Dearborn Circuit and Superior Courts
Local Rules

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DEARBORN COUNTY LOCAL COURT RULES

LR15-TR-1: RULES OF PROCEDURE

Pleading and procedure shall comply with the Indiana Rules of Civil and Criminal Procedure, per rules, the Statutes of Indiana, and the Local Rules of Court. Administration of the Court shall comply with Jury Rules, Administration Rules and Administration and Discipline Rules.

TR-2: TIME ZONE

The prevailing business time of Lawrenceburg, Indiana, shall govern all matters scheduled before the Court.

TR-3: FILING OF MOTIONS

A. The filing of any motion with the Clerk of Court or with Court personnel shall be brought to the attention of the Judge by the moving party within five (5) days following the filing of the motion.

B. Motions to dismiss, for judgment on the pleadings, and for summary judgment shall be accompanied by a brief or memorandum and proof of service upon opposing counsel or party. An adverse party shall have fifteen (15) days after service or movant's brief or memorandum to file an answer brief or memorandum.

TR-4: FILINGS

Any item filed with the Clerk of Courts, or with Court staff, after 4:30 PM of each business day shall be considered filed the next business day unless the party requests to have the document filed stamped for the same day, or unless pursuant to Trial Rule 5(E) of the Indiana Rules of Trial Procedure.

TR-5: APPROPRIATE APPEARANCE FOR CONDUCTING COURT BUSINESS

A. The Court's offices and the Court Rooms are not casual environments. Accordingly, all persons appearing before the Court, either in official Court proceedings in the Court Rooms or

in the Court related offices, shall present themselves in appropriate business attire to ensure the professional integrity of the Court and the judicial process. All clothing worn must be appropriate, clean, and reflect the proper level of respect due the Court. Neat and clean personal grooming is also required. Professional business attire is required for counsel in all courtroom proceedings.

B. It is expected that all persons present themselves to the Court in compliance with this rule. Failure to comply with this rule may result in the continuance of the proceeding or in the non-complying person being directed to leave the premises and return once they have complied.

TR-6: DOCKETING OF PLEADINGS

It shall be the responsibility of all parties or their attorneys filing documents with the Clerk in matters pending before the Court, to first have those documents placed on the docket in the Judge's Office.

TR-7: PEOPLE PERMITTED AT COUNSEL TABLE

No persons, other than attorneys admitted to the Bar of this State or pro hac vice shall be permitted beyond the gate dividing the public seating from the Court area (known as the "bar") in the Court Room unless the Court finds that there are specific circumstances involved which would warrant the presence of an assistant.

TR-8: COURT'S INTERNAL MAIL SYSTEM

The Court shall keep files available through the day with the names of the respective attorneys who are members of the Dearborn-Ohio County Bar Association on them. All notices such as pink sheets showing the dates of hearings and trials, Court documents such as orders and communications will be placed in these files and shall constitute service and notice of the same to the respective attorneys. Service by one attorney upon another cannot be made by placing on the documents, pleadings or notices in the Court's file. They will not be recognized as service by the Court when done in this fashion.

TR-9: CONTINUANCES

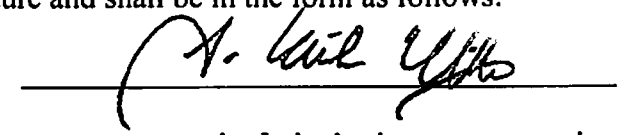
Any motion for continuance filed within two (2) weeks of the trial, hearing or other court matter will be denied unless personal appearance is made by both counsel in court, explaining the necessity for the continuance. In extreme emergencies, the Court may grant exceptions to this rule.

TR-10: SIGNATURE STAMPS FOR JUDGES

A. The staff of the Dearborn Superior Court 1 and the Clerk of Courts is empowered to use a signature stamp bearing a facsimile of the presiding Judge's signature in the following instances:

1. Bureau of Motor Vehicles uniform traffic tickets;
2. Hearing date setting notice ("pink sheet");
3. Proceedings supplemental Order;
4. Order to Answer Interrogatories;
5. Order to Appear in Court;
6. Upon direct verbal authorization of the Judge

Said stamp shall have all the force and effect of the Judge's signature and shall be in the form as follows:

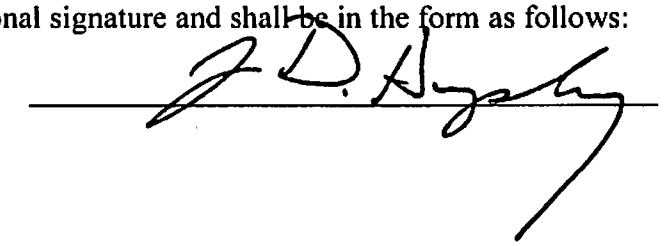


Said persons may use the Judge's signature stamp in other instances upon direction of the Judge.

B. Upon authorization of the presiding Judge, the Court staff of the Dearborn Circuit Court are hereby authorized to use a signature stamp bearing a facsimile of the presiding Judge's signature in the following instances:

1. Notices of hearing dates (pink sheets);
2. Certifications under the Acts of Congress;
3. Orders to Appear (hearing notifications prepared by Attorneys);
4. Daily Certifications;
5. Upon direct verbal authorization of the Judge

Said stamp shall have all the force and effect of the Judge's personal signature and shall be in the form as follows:

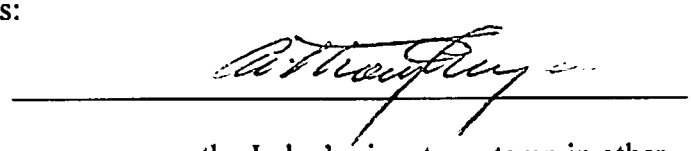


Said persons may use the Judge's signature stamp in other instances upon direction of the Judge.

C. Upon authorization of Senior Judge Anthony C. Meyer, the staff of the Dearborn Circuit Court is hereby authorized to use a signature stamp bearing a facsimile of the Judge's signature in the following instances:

1. Notice of hearing dates (pink sheets);
2. Certifications under the Acts of Congress;
3. Orders to Appear (hearing notifications prepared by Attorneys);
4. Daily certificates;
5. Upon direct verbal authorization of the Senior Judge

Said stamp shall have all the force and effect of Senior Judge Anthony C. Meyer's personal signature and shall be in the form as follows:

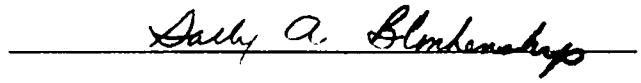


Said persons may use the Judge's signature stamp in other instances upon direction of the Judge.

D. Upon authorization of the presiding Judge, the Court staff of the Dearborn Superior Court 2 are hereby authorized to use a signature stamp bearing a facsimile of the presiding Judge's signature in the following instances:

1. Notices of hearing dates (pink sheets);
2. Certifications under the Acts of Congress;
3. Orders to Appear (hearing notifications prepared by Attorneys);
4. Daily Certifications;
5. Upon direct verbal authorization of the Judge

Said stamp shall have all the force and effect of the Judge's personal signature and shall be in the form as follows:



Said persons may use the Judge's signature stamp in other instances upon direction of the Judge.

TR-11: ESTABLISHING A UNIFORM METHOD FOR PARTIES TO SECURE AN EX-PARTE, PRE-JUDGMENT ORDER OF POSSESSION OF PERSONAL OR REAL PROPERTY

A. In all cases in which a party is seeking an ex-parte, pre-judgment order of possession for either personal or real property, a cash or surety bond of One Thousand Dollars ($1,000.00) shall be posted by the party seeking the ex-parte, pre-judgment order.

B. Bond shall be released to the moving party or their surety upon their successful disposition of the claim. Bond shall be paid to the responding party should the moving party not be successful on their claim and the responding party is able to prove damages suffered as a result of the wrongful ex-parte, pre-judgment order.

C. Requests to vary from this bond requirement shall be presented to the Court by verified petition with sufficient facts alleged as to the reason for seeking the variance.

LR15-CR-1: BAIL

A. In all criminal cases (misdemeanor and Class D felonies) coming within the jurisdiction of the Dearborn Superior Courts, bail is set according to the bail schedules established by the Court, unless otherwise ordered by the Court. Said Bond Schedule is hereby attached and incorporated as attachment 1.

B. Unless otherwise ordered by the Court, all criminal defendants shall appear at all court hearings pertaining to the defendant's case. Such appearances are a condition of the defendant's bail. No attorney has the authority to excuse a client from any court hearing or appearance.

C. In all other criminal cases bail shall be set by the Court

CR-2: NEGOTIATED CRIMINAL PLEA AS TO MISDEMEANORS AND CLASS D FELONIES

Unless otherwise ordered by the Court, all negotiated criminal pleas as to misdemeanors or Class D felonies in matters scheduled for trial by jury shall be tendered to the Court in writing and signed by the defendant, defense counsel, and the prosecutor at least fourteen (14) days before jury trial date. Any guilty plea within

fourteen (14) days of the jury trial date shall be before the Court without recommendation.

CR-3: PROCEDURE FOR EXECUTING JUVENILE TRAFFIC INFRACTIONS, TOBACCO VIOLATIONS AND TRAFFIC MISDEMEANOR FAILURE TO APPEAR WARRANTS

Comes now the Court and establishes the following procedure for police agencies within Dearborn County to implement when executing a Juvenile Traffic Infraction, Tobacco Violation or Traffic Misdemeanor Failure to Appear Warrant upon a person under the age of eighteen (18) years:

A. The person shall be arrested upon the warrant.

B. The person shall be transported to the Dearborn County Law Enforcement Center for processing, and then shall be transported to the Dearborn County Juvenile Center with a copy of the warrant or Order authorizing incarceration.

C. The person shall be released from the custody of the Dearborn County Juvenile Center and into the custody of a parent or guardian upon the posting of a One Hundred ($100.00) Dollar cash only bond. For Traffic Infraction cases only, the juvenile may also be released from the Dearborn County Juvenile Center upon payment of fines and court costs into the Office of the Clerk of Courts. Payments of fines or cash bonds shall <u>not</u> be made at the Dearborn County Juvenile Center. Payment shall be made to the Clerk of Courts or the Dearborn County Sheriff. The person incarcerated shall then be released upon proof to the Dearborn County Juvenile Center that such bond has been posted or such fine paid.

D. Upon release, the Dearborn County Juvenile Center shall notify the person that he/she must appear in the Dearborn Superior Court at 9:00 AM on the next available business day of the Court.

E. If a person does not post bail, he/she shall be brought before the Dearborn Superior Court at 9:00 AM on the next available business day of the Court; or, in the case of the City Court, on the next available date of court.

F. All transporting of such persons shall be done by the Sheriff's Department, the City Police or State Police, as the case may be, and in accordance with the policies and procedures of Dearborn County Law Enforcement Center and Police Department.

G. Such persons, not being juvenile offenders, shall not be entitled to the general services of the Dearborn County

Juvenile Center which are provided for persons designated by law as juveniles.

LR15-JR-1: JURY SELECTION

Jury selection for Dearborn-Ohio Circuit Court and Dearborn Superior Courts shall be conducted pursuant to the Indiana Jury Rules in effect January 1, 2003. Jury selection shall be administered as directed by the Courts for Dearborn County by the Dearborn Circuit Court Clerk, and for Ohio County by the Ohio County Circuit Court Clerk, as assisted by members of the Court staff and such other jury administrators as appointed by the Courts.

JR-2: DEFERRAL, DISQUALIFICATION, AND EXEMPTION

A. Disqualification for jury service shall be determined as set forth in Indiana Jury Rule 5. Persons who have completed a term of jury service in the year preceding the date of the person's summons may claim exemption from jury service. The Court shall excuse a person from action as jurors set forth in Indiana Jury Rule 6 and I.C. 33-4-5-7(a).

B. Pursuant to Indiana Jury Rule 7, the Courts may defer jury service upon presentation of a statement by the juror under oath which constitutes a showing of undue hardship, extreme inconvenience or public necessity.

C. Pre-trial deferral, disqualification or exemption by the Court may only be granted upon submission to the Courts of deferral, disqualification or exemption documentation sworn under oath or affirmed under penalties of perjury. Juror deferral, disqualification or exemption documentation shall be maintained by the Clerk for a period of two (2) years. The documentation shall be personal information relating to the juror, shall be considered confidential, and shall not be disclosed except as otherwise directed by the Courts.

JR-3: JURY SAFTEY AND PRIVACY

A. Pursuant to Indiana Jury Rule 10, personal information relating to jurors or prospective jurors not disclosed in open Court shall be considered confidential, other than as permitted for use of parties and counsel.

B. Petit jurors shall be available during two-month terms for Dearborn County and for three (3) month terms for Ohio County. Grand jurors shall be available during a term of three (3) months. The first twenty-five (25) jurors drawn will be prospective grand jurors in Ohio County. A separate draw will be conducted for prospective Dearborn County grand jurors. Term of service shall be governed by Jury Rule 9.

LR15-PR-1: FEES AND COSTS OF ADMINISTRATION

A. Any and all Court costs shall be paid in full at the time the estate or probate matter is completed.

B. Any and all fees allowed personal representatives and attorneys in probate matters shall, so far as deemed proper by the Court, be allowed in conformance with the fee guideline then existing, approved and adopted by the Dearborn-Ohio Circuit Court. Any and all fees in excess of the guidelines shall be fixed only after a petition is filed and notice to all interested persons.

PR-2: ACCOUNTS

A. At the time of the filing of all accounts (including supplemental reports) in any probate matter, vouchers or receipts evidencing all credits claimed in said account shall be filed therewith unless the Court permits other evidence to be submitted in lieu thereof. No account shall be approved unless and until all vouchers are filed.

B. Whenever an estate cannot be closed within one (1) year, an intermediate account shall be filed with the Court within thirty (30) days after the expiration of one (1) year from the date of the appointment of an administrator or executor and each succeeding year thereafter. Such accounting shall comply with the provisions of I.C. 29-1-16-4 and I.C. 29-1-16-6 and shall state facts showing why the estate cannot be closed.

C. All guardianship accountings must contain a certification of an officer of all financial institutions in which guardianship assets are held, verifying the account balance or a current statement of the account.

D. In all supervised estate and guardianship accountings, a notation shall be placed by each expenditure indicating the reason for the nature of the expenditure.

PR-3: SANCTIONS

In the event that no such intermediate accounting is filed, the Court will annually issue to the attorneys for such estates an order to file such accounting within thirty (30) days from the date of this order. In the event that no accounting is filed pursuant to the order, an Order To Show Cause will be issued to the executor and the attorney to show cause why they should not be removed for failure to comply with I.C. 29-1-16.2.

PR-4: GUARDIANSHIPS

In all guardianship matters, except consensual guardianships seeking to declare a disabled adult person incompetent, at a minimum, a physicians report signed by the doctor treating the alleged incompetent must be presented at the time the petition is filed or on the hearing date.

PR-5: ENTRIES AND NOTICE OF ENTRIES

A. All petitions and papers in probate proceedings shall be prepared, as in the case of civil pleadings, with sufficient copies. Upon all Petitions for Letters of Guardianship or of Administration or Testamentary, the attorney for the personal representative shall have noted thereon his name, address, phone number and State Bar Number, and all notices of court action in said proceeding shall be sent to said attorney, and the same shall constitute notice to the personal representative.

B. Where any petition for an ex-parte order is presented, there shall be presented at the same time a prepared Order Book Entry.

PR-6: GUARDIANSHIP OF MINOR

In every Petition for the Appointment of Guardian over the person of a minor child, the following information shall be given:

A. The child's address;
B. Whether, to petitioner's knowledge, any other litigation is pending concerning the custody of the same child in this or any other state;
C. Whether, to petitioner's knowledge, any person not a party to the guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child.

PR-7: BONDS

In every supervised estate and guardianship, the personal representative, before entering duties, shall file a bond not less than the value of the personal property to be administered, plus the probable value of annual rents and profits of all property of the estate, except as hereinafter provided:

A. Where, under the terms of the will, the testator expresses an intention that the bond be waived, the Court will set a bond adequate to protect creditors, tax authorities and devisees;

B. When the sole devisee and the personal representative are the spouse, no bond is required;

C. No bond shall be required in any supervised estate or guardianship in which a financial institution, qualified by law to serve as such, is either the personal representative or one of several co-personal representatives or guardians.

PR-8: UNSUPERVISED ADMINISTRATION

No petition for administration without Court supervision will be granted unless the consent requirement of I.C. 29-1-7-.2-2(a)(4) is met along with all other requirements of I.C. 29-7.5-2(a).

PR-9: SALE OF ASSETS

A. In all supervised estates and guardianships in which the real estate is to be sold (not distributed), a written professional appraisal setting forth the fair market value thereof must be filed with the court at the time of filing the petition for sale, unless such an appraisal was filed with the Inventory.

B. A copy of all deeds in estates or guardianships must be filed with reports of sale for the Court's records.

PR-10:INVENTORY

In all guardianship and supervised estates, an inventory must be filed with the Court within two (2) months after the appointment of the personal representative or guardian.

PR-11:FEE GUIDELINES

A. Where the Court allows fees:

1. Probate matters;
2. Decedent's Estate with Administration.

B. Fees for basic administration of decedent's estates shall usually be considered reasonable if computed at the rates set forth below. Basic administration shall include the following services:

1. Attend lock box opening;
2. Probate of Will;
3. Appointment of personal representative;
4. Preparing of and filing Inventory;
5. Preparing and filing of Indiana Inheritance Tax Schedule;
6. Determining Indiana Inheritance Tax;
7. Transferring all property included in Inventory;
8. Preparing and filing of Final Report;
9. Preparing and filing of Final Decree of Distribution;
10. Distribution of assets;
11. Preparing and filing Supplemental Report;
12. Obtaining discharge of personal representative;

C. The Basic Fee as follows may be charged on the property inventoried in the estate:

Basic Fee.....$500.00
Plus 6% of assets upon to $50,000.00
5% of assets $50,000.00 to $100,000.00
4% of all assets over $100,000.00 thereafter

D. All other services performed by the attorney shall be deemed "EXTRAORDINARY SERVICES" and may be based upon the schedule set forth below or as the Court shall allow.

PR-12:EXTRAORDIANARY SERVICES

A. Preparing Indiana Inheritance Tax Schedule with assets not inventoried, but included; additional charge on non-inventoried assets (includes transferring) add 1%. Estates requiring Federal Tax Return-$1,000.00 plus 1/2 % of assets on Federal Estate Tax Return; for returns requiring "Special Use Valuation"-$3,000.00 plus 1/2 % of assets on return.

B. Sale of Real Estate: $500.00 for each separate sale consisting of Petition to Sell, Order, Waivers of Notices, Report of Sale, Order, Deed and supporting documents including attending closing, if required.

C. Defending contested claims, civil procedures apply.

D. Services of personal representatives shall be ½ of attorney's fee. This includes where personal representative is attorney or member of firm, plus such fee as extraordinary services shall be allowed upon petition to the Court.

E. Income Tax Returns-Normally done by accountant chosen by fiduciary. If performed by attorney, would be subject to additional fees.

PR-13:DECEDENT'S ESTATE WITHOUT ADMINISTRATION

A. Probate Will.....$225.00
B. Attend Lock Box Opening.....$150.00
C. Transfer of Automobile or Joint Accounts
(per transfer).....$50.00
D. Transfer of Stock, Bonds, or Similar Intangibles
(per transfer).....$150.00
E. Collection of Insurance Proceeds
(per claim).....$100.00
F. Indiana Inheritance Tax Schedule
(plus 1 % of assets on return).....$250.00
G. Federal Estate Tax Return
(plus 1/2 % of assets on return).....$1,000.00
H. Federal Estate Tax Returns
(Special use Valuation, plus ½% of assets on return)
.....$3,000.00
I. Petition and Order of No Administration or Affidavit or
Equivalent.....$250.00
J. Affidavit to Transfer for Real Estate with Title Examination,
Without Opinion, if Necessary.....$150.00

PR-14:GUARDIANSHIP FEES

A. Opening (uncontested).....$500.00
B. Current Report.....$350.00
C. Sale of Real Estate Consisting of the following:
1. Petition to Sell
2. Order
3. Waivers or Notices
4. Report of Sale
5. Order
6. Deed
7. Supporting documents including attend closing if required
.....$500.00

D. Final Report.....$400.00

PR-15:TRUST FEES

A. Opening.....$500.00
B. Current Report.....$350.00
C. Sale of Real Estate Consisting of the following:
   1. Petition to Sell
   2. Order
   3. Waivers or Notices
   4. Report of Sale
   5. Order
   6. Deed
   7. Supporting documents including attend closing if required $500.00
D. Final Report.....$400.00

PR-16:FORECLOSURE OF REAL ESTATE MORTGAGE

Basic Fee.....$750.00
Plus 5% of first $30,000.00
Plus 4% of all over $30,000.00

PR-17:INHERITANCE TAX ORDERS

Schedules of All Property (Form IH-6, Inheritance Tax Division) when filed with the Clerk's Office, shall be accompanied by Form IH-9, a Court Order determining the amount of taxes.

PR-18:GUARDIANSHIP BIENNIAL REPORTS

A. Comes now the Court and issues the following rule on biennial reports of guardianships:

   1. All guardianships in which property of the ward/conservatorship is handled, the guardian or conservator shall file a biennial report in accordance with I.C. 29-3-9-6-5,-6,-6.5 which must contain the following information:

      A. the beginning balance or inventory;
      B. income;
      C. expenses;
      D. recapitulation showing the current balance.

B. All such biennial accounts must be signed by the guardian under the penalties of perjury or notarized.

C. Under provisions of I.C. 29-3-9-6.5, a formal accounting need not be made; however, a recapitulation must be made by letter and signed by the guardian. The Court may make special orders in cases where special circumstances require.

PR-19:MENTAL HEALTH COMMITMENTS

All verbal and written Emergency Mental Health Detention Orders shall be prepared and submitted by the Community Mental Health Center. In the event that an emergency mental health detention and examination are needed, the family or significant others, the referring physician, or the police officer or any other person requesting emergency detention shall first notify the Community Mental Health Center before such an Order will be issued by the Court.

LR15-AR-1: PAUPER COUNSEL FEE SCHEDULE

The reasonable fee for legal services in Court appointed cases for which fees are charged to the county shall be determined on the basis of hours required to perform the service. Since cases vary greatly in the time and labor required, depending upon complexity of evidence, legal issues and other matters, a flat fee system is not workable and this Court should receive a bill which clearly states the service performed, the expenses incurred and the reason for the same no less frequently than quarterly.

AR-2: FEE SCHEDULE FOR CRIMINAL CASES

A. All attorney time in Court or out of Court will be billed at Sixty Dollars ($60.00) per hour, with supporting documentation as to time spent. Dead time will be billed where delay was not due to the Public Defender.

B. Trial work before a jury trial will also be billed at the rate of Sixty Dollars ($60.00) per hour or Five Hundred Dollars ($500.00) per day, whichever is less.

C. None of the above applies to death penalty cases.

AR-3: FEE SCHEDULE FOR CIVIL, JUVENILE, CHINS, TERMINATION OF PARENTAL RIGHTS

A. Billing for all out-of-Court work shall be at the rate of Thirty-five Dollars ($35.00) per hour.

B. For court appearances and hearings, the rate of compensation shall be Forty-five Dollars ($45.00) per hour.

C. Trial work will be billed at the rate of Fifty-five Dollars ($55.00) per hour or a maximum of Three Hundred Dollars ($300.00) for any full day in Court.

AR-4: TRAVEL AND REIMBURSEMENT

Use of an automobile for the client's business shall be compensated at the rate of Forty Cents ($0.40) per mile. Costs and expenses incurred on the client's behalf shall be reimbursed where said costs were reasonably necessary to representation of the client. Charges for pre-authorized experts, accountants, investigators, medical doctors and similar items will be borne by the county. Reasonable expenses for lodging and meals when traveling on client's business are also reimbursable. Application shall be made in advance before the hiring of experts, etc., and before expenses for lodging and meals in excess of Fifty Dollars ($50.00) are incurred. Meals shall be reimbursed at the state per diem rate

AR-5: COURT RULES FOR ASSIGNMENT OF CASES

The Clerk of the Dearborn Circuit and Superior Courts is directed to file the following types of non-criminal cases in the following manner:

A. Juvenile CHINS, Juvenile Delinquent, Juvenile Status, Juvenile Paternity, Juvenile Miscellaneous, Juvenile Termination of Parental Rights, Adoption Petitions, Unsupervised Estates, Supervised Estates, Reciprocal Support, Guardianships, Mortgage Foreclosures, and Trusts shall be filed in the Circuit Court.

B. Small Claims, Protective Orders, Civil Plenary of an amount at issue of Ten Thousand Dollars ($10,000.00) or less. Infractions and Ordinance Violations shall be filed in the Dearborn Superior Courts. Filings shall be divided through the following procedure: Cases filed in the months of January, March, May, July, September, and November shall be filed in Dearborn Superior I. Cases filed in the months of February, April, June, August, October and December shall be filed in Dearborn Superior II.

C. Mental Health cases shall be filed in the Court initiating the commitment process.

D. Domestic relations cases shall be divided two thirds (2/3) to Circuit Court and one third (1/3) to Superior Court II. Cases filed in the months of January, February, April, May, July, August, October, and November shall be filed in Circuit Court. Cases filed in the months of March, June, September, and December shall be filed in Dearborn Superior Court II.

E. Civil Torts shall be filed two-thirds (2/3) to Superior Court No. 1 and one-third (1/3) to Superior Court II. Cases filed in the months of January, February, April, May, July, August, October and November shall be filed in Superior Court No. 1. Cases filed in the months of March, June, September and December shall be filed in Superior Court II.

F. Civil Plenary and Civil Collections with the amounts in controversy, $10,000.00 or more shall be filed fifty percent (50%) to Circuit Court and twenty-five percent (25%) each to Superior Court I and Superior Court II. Cases filed in the months of January, March, May, July, September and November shall be filed with Circuit Court. Cases filed in the months of April, August, and December shall be filed with Superior Court I. Cases filed in the months of February, June and October shall be filed in Superior Court II.

G. The judges of the three (3) courts shall retain the authority to assign cases between the courts whenever the workload of each court and convenience in handling cases make such an assignment judicially desirable and with the consent of the Judges.

AR-6: ASSIGNMENT OF CERTAIN CONFLICT CASES

A. This rule shall apply to the re-assignment of case and the selection of a Senior Judge where there is an Order of Disqualification or Recusal in order to bring the case to a conclusion in the Dearborn-Ohio Circuit Court.

B. As to cases filed on or before December 31, 1998, whenever the Judge of the Dearborn-Ohio Circuit Court has a conflict of interest in any case which requires him to recuse himself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney or private practitioner, the case shall be assigned to Senior Judge, Anthony C. Meyer, for all further proceedings. The Clerk, upon recusal by the Circuit Court Judge,

shall enter a Order transferring the case to Senior Judge, Anthony C. Meyer. Senior Judge, Anthony C. Meyer, with an appropriate RJO entry and notify Senior Judge, Anthony C. Meyer. Senior Judge, Anthony C. Meyer, shall accept jurisdiction under the provisions of this Rule unless disqualified under the Code of Judicial Ethics or excused from service by the Indiana Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an Oath or special Order accepting jurisdiction. Senior Judge, Anthony C. Meyer, shall retain jurisdiction of the case for all future proceedings unless a specific statute or Rule provides to the contrary or the Senior Judge is unavailable by reason of death, sickness, absence or unwillingness to serve. If further re-assignment or selection of a successor Special Judge or Senior Judge is required, then it shall be in the same manner as set forth in Dearborn Circuit Court Local Rule 10.3 for criminal cases or Court Rule 20.29.10 for civil cases as to cases filed on or before December 31, 1998.

C. As to cases filed on or after January 1, 1999, whenever the Judge of the Dearborn-Ohio Circuit Court has a conflict of interest in any case which requires him to recuse himself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney, or private practitioner, the case shall be assigned to Senior Judge, Gary K. McCarty, with an appropriate RJO entry and notify Senior Judge, Gary K. McCarty, that Senior Judge, Gary K. McCarty, shall accept jurisdiction under the provisions of this rule unless disqualified under the Code of Judicial Ethics or excused from service by the Indiana Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an Oath or special Order accepting jurisdiction. Senior Judge, Gary K. McCarty, shall retain jurisdiction of the case for all future proceedings unless a specific statute or Rule provides to the contrary or the Senior Judge is unavailable by reason of death, sickness, absence or unwillingness to serve. If further re-assignment or selection of a successor Special Judge or Senior Judge is required, then it shall be in the same manner as set forth in the Dearborn Circuit Court Local Rule 10.3 for criminal cases or Court Rule 20.29.10 or civil cases.

AR-7: ASSIGNMENT OF CRIMINAL CASES

A. Comes now the Court, sua sponte, and, pursuant to Criminal Rule 2.2, 12 and 13 of the Indiana Rules of Court, now issues the following Administrative Order establishing the method of

assigning felony and misdemeanor cases in the Court of record of Dearborn County, Indiana:

1. All murder cases shall be filed in the Dearborn Circuit Court.
2. All Class D felony cases and all Class A, B and C misdemeanor cases shall be filed in accordance with the month in which the crime is alleged to have occurred as follows:
   a) Offenses alleged to have occurred in January, March, May, July, September and November shall be filed in Dearborn Superior Court II.
   b) Offenses to have occurred in February, April, June, August, October and December shall be filed in Dearborn Superior Court No. 1.
   Cases which allege an episode of criminal conduct over a period of time shall be filed in the month of the first occurrence of the crime as stated in the charging information. Cases that allege multiple counts of criminal conduct that are not necessarily of a continuing episode shall be filed in the month of the earliest count alleged.
3. All vehicular homicides other than murder cases shall be filed in the Dearborn Superior Court I& II, consistent with paragraph 2 above.
4. All miscellaneous criminal cases may be filed in either the Dearborn Circuit Court, the Dearborn Superior Court I, or the Dearborn Superior Court II.
5. Class A, B and C felonies shall be randomly assigned by the Clerk as follows: 3/5 of such cases to the Dearborn Circuit Court; 1/5 of such cases to the Dearborn Superior Court No. 1; and 1/5 of such cases to the Dearborn Superior Court II.
   Once filed as a Class A, B or C felony, subsequent amendment of charges to add Defendants or additional counts (either of which arise from the same transaction or occurrence) shall be filed in the court of original filing. In addition, if such charges are dismissed and re-filed, the charges shall be re-filed in the Court of original filing.
6. All traffic infractions shall be filed in the Dearborn Superior Court I.
7. The Judge presiding over a case to be filed in accordance with this Rule may request that the case be filed contrary to this Rule where there exists the appearance of conflict of interest. Before doing so, the Judge shall seek permission from the Judge of the Court in which the cases are intended to be filed.

8. This Rule does not affect the manner of assigning cases to Courts of non-record.

B. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12(B), the presiding Judge disqualifies himself or it becomes necessary to assign another Judge in any criminal or juvenile delinquency case in the Dearborn Circuit Court except for situations arising under Trial Rule 79(C) of the Indiana Rules of Court, the Clerk shall reassign said cases to the following Judge in the following consecutive order:

1. Honorable G. Michael Witte, Dearborn Superior Court I.
2. Honorable Sally Blankenship, Dearborn Superior Court II.
3. Honorable John D. Mitchell, Ohio/Switzerland Superior Court.
4. Honorable Carl H. Taul, Ripley Circuit Court.
5. Honorable James B. Morris, Ripley Superior Court.
6. Honorable Steven Cox, Franklin Circuit Court.

In the event it becomes necessary to reassign a criminal or juvenile delinquency case in the Dearborn Circuit Court, the Judges shall be reassigned in consecutive order to the above named Judges. Judges previously assigned the case are ineligible for reassignment. The Honorable G. Michael Witte shall not be assigned when attorney Gary W. Sorge has entered an appearance in a criminal case as the Honorable G. Michael Witte and Gary W. Sorge are related in the third degree.

C. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12: the presiding Judge disqualifies himself or it becomes necessary to assign another Judge in any criminal case in the Dearborn Superior Court 1, except for situations arising under Trial Rule 79: of the Indiana Rules of Court, the Clerk shall reassign said cases to the following Judges in the following order:

1. Honorable James D. Humphrey, Dearborn/Ohio Circuit Court;
2. Honorable Sally Blankenship, Dearborn Superior Court II.

3. Honorable John D. Mitchell, Ohio/Switzerland Superior Courts;
4. Honorable Carl H. Taul, Ripley Circuit Court;
5. Honorable James B. Morris, Ripley Superior Court;
6. Honorable Steven Cox, Franklin Circuit Court;

D. Whenever the Judge of the Dearborn Superior Court 1 has a conflict of interest in any case arising from the representation of a party by attorney Gary W. Sorge, who is related to Judge G. Michael Witte by marriage, the case shall be transferred to the Dearborn Circuit Court, James D. Humphrey, Judge, for all further proceedings. The Clerk, upon Recusal by the Dearborn Superior Court 1 Judge, shall enter an Order transferring the case to the Dearborn Circuit Court, James D. Humphrey, Judge, with an appropriate RJO entry and notify Dearborn Circuit Court Judge, James D. Humphrey. The Judge of the Dearborn Superior Court 1 shall transfer any case to the Honorable James D. Humphrey in which Gary W. Sorge is involved, since the Judge of the Dearborn Superior Court 1 and Gary W. Sorge are related in the third degree. Dearborn Circuit Court Judge, James D. Humphrey, shall accept jurisdiction under the provisions of this Rule unless disqualified under the code of judicial conduct or excused from service by the Indiana Supreme Court. The transfer of such case shall be entered on the Chronological Case Summary of the case and will not require an Oath of Special Order accepting jurisdiction. Dearborn Circuit Court Judge, James D. Humphrey, shall retain jurisdiction of the case for all future proceedings unless a specific statute or rule provides to the contrary or James D. Humphrey is unavailable by reason of sickness, absence or unwillingness to serve.

E. If further re-assignment or selection of a successor Special Judge is required, then it shall be in the same manner as set forth in Dearborn County Court Rule 15 for criminal cases:

1. In the event a case is dismissed and refilled, the Judge last having jurisdiction in the dismissed case shall be the Judge in the new case;
2. Any post-conviction relief Petitions shall be filed in the Court in which the underlying conviction originated;

3. Any cases which may be joined by statute shall be treated as one case for purposes of determining which Court shall be selected. The highest charge filed shall determine selection;
4. This Rule shall be reviewable at any time by the Judges of the Dearborn Circuit Court and Dearborn Superior Court 1 and shall be reviewed annually by the Judges of said Courts with approval of any changes in this Rule to be made in accordance with Criminal Rule 2.2 before any changes become effective;
5. This Rule shall be effective as soon as approved by the Indiana Supreme Court pursuant to Criminal Rule 2.2.

F. Whenever the Judge of the Dearborn Superior Court II has a conflict of interest in misdemeanor or Class D felony cases which require her to recuse herself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney, or private practitioner, the case shall be assigned to Dearborn Superior I. Whenever the Judge of the Dearborn Superior Court II has a conflict of interest in any Class A, B or C felony cases which requires her to recuse herself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney, or private practitioner the case shall be assigned to Dearborn Circuit Court. The Clerk, upon recusal by the Dearborn Superior II Judge, shall enter an Order transferring the case to the appropriate Judge. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an Oath or special Order accepting jurisdiction.

G. The judges of the three (3) courts shall retain the authority to transfer cases between the courts in the interest of judicial economy when a defendant has multiple cases filed within the Dearborn County Court system.

AR-8: SPECIAL JUDGES

A. Pursuant to Trial Rule 79(H), the following list of judges shall be eligible for appointment as a Special Judge in civil cases:

1. Hon. Ted R. Todd
2. Hon. Fred H. Hoying
3. Hon. John D. Mitchell

4. Hon. Carl J. Taul
5. Hon. James B. Morris
6. Hon. James D. Humphrey
7. Hon. Sally Blankenship

B. Such judges shall be appointed on a rotating basis, except when such Judges are known to this Court to be ineligible or disqualified as Special Judge under Trial Rule 79(H). All judges named above are members of Indiana Supreme Court administrative district 12.

C. Any Judge appointed to serve as a permanent special judge under an existing standing order of the Supreme Court shall continue to serve in that capacity until further instruction from the Supreme Court.

D. Comes now the Court on its own Motion and pursuant to Trial Rule 79(H), and after consultation with the Judges hereinafter named, adopts the following list for appointment of Special Judges in civil cases, to-wit:

1. Hon. Ted R. Todd
2. Hon. Fred H. Hoying
3. Hon. John D. Mitchell
4. Hon. Carl H. Taul
5. Hon. G. Michael Witte
6. Hon. James B. Morris
7. Hon. Sally Blankenship

E. The Court further orders that such judges shall be submitted on a rotating basis, except when such judges are known to this Court to be ineligible or disqualified as Special Judges under Section H of the aforesaid rule. All such judges hereinabove named are within this Court's administrative district. This Order shall become effective October 1, 1995.

AR-9: DESTRUCTION OF EVIDENCE COURT RULES

A. Evidence which has been retained by the Court Reporter as a result of trials in matters in which the time for appeal has expired, will be retained for a period of one (1) year from the date of expiration of such time. Upon the expiration of one (1) year from the date of expiration of appeal time, such exhibits and evidence will be confiscated and/or destroyed unless counsel has requested a release of the same prior thereto. Such releases should be in writing and should describe the specific items of evidence requested to be released.

B. At any other time, the Court will give notice to counsel of its intent to confiscate and destroy evidence no longer required to be retained, and counsel shall have thirty (30) days in which to claim the same upon receipt of the same.

C. Comes now the Court pursuant to its inherent rule making authority and the proper administration of the Dearborn-Ohio Circuit Courts and makes the following local rule:

1. RULES FOR EVIDENCE HANDLING, RETENTION AND DISPOSTION

   A. In all cases the Court shall proceed pursuant to these rules unless the Court directs a longer retention period after motion by any party or on its own motion.

2. RETENTION PERIOD FOR EVIDENCE INTRODUCED IN CIVIL CASES

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

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

3. RENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL, MISDEMEANOR, CLASS C AND CLASS D FELONIES AND ATTEMPTS

   A. Misdemeanor, Class C and Class D Felonies and Attempts. All models, diagrams, documents or material admitted in evidence or pertaining to the

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

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

4. RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL CLASS A AND CLASS B FELONIES, MURDER AND ATTEMPTS

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

B. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes are provided in Administrative Rule 7.

C. Non-documentary and Oversized Exhibits. Non-documentary and oversized exhibit it shall not be

sent to the Appellate level Court, but shall remain in the custody of the trial Court during the appeal. Such exhibits shall be briefly identified in the transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits.

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

E. Notification and Disposition. In all cases, the Court shall provide actual notice, by mail, to all attorneys of record and to parties only if unrepresented by Counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and the parties have the duty to keep the Court informed of their current addresses and notice to the last current address shall be sufficient. Court Reporters should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area. At the time of removal, detailed receipts shall be given to the Court Reporter by the party receiving and removing the evidence and the receipt will be made part of the Court file.

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

G. Biologically Contaminated Evidence. A part who offers biologically contaminated evidence must file a pre-trial notice with the trial Court and serve all the parties so that the Court can consider the issue and rule appropriately before trial. A party can show contaminated evidence or pass photographs of it to the jury, but no such evidence, however contained, shall be handled or passed to jurors or sent to the jury room. This locale rule shall be effective immediately.

LR15-AR-10: TRANSCRIPTS AND COURT REPORTING COURT RULES

A. In accordance with the requirements of Administrative Rule 15 of the Indiana Supreme Court, the following rule is hereby proposed, subject to Indiana Supreme Court approval, effective January 1, 2005.

SECTION I. DEFINITIONS

1. A "Court Reporter" is a person who is specifically designated by the 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 Court Room and any 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 Trial Procedure 74.

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

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

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

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

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

10. "Court" means the particular Court for which the Court Reporter performs services. Court may also mean all of the courts in Dearborn 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 a 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. SECTION II. SALARIES AND FEES

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 Reporter 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 of regular work hours).

C. INDIGENT TRANSCRIPTS (County and State)

1. Court Reporters shall not be entitled to bill another governmental entity, body or administrative office for the preparation of any indigent transcript except for claims for gap time or overtime compensation.

2. All indigent transcripts shall be prepared during the regular working hours of the Court. Preparation of said indigent transcripts are a regular task of the Court Reporter of the Circuit and Superior Courts. Should completion of said indigent transcripts require the Court Reporter to work beyond her normal working hours, then she shall be entitled to compensation for gap time and overtime in a manner agreed between the Court and the Court Reporter.

3. A fee of One Dollar ($1.00) per page shall be charged for copies of indigent transcripts regardless of whether they are produced as a hard copy or on a disk.

D. PRIVATE TRANSCRIPTS

1. The maximum per page fee a Court Reporter may charge for the preparation of a private transcript shall be:

   A Four Dollars ($4.00) per page; Two Dollars and Twenty-five Cents ($2.25) per page for a copy.

      1. These charges shall be the same regardless of whether the transcript is produced as a hard copy or on disk.

   B. In some instances a retainer may be requested.

   C. A bill shall be submitted directly to the lawyer requesting the transcript, said transcript will not be released until payment in full is received.

E. OTHER TRANSCRIPTS

1. In cases where a transcript is requested by a member of the public (not for trial Court or appeal purposes), the charge will be Four Dollars ($4.00) per page; Two Dollars and twenty-five Cents ($2.25) per page for a copy.

   A. These charges shall be the same regardless of whether the transcript is produced as a hard copy or on disk.

   B. The request must be submitted in writing.

2. A retainer will always be requested in these instances for at least fifty (50%) percent of the estimated charge.

3. Each Court Reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private indigent transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

F. SECTION III. PRIVATE PRACTICE

1. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a private transcript, and the Court Reporter desires to utilize the Court's equipment, work space and supplies, and the Court agrees to the use of the Court's 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.

   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 a private transcript, all such private practice work shall be conducted outside of regular working hours. The Court Reporter shall not draw a paycheck from the county for working regular Court hours and bill for private practice work during those same working hours.

3. Said fees are subject to change upon due notice and amendment of this Court Rule.

LR15-AR-11: JUVENILE DETENTION AND HOUSING COURT RULES

1. No child (person under the age of eighteen (18) years) will be detained or incarcerated in an adult jail, municipal lock-up or adult facility, within or without the County, subject to the following exceptions:

   A. a child subject to automatic waiver by statute as murder (I.C. 31-30-1-4) and;
   B. a child who has been waived to adult Court;

2. All children who do not fit within the above described exceptions, shall be either detained or otherwise placed in detention in the Dearborn County Juvenile Center.

LR15-FL-1: VISITATION GUIDELINES (Former Rule 16.3) will be as follows:

A. Visitation is based upon consideration of what is most beneficial to the child(ren) and exists for the child(ren), and not for the parents.
B. In custody Orders, the primary care, custody and control of the minor child(ren) of the parties is granted to the custodial parent, subject to reasonable visitation by the non-custodial parent at such times and places as may be mutually agreed upon by the parties. A visitation agreement made by both parents is preferred to a Court imposed solution. If the parties do not agree, the following shall be considered the minimum visitation to which the non-custodial parent shall be entitled. In any Order where the Court uses the term "reasonable visitation," such term shall be interpreted in accordance with the following minimal visitation rights:

   1. INFANT TO CHILDREN AGE 6 MONTHS: two (2) hours per week at the home of the custodial parent or a grandparent;
   2. 6 MONTHS TO 2 YEARS: visitation will be one (1) day per week with the non-custodial parent from 9:00 AM to 6:00 PM. There will be no overnight visitation;
   3. 2 YEARS AND OVER: alternating weekends from Friday evening at 6:00 PM to Sunday evening at 6:00 PM. Summer visitation shall take place during the child's school vacation for four (4) weeks which shall be divided into separate two (2) week segments. The child must be returned to the home of the custodial parent two (2) weeks

before school starts; such extended visitation shall only take place upon thirty (30) days or more notice by the non-custodial parent to the custodial parent; extended precedence over the holidays and weekends; if the custodial parent should go on vacation during the summer, and the non-custodial parent loses a weekend visitation, then the non-custodial parent shall have an additional weekend upon the return of the custodial parent.

4. Transportation will be addressed as follows:

   The non-custodial parent shall provide the transportation to and from the custodial parent's home provided the residence of the custodial parent and the non-custodial parent are within forty-five (45) miles of each other; In the event that the residences of the non-custodial parent and the custodial parent are more than forty-five (45) miles, the non-custodial parent shall be responsible for picking the child(ren) up at the time set out, and the custodial parent shall return the child(ren);

5. Long Distance Visitation will be addressed as follows:

   After age three (3) until age twelve (12), long distance will be granted if the child(ren) is accompanied by a responsible adult. Parents shall share equally in the costs of travel if the custodial parent moves the child(ren) more than forty-five (45) miles from his/her former residence. Visitation shall be for a period of eight (8) weeks during a period of time which not will interfere with the child's(ren's) school activities provided weekend visitation is not feasible.

6. Holidays will be addressed as follows:

   A. The following holidays are recognized as holidays for the purpose of this Rule, and shall be shared with the non-custodial parent alternatively, to-wit: Christmas Eve, Christmas Day, Thanksgiving, Easter, Memorial Day, New Years Day, Labor Day, 4th of July and the child's birthday for a child two (2) years and older, from 9:00 AM until 9:00 PM (other holidays falling on alternating weekends which will coincide with visitation rights

herein set out). Holiday visitation shall take precedence over, and which shall be in addition to, weekend visitations when such holidays fall on a date other than a weekend visitation;

B. The fact that a birthday and a weekend visitation may fall on the same date, does not entitle the non-custodial parent to any additional visitation time.

7. Related Matter will be addressed as follows:

A. Support shall abate by fifty (50%) percent during the extended summer visits, and any extended visitation of seven (7) days or more;

B. Neither visitation nor child support shall be withheld because of either parent's failure to comply with a Court Order;

C. Each parent shall have the child(ren) ready for visitation and the child(ren)'s return to the custodial parent's home at the appropriate time. The custodial parent shall make arrangements to provide adequate clothing and other personal items for the visitation periods including, but not limited to, a child restraint device used for transporting said child(ren);

D. The non-custodial parent shall give the custodial parent three (3) days prior notice if he or she does not intend to exercise visitation unless an emergency situation exists, in which case he or she will give such notice as is possible under the circumstances;

E. Each parent shall supply the other with his/her current address and telephone number. Each parent shall allow reasonable telephone and mail privileges with the child(ren), and deliver all mail to the child(ren) sent by the other parent;

F. The custodial parent shall provide copies of all school and medical reports within then (10) days of their receipt and shall immediately notify the other parent in the event of a medical emergency. The custodial parent shall inform the non-custodial parent of school functions permitting parental participation within twenty-four (24) hours after receiving notice of such function;

This Rule is maintained as to Orders issued prior to the effective date of the Indiana Supreme Court Child Parenting Guidelines effective March 31, 2001.

FL-2: DISSOLUTION OF EDUCATION WORKSHOP

All parties to dissolution cases with minor un-emancipated children who file for dissolution of marriage shall participate in a Dissolution Education Workshop for the purpose of encouraging agreements between the parties on child related matter and aiding the matters and aiding the parents in post-separation parenting. No final Decree of Dissolution in such cases shall be granted, nor shall the case be set for final hearing until a Notification of Compliance has been received that the parties have attended such workshop and paid the program fees. An Order to the parties shall be automatically issued by the Circuit Court upon the filing of a Petition for Dissolution of Marriage where un-emancipated children are involved. These Orders shall be enforceable by contempt proceedings. The Court may waive application of this Rule upon good cause (i.e. that the parties have already reached an acceptable agreement).

FL-3: SERVICE OF PLEADING AFTER DISSOLUTION

In all matters pertaining to Dissolution of Marriage commenced after the final Decree has been placed on the Order Book, notice of hearings thereon must be served upon the other party and upon the attorney who appeared for the other party in the dissolution proceedings. The Rule shall apply for all proceedings for contempt, modifications, proceedings supplemental and the like.

FL-4: PRELIMINARY ORDERS

A. All Petitions for Provisional Orders which involve support money shall be accompanied by a child support guideline worksheet, and the same shall be attached to the Petition, and such worksheet shall be signed by the party submitting the same.

B. All Petitions for Provisional Orders for child custody and support money shall be accompanied by a proposed Notice setting a date, within twenty-one (21) days, for a hearing on the same. The scheduling secretary of the Circuit Court shall attempt to set a date within five (5) days, if possible, from the date of the filing of the Petition and the Request for Temporary Orders. No emergency Provisional Orders shall be issued unless the proponent of the

request has complied with the provisions of Indiana Rule of Trial Procedure 65(B).

FL-5: SUPPORT ABATEMENT

Child support obligations shall abate by fifty (50%) percent during extended summer visits and any extended visitation of seven (7) days or more. This Rule shall be effective as of March 31, 2001.

FL-6: MANDATORY DISCOVERY IN ACTIONS FOR DISSOLUTION OF MARRIAGE

A. In all actions for dissolution of marriage filed after the date of the Order, the parties shall comply with the following:

1. Within forty-five (45) days of the filing of a Petition for Dissolution of Marriage, the parties shall exchange copies of Federal Income Tax Returns for the previous year, most recent pay stubs and all of the most current information available regarding pensions, 401-K's and any other retirement plans.
2. Within sixty (60) days of the date of filing of the Petition, exchange verified financial declaration forms as set forth in Exhibit "A" to this Rule.
3. Within ninety (90) days of the date of filing, conduct and verify to the Court that a settlement conference between the parties and Counsel has been conducted and report to the Court any stipulations or agreements which have arisen from the settlement conference.

B. Exchange of the above stated information constitutes mandatory discovery, and therefore Trial Rule 37 sanctions apply. Deadlines may be extended or shortened by the Court for good cause shown. No contested marriage dissolution action will be scheduled for final hearing unless Counsel for either or both parties certify to the Court that the above required disclosure has been completed by both parties. The settlement conference process of this Rule shall not apply in cases in which one or both of the parties is not represented by Counsel.

SO ORDERED AND EFFECTIVE THIS 1st DAY OF JANUARY, 2008.

HON. JAMES D. HUMPHREY
Judge, Dearborn Circuit Court

HON. G. MICHAEL WITTE
Judge, Dearborn Superior Court No. 1

HON. SALLY A. BLANKENSHIP
Judge, Dearborn Superior Court II

STATE OF INDIANA) IN THE DEARBORN SUPERIOR COURT
)
COUNTY OF DEARBORN)

IN RE: THE ADMINISTRATION OF
THE DEARBORN SUPERIOR COURT CAUSE NO. 15D01-0009-MI-033

AMENDED DEARBORN SUPERIOR COURT
BAIL BOND SCHEDULE

Comes now the Court, sua sponte, and sets the following bail bond schedule for pre-trial Release of persons incarcerated in the Dearborn County Law Enforcement Center for criminal offenses cited into the Dearborn Superior Court. This order supersedes all previous bail bond orders.

I. PERSONS NOT ELIGIBLE FOR BAIL BOND SCHEDULE
This bail bond schedule does NOT apply to the following:

A) Persons currently on probation or parole in any jurisdiction;

B) Persons currently on release under bail bond or own recognizance from any court;

C) Persons arrested for any crime arising from a domestic violence incident;

D) Persons arrested for any Class A, B, or C felony;

E) Persons who refuse to submit to a chemical test for intoxication;

F) Persons arrested for resisting or fleeing law enforcement, or battery on a law enforcement officer, a penal or juvenile facility employee, or a correctional professional.

G) Persons with any entry on their criminal or driving record for failure to appear, failure to pay, or escape.

II. PERSONS NOT ELIGIBLE FOR RELEASE ON OWN RECOGNIZANCE
The following persons are NOT eligible for release on their own recognizance. However, they are eligible for application of the cash bail bond schedule.

A) Persons arrested for operating a vehicle while intoxicated third offense or higher;

B) Persons arrested for operating a vehicle while intoxicated resulting in serious bodily injury;

C) Persons arrested for leaving the scene of a personal injury or property damage collision;

D) Persons arrested for any sex related crime;

E) Any out-of-state resident;

F) Any person arrested on a failure to appear or failure to pay warrant, including all traffic infractions.

III. PERSONS ELIGIBLE FOR RELEASE ON OWN RECOGNIZANCE

Any person who meets any five (5) of the following seven (7) criterial and is not excluded by Section II immediately preceding may be released on his/her own recognizance.

A) Dearborn, Ohio, or Ripley County resident;

B) Continuous, full-time or part-time employment at same place for past six (6) months, or retired from employment;

C) Married and living with spouse;
D) Minor children living at home with defendant;
E) Owner of real estate in Indiana or has rented at same Indiana address for past year;
F) No prior felony convictions;
G) No prior failure to appear or failure to pay in any court.

IV. CASH BAIL BOND SCHEDULE

The cash bail system for the Dearborn Superior Court is a fifty percent (50%) cash bail system. Any person who fails to appear shall be responsible to the court for the full amount which is equal to twice the amount posted.

		50% Amount To Be Posted	*Full Bail Amount if FTA*
A)	Traffic infraction failure to appear or failure to pay warrant	*$ 100.00*	*$ 200.00*
B)	Overweight vehicle failure to appear or failure to pay warrant	*$ 500.00*	*$ 1,000.00*
C)	Class A, B, or C misdemeanor	*$ 500.00*	*$ 1,000.00*
D)	Class D felony	*$ 1,000.00*	*$ 2,000.00*

This is a CASH ONLY schedule. No surety bonds shall be accepted by the Sheriff or his designee prior to arraignment unless specifically authorized by the Court.

All cash bail bonds shall become a personal asset of the defendant and shall be held in trust by the Clerk of Courts, and shall be applied towards payment of the defendant's fines, court costs, restitution, judgments and public defender reimbursement.

V. MULTIPLE CHARGES

Any person charged with more than one offense arising out of the same transaction will have his bail set according to the highest level of offense charged, unless he/she is eligible for release on his own recognizance. Bail bonds shall not be stacked.

VI. COURT APPEARANCE DATE

Any person who posts bail or is released on his/her own recognizance according to this bail bond schedule shall appear for an initial hearing at 9:00 a.m. on the next available court session unless otherwise ordered by the Court.

Any person issued a uniform information and summons for a misdemeanor offense and is not arrested and taken to jail shall appear for an initial hearing at 9:00 a.m. on the next available court session unless otherwise ordered by the Court.

SO ORDERED THIS 1st DAY OF JANUARY, 2008

HON. G. MICHAEL WITTE, Judge
DEARBORN SUPERIOR COURT No. 1