NOBLE COUNTY COURTS RULE # 92-2

Pursuant to Trial Rule 81 of the Indiana Rules of Trial Procedure, the Judges of the Noble Circuit Court, Noble Superior Court, and Noble County Court hereby promulgate Local Rule # 92-2 of the Noble County Courts. The title of the rule is: FILING OF DOCUMENTS IN THE NOBLE CIRCUIT, SUPERIOR AND COUNTY COURTS BY FACSIMILE TRANSMISSION.

A) Definitions. For the purpose of this rule the definitions set forth in this paragraph shall apply:

1) Cover Sheet means a descriptive initial page that accompanies an electronic facsimile transmission;

2) Electronic Facsimile Transmission, commonly referred to as "FAX," means a method of transmitting and receiving information in paper medium over telephone lines or other forms of electronic transmissions;

3) Original Document means the initially prepared written document or any counterpart intended to have the same effect by the creator; and

4) Duplicate Document means a written counterpart of the original produced by the same impression as the original or from the same matrix or by digitized electronic transmission, readable by sight, which accurately reproduces the original.

B) The Noble Circuit, Superior, and County Courts hereby authorize the filing of pleadings, motions, and other documents via electronic facsimile at facsimile machine telephone number (219) 636-2651 provided:

1) such matter does not exceed ten (10) pages, including the cover sheet;

2) such matter does not require the payment of fees by the Courts;

3) the sending party creates at the time of transmission a machine generated log for such transmission; and

4) the original document and the transmission log are maintained by the sending party for the duration of the litigation.

C) Time of Filing. During normal, posted business hours, the time of filing shall be the time the duplicate document is produced in the office of the Clerk of the Noble County Courts. Duplicate documents received at all other times shall be filed as of the next normal business day.

D) Cover Sheet. Any document sent to the Clerk of the Noble County Courts be electronic facsimile transmission shall be accompanied by a cover sheet which states the title of the document, case number, number of pages, identity and voice telephone number of the sending party and instructions for filing. The cover sheet shall contain the signature of the attorney or party, pro se, authorizing the filing.

ORDERED IN ALBION, INDIANA, THIS 13TH DAY OF APRIL, 1992.

Robert C. Probst, Judge
Noble Circuit Court

Stephen S. Spindler, Judge
Noble Superior Court

Michael J. Kramer, Judge
Noble County Court

LOCAL RULE #95-1
OF THE COURTS OF NOBLE COUNTY, INDIANA

Pursuant to the mandate of Criminal Rule 2.2 of the Indiana Rules of Criminal Procedure, the Courts of Noble County, Indiana hereby adopt Local Rule #95-1 of the Noble Circuit Court, Noble Superior Court and Noble County Court. This rule shall become effective July 1, 1995.

I. The Prosecuting Attorney of Noble County, Indiana shall file all infractions, misdemeanors and Class D felonies in the Noble County Court unless an offense falling into any of these categories is charged in the same information or indictment as a class of offense assigned by this rule to a different court, in which case the court designated by this rule to hear the highest level of offense charged in such information or indictment shall hear all of the offenses charged in such information or indictment.

II. The Prosecuting Attorney of Noble County, Indiana shall file all Class C and B felonies in the Noble Circuit Court unless an offense falling into either of these categories is charged in the same information or indictment as a class of offense assigned by this rule to the Noble Superior Court, in which event all of the offenses charged in such information or indictment shall be heard by the Noble Superior Court.

III. The Prosecuting Attorney of Noble County, Indiana shall file all Class A felony cases and all cases charging murder in the Noble Superior Court.

IV. In the event that a change of judge is granted in an infraction or criminal case pursuant to Criminal Rule 13[C], a judge from one of the following Courts will serve: (1) the DeKalb Circuit Court; (2) the DeKalb Superior Court; (3) the Steuben Circuit Court; (4) the Steuben Superior Court. By order of the adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8 temporarily transfers the above judges to the Noble Circuit Court, the Noble Superior Court or the Noble County Court for the purpose of assignment to a particular criminal or misdemeanor case. If it becomes necessary to reassign a criminal or infraction case to

any of the judges listed in this paragraph, the judges shall be assigned in consecutive order as listed above. The consent of the incumbent judge of each of the above enumerated Courts to serve in this capacity has been obtained.

V. If the judge of the Circuit Court or Superior Court finds it necessary to recuse himself from a criminal case, pursuant to I.C. 33-5-37.5-13 and with the permission of the judge of the other Court, that case may be transferred to the other Court.

Stephen Spindler, Judge
Noble Superior Court

Robert Probst, Judge
Noble Circuit Court

Michael Kramer, Judge
Noble County Court

The Clerk of the Superior, Circuit and County Courts of Noble County, Indiana is ordered to spread this Local Rule of record in the Record of Judgments and Orders book of each of these Courts.

DONE IN ALBION, INDIANA THIS 30TH DAY OF JUNE, 1995.

AMENDMENT TO

LOCAL RULE #95-1
OF THE COURTS OF NOBLE COUNTY, INDIANA

Pursuant to the mandate of Criminal Rule 2.2 of the Indiana Rules of Criminal Procedure and the inherent rule-making power of the Noble County Courts, the Courts of Noble County, Indiana hereby amend Local Rule #95-1 of the Noble Circuit Court, Noble Superior Court and Noble County Court. This amendment shall become effective February 15, 1997.

I. The Prosecuting Attorney of Noble County, Indiana shall file all infractions and misdemeanors in the Noble County Court unless an offense falling into any of these categories is charged in the same information or indictment as a class of offense assigned by this rule to a different court, in which case the court designated by this rule to hear the highest level of offense charged in such information or indictment shall hear all of the offenses charged in such information or indictment.

II. The Prosecuting Attorney of Noble County, Indiana shall file all Class C and B felonies in the Noble Circuit Court unless an offense falling into either of these categories is charged in the same information or indictment as a class of offense assigned by this rule to the Noble Superior Court, in which event all of the offenses charged in such information or indictment shall be heard by the Noble Superior Court.

III. The Prosecuting Attorney of Noble County, Indiana shall file all Class D felonies, all Class A felonies and all cases charging murder or capital murder in the Noble Superior Court.

IV. In the event that a change of judge is granted in an infraction or criminal case pursuant to Criminal Rule 13[C], a judge from one of the following Courts will serve: (1) the DeKalb Circuit Court; (2) the DeKalb Superior Court; (3) the Steuben Circuit Court; (4) the Steuben Superior Court. By order of the adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8 temporarily transfers the above judges to the

Noble Circuit Court, the Noble Superior Court or the Noble County Court for the purpose of assignment to a particular criminal or misdemeanor case. If it becomes necessary to reassign a criminal or infraction case to any of the judges listed in this paragraph, the judges shall be assigned in consecutive order as listed above. The consent of the incumbent judge of each of the above enumerated Courts to serve in this capacity has been obtained.

V. If the judge of the Circuit, Superior or County Court finds it necessary to recuse himself from a criminal case filed in his Court because he has been subpoenaed as a witness in such case, one of the judges of the two other Noble County Courts shall serve in his stead. Such substitute judge shall be selected by alternating such assignments between the two other judges of Noble County. The Clerk of the Noble County Courts shall keep a record of such assignments, and assign judges according to this Rule.

Stephen Spindler, Judge
Noble Superior Court

Robert Probst, Judge
Noble Circuit Court

Michael Kramer, Judge
Noble County Court

The Clerk of the Noble County Circuit, Superior and County Courts is ordered to spread this Amended Local Rule of record in the Record of Judgments and Orders book of each of these Courts.

AMENDMENT TO NOBLE COUNTY RULES OF COURT

Local Rule #95-1 as amended is now amended as follows: This rule shall apply to the reassignment of cases and the selection of a senior judge in felony cases where there is an order of disqualification or recusal entered in the case in the Noble Circuit Court.

VI. After January 1, 1999, whenever the Judge of the Noble Circuit Court has a conflict of interest in any case which requires him to recuse himself because of prior contact with the case as Prosecuting Attorney, the case shall be assigned to Senior Judge Robert C. Probst for all further proceedings. The Clerk upon recusal by the Circuit Court Judge, shall enter the order transferring the case to Senior Judge Robert C. Probst with an appropriate RJO entry and notify Senior Judge Robert C. Probst.

Senior Judge Robert C. Probst shall accept jurisdiction under the provision of this rule unless disqualified under the Code of Judicial Conduct or excused from service by the Indiana Supreme Court. The reassignment of such case shall be entered in the Chronological Case Summary of the case. An oath or special order accepting jurisdiction shall not be required. Senior Judge Robert C. Probst 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 reassignment is required for the selection of a successor special judge or senior judge it shall be in the same manner as set forth in the rules of criminal procedure.

Robert C. Probst
Noble Circuit Court

Stephen S. Spindler
Noble Superior Court

Michael J. Kramer
Noble County Court

Dated: December 23, 1998

LOCAL RULE 95-2
OF THE COURTS
OF NOBLE COUNTY, INDIANA

Pursuant to the provisions of the Indiana Rules of Trial Procedure, Trial Rule 79 (H), the Noble Circuit Court, Noble Superior Court, and Noble County Court, hereby adopt the following Local Rule 95-2:

A. In the event a special judge fails to accept a case pursuant to the provisions of Trial Rule 79 (D), (E) or (F) then the judge of the Noble Circuit Court, or the Noble Superior Court, or the Noble County Court, shall appoint from the panel set forth below, by random selection, the special judge who shall preside over the case subject to those limitations set forth in Trial Rule 79 (J). The members of the special judge panel are:

1. The Judge of the Noble Circuit Court (for those cases originating in the Noble Superior Court and/or the Noble County Court)
2. The Judge of the Noble Superior Court (for those cases originating in the Noble Circuit Court and/or the Noble County Court)
3. The Judge of the Noble County Court (for those cases originating in the Noble Circuit Court and/or the Noble Superior Court)

4. The Judge of the DeKalb Circuit Court.

5. The Judge of the DeKalb Superior Court.

6. The Judge of the LaGrange Circuit Court.

7. The Judge of the LaGrange Superior Court.

8. The Judge of the Steuben Circuit Court.

9. The Judge of the Steuben Superior Court.

10. The Honorable Randy Coffey, Magistrate, Steuben Circuit/Superior Courts.

11. The Judge of the Whitley Circuit Court.

12. The Judge of the Whitley Superior Court.

13. The Honorable Norman E. Baker, Judge, Allen Superior Court, Civil Division.

14. The Honorable Nancy Eshcoff Boyer, Judge, Allen Superior Court, Civil Division.

15. The Honorable Paul D. Mathias, Judge, Allen Superior Court, Civil Division.

16. The Honorable Vern E. Sheldon, Judge, Allen Superior Court, Civil Division.

17. The Honorable William L. Briggs, Judge, Allen Superior Court, Family Division: Domestic Relation and Juvenile cases only.

18. The Honorable Robert R. Hockensmith, Judge, Allen Superior Court, Family Division: Domestic Relation and Juvenile cases only.

19. The Judge of the Allen Circuit Court.

B. The above panel of special judges from within

Administrative District 3 makes the most effective use of judicial resources because of the close working proximity of the judges to each other thereby minimizing unproductive travel time. All special judges on the panel have consented to having their names placed on the panel.

C. In the event no judge is eligible to serve as a special judge in the case or special circumstances of the case warrant selection of a special judge by the Indiana Supreme Court, the Judge of the Noble Circuit Court, or the Noble Superior Court, or the Noble County Court shall forthwith certify this fact to the Indiana Supreme Court for the appointment of a special judge pursuant to Trial Rule 79 (K).

Robert C. Probst, Judge
Noble Circuit Court

Stephen S. Spindler, Judge
Noble Superior Court

Michael J. Kramer, Judge
Noble County Court

Pursuant to their Local Rule making authority, the Noble County Circuit and the Noble County Superior Courts hereby promulgate:

LOCAL RULE #96-1
OF THE CIRCUIT AND SUPERIOR COURTS OF NOBLE COUNTY, INDIANA

I. Prior to the granting of a Petition for Dissolution of Marriage or Petition for Legal Separation by the Noble Circuit Court or Noble Superior Court in cases in which the parties have minor children of the marriage, each spouse and each of the parties' school age children must attend not less than one session on Minimizing of Emotional Distress to Children of Divorcing Parents. Classes for parents and those for children are different, each designed to serve the needs of the separate groups. School age is defined as: all children enrolled in a normal kindergarten class up to those in the 11th grade or age 17 or less. Children over 17 may attend at their option.

II. Each session will last approximately two (2) hours. The schedule for these sessions is as follows:

SESSIONS FOR ADULTS ONLY

2nd Tuesday of every month at the Ligonier Library from 6:00 PM until 8:00 PM

3rd Saturday of every month at the Kendallville Library from 1:00 PM until 3:00 PM

CONCURRENT SESSIONS FOR ADULTS AND CHILDREN

1st Saturday of every month at West Noble High School from 9:30 AM until 11:30 AM

3rd Thursday of every month at East Noble High School from 6:00 PM until 8:00 PM.

III. The moderators of each session will provide each attendee with a certificate of attendance which must be filed with the Court's Clerk prior to the Court's granting the Petition for Dissolution of Marriage or Petition for Legal Separation.

IV. There will be no fee or charge made for attendance at these sessions.

V. Participants may not bring children to sessions denominated for parents only.

VI. The parent taking a child to the child's session must remain in the building where the session is being held

as long as the child is in attendance at the session.

VII. In case of inclement weather, decisions on cancellation of classes will be made by 4:00 PM for evening classes and 11:00 AM for daytime classes. If the weather is inclement and participants want to know if the session that day has been cancelled, they can call the following numbers:

1. For sessions in Kendallville call East Noble High School at (219) 347-2032 or the Kendallville Library at (219) 347-2768.

2. For sessions in Ligonier call West Noble High School at (219) 894-3191 or the LIgonier Library at (219) 894-4511.

VIII. This rule becomes effective as to all Petitions for Dissolution of Marriage or Petitions for Legal Separation filed on or after March 15, 1996 and upon its effective date shall supercede Local Rule #92-1. All Petitions for Dissolution of Marriage or Petitions for Legal Separation filed before March 15, 1996 shall be governed by Local Rule #92-1.

IX. Individuals subject to this rule are encouraged to attend and have their child(ren) attend these sessions as early in the dissolution process as possible.

The Clerk of the Noble County Circuit and Superior Courts is ordered to spread this Local Rule of record in the Record of Judgments and Orders book of each of these Courts.

DONE THIS 1ST DAY OF MARCH, 1996, AT ALBION, INDIANA.

Robert C. Probst, Judge
Noble Circuit Court

Stephen S. Spindler, Judge
Noble Superior Court

Pursuant to Rule 81 of the Indiana Rules of Trial Procedure the Judges of the Courts of Noble County hereby promulgate:

LOCAL RULE # 97-1

OF THE NOBLE COUNTY COURTS

1. Consent to Alternate Service - Any Noble County Attorney or Law Firm may without charge maintain an assigned Courthouse mailbox in the office of the Clerk of Noble County for receipt of notices, pleadings, process, orders, or other communications from the Noble County Courts or Clerk as to matters pertaining to the Noble County Courts and causes pending therein.

2. How Assigned - Such mailboxes shall be assigned by the Clerk of Noble County, and shall become official repositories for alternate service upon the filing of a "Consent to Alternate Service", a form of which is attached to this rule, with the Clerk of the Noble County Courts.

3. Effect of Consent - Deposits made in the Courthouse mailbox of any attorney or law firm having executed and filed a "Consent to Alternate Service" from the Noble County Courts shall be deemed to constitute and be accepted as service equivalent to service by 1st class mail under Trial Rules 5 (B)(2) and 6 (E).

4. Revocation of Consent - Consent to alternate service under this rule shall remain valid until a written revocation of such consent has been filed with the Clerk of the Noble County Courts.

Stephen S. Spindler, Judge
Noble Superior Court

Robert C. Probst, Judge
Noble Circuit Court

Michael J. Kramer, Judge
Noble County Court

The Clerk of the Noble County Circuit, Superior and County Courts is ordered to spread this Local Rule of record in the Record of Judgments and Orders book of each of these Courts.

LOCAL RULE 98-1

OF THE NOBLE CIRCUIT, SUPERIOR, AND COUNTY COURTS

THIS RULE SUPERSEDES LOCAL RULE 93-2

The undersigned courts comprise all of the courts of Noble County, Indiana and hereby adopt the following local rule by which court reporter services shall be governed.

Section One. 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 and 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 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 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 means the 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 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 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 Noble County.

(11) County indigent transcript means a transcript that is paid for from county funds and is for 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.

Section two. Salaries, Gap time and Overtime Pay.

(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 fixed work hours. Subject to the approval of the County Council, the amount of the annual salary shall be set by the Court.

(2) The court reporter shall, if requested or ordered, prepare any transcript during regular work hours.

(3) In the event that preparing a transcript cannot be completed during regular fixed work hours, the court reporter shall be entitled to additional compensation beyond regular salary under one of the two options set forth as follows:

(a)(1) Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and

(2) Overtime hours shall be paid in the amount of one and one-half (1 1/2) times the hourly rate of the annual salary; or

(b)(1) Compensatory time off from regular fixed work hours shall be given in the amount equal to the number of gap hours worked; and

(2) Compensatory time off from regular fixed work hours shall be given in the amount of one and one-half (1 1/2) times the number of overtime hours worked.

(4) The court and the court reporter shall freely negotiate between the two which of the options set forth in (3) above shall be applicable and the court reporter shall enter into a written agreement which outlines the option utilized for the compensation of gap and overtime hours.

(5) 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 transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on the forms prescribed by the Division of State Court administration.

Section Three. 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, he or she shall do so outside of his or her work time and shall not use equipment owned or leased by Noble County to do so.

Section Four. Fees.

(1) The maximum per page fee a court reporter may charge for private practice work shall be $2.50.

(2) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be $2.50.

Robert C. Probst, Judge
Noble Circuit Court

Stephen S. Spindler, Judge
Noble Superior Court

Michael J. Kramer, Judge
Noble County Court

The Clerk of the Noble County Circuit, Superior and County Courts is ordered to spread this Local Rule of record in the Record of Judgments and Orders book of each of these Courts.

LOCAL RULE 99-1
Of the Noble Circuit, Superior, and County Courts
This Rule Supersedes Local Rule 98-1

The undersigned courts comprise of all the courts of record of Noble County, Indiana and hereby adopt the following local rule, which shall supersede Local Rule 98-1, by which court reporter services shall be governed.

Section One. 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 devise used for recording and storing, and transcribing electronic data.

(3) *Workspace* 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 Procedures 7.2.

(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 workweek. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each workweek.

(7) *Gap hours worked* means 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* means those hours worked in excess of forty (40) hours per workweek.

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

(10) No transcripts shall be prepared during the Court Reporters' regular hours or gap hours.

(11) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Noble County Indiana.

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

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

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

(15) *Expedited transcript* means a transcript, which is requested to be completed within five (5) days.

Section Two. 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. All per page fees paid for the preparation of transcripts shall be paid directly to the Court Reporter who prepared the transcript and shall be retained by that reporter.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be $4.00. If a court reporter is requested to prepare an expedited transcript, the maximum fee per page shall be $6.00 where the transcript must be prepared within five working days. If a party requests a copy of a transcript, the fee per page shall be in the amount charged for copies made by the Noble County Clerk.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be $4.00. If a court reporter is requested to prepare an expedited transcript, the maximum fee per page shall be $6.00 where the transcript must be prepared within five working days. If a party requests a copy of a transcript, the fee per page shall be in the amount charged for copies made by the Noble County Clerk.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be $4.00. If a court reporter is requested to prepare an expedited transcript, the maximum fee per page shall be $6.00 where the transcript must be prepared within five working days. If a party requests a copy of a transcript, the fee per page shall be in the amount charged for copies made by the Noble County Clerk.

(5) 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 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.

Section Three. 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, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

(a) The reasonable market rate for the use of equipment, workspace 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, workspace 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.

Section Four. Filing.

(1) The Clerk of the Noble County Circuit, Superior and County Courts is ordered to spread this Local Rule of record in the Record of Judgments and Order book of each of these Courts and file two copies of it with the Clerk of the Supreme Court and Court of Appeals, as per Rule of Trial Procedure 81.

ADOPTED at Noble County, Indiana, this 26th day of April, 1999.

G. David Laur, Judge
Noble Circuit Court

Stephen S. Spindler, Judge
Noble Superior Court

Michael J. Kramer, Judge
Noble County Court

CONSENT TO ALTERNATE SERVICE

The undersigned, as an individual practitioner or for and on behalf of the law firm below, hereby consents to service of any notice, pleading, process, order or other communication by deposit of the same in an assigned Courthouse box by:

(a) Any of The Noble County Courts

(b) The Clerk of Noble County as to matters relating to or pending in the Noble County Courts.

Deposit pursuant to this Consent shall constitute and be accepted as 1st class mail under Trial Rule 6(E). The Consent shall remain valid until revoked in writing. Revocation of Consent will be effective upon filing with the Clerk of the Noble County Courts.

The undersigned agrees to notify the Noble County Clerk promptly of any changes in the list of attorneys designated in this consent.

DATED: 7/3/00

Individual Practitioner

Firm Name

By: _____
Managing/Senior Partner

List of Attorneys in Law Firm Hereby Consenting:

Individual Practitioner

Individual Practitioner

Individual Practitioner

Individual Practitioner

Individual Practitioner

Individual Practitioner

Pursuant to Rule 81 of the Indiana Rules of Trial Procedure the Judges of the Noble Circuit and Superior Courts hereby promulgate:

LOCAL RULE #97-2

OF THE NOBLE CIRCUIT AND SUPERIOR COURTS

Local Rule 97-2 of the Noble Circuit and Superior Courts consists of the Guiding Principles and the Child Visitation, Access, Companionship, and Parenting Order of the Noble Circuit and Superior Courts, both of which are attached to this rule. They shall apply in dissolution proceedings as deemed appropriate by the Judge of each of the Courts and, when attached to the Dissolution of Marriage Decree shall be considered a part of that decree.

This Rule becomes effective as to all petitions for dissolution of marriage or for legal separation now pending and hereafter filed.

The Clerk of the Noble County Circuit and Superior Courts is ordered to spread this Local Rule of record in the record of Judgments and Orders book of each of these Courts and two copies are being furnished to the Clerk of the Supreme Court and Court of Appeals of Indiana.

Done this 27th day of October 1997, at Albion, Indiana.

Robert C. Probst, Judge
Noble Circuit Court

Stephen S. Spindler, Judge
Noble Superior Court

GUIDING PRINCIPLES

1. Each child has the right to develop and maintain an independent relationship with each parent.
2. Each child has the right to be free of conflict between the parents.
3. Each child has the right to be free from having to take over the parental responsibility for making custody or visitation decisions.
4. Each child has the right to be free from having to take sides with, defend, or downgrade either parent.
5. Each child has the right to be guided, taught, supervised, disciplined, and nurtured by each parent, without interference from the other parent.
6. Each child has the right to be financially supported by both parents, regardless of how much time each parent spends with the child.
7. Each child has the right to spend time with each parent, regardless of whether or not financial support is given.
8. Each child has the right to a personal sleeping area and space for possessions in each parent's home.
9. Each child has the right to be physically safe and adequately supervised when in the care of each parent.
10. Each child has the right to a stable, consistent and responsible child care arrangement when not supervised by a parent.

11. Each child has the right to develop and maintain meaningful relationships with other significant adults, (i.e. grandparents, step-parents, and other relatives) as long as these relationships do not interfere with or replace the child's primary relationship with the parents.

12. Each child has the right to expect both parents will follow through with a child care plan, honoring specific commitments for scheduled time with the child.

13. Each child has the right to both parents being informed about medical, dental, educational, and legal matters concerning the child, unless such disclosure would be harmful to the child.

14. Each child with special needs (developmental, mental, emotional, physical) has the right to appropriate consideration and adaption in any child care plan.

15. Each child has the right to participate in age appropriate activities so long as these activities do not significantly impair the relationship between the child and either parent.

16. Each child has the right to each parent being free from any influence of alcohol or drugs (except pursuant to written prescription from a licensed physician) when with the child.

17. Each child has the right to develop his or her personal spiritual life and to receive religious instruction and to attend worship services if the child so desires.

STATE OF INDIANA)

) SS:

COUNTY OF NOBLE)

IN THE NOBLE SUPERIOR/CIRCUIT COURT

CHILD VISITATION, ACCESS, COMPANIONSHIP, AND PARENTING ORDER OF THE NOBLE CIRCUIT AND SUPERIOR COURTS

The Noble Circuit/Superior Court FINDS, ORDERS, ADJUDGES, and DECREES that this Child Visitation, Access, Companionship, and Parenting Order is an ORDER of the Court.

This order is predicated on the principles enunciated in the "Child's Basic Rights" attached hereto and made a part hereof.

In this ORDER the word "child" refers to one or more children of the parties who are subject to this order.

_____ is hereinafter referred to as the "custodial parent" and _____ is hereinafter referred to as the "non-custodial parent." These reference words are used simply for the sake of convenience and apply regardless of whether in this case one parent has sole legal and physical custody or both parents have joint legal custody and share physical custody.

Usually it is in the best interest of a child that each parent have frequent, meaningful, continuing contact with the child. When the parents' maturity, personality, and communication skills are sufficient, then the ideal situation is for visitation to occur at reasonable times and frequencies upon reasonable notice to the non-

custodial parent. In exercising shared visitation and access, the parents must continually be flexible to adapt to the changing circumstances of each other and the child.

CHILD VISITATION, ACCESS, COMPANIONSHIP AND PARENTING

1. GENERAL VISITATION - Concerns over terminology have been rightfully expressed by parents, especially non-custodial parents or non-primary joint custodial parents. They contend that the term "visitation" implies that only a temporary relationship with their child is being granted to them. This is absolutely not intended by the Court. For this reason the descriptive terms that access, companionship, and parenting have been set forth in the heading to this order and the heading on this portion of the Order. The intent of the Court is to assure all parents that the provisions of this order are intended to promote, foster, and provide for time for both parents to be with their child in order for each parent to maintain and build the parent/child relationship for a lifetime. Because the term "visitation" is so commonly used and its overall purpose is generally recognized, it will be used in this order, but this order is intended to imply the broadest purposes. Child visitation in this case shall be done at all reasonable times, places, and frequencies upon reasonable notice as communicated and agreed between the parents on a frequent occasion-by-occasion basis.

However, if the parents are unable to agree upon what is reasonable visitation in their circumstances then they shall follow the Child Visitation Guidelines set forth below in Paragraphs #2 -

#11, which are minimum visitation guidelines.

2. WEEKENDS - The non-custodial parent shall have visitation on alternate weekends from Fridays at 6:00 P.M., to Sundays at 6:00 P.M. (the starting and ending times may be changed to better fit schedules if the parents can agree to such a change).

3. WEEK NIGHTS - The non-custodial parent shall have visitation each Wednesday from after school concludes or would have concluded, or the visiting parents work day concludes, whichever is earlier, until 8:00 P.M. (unless the parents agree to another night of the week and/or another starting or ending time).

4. OTHER TIMES - At all other reasonable times and frequencies but then only upon advance mutual agreement of the parents on an occasion-by-occasion basis which shall be liberally agreed to with flexibility by each of the parents.

5. CHRISTMAS (WINTER) VACATIONS AND SPRING VACATIONS - For the child who is a school student and thus is subject to a school calendar, each parent shall have visitation for one-half (1/2) of the winter or Christmas vacation period and one-half (1/2) of the spring vacation period (these vacation time periods begin at 6:00 P.M. on the evening of the last day of school before the vacation and end at 6:00 P.M. on the evening of the day preceding the first school day following the vacation).

The winter or Christmas vacation period includes the Christmas Eve, Christmas Day, New Years Eve, and New Years Day holidays.

If the parents are unable to agree on the distribution of these school vacation periods, then in even-numbered calendar years

the non-custodial parent shall have visitation for the first one-half (1/2) of these vacations and the custodial parent shall have visitation for the second one-half (1/2); in odd numbered calendar years the non-custodial parent shall have visitation for the second one-half (1/2) of these vacations and the custodial parent shall have visitation for the first one-half (1/2).

For those years when both Christmas Eve (December 24) and Christmas Day (December 25) are not within a parent's visitation time, then that parent shall have the child on Christmas Eve Day from 9:00 A.M. to 9:00 P.M.

These provisions shall also apply for a pre-school child. The time periods for winter or Christmas vacation and spring vacation for a pre-school child shall be commensurate with the school calendar of the public elementary school in the elementary school district in which the custodial parent resides.

6. OTHER HOLIDAYS - In even-numbered calendar years the custodial parent shall have the child on Easter, July 4, and Thanksgiving and the non-custodial parent shall have the child on Memorial Day and Labor Day.

In the odd-numbered calendar years the custodial parent shall have the child on Memorial Day and Labor Day and the non-custodial parent shall have the child on Easter, July 4, and Thanksgiving.

Thanksgiving visitation begins Wednesday evening at 6:00 P.M. prior to Thanksgiving Day and ends the next Sunday evening at 6:00 P.M.

Memorial Day and Labor Day visitation are for those weekends

and they begin Friday evening at 6:00 P.M. and end the next Monday evening at 6:00 P.M.

Easter visitation is for that weekend and it begins Thursday at 6:00 P.M. and ends the following Sunday at 6:00 P.M. July 4 visitation begins July 3, at 6:00 P.M. and ends July 5, at 6:00 P.M.

These holiday visitation days and times may be changed to better fit schedules for a particular holiday time if the parents can agree to such changes.

The holiday child visitation schedule herein is based primarily on traditional Christian holidays. Parents with religious faith or religious traditions other than the Christian faith and tradition shall try to establish a written holiday visitation schedule that fairly divides and distributes holiday times so that over any two (2) year period the holiday times are equally shared between parents as much as possible. If the parents are unable to agree, then upon their request the Court will establish and order such a schedule.

The mother shall have the child with her on every Mother's Day weekend and the father shall have the child with him on every Father's Day weekend. These weekends are in addition to and not in lieu of the alternate weekend visitation. If mother has visitation the weekend before Mother's Day on the alternate weekend visitation schedule she shall have three weekends in a row with a similar potential occurrence available for father. If Mother's Day weekend falls on mother's alternate weekend visitation it shall be

a regular alternate weekend visitation. With the same interpretation to be applied to father's weekend.

7. BIRTHDAYS - The non-custodial parent shall have the child on the child's alternate birthdays[1] from 4:00 P.M. to 8:00 P.M. in even numbered years on the day the birthday falls on a school day and from 9:00 A.M. until 8:00 P.M. on the day the birthday falls on a weekend which is not the non-custodial parents weekend for visitation. The non-custodial parent shall also have the child with them on their own birthday each year for the same hours. The custodial parent shall have the child with them on their birthday each year for the same hours if their birthday falls on a date that occurs during the non-custodial parents scheduled visitation.

8. ADDITIONAL BIRTHDAY VISITATION - The non-custodial parent shall also have the child the day before the child's birthday in odd numbered years for the same hours. The custodial parent shall have the child the day before the child's birthday in the even numbered years if the day before the child's alternate birthday falls during the non-custodial parents scheduled visitation.

9. CONFLICTS BETWEEN REGULAR WEEKENDS AND HOLIDAY WEEKENDS When there is a conflict between a regular alternate weekend visitation and a holiday weekend, the holiday visitation shall be in addition to and not in lieu of the alternate weekend visitation

[1] If there is more than one child all children shall be included in the visitation and all children will participate in each birthday. This also applies to each parent's own birthday.

and the holiday visitation shall take priority. This can result in one parent having three weekends in a row; i.e. if a parent has the alternate weekend before a holiday, that parent will have the alternate weekend, the holiday weekend and then the next alternate weekend. The same interpretation applies to the other parent. The Court recognizes that there are many cases where the alternate weekend visitation schedule has been coordinated with a parent's spouse's visitation and to change the alternate weekend schedule because of a holiday would disrupt a pre-arranged alternate weekend visitation schedule. For this reason the alternate weekends shall continue to follow the original alternate weekend schedule, unless the parties mutually agree to a change. This also applies to extended summer visitation which will be discussed in the next paragraph.

10. EXTENDED SUMMER VISITATION - Extended summer child visitation shall be available for the non-custodial parent for up to a maximum of four (4) one week time periods in each calendar year.

No more than two (2) of the four (4) week periods shall be consecutive and there shall be at least two (2) weeks between the two (2) two week periods. The parties may agreed to modify the scheduling of these weeks in any manner by which they are able to mutually agree.

These weeks of extended summer visitation must occur sometime during the months of June, July or August and must be weeks when the child is not attending school during the regular

nine (9) month school year (but they may occur when the child is attending any summer school classes).

The non-custodial parent shall notify the custodial by April 15th of each year of the two, two week periods he or she is requesting and the parties shall attempt to agree upon a schedule. If the parties are unable to agree on a schedule for extended summer visitation, then the custodial parent shall notify the non-custodial parent by May 1st of the two, two week periods the custodial parent desires. In even numbered years the request of the non-custodial parent shall take priority and be honored by the custodial parent. In odd numbered years the custodial parents request shall take priority and be honored by the non-custodial parent. The Court recognizes that parents have mandatory time off from work. In scheduling summer visitation the parties shall attempt to schedule their various time periods so that mandatory time periods can be made available to the parent required to be off work at that time and their vacation period can be exercised with their child.

A week for the purpose of extended summer child visitation shall be from Sunday at 6:00 P.M. to the immediately following Sunday at 6:00 P.M.

The alternate weekend visitation schedule shall be exercised through the weekend up to 6:00 P.M. on the Sunday either parent's extended summer visitation period commences. The extended summer visitation is in addition to and not in lieu of the alternate weekend schedule. The parties shall continue to follow the

original alternate weekend visitation schedule at the conclusion of each extended summer visitation period.

In the event both parties agree upon one parent exercising, four continuous weeks of summer visitation, the other parent shall be entitled to the weekend following the second week from Friday at 6:00 P.M. to Sunday at 6:00 P.M. so that there is not a four week period of time that the child does not see the other parent. This is to be applied unless the parent exercising the four weeks is on an extended trip and the distance prohibits that weekend visitation from being exercised.

Pursuant to the guidelines adopted by the Supreme Court of Indiana the support order shall be abated by 50% during each seven (7) day period the parent obligated to pay support has extended summer visitation. However, if there is a support arrearage the support that would have been abated shall be paid and applied upon the arrearage.

11. TELEPHONIC VISITATION AND COMMUNICATION - Each parent has the right to directly visit with or otherwise communicate with the child by telephone at reasonable times and frequencies and for reasonable lengths of time while the child is in the care of the other parent. The expense of such telephone calls shall be borne by the parent placing the call.

The child has the right to call and talk with either parent by telephone at reasonable times and frequencies and for reasonable lengths of time. The expense of such telephone calls shall be borne by the parent from whose home the child places the call. The

child has the right to communicate with each parent by mail. The mail between a child and a parent shall be strictly confidential between the child and that parent and shall not be opened or read by the other parent.

12. ADDITIONAL VISITATION - Visitation arrangements must be liberal and flexible. These guidelines are minimum guidelines and additional child visitation by agreement of the parties is encouraged and expected. The Court has not specified visitation based upon the age of the child. A newborn child cannot participate in visitation in the same manner as a teenager and cannot be away from the birth mother for extended periods of time. It will be necessary for the parties to adjust visitation as deemed in the best interests of the child. If the parties are unable to agree upon visitation periods because of the tender age of the child, that issue must be presented to the Court for resolution.

OTHER ORDERS OF THE COURT

Following are additional orders of the Court applicable to the parents in this case.

13. NOTICE OF CANCELED VISITATION - The non-custodial parent need not notify the custodial parent each time he or she will be exercising a regularly scheduled child visitation occasion.

However, the non-custodial parent shall notify the custodial parent a minimum of three (3) days (seventy-two (72) hours) in advance of his or her intent not to exercise all or part of a scheduled visitation. When it is impossible to give such notice, then the maximum notice permitted by the circumstances, and also

the reason therefore, shall be given to the custodial parent.

The custodial parent shall likewise give the same type of notice subject to the same time from when there is a compelling cause necessitating cancellation or modification of a scheduled visitation.

14. TRANSPORTATION RESPONSIBILITIES - Unless otherwise agreed between the parents, it shall be the non-custodial parents responsibility to pick up the child and transport the child at the beginning of all visitation occasions and to return the child at the conclusion of all visitation occasions.

Parents shall make every reasonable effort to personally do the picking up and transportation of the child (rather than having anyone else do it) even when it is inconvenient to the parent.

On those infrequent occasions when the child must be picked up and transported by someone other than a parent, it shall be by a grandparent, another relative, a spouse, or another responsible adult with whom the child is familiar and comfortable.

15. PUNCTUALITY - The custodial parent shall have the child present and ready for visitation at the time the child is to be picked up.

16. CHILD CARE RIGHT OF FIRST REFUSAL - Each parent shall have the right of first refusal for the child care or babysitting needs of the other parent for durations of four (4) hours or more. Whenever either parent has a need for child care or babysitting for a duration of four (4) hours or more then that parent shall each time make a good faith effort to first inquire of the other parent,

with as much advance notice as reasonably possible, whether the other parent desires to provide the child care or babysitting.

The other parent is under no obligation to provide the child care or babysitting. If the other parent elects to provide such child care or babysitting, it shall be done at no costs. This provision is intended to provide each parent additional visitation with the child whenever reasonably possible.

This rule does not apply, however, if it takes more than thirty minutes driving time to get from one parent's home to the other's.

17. MISSED VISITATION - If the non-custodial parent misses visitation as the result of illness of the child or parent, an emergency, or another reasonable excuse, the parties shall make a good faith effort to make up a portion of that visitation within a reasonable period of time, understanding the importance of the non-custodial parent's continuing and frequent contact with the child.

18. PARENTAL COMMUNICATION - Parents shall at all times avoid speaking negatively about each other, especially in or near the presence of the child, and shall not allow such conduct by relatives or friends. A child shall never be used by one parent to spy on or report on the other. Each parent shall encourage the child to respect and love the other parent. The basic rules of conduct and discipline established by the custodial parent shall be the base-line standard for both parents, and consistently enforced by both, so that the child does not receive mixed signals.

So far as practicable, all communication concerning the child shall be made between the parents in person or by telephone at their residence (not at their places of employment).

19. CONTACT WITH GRANDPARENTS AND OTHER RELATIVES - Parents are encouraged to have their child maintain contact with both the maternal and paternal relatives. In most instances, the child will visit with the paternal relatives during times the child is with the father and with the maternal relatives when the child is with the mother.

20. ADDRESSES AND TELEPHONE NUMBERS - Each of the parents shall keep the other advised at all times of their home residence address, mailing address (if different), home telephone number, and employment telephone number. Immediate notice of any change in this information must be given to the other parent in writing.

21. EXCHANGE OF INFORMATION - The custodial parent shall promptly provide the non-custodial parent with copies of the child's grade reports and notices from school as they are received.

The custodial parent shall give written authorization to the school, health care providers, day care center or other child-care provider, and church for on-going release of all information by them regarding the child to the non-custodial parent including the right to disclose information and discuss the child with the non-custodial parent outside of the presence of the custodial parent.

Each parent shall immediately notify the other of any medical emergencies or serious illnesses of the child.

The custodial parent shall promptly and timely notify the non

-custodial parent of all school activities and other organized events involving parental participation.

The non-custodial parent is entitled to attend a school activity or other organized event regardless of whether it occurs during the non-custodial parent's visitation time or the custodial parent's visitation time. The custodial parent may not prohibit a child from attending such a function as a result of inability by the custodial parent to attend with the child when the non-custodial parent may attend the function with the child.

If the child is taking prescription or non-prescription medication, then the custodial parent shall provide the non-custodial parent with a sufficient amount of medication and with written instructions.

22. VISITATION CLOTHING - The custodial parent shall send an appropriate supply of the child's clothing with the child which shall be returned clean (when reasonably possible) with the child by the non-custodial parent. The non-custodial parent shall advise, as far in advance as possible, of any special activities so that appropriate clothing may be sent.

23. WITHHOLDING SUPPORT OR VISITATION - Neither child visitation nor child support is to be withheld because of either parent's failure to comply with a Court order. Only the Court may enter sanctions for non-compliance. The child has a right both to support and visitation, neither of which is dependent upon the other. In other words, no support does not mean no visitation and no visitation does not mean no support. If there is a violation

of either a visitation order or a support order, the exclusive remedy is to apply to the Court for appropriate sanctions.

24. ADJUSTMENTS TO THIS VISITATION SCHEDULE - The parents are expected to modify child visitation when family necessities, illnesses, or commitments reasonably so require. Important family occasions such as baptisms, weddings, and funerals of close family members shall take precedence over these regular visitation and access schedules. The requesting parent shall give as much advance notice as circumstances permit.

25. INSURANCE FORMS - A non-custodial parent who has medical insurance coverage on the child shall supply, as applicable, insurance forms and a list of insurer-approved or HMO-qualified health care providers in the area where the custodial parent lives. A custodial parent who, except in an emergency, takes the child to a doctor, dentist or other provider not so approved or qualified shall pay any additional cost thus created. In the event this occurs, and is paid by the custodial parent or the parent obligated to pay the first 6% of health care expenses per year, these payments shall not apply to the 6%. However, when there is a change in insurance which requires a change in health care providers and a child has a chronic illness, thoughtful consideration should be given by the parents as to what is more important: allowing the child to remain with the original provider or the economic consequences of not doing so. When there is an obligation to pay heath care expenses, the parent responsible therefor shall be promptly furnished with the bill by the other.

The parents shall cooperate in submitting bills to the appropriate insurance carrier. Thereafter, the parent responsible for paying the balance of the bill shall make arrangements directly with the health care provider and shall inform the other parent thereof.

26. PRIVACY OF RESIDENCE - A parent who still has a legal property interest in the residence of the other nevertheless may not enter the residence except by express invitation of the other. Accordingly, in effectuating visitation, the child shall be picked up at, and returned to, outside the front entrance of the appropriate residence unless otherwise agreed between the parents.

27. EXTRA-CURRICULAR ACTIVITIES OF CHILDREN - Children are often involved in sports, lessons, and other extra-curricular activities which are generally to their benefit and enjoyment. Each parent should recognize that a reasonable amount of extra-curricular activities are generally assumed to be in the child's best interest. Each parent should attempt to be flexible in order to accommodate the child's extra-curricular activity schedules as much as reasonably possible, although extra-curricular activities should not supersede extended summer visitation with the non-custodial parent, nor should they be used as a method by which to deny access to the non-custodial parent. In recognition of the scheduling difficulties that can be caused by a child's extra-curricular activities, custodial parents should act in good faith in attempting to schedule such extra-curricular activities so as not to unreasonably infringe upon the non-custodial parent's visitation with the child. Likewise, the non-custodial parent

should act in good faith in attempting to assist in transportation needs and in accommodating the child's extra-curricular schedules as much as reasonably possible. Good faith communication by the parents is essential with regard to the difficult issue of the schedule of a child's extra-curricular activities.

28. RECORD-KEEPING - Each parent is encouraged (but not required) to keep a separate written record of all visitation occasions which are in fact exercised by the non-custodial parent and also of those which may not be exercised by him or her.

29. MOVING RESIDENCE OF CHILDREN - Neither parent shall move the residence of the child more than one hundred (100) miles from his or her present residence nor outside of the State of Indiana (even if less than one hundred (100) miles away) without obtaining advance written consent from the other parent or advance written consent from the Court.

In the event the custodial parent is required to move from their present residence to a distance greater than fifty (50) miles which then creates, as a practical matter, expenses of transportation and a burden of exercising visitation, and it has been determined by the Court that the move is in good faith and was necessary under the circumstances existing, the following long distance visitation shall apply. Costs of transportation shall be shared equally with the non-custodial parent to provide transportation costs for the child to travel to the non-custodial parents residence at the beginning of visitation and the custodial parent to be responsible for providing transportation costs for

behavior that is or would be injurious to a child's physical health or would significantly impair the child's emotional development.

32. VIOLATIONS - All of the provisions herein are Court orders which must be complied with by the parents (except in Paragraph 28). If a parent believes the other parent has violated any of these orders only the Court (not the parent or anyone else) may impose sanctions for a violation. In the event of a violation of these Court orders the only available remedy is to apply to the Court specifically alleging the violation or violations, and requesting that a Rule To Show Cause be issued.

If, after a Court hearing, the Court finds that a parent did violate one or more of these orders then the Court may find the parent to be in contempt of Court and may impose punishment.

33. GUIDING PRINCIPLES - Each parent shall conduct himself or herself consistent with the Guiding Principles described on the two pages attached to this order. Both parents shall encourage and foster in their child sincere respect and affection for both parents and shall not interfere with the natural development of the child's love and respect for the other parent. Neither parent shall use the child to obtain information regarding the other parent which the child has not affirmatively indicated a desire to divulge. Neither parent shall threaten or punish the child, either physically or verbally, for failing to provide information regarding the other parent.

34. INCORPORATION BY REFERENCE - This Noble Superior/Circuit Court Child Visitation, Access, Companionship, and Parenting Order

is incorporated by reference into, and is part of, the Court Decision, Court Order, or Decree issued in this cause on this same date.

Filed in the Noble Circuit/Superior Court record of judgment and orders on the _____ day of _____ 199___

_____
, Judge
Noble Circuit/Superior Court

RESCISSION OF LOCAL RULE #97-2
OF THE NOBLE CIRCUIT AND SUPERIOR COURTS

In view of the adoption by the Indiana Supreme Court of the Indiana Parenting Guidelines, Local Rule #97-2, adopted October 27, 1997, which consisted of the Guiding Principles and the Child Visitation Access Companionship, and Parenting Order of the Noble Circuit Court and Superior Courts is rescinded, effective March 31, 2001.

The Clerk of the Noble Circuit and Superior Courts is ordered to spread the recission of Local Rule #97-2 of record in the Record of Judgments and Orders book of each of these Courts and two copies are being furnished to the Clerk of the Supreme Court and Court of Appeals of Indiana.

Dated this 29th day of January, 2001, at Albion, Indiana.

G. David Laur, Judge
Noble Circuit Court

Stephen S. Spindler, Judge
Noble Superior Court Div. 1

Michael J. Kramer, Judge
Noble Superior Court Div. 2

Local Rule 99-2

Pursuant to their Local Rule-making authority conferred upon them by the Indiana Rule To Trial Procedure 81, the Courts of Noble County hereby promulgate Local Rule 99-2 of the Noble County Courts, to become effective July 1, 1999.

I. All small claims cases shall be filed in the Noble Superior Court, Division 2.

II. The Judge of the Noble Superior Court, Division 1, may, with the consent of the Judge of the Noble Superior Court, Division 2, transfer any action or proceeding from the Superior Court, Division 1 to the Superior Court, Division 2.

III. The Judge of the Noble Superior Court, Division 2, may, with the consent of the Judge of the Noble Superior Court, Division 1, transfer any action or proceeding from the Noble Superior Court, Division 2 to the Noble Superior Court, Division 1.

IV. The Judge of the Noble Superior Court, Division 1, may, with the consent of the Judge of the Noble Superior Court, Division 2, sit as the Judge of the Noble Superior Court, Division 2 in any matter as if he were the elected Judge of the Noble Superior Court, Division 2.

V. The Judge of the Noble Superior Court, Division 2, may, with the consent of the Judge of the Noble Superior Court, Division 1, sit as the Judge of the Noble Superior Court, Division 1 in any matter as if he was the elected Judge of the Noble Superior Court, Division 1.

VI. The following types of proceedings may be filed in the Noble Superior Court, Division 2 only with prior leave of the court: civil tort, reciprocal support, domestic relation, mental health, estate, guardianship, trust, CHINS, termination of parental rights and protective order.

G. David Laur, Judge
Noble Circuit Court

Stephen S. Spindler, Judge
Noble Superior Court, Division 1

Michael J. Kramer, Judge
Noble Superior Court, Division 2

The Clerk of the NOble County Circuit, Superior Court, Division 1 and Superior Court, Division 2 is ordered to spread this Local Rule of record in the Record of Judgments and Orders book of each of these Courts.

NOBLE COUNTY LOCAL CASELOAD PLAN AND
LOCAL RULE 99-3

The Judges of the Noble County Courts, pursuant to an order of the Supreme Court of Indiana and their Local Rule-making authority conferred by Trial Rule 81 of the Indiana Rule of Trial Procedure, adopt the Noble County Local Caseload Plan and Local Rule 99-3.

1. Pursuant to I.C. §33-5-37.5-13, the Judge of the Noble Circuit Court may, with the consent of the Judge of the Noble Superior Court, transfer any action or proceeding from the Circuit Court to the Superior Court. The Judge of the Superior Court may, with the consent of the Judge of the Circuit Court, transfer any action or proceeding from the Superior Court to the Circuit Court. Additionally, pursuant to I.C. §33-5-37.5-14, the Judge of the Noble Circuit may, with the consent of the Judge of the Noble Superior Court, sit as a Judge of the Superior Court in any matter as if he was an elected Judge of the Superior Court. The Judge of the Noble Superior Court may, with the consent of the Judge of the Circuit Court, sit as a Judge of the Circuit Court in any matter as if he was an elected Judge of the Circuit Court. Additionally, local rules heretofore adopted by the Courts of Noble County allow for the simple transfer of cases among the Courts of Noble County and allow for each of the Judges of the Courts of Noble County to sit in the stead of the other Judges of the Courts of Noble County.

2. Although no disparity in caseloads among the Courts or Judges of Noble County presently exists sufficient to require the transfer of cases or Judges among the Courts of Noble County, the Judges of Noble County shall meet at least once each year to review the workload and caseload of each Judge and Court transfer such cases or Judges among the Courts as shall equalize the workload of each of the Judges of Noble County. (This is already being done on a frequent but informal basis to equalize caseloads and most efficiently move cases through the Noble County Court system.)

The Clerk of the Noble County Circuit and Superior Courts is ordered to spread this Local Rule of record in the Record of Judgements and Orders book of each of these Courts and send two (2) copies of this Local Rule to the Clerk of the Indiana Supreme Court, pursuant to Trial Rule 81.

CIK

LOCAL RULE 99-~~2~~ 3
OF THE COURTS OF
NOBLE COUNTY, INDIANA

WHEREFORE, on July 16, 1999, the Supreme Court of Indiana issued an Order for Development of Local Caseload Plans.

WHEREFORE, on September 2, 1999, in an effort to comply with the Order of the Supreme Court, the majority of judges in District 3 met to develop an equitable caseload management plan to diminish caseload disparity among the courts of said District.

NOW THEREFORE, by unanimous vote of the assembled judges, the following Uniform Local Rule is submitted for adoption by each county located in District 5.

DEFINITIONS

An "Over-Utilized County", according to the most recent Weighted Caseload Measure (WCLM), is a county in which the judicial officers are utilized at greater than the statewide average.

An "Under-Utilized County", according to the most recent WCLM, is a county in which the judicial officers are being utilized at twenty-six (26) or more percentage points below the statewide average.

An "Other County", according to the most recent WCLM, is a county in which the judicial officers are utilized from twenty-five (25) percentage points below to the statewide average.

RULE

1. Whenever selection of a special judge is required under Trial Rule 76, Trial Rule 79 (H) or any Local Rule adopted hereunder, this shall be the exclusive method for selection of said special judge.

2. In an "Over-Utilized County," special judges shall be selected from a list of judicial officers presiding in courts in "Under-Utilized Counties." To fairly and evenly

distribute these assignments and to address geographic considerations, appointment of special judges in "Over-Utilized Counties," based on the 1998 WCLM, shall be as follows:

a. Special Judges serving Allen County shall be selected from the nine (9) judicial officers sitting in Adams, LaGrange, Steuben and Wells counties;

b. Special Judges serving DeKalb County shall be selected from the five (5) judicial officers sitting in LaGrange and Steuben counties;

c. Special Judges serving Huntington County shall be selected from the four (4) judicial officers sitting in Adams and Wells counties.

3. In an "Under-Utilized County," special judges shall be selected exclusively from a list of judicial officers sitting in other "Under-Utilized Counties." To fairly and evenly distribute these assignments and to address geographic considerations, appointment of special judges in "Under-Utilized Counties", based on the 1998 WCLM, shall be as follows:

a. Special judges serving Adams County shall be selected from the other judicial officer in Adams County and the two (2) judicial officers sitting in Wells County;

b. Special judges serving LaGrange County shall be selected from the other judicial officer sitting in LaGrange County, and the three (3)judicial officers sitting in Steuben County;

c. Special judges serving Steuben County shall be selected from the other judicial officers sitting in Steuben County and the two (2) judicial officers sitting in LaGrange County;

d. Special judges serving Wells County shall be selected from the other judicial officer sitting in Wells County arid the two (2) judicial officers sitting in Adams County.

4. In an "Other County", special Judges will be selected from counties which are similarly situated. To fairly and evenly distribute these assignments and to address geographic considerations, appointment of special judges, based upon the 1998 WCLM, shall be as follows:

a. Special judges serving Noble County shall be selected from the other judicial

officers in Noble County and the two (2) judicial officers sitting in Whitley County;

b. Special judges serving Whitley County shall be selected from the other judicial officer in Whitley County and the three (3) judicial officers sitting in Noble County.

5. Each judge in every court of District 3 shall maintain a list of judges available to serve as special judge in his or her court. The list shall remain confidential to the judge and his or her designated staff. The method for selection of a special judge from the list shall be sequential, that is, from top to bottom, until each judicial officer has been selected. No judicial officer appearing on the list shall be selected more than once until all judicial officers have been selected.

6. The special judge, selected hereunder, shall have the sole discretion to transfer the proceeding under Trial Rule 79(M).

7. By requesting a special judge, the parties specifically waive;

a. Selection of a special judge under Trial Rule 79(D), Trial Rule 79(E) and Trial Rule 79(F), and

b. Any objection to the transfer of the proceeding under Trial Rule 79(M) if the special judge should order same.

8. Each special judge, who receives a case hereunder, shall maintain a statistical record of the number, case type and disposition of each case received to quantify the additional caseload and shall report same to the Division of State Court Administration on a quarterly basis.

9. Each judge, who assigns a special judge hereunder, shall maintain a statistical record of the number of case type of each case assigned and shall report same to the Division of State Court Administration on a quarterly basis.

10. This rule applies only to selection of special judges in civil matters. It does not apply

to the selection of special judges in criminal and juvenile matters.

11. The judges in District 3 shall meet on or before May 1 of each year to review the WCLM from the previous year, shall meet during the month of September in each year to review the impact of this Rule and, no later than October 1 of each year, shall adopt a rule for the ensuing year.

12. All previous local rules adopted by the judge in District 3 regarding selection of special judges in civil matters are repealed to the extent that they are inconsistent with this Rule.

13. This Rule shall be effective as of January 1, 2000.

14. The Clerk of the Noble County Circuit, Superior, and County Courts is ordered to spread this Local Rule of record in the Record of Judgments and Order book of each of these Courts and file two copies of it with the Clerk of the Supreme Court and Court of Appeals, as per Rule of Trial Procedure 81.

G. David Laur, Judge
Noble Circuit Court

G. David Laur, Judge
Acting for and on behalf of the
Judge of the Superior Court, I
in his Absence and with his
permission

G. David Laur, Judge
Acting for and on behalf of the
Judge of the Noble Superior Court II,
In his Absence and with his
permission

LOCAL RULE 00-1
OF THE CIRCUIT AND SUPERIOR COURT, DIV. 1 OF NOBLE COUNTY, INDIANA

Pursuant to an order of the Supreme Court of Indiana adopting the Local Caseload Plan of Noble County, codified in Noble Count Local Rule 99-3, and in accordance with the order of the Supreme Court and the Noble County Caseload Plan, in order to equalize the caseloads of the Noble County Circuit and Superior Court, Division 1, it is hereby ordered that all cases involving children alleged to be or adjudicated Children In Need of Services (CHINS) presently pending in the Noble Superior Court, Division 1 be transferred to the Noble Circuit Court and that until further order of these Courts all CHINS cases be filed in the Noble Circuit Court.

ALL SO ORDERED THIS 10TH DAY OF JANUARY, 2000.

Stephen S. Spindler, Judge
Noble County Superior Court, Division 1

G. David Laur, Judge
Noble Circuit Court

LOCAL RULE 2001 - 2

OF THE NOBLE COUNTY COURTS

Any Local Rule of the Noble County Courts heretofore or hereafter enacted, may be waived or modified by the Judge presiding over a cause to which it applies for good cause shown.

ALL SO ORDERED THIS 27TH DAY OF APRIL 2001.

Stephen S. Spindler, Judge
Noble Superior Court, Div. 1

G. David Laur, Judge
Noble Circuit Court

Michael J. Kramer, Judge
Noble Superior Court, Div. 2

NOBLE COUNTY COURTS LOCAL RULE 01-03

Pursuant to Trial Rule 81 of the Indiana Rules of Trial Procedure, the Judges of the Noble Circuit Court, Noble Superior Court, Division 1, and Noble Superior Court, Division 2 hereby promulgate Local Rule 01.2 the Noble County Courts.

Pursuant to Indiana Code 33-19-6-20 a late payment fee of twenty-five dollars ($25.00) is hereby imposed for the failure to pay the court costs including fees, fine, or civil penalty imposed in any criminal case, infraction case, violation of a municipal ordinance, or delinquency action. The fee is not imposed if the person is found to be indigent by the court imposing the court costs, fine, or civil penalty. The court costs, fine, or civil penalty are due to be paid in full before the later of the end of the business day on which the court enters the conviction or judgment or the end of the period specified in a payment schedule.

When imposing court costs, fine, or a civil penalty, if the court finds that payment on the date of the conviction or judgment would impose a hardship, the court may enter a payment schedule or set a due date by which the court costs, fine, or civil penalty must be paid in full. For good cause shown, the court may extend the payment schedule or due date.

The court may suspend a late payment fee if it finds the defendant has demonstrated good cause for failure to make a timely payment of the court costs, fine, or civil penalty.

The late payment fee hereby established shall be collected by the Clerk and deposited in accordance with the applicable statutes and any county ordinances.

ALL SO ORDERED THIS 3RD DAY OF JULY, 2001

G. David Laur, Judge
Noble Circuit Court

Stephen S. Spindler, Judge
Noble Superior Court, Div. 1

Michael J. Kramer, Judge
Noble Superior Court, Div. 2

LOCAL RULE 02-1

OF THE NOBLE SUPERIOR COURT, DIV. 1

No plea agreement will be entertained by the Court unless it is filed, signed by the Prosecuting Attorney or Deputy Prosecuting Attorney, the Defendant and Defense Counsel, if one has appeared, at least twenty one (21) days prior to the Change of Plea Hearing. This rule is effective as of March 1, 2002.

ALL SO ORDERED THIS 30TH DAY OF JANUARY, 2002.

Stephen S. Spindler, Judge
Noble County Superior Court, Division 1

LOCAL RULE 02-2

OF THE NOBLE SUPERIOR COURT, DIV. 1

In all criminal cases pending in the Noble Superior Court, Division 1, the Defendant must be personally present at the Pre-Trial Conference.

This rule is effective immediately.

ALL SO ORDERED THIS 30TH DAY OF JANUARY, 2002.

Stephen S. Spindler, Judge
Noble County Superior Court, Division 1

NOBLE COUNTY COURT LOCAL RULE 02-03

Pursuant to Trial Rule 81 of the Indiana Rules of Trial Procedure, the Judges of the Noble Circuit Court, Noble Superior Court Division 1, and Noble Superior Count, Division 2 hereby promulgate Local Rule 02-03.

In accordance with Rule 4 (b) of the Indiana Jury Rules, the Courts of Noble County hereby select the two tier notice and summons options, which permits the Jury Administrator to send the jury qualification form and notice first, and the summons to prospective jurors at least one week before service.

ALL SO ORDERED THIS 30TH DAY OF SEPTEMBER, 2002.

G. David Laur, Judge
Noble Circuit Court

Stephen S. Spindler, Judge
Noble Superior Court, Div. 1

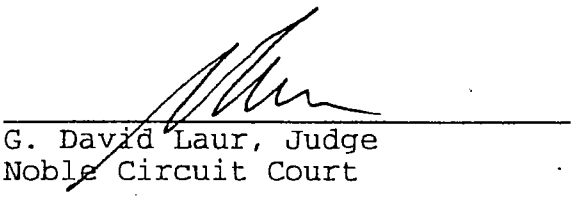
Michael J. Kramer, Judge
Noble Superior Court, Div 2

FILED

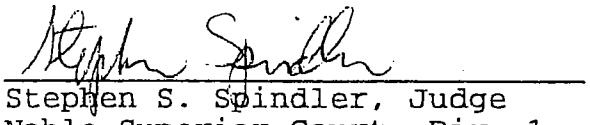
NOV 27 2002

CLERK NOBLE CIRCUIT COURT

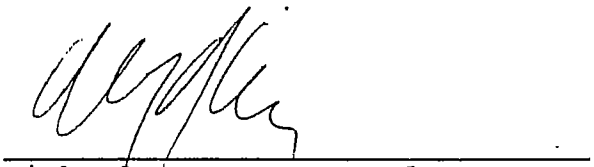
DONE THIS 28TH DAY OF JULY, 1999.



G. David Laur, Judge
Noble Circuit Court



Stephen S. Spindler, Judge
Noble Superior Court, Div. 1



Michael J. Kramer, Judge
Noble Superior Court, Div. 2