past two years and the names and present addresses of persons with whom the child has lived during that period.

B. Information relevant to the child's health, education and welfare.

C. Whether, to Petitioner's knowledge, any other litigation public or private is pending or threatened concerning the custody of the child in this or any other state.

D. Any other matters relevant to the determination of the best interests of the person or property of the incapacitated person or minor.

E. The Court may in its discretion initiate such further investigation, and obtain a report by the division of family and children or county office of family and children as the Court deems appropriate, pursuant to I. C. 29-3-9-11.

11.4 Current reports filed by a guardian of the person pursuant to I..C. 29-3-9-6(c) shall include the present residence of the incapacitated person and his or her general welfare; if the incapacitated person is an adult, a report of a treating physician concerning in then-current health of the adult; a statement of any changes affecting the findings of the court establishing the guardianship (including but not limited to economic changes); and the then-current living arrangements for the incapacitated person.

LOCAL PROBATE RULE LR82-PR-12

MISCELLANEOUS

12.1 Scheduled court hearings shall be taken at the time scheduled, if all parties are present and ready for hearing. Parties are to notify the bailiff of their readiness status. Those matters not ready on time shall be subject to stand-by availability after the conclusion of all hearings at which parties were ready at the scheduled time.

12.2 When opening a new cause of action in the Probate Division an attorney must file the initial pleadings.

12.3 The Court may cause a pleading to be scheduled to come before the court at a time when a contested evidentiary hearing is not possible. If so, the attorney or party filing the pleading shall serve Notice That Pleading Is Not Scheduled for Full Evidentiary Hearing (Form: Notice that Pleading is not Scheduled for Full Evidentiary Hearing is attached.) to the person or persons required by Indiana Statute or these Rules to receive notice of hearing on the pleading. The Notice That Pleading Is Not Scheduled For Full Evidentiary Hearing shall be served in addition to and in the same manner as any other notice of hearing required by Indiana statute or these Rules. However, the Notice That Pleading Is Not Scheduled For Full Evidentiary Hearing may be a separate document or may be incorporated into, and conspicuously stated as part of, any other notice required by Indiana statute or these Rules. The Court, upon application of a party and good cause shown, may grant an exception to the requirements of this Rule for a particular hearing.

12.4 The Court may adapt proceedings by standing order to effectuate the implementation of these rules, and may deviate from these rules when justice requires, but only upon showing of severe prejudice or hardship.

LOCAL PROBATE RULE LR82-PR-13

PRIVATE ADOPTIONS

13.1 Prior to filing the Petition for Adoption, if the Petitioner want temporary custody of the child, they must complete a pre-placement adoption investigation with a licensed agency. The Adoption Investigation must include the following:

A. Home - physical description or neighborhood, house, housekeeping standards, etc.

B. Motivation and Understanding of Adoption - reasons to adopt, understanding of adoption and responsibilities to child. How Petitioner became aware of the child.

C. History of adoptive family members.

D. Police record checks of household members.

E. Information regarding marriage of adoptive parents.

F. Child rearing attitudes.

G. Employment and finances for household

H. Health and medical information for household members.

I. Information on adoptive child.

J. Information on birth parents (non-identifying).

K. Psychological evaluation - attach report.

L. Minimum of three references.

M. Recommendation.

N. Attorney will need to request a putative father search.

13.2 The following documents must be filed along with the Petition for Adoption:

A. A statement under oath of how and when the arrangements were made for the Adoption.

B. Consent of birth mother and father. If consent is unobtainable then notice must be given. All Consents must be dated, notarized or duly verified.

C. Written acknowledgment by birth mother of availability of up to 3 hours of counseling at adoptive parents= expense within six months following the birth of the child.

D. Financial disclosure of incurred expenses and expected expenses.

13.3 A consent hearing will be set within thirty (30) days of the filing of the Petition for Adoption, at which time the birth mother should be represented by counsel to advise her as to her rights in consenting to the adoption and executing a voluntary waiver of parental rights. This attorney would be responsible for obtaining consents of the birth mother and birth father. The payment of attorney fees is the responsibility of the adoptive parents, regardless of whether the adoption is approved. If the birth mother is represented by independent counsel as recommended, and her Consent is obtained, then the birth mother need not attend the consent hearing, so long as the court finds that the Consent is in the proper form. If she is not represented by counsel, then she must attend the Consent hearing. If she is under the age of eighteen (18) then she must attend the consent hearing and be represented by counsel. Such hearing will not be attended by the Petitioners.

The birth father will also need to attend the Consent hearing if he does not execute a written Consent and Waiver of Notice to the hearing. If he is under eighteen (18) years of age, he must be represented by counsel and must attend the Consent hearing.

13.4 If the Petitioners have met the requirements of the Court on filing the necessary documentation for a Private Adoption the court may issue an order authorizing the Petitioners to have temporary custody of the child. If the Petitioners have not met the requirements of the Court, then they may not take physical custody of the child prior to an Order of this Court authorizing such placement. Such unauthorized custody may be grounds for (i) removal of the child from the Petitioners= custody and (ii) denial of the Petition for Adoption.

13.5 There is a Court-imposed mandatory one (1) year supervision of the placement by the licensed agency. A follow-up report or reports will be filed by the licensed agency during the year of which placement is being supervised confirming that there have been no substantial changes in the Pre-Adoption or Adoption Investigation Report filed contemporaneously with the filing of the Petition for Adoption.

LOCAL PROBATE RULE LR82-PR-14

PROBATE CLERKS

The Vanderburgh County Clerk authorizes the deputizing of three (3) employees of the Vanderburgh Superior Court, Probate Division, to perform the duties in accordance with the Constitution of the United States of America and the Constitution of the State of Indiana with regard to any and all documents requiring the signature of a deputy clerk filed on behalf of Estates, Will Contests, Guardianships, Trusts, Adoptions, and any other documents in which the presiding Judge of the Vanderburgh Superior Court, Probate Division, authorizes said deputies to sign. The Vanderburgh County Clerk further authorizes said deputies to administer oaths, and two of the deputies are authorized to issue receipts for court costs and miscellaneous copies for all estates, trusts, guardianships, and adoptions filed in the Vanderburgh Superior Court, Probate Division.

INSTRUCTIONS TO PERSONAL REPRESENTATIVE OF SUPERVISED ESTATE

Read the following carefully; then, date and sign one copy and return it to the Court. Keep a copy for your reference.

You have been appointed PERSONAL REPRESENTATIVE of the Estate of a deceased person. It is important that you understand the significance of the appointment and your responsibilities. This makes you what is known in law as a Afiduciary@ charged with the duty to act responsibly in the best interests of the estate and impartially for the benefit and protection of creditors and beneficiaries. You may be held personally liable if you breach this trust.

This is a SUPERVISED ADMINISTRATION. This means that your actions are supervised almost entirely by the Court; therefore, before you take any action of importance to the Estate, such as the transfer or sale of assets, you must first seek the permission of the Court. If you have any questions as to whether to seek court permission, you should discuss this with your attorney before taking any action.

Listed below are some of your duties but not necessarily all of them. Ask the attorney for the Estate to fully explain to you each of the items below and to tell you about any other duties you have in your particular circumstances. Although the attorney will assist you, the ultimate responsibility to see that the estate is properly handled rests with you.

INVESTIGATE, COLLECT AND PROTECT THE PROPERTY OF THE DECEDENT

1.2_ Inspect all document and personal papers of the decedent and retain anything pertinent to tax reporting, location and value of assets, debts or obligations of or to the decedent or any other items of significance to the administration of the estate of the decedent.

1.3_ Complete change of address form at Post Office to have mail forwarded to you.

1.4_ Keep a separate checking account or other type of transaction account for the Estate and keep a record of all receipts and disbursements. Never commingle Estate funds with any other funds or use them for other than Estate purposes. Accounts and securities which are registered to the Estate should be in your name Aas Personal Representative for the Estate of (name of Decedent).@ Retain all paid bills and canceled checks or other evidence of disbursement or distribution of any funds or assets of the Estate for the Final Report of the Court.

1.5_ Locate and secure all property in which the decedent had any interest, separately or jointly. Maintain adequate insurance coverage.

1.6_ Determine the values of all assets on the date of death, obtaining appraisals if needed.

1.7_ Collect any proceeds of life insurance on the life of the decedent which is payable to the Estate. Obtain Form 712 from the insurance company, if needed for taxes.

1.8_ Sign your name as APersonal Representative for the Estate of (name of decedent)@ on accounts and securities which are registered to the estate. Consent to Transfer forms are available from the County Assessor.

1.9_ Within two (2) months after you qualify and receive Letters of Personal Representative, you must file with the Court an inventory of all property found belonging to the decedent on the date of death and giving values as of the date of death.

PAY VALID CLAIMS AND KEEP RECORDS OF ALL DISBURSEMENTS

1.10_ Personally notify decedent=s creditors whom you can reasonable ascertain. Others are notified by publication in the newspaper. Generally, creditors have three (3) months after the date of first publication to submit their claims.

1.11_ Pay legal debts and funeral bills and keep notations indicating the reason for each payment.

A. Pay only priority claims timely filed if there is a question of solvency of the estate.

B. Do not pay bills which are doubtful but refer them for Court determination.

1.12_ Prepare and file the appropriate state and federal income, estate and inheritance tax forms in a timely manner. Pay taxes due or claim applicable refunds.

1.13_ Pay court costs when due; however, attorney fee=s and fiduciary fees are only paid after written Court order.

1.14_ Keep records of all receipts and all paid bills and canceled checks or other evidence of distribution of any funds or assets of the estate for the Final Report to the Court.

DISTRIBUTE THE ASSETS OF THE ESTATE AND CLOSE THE ESTATE

1.15_ File a Final Account with this court (with Avouchers@ or canceled checks) within one year from the date you received your Letters from this Court. If you cannot meet this deadline, you must show good cause for an extension.

1.16_ After Court authorization, make distributions to the proper heirs of beneficiaries and obtain receipts for these.

1.17_ File a supplemental report to the Court (with Avouchers@ or canceled checks) and obtain an order for closure of the estate.

BRETT J. NIEMEIER, JUDGE
VANDERBURGH SUPERIOR COURT
PROBATE DIVISION

I acknowledge receipt of a copy of the above instructions and have read said instructions carefully.

Dated:

Cause Number 82D07 - _____ - ES-

ESTATE OF:

BY:

PERSONAL REPRESENTATIVE

I hereby certify that the foregoing Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative 9(G).

Counsel of Record

INSTRUCTIONS TO PERSONAL REPRESENTATIVE OF UNSUPERVISED ESTATE

Read the following carefully; then, date and sign one copy and return it to the Court. Keep a copy for your reference.

You have been appointed PERSONAL REPRESENTATIVE of the Estate of a deceased person. It is important that you understand the significance of the appointment and your responsibilities.

Listed below are some of your duties but not necessarily all of them. These duties are not listed in any order of priority. Ask the attorney for the Estate to fully explain to you each of the items below and to tell you about any other duties you have in your particular circumstances. Although the attorney will probably file all papers with the Court, the ultimate responsibility to see that reports and returns are accurately prepared and filed rests with you. As PERSONAL REPRESENTATIVE, you are required to:

1.18_ Locate all property owned individually or otherwise by the decedent at the date of death; and ascertain the value of such assets as of date of death. Secure all property in safekeeping and maintain adequate insurance coverage; keep records of the assets. If applicable, obtain an appraisal of the property.

1.19_ Keep a separate checking account or other type of transaction account for the Estate and keep a record of all receipts and disbursements. Never co-mingle Estate funds with any other funds or use them for other than Estate purposes. Accounts and securities which are registered to the Estate should be in your name Aas Personal Representative for the Estate of (name of Decedent).@ Retain all paid bills and canceled checks or other evidence of disbursement or distribution of any funds or assets of the Estate for the Closing Statement to be filed with the Court.

1.20_ Within two (2) months after you qualify and receive Letters of Personal Representative, you must file with the Court an inventory of all property found belonging to the decedent on the date of death and giving values as of the date of death. In lieu of an inventory being filed a personal representative may certify to the Court that an Inventory has been prepared and the same distributed to each distributee. (Form available in the Probate Division)

1.21_ You may need to obtain Consent to Transfer forms from the county Assessor for accounts and securities in order to transfer such assets.

1.22_ Collect any proceeds of life insurance on the life of the decedent which is payable to the Estate. Obtain Form 712 from the insurance company, if needed for taxes.

1.23_ Have mail forwarded; complete change of address forms at the Post Office.

1.24_ Inspect all documents and personal papers of the decedent and retain anything pertinent to tax reporting, location and value of assets, debts or obligations of or to the decedent, or any other items of significance to administering the final affairs of decedent.

1.25_ Pay all legal debts and funeral bills; however, pay only priority claims timely filed if there is any question of solvency of the Estate. Do not pay bills which are doubtful but refer them for Court determination. Do not make any distribution to any heir or beneficiary until at least five (5) months after the date of first publication by notice.

1.26_ Prepare and file returns and pay taxes due (or claim any refund) for both State and Federal income taxes for the tax year in which the decedent died and any prior years, if applicable.

1.27_ Prepare and file the prescribed Schedule and pay any tax due for the Indiana Inheritance Tax within nine (9) months after date of death.

1.28_ Unless subject to an exception, obtain a federal tax identification number for the Estate. Choose a tax year for the Estate; file Estate income tax returns and pay any tax due for both State and Federal income tax.

1.29_ Make distribution and obtain receipts for distributions.

1.30_ File a Closing Statement, with receipts for distribution if already made; send a copy thereof to all distributees of the estate and to all creditors or other claimants whose claims are neither paid nor barred; furnish a full account in writing of the administration to the distributees. File original vouchers with the court.

1.31_ Pay Court costs and expenses of administration when due.

1.32_ Make payments and distributions to the right persons. You are responsible for incorrect payments or distribution.

BRETT J. NIEMEIER, JUDGE
VANDERBURGH SUPERIOR COURT
PROBATE DIVISION

I acknowledge receipt of a copy of the above instructions and have read and will follow said instructions carefully.

Dated:

Cause Number 82D07 - _____ - EU-

ESTATE OF:

BY:

PERSONAL REPRESENTATIVE

I hereby certify that the foregoing Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative 9(G).

Counsel of Record

INSTRUCTIONS TO GUARDIAN

Read carefully; date and sign one copy and return it to this Court within ten days. Keep a copy for your reference.

You have been appointed the Guardian of an individual, AProtected Person@, who, because of some incapacity, is unable to care for his/her own financial and/or personal affairs. It is important that you understand the significance of this appointment and your responsibility as Guardian.

In order to qualify and have your Letters issued to you, you may be required to post a bond in the amount set by the Court and to take an oath to faithfully discharge your duties as Guardian. The Bond assures the Court that you will properly protect the assets of the Protected Person.

Listed below are some of your duties, but not necessarily all of them. You are directed to ask the Attorney for the Guardianship to fully explain to you each of the items below and to tell you about the other duties you have in your particular circumstances. Though the Attorney will file all papers with the court, the ultimate responsibility to see that all reports, etc., are accurately and timely prepared and filed, rests with you.

As GUARDIAN of the financial affairs of the Protected Person, you are required to:

1. File with the court, within ninety (90) days after your appointment, a verified Inventory and appraisement of all the property belonging to the Protected Person;
2. File with the court a verified account of all the income and expenditures of the Guardianship every two (2) years after your appointment;
3. If assets were placed in a restricted account you are to file an accounting every two (2) years, together with a statement from the financial institution showing the current balance of the funds and that the same remain in an account that is restricted;
4 Pay bond premiums as they become due;
5 File Federal and State Tax Returns for Ward and pay taxes;
6 File a final accounting, detailing all property and income received and all expenses paid with receipts to verify each expenditure with the Court upon the termination of the guardianship or upon the death of the ward;
7 Keep all of the assets of the Protect Person separate from your own;
8 Open an account where the canceled checks are returned to you, in your name as Guardian, in which all of the cash assets of the Protected Person are deposited. This account must be used for all payments or disbursements on behalf of the Guardianship and the Protected Person;
9 Obtain approval from the Court to use Guardianship assets.

It is your duty to protect and preserve the Protected Person's property, to the account for the use of the property faithfully and to perform all the duties required by law of a Guardian.

You may NOT make expenditures or investments from the Guardianship funds without court authorization.

Guardianship funds must never be co-mingled with personal funds. A separate account for all Guardianship assets must be kept in your name as Guardian. Accurate accounts must be kept and accurate reports made. Unauthorized use of Guardianship funds can result in your being personally liable for the misuse of those sums.

As GUARDIAN of the personal affairs of the Protected Person, you are required to:

A. Make certain that the physical and mental needs of the Protected Person (food, clothing, shelter, medical attention, education, etc.) are properly and adequately provided for;

B. File with the Court a status report as to the physical condition and general welfare of the Protected Person every two (2) years after your appointment if said Protected Person is over the age of eighteen (18).

C. File with the Court a status report as to the physical condition and general welfare of the Protected Person yearly after your appointment of said Protected Person is a minor.

It is important to understand that you have the same duties and responsibilities concerning the Protected Person whether or not the Protected Person is your relative.

If at anytime you have a change of address, please notify the Court immediately so that we may make that change to our Court file.

If any questions arise during the Guardianship, you should consult with your Attorney immediately.

I acknowledge I have read and understand the above instructions and agree to follow them carefully, and further that I have kept a copy for my continued use and review.

Dated:

Cause Number:

The Guardianship of:

By: _____, Guardian

I hereby certify that the foregoing Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative 9(G).

Counsel of Record

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

IN THE VANDERBURGH SUPERIOR COURT
PROBATE DIVISION

82D07- _____ - EU-
IN THE MATTER OF THE UNSUPERVISED)
ESTATE OF _____,)
DECEASED)
_____,)

CERTIFICATION OF INVENTORY PREPARATION

Comes now the Personal Representative of the Estate of _____, pursuant to the provisions of I.C. 29-1-7.5-3.2 (e) and certifies to the Court that (1) the Inventory of the estate's assets, and supplement or amendment to it that is required to be prepared pursuant to the provisions of I.C.29-1-7.5-3.2 (a) has been prepared and is available to distributees upon request made to the Personal Representative, and (2) copies of this Certification have been distributed to each of the distributees.

Dated this _____ day of _____, 20__.

Personal Representative

I, _____, swear and affirm under the penalties of perjury that the above and foregoing representations are true and correct to the best of my knowledge and belief.

Personal Representative

I hereby certify that the foregoing Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative 9(G).

Counsel of Record

(Case Caption)

SET FOR HEARING:

Date:
Time:
Administration Building
Room 129, Probate Division
Evansville IN 47708

NOTICE THAT PLEADING IS NOT
SCHEDULED FOR FULL EVIDENTIARY HEARING

The pleading attached to this Notice is scheduled to come before the court on a day and time when it will not be possible to conduct a full evidentiary hearing; only a brief hearing is scheduled. A full evidentiary hearing involves questioning and cross-examination of opposing witnesses, presentation of exhibits supporting positions of two (2) or more opposing parties, and more than brief legal arguments to the Court. Therefore, you should not expect the Court to conduct a full evidentiary hearing on the date of which you are being notified.

If you oppose the action requested in the attached pleading and want the Court to conduct a full evidentiary hearing on whether the pleading should be granted, you must respond to the pleading and request a full evidentiary hearing in one (1) of the following ways. First, you may appear in person or by your attorney at the date and time of which you are now being notified and object to the pleading and request a full evidentiary hearing. Or you may state your opposition and request for a full evidentiary hearing in writing by serving it **BEFORE** the date of which you are now being notified on the Court and the party which filed the attached pleading; the writing must be signed by you or your attorney and must contain the address which you stipulate as adequate for further notice to you. In addition, statutes or court rules of Indiana or these Rules require a specific responsive pleading or specific contents in a response to the pleading attached, and the responding party shall comply therewith.

The court has the authority to order a pre-hearing conference, additional pleadings or responses, legal briefs, or alternate dispute resolution prior to scheduling a full evidentiary hearing.

Vanderburgh Superior Court
Probate Division
County Courts Building
825 Sycamore Street, Room 127
Evansville IN 47708

I hereby certify that the foregoing Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative 9(G).

Counsel of Record