STATE OF INDIANA) IN THE JENNINGS CIRCUIT COURT
) SS: 40C01- 0502- CB-007
COUNTY OF JENNINGS)

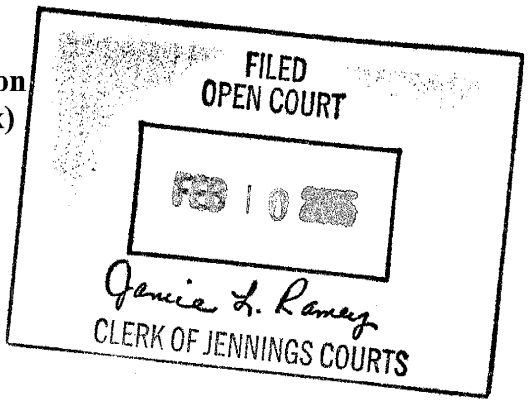
NOTICE OF ADOPTION
OF LOCAL RULES OF COURT

Pursuant to Indiana Rule of Trial Procedure 81, as enacted by the Indiana Supreme Court, notice is hereby given that the Jennings Circuit Court and the Jennings Superior Court will accept comments from the public and the bar until May 1, 2005 regarding proposed local rules of court. The proposed local rules are available for inspection during normal business hours (8:00 a.m. – 4:00 p.m. Monday through Friday) in the Jennings Circuit Court on the second floor of the Courthouse in Vernon, Indiana. Comments regarding the local rules may be sent to the Jennings Circuit Court, P. O. Box 386, Vernon IN 47282. The local rules will be adopted, modified or rejected by July 15, 2005, and shall be effective January 1, 2006.

Jon J. Webster 2-10-05

JON W. WEBSTER, Judge
Jennings Circuit Court

cc:
Clerk of Jennings County
Division of State Court Administration
Each member of the Jennings County Bar Association
(by depositing in their Clerk's Office mailbox)
Gary Smith, President
Jennings County Bar Association



DRAFT OF THE PROPOSED
LOCAL RULES OF THE
JENNINGS CIRCUIT AND SUPERIOR COURTS
PURSUANT TO INDIANA RULE OF TRIAL PROCEDURE 81

LR 40-AR 8-BC-01 - INITIAL CASE ASSIGNMENT AND LOCAL CASELOAD PLAN
(See Indiana Administrative Rule 8 and Indiana Rule of Criminal Procedure 2.2)

Unless otherwise required by statute, the Clerk of Courts and the Prosecuting Attorney of Jennings County, to the extent applicable, shall file the following cases in the following Court:

Jennings Circuit Court

1.) All Class A B and C felonies (FA, FB and FC) and Murder (MR)
2.) Class D felonies (FD), EXCEPT those filed alleging a Class D felony under IND. CODE §9-30-5-3 or §9-30-5-4(a) and related Post Conviction Relief proceedings.
3.) All juvenile matters (JC, JD, JS, JT, JP and JM)
4.) Mental Health (MH)
5.) Adoption or Adoption History Petitions (AD)
6.) All Estates and Trust (EU, ES and TR)
7.) All Guardianships (GU)
8.) Alternating civil, domestic relation and reciprocal support (CT, PL, CC, MF, MI, CB, DR and RS)

Jennings Superior Court

1.) All Class D felonies alleging a violation of IND. CODE §9-30-5-3 or §9-30-5-4(a) (FD)
2.) Infractions (IF)
3.) Local Ordinance and Exempted Ordinance Violations (OV and OE)
4.) Small Claims (SC)
5.) Protective Orders (PO)
6.) Pro se Dissolutions (DR)
7.) Alternating civil, domestic relation and reciprocal support (CT, PL, CC, MF, MI, CB, DR and RS)

The method of assigning alternative civil, domestic relation and reciprocal support cases shall be by blind random draw done by the Clerk or one of the Clerk's deputies..

In criminal cases, the most serious charge filed shall determine the Court of filing.

If an information alleges a violation of IND. CODE §9-30-5-3 or 9-30-5-4(a) and any other Class D felony, the case shall be filed in the Jennings Circuit Court.

Pursuant to the Order of the Supreme Court of Indiana dated July 16, 1999, LR40-AR8-BC-01 is adopted as the Local Caseload Plan by both Courts.

LR40-CR13-BC-02 - REASSIGNMENT IN CRIMINAL CASES
(See Indiana Rule of Criminal Procedure 2.2(D) and 13(C))

In the event it becomes necessary to reassign a felony or misdemeanor case in the Jennings Circuit or Superior Court, the Judges shall be reassigned in consecutive order from the following list of judges from contiguous counties:

Honorable Stephen R. Heimann, Judge of the Bartholomew Circuit Court
Honorable Chris D. Monroe, Judge of the Bartholomew Superior Court #1
Honorable Roderick O. McGillivary,
Judge of the Bartholomew Superior Court #2
Honorable John A. Westhafer, Judge of the Decatur Circuit Court
Honorable W. Michael Wilke, Judge of the Decatur Superior Court
Honorable Carl H. Taul, Judge of the Ripley Circuit Court
Honorable James B. Morris, Judge of the Ripley Superior Court
Honorable William Vance, Judge of the Jackson Circuit Court
Honorable Frank W. Guthrie, Judge of the Jackson Superior Court
Honorable Ted R. Todd, Judge of the Jefferson Circuit Court
Honorable Fred H. Hoying, Judge of the Jefferson Superior Court
Honorable Roger L. Duvall, Judge of the Scott Circuit Court
Honorable Nicholas L. South, Judge of the Scott Superior Court
Any Senior Judge assigned to either the Jennings Circuit or Jennings Superior Court

LR 40-TR79-BC-03 - SPECIAL JUDGE APPOINTMENT IN CIVIL CASES
(See Indiana Rule of Civil Procedure 79(H))

In the event a special judge needs to be appointed under Indiana Rule of Civil Procedure 79 (H), the following judges shall be eligible for appointment:

Honorable, Stephen R. Heimann, Judge of the Bartholomew Circuit Court
Honorable Chris D. Monroe, Judge of the Bartholomew Superior Court #1
Honorable Roderick O. McGillivary,
Judge of the Bartholomew Superior Court #2
Honorable John A. Westhafer, Judge of the Decatur Circuit Court
Honorable W. Michael Wilke, Judge of the Decatur Superior Court

and further orders that such Judges shall be submitted on a rotating basis, except when such Judges are known to the Court to be ineligible or disqualified as Special Judges under Section H of Indiana Rule of Trial Procedure 79. All the Judges named above are within this Court's Administrative District Number 11. In the event a case is dismissed and refiled, the Judge last having jurisdiction in the dismissed case shall be the Judge in the new case.

LR 40-TR58-BC-04- PREPARATION OF COURT FORMS AND ENVELOPES

A.) A party requesting a trial, hearing or continuance shall be responsible for preparing an order which schedules or reschedules, as appropriate, a matter for trial or hearing. The order shall be submitted with the Motion For Trial, Hearing or Continuance together with sufficient copies and pre-addressed and pre-stamped envelopes to provide copies to all parties and/or counsel of record. A party requesting a trial, hearing or continuance shall provide the Court with an estimate of the time anticipated to conduct the trial or hearing.

B.) A party filing any other type of motion shall, at the time of filing, submit a proposed order with sufficient copies and pre-addressed, pre-stamped envelopes to serve all parties and/or counsel of record.

C.) A party agreeing or directed by the Court to prepare an order, judgment or decree shall so do in accordance with the directives of the Court and Indiana Rule of Trial Procedure 58(B).

D.) All chronological case summary entries and orders shall have, in the lower left-hand corner of the signature page, a distribution list with the name and mailing address of each party or attorney to receive a copy of the same.

LR 40-AR12-AC-05 FACSIMILE FILINGS

Facsimile filings of pleadings or correspondence are not accepted by the Circuit Court, and shall be discarded if sent to the Circuit Court or the Clerk. Facsimile filings are accepted by the Superior Court, if prior permission is granted by the Court Reporter or the Judge of the Superior Court.

LR 40-TR53.5-BC-05 CONTINUANCES

A.) All requests for continuances shall be made as soon as the reason therefore has been discovered or should have been discovered. All motions shall, except in the event of an emergency or in open Court, be in writing and on file with the Court no later than ten (10) days prior to the scheduled matter unless the motion is accompanied by an affidavit that the reasons for the continuance have occurred within the ten (10) day period. Exceptions may be granted for matters scheduled with less than ten (10) days notice.

B.) Each motion shall contain the reason for the requested continuance, that counsel has contacted opposing counsel and opposing counsel's response to the request, and shall be accompanied by sufficient copies of an order which will allow the Court to notify all parties of rescheduling the matter. Agreement of counsel does not necessarily mean the motion will be granted. Advising the Court opposing counsel has been contacted with no indication of their reply is not sufficient.

C.) The Court may require any written motion for continuance to be signed by the party requesting the continuance in addition to his or her counsel, and may require the motions to be served on the parties as well as the attorneys and on the victim or victim's family in a criminal case.

D.) The Court, after hearing, in its discretion, may assess any costs and expenses necessarily incurred by the Court, the County or parties as a result of continuances or delays.

LR 40-TR53.5-BC-06 - WITHDRAWAL

In all cases in which the Court retains continuing jurisdiction (e.g. dissolutions, juvenile and criminal) and retained legal counsel and client do not wish to continue representation, counsel shall, at the conclusion of the matter for which counsel was retained, submit a motion to withdraw from representation and a proposed order.

An attorney withdrawing from a case shall serve the motion on all counsel and parties of record and the client. The order of withdrawal shall also set forth the former client's name and address for distribution, and be accompanied by pre-addressed, pre-stamped envelopes as set forth in LR 40-TR 58-BC-04 above. Attorneys appointed by the Court in criminal cases, juvenile matters, or any other matter remain in the case until further order.

LR 40-TR3.1-BC-07 - BANKRUPTCY

It shall be the duty of the debtors' bankruptcy attorney to file with the Court, a notice of bankruptcy setting forth the date of the bankruptcy filing, the bankruptcy court location and case number, and an affirmation that the opposing party has been duly listed on the bankruptcy petition. Telephone calls from debtors or debtors' attorneys will not serve to stay proceedings in the Court.

LR 40-TR4-BC-08 - SERVICE OF PROCESS

It shall be the duty of every person filing a pleading that requires service, to clearly designate the manner of service, e.g. certified mail or sheriff. If service is to be by certified mail, the person shall tender to the Clerk, a completed certified mail return card and receipt with the cause number typed or printed on the mail return card.

LR-40-TR5-BC-09- CERTIFICATION OF COMPLIANCE OF PLEADINGS WITH TRIAL RULE 5(G).

All pleadings filed by a party shall contain a verification certifying that the pleading complies with the filing requirements of Trial Rule 5(G) applicable to information excluded from the public record under Administrative Rule 9(G).

A certificate in substantially the following language shall be sufficient:

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

_____

(Signed by party or counsel of record)

LR 40-FL01-BC-10 - FAMILIES ARE FOREVER PROGRAM

In any dissolution of marriage, paternity or legal separation proceeding where there remain minor children born of the marriage or relationship, both the father and mother shall complete the Families Are Forever program or equivalent program approved by the Court within sixty (60) days after the filing of the petition and file with the Court, a certificate of completion. Each party shall bear their own costs for the program. No final decree shall be entered until both certificates are on file with the Court. Failure to complete the program for the purpose of delay or vexation shall be punishable by contempt. Completion of the program shall NOT be waived, except in unusual circumstances approved by the Court.

LR 40-AR10-BC-11 - COURTHOUSE SECURITY

No person shall enter the Jennings County Courthouse carrying a deadly weapon of any kind or type, whether carried openly or concealed. This rule does not apply to individuals who qualify under IND. CODE §35-41-1-17 as law enforcement officers or federal enforcement officers.

LR 40-AR01-BC-12 - ATTIRE

Men appearing for hearing or trial shall at all times wear a coat and tie and suitable slacks. Women shall wear appropriate attire.

Counsel, parties, witnesses and spectators shall wear appropriate attire consistent with the integrity of a court of law. Prohibited are: caps, bandanas, sunglasses (up or down), shorts, sleeveless or muscle shirts which expose one's underarms, shirts or any other garment with obscene or vulgar messages or suggestive messages, flip-flop shoes or sandals.

LR 40-AR03-BC-13 - DRUG AND ALCOHOL PROGRAM

Pursuant to IND. CODE §12-23-14-16(b), the following schedule of fees is approved and adopted for the Jennings Circuit and Superior Courts, Drug and Alcohol Abuse Program:

• If convicted of any felony	$400.00
• If convicted of any misdemeanor	$200.00
• Richmond State Hospital enrollment processing fee	$100.00
• Transfer to another county	$ 50.00
• Monitoring and evaluation fee	$100.00
• Juvenile delinquency adjudications	$200.00

LR-40-FL02-BC-14 SUBMISSION OF FINANCIAL DECLARATION FORM

A. Requirement: In all relevant family law matters, including dissolutions, legal separations, paternity and post decree support or maintenance proceedings, the moving party shall prepare and serve a Financial Declaration Form on the opposing party or their counsel within thirty (30) days of the date of the filing of the action. The responding party shall prepare and serve a Financial Declaration Form within twenty (20) days after receipt of service of the moving party's declaration. These time limits may be amended by court order or good cause shown after motion or by written agreement of the parties filed with the Court.

B. Exceptions: The Financial Declaration Form need not be exchanged if:
   1.) the parties agree in writing to waive exchange.
   2.) the parties have executed a written agreement which settles all financial issues;
   3.) the proceeding is one in which the service is by publication and there is no response, or;
   4.) the proceeding is post-decree and concerns issues without financial implications. Provided, however, when the proceeding is post-decree and concerns only an arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely that portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation);
   5.) where the gross marital estate in a dissolution or legal separation is $5,000.00 or less.

C. Admissibility: Subject to specific evidentiary challenges, the Financial Declaration shall be admissible into evidence upon filing.

D. Supporting Documents: For the purpose of providing a full and complete verification of income, assets, liabilities and values, each party shall attach to the Financial Declaration Form all information reasonably required and reasonably available. At the minimum, this shall include income tax returns and supporting documentation and current wage records. "Reasonably available" means that material which may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed or is in the possession of the other party. The Court may require either party to supplement such Financial Declaration with appraisals, bank records, and other evidence to support the values set out therein.

E. Financial Declaration—Mandatory Discovery: The exchange of Forms constitutes mandatory discovery. Thus INDIANA TRIAL RULE 37 sanctions apply. Additionally, pursuant to INDIANA TRIAL RULE 26(e)(2) and (3), the Form shall be supplemented if additional material becomes available.

_____ CAUSE NO. _____

Petitioner

-vs- DATED: _____

_____

Respondent

VERIFIED FINANCIAL DECLARATION OF
(HUSBAND/FATHER) (WIFE/MOTHER)

Husband/Father Name:	Wife/Mother Name:
Address: _____ _____	Address: _____ _____
Social Security No.:	Social Security No.:
Occupation:	Occupation:
Employer:	Employer:
Date of Birth:	Date of Birth:
ATTORNEYS: Name, Address and Telephone Number:	ATTORNEYS: Name, Address and Telephone Number:

GROSS WEEKLY INCOME -ATTACH LAST THREE (3) PAYROLL STUBS	AMOUNT
1) Gross Weekly Salary, Wages and Commissions	
2) Gross Weekly Pension/Retirement/Social Security/Disability/Unemployment Workmen's Comp.	
3) Gross Weekly Child Support received from any prior marriage (not this one)	
4) Gross Weekly Dividend and Interest	
5) Gross Weekly Rents/Royalties less ordinary and necessary expenses (Attach calculations)	
6) Gross Weekly Business/Self-Employment Income: Less ordinary and necessary expenses (Attach calculations)	
7) All Other Sources (Specify) **Includes Bonuses; Alimony and Maintenance Received From Prior Marriages; Capital Gains; Trusts Income; Gifts; Prizes; In-Kind Benefits from Employment such as Company Car, Free Housing, Reimbursed Meals. DO NOT include ADC, SSI General Assistance, Food Stamps.**	
8) TOTAL GROSS WEEKLY INCOME (Total lines 1-7)	

9) Minus Weekly Court Ordered Child Support For Prior Children-Amounts Actually Paid	
10) Minus Weekly Legal Duty Child Support for Prior Children	
11) Minus Weekly Health Insurance Premiums for Children Of This Marriage Only	
12) Minus Weekly Alimony/Support/Maintenance Paid to Prior Spouses-Amounts Actually Paid	
13) Weekly Available Income (Line 8 less Lines 9-12)	
_____	
14) Weekly Work Related Child Care Costs for Custodial parent to work for children of this marriage	
15) Weekly Extraordinary Healthcare Expenses (Children of this marriage only-uninsured only)	
16) Weekly Extraordinary Education Expenses (Children of this marriage only)	
MONTHLY EXPENSES AND DEDUCTIONS FROM INCOME	
1) Federal Income Taxes (Weekly Deductions x 4.3)	
2) State Income Taxes (Weekly Deductions x 4.3)	
3) Local Income Taxes (Weekly Deductions x 4.3)	
4) Social Security Taxes (weekly Deductions x 4.3)	
5) Retirement/Pension Fund-Mandatory ( ) Optional ( ) (Weekly Deductions x 4.3)	
6) Rent/Mortgage Payments (Residence)	
7) Residence/Property Taxes/Insurance (if not included in mortgage payment)Total for year : 12	
8) Maintenance on Residence	
9) Food/Household Supplies/Laundry/Cleaning	
10) Electricity (Total for year : 12)	
11) Water/Sewer/Solid Waste/Trash Collection (Total for year : 12)	
12) Gas (Total for year : 12 or monthly budget amount)	
13) Telephone (including long distance charges)	
14) Clothing	
15) Medical/Dental Expenses (Not reimbursed by insurance)	
16) Automobile-Loan payment	
17) Automobile-Gas/Oil	
18) Automobile-Repairs	

19) Automobile-Insurance (Total for year : 12)	
20) Life Insurance	
21) Health Insurance (Exclude payments for children shown on page 2, line 11)	
22) Disability/Accident/Other Insurance (Please specify)	
23) Entertainment (Clubs, Social Obligations, Travel, Recreation, Cable Television)	
24) Charitable/Church Contributions	
25) Personal Expenses (Haircuts, cosmetics, grooming, tobacco, alcohol, etc.)	
26) Books/Magazines/Newspapers	
27) Education/School Expenses (Self and children you have custody of)	
28) Daycare/Work Related Child Care Costs (Weekly amount x 4.3)	
29) Other Expenses (Please specify)	
30)	

MONTHLY LOAN/CHARGE EXPENSES FOR	**BALANCE**	**AMOUNT**
31)		
32)		
33)		
34)		
35)		
36)		
37)		
38)		
39) TOTAL MONTHLY EXPENSES & DEDUCTIONS FROM INCOME (Total lines 1-38)		
40) AVERAGE WEEKLY EXPENSES & DEDUCTIONS (Total monthly expenses : 4.3)		

ASSETS

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

DESCRIPTION	Gross Value	Less Lien Mortgage	Net Value	H	W	J
A. Household furnishings/furniture/ Appliances						
1) In possession of Husband						
2) In possession of Wife						
B. Automobiles, Trucks, Vehicles (Include make, model and year)						
3)						
4)						
5)						
6)						
C. Securities-Stocks, Bonds & Stock Options						
7)						
8)						
9)						
10)						
D. Cash, Checking, Savings Deposit Accounts, CD's (Include name of Bank/credit union and type of account)						
11)						
12)						
13)						
14)						
15)						
E. Real Estate (include land sales contract)						
16) Marital Residence (show address) Basis of Valuation _____ Name of Lender 1st mortgage _____ Name of Lender 2nd mortgage_____						

DESCRIPTION	Gross Value	Less Lien Mortgage	Net Value	H	W	J
17) Other (Show Address) Basis of Valuation_____ Name of Lender 1st mortgage_____ Name of Lender 2nd mortgage_____						
18) Other (Show Address) Basis of Valuation_____ Name of Lender 1st mortgage_____ Name of Lender 2nd mortgage_____						
F. Cash Retirement Accounts (IRA, 401K, Keoughs, Employee Savings Plans, Stock Ownership/Profit Sharing Plans, etc.						
19)						
20)						
21)						
22)						
23)						
G. Retirement Benefits, Deferred Compensation Plans and Pensions (Including information available on benefits, whether benefits are vested or in pay status)						
24)						
25)						
H. Business Interests						
26)						
27)						
28)						
I. Life Insurance (Show company name & Death benefit) Term and Group_____						
29) Named Beneficiary_____						
30) Named Beneficiary_____						
31) Named Beneficiary_____						

DESCRIPTION	Gross Value	Less Lien Mortgage	Net Value	H	W	J
Whole Life & Others (Show Cash Value Under Gross Value)						
32) Named Beneficiary_____						
33) Named Beneficiary_____						
34) Named Beneficiary_____						
J. Other Assets (Include any type of assets having value including jewelry, personal property, assets located in safety deposit boxes, accrued bonuses, etc.						
35)						
36)						
37)						
38)						
39)						
40)						

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

Show Significant Assets Only	Gross Value	Less Liens/ Mortgage	Net Value	Value Date
A. Assets Owned By You Prior To Marriage (Value as of date of marriage)				
1)				
2)				
3)				
4)				
5)				
B. Assets Acquired by You During Marriage Through Inheritance or Gifts (Value as date of acquisition)				
6) Acquired from whom:				
7) Acquired from whom:				
8) Acquired from whom:				

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT, THAT THIS DECLARATION WAS EXECUTED ON THE ____ DAY OF _____, 20___. I FURTHER UNDERSTAND THAT FAILURE TO COMPLETE THIS DOCUMENT ACCURATELY AND TRUTHFULLY MAY RESULT IN REOPENING OF THE DISSOLUTION DECREE AT A LATER DATE.

SIGNATURE: _____
PRINTED NAME: _____

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

CERTIFICATE OF SERVICE

I hereby certify that a true, exact and authentic copy of the foregoing has been served upon the opposing party or parties either by personal delivery of First class Mail, postage prepaid, this ____ day of _____, 20____.

_____

LR 40- JR4-BC-15 - JURY SELECTION
(See Indiana Jury Rules 2 and 4)

In compliance with Indiana Jury Rules 2 and 4, the Judges of the Jennings Circuit and Superior Court hereby appoint the Jury Commissioners of Jennings County as the Jury Administrators under Indiana Jury Rule 2.

The Courts of Jennings County will use a "two-tier" system as identified in Indiana Jury Rule 4(b).

In selecting jurors under Rule 2, the following procedure shall be followed by the Jury Administrators:

Pursuant to Indiana Jury Rule 2, the Judges of the Jennings Circuit and Superior Court have adopted the following procedure for selecting potential jurors, beginning with those potential jurors selected for the first quarter of 2003.

1.) No sooner than December 1, and no later than December 15 of each year, the Treasurer of Jennings County with the assistance of the Auditor of Jennings County, shall prepare and deliver to the Judge of the Jennings Circuit or Jennings Superior Court, a list of real property taxpayers residing in Jennings County. The Judge(s) shall deliver this list to the Jury Commissioners.

2.) For each quarter drawn, 75% of potential petit jurors shall be randomly selected from the list of registered voters, and 25% randomly selected from the list of real property taxpayers.

3.) The method for drawing from real property taxpayers shall be as follows:

> The jury commissioners shall randomly select a letter from the alphabet drawn from a hat or basket. The jury commissioner shall then proceed to that letter on the property tax list and roll a dice. If the dice comes up "3", then every third name of that letter shall be selected. If a letter is exhausted, the commissioner shall repeat the process after selecting another letter.

4.) When the new list is delivered to the Jury Commissioners in December, the preceding year's list shall be destroyed by shredding or any other method by which it is totally destroyed.

LR 40-JR10-BC-16- JUROR PRIVACY

Juror questionnaires shall be handled in accordance with Jury Rule 10 and Indiana Administrative Rule 9(G)(1)(b)(xii). Thus, juror questionnaires may not be recopied, duplicated or distributed by counsel or the parties, and shall be returned to the court at the conclusion of trial in order to safeguard juror privacy.

LR40-FL03-BC-17 PROTOCOL FOR PROTECTIVE ORDER FILINGS
(See IND CODE §34-26-5-1)

In the event an individual seeks a protective order under IND. CODE §34-26-5-1 et seq., the Clerk of the Court shall do the following:

1. Inquire of Petitioner whether they have a pending dissolution, paternity, or legal separation case. If so, encourage them to speak with their attorney in that case about seeking a restraining order in that pending case.

- If they have no pending case, lawyer, or insist on proceeding with a protective order, the Clerk should accept the filing, assigning it to Superior Court with a "PO" number pursuant to local rule.

- If they have a pending case, get as much information as possible, including the court and case number and lawyers' names for the Superior Court Judge. The Petition form also asks for this information.

2. Deliver the new "PO" file to the Superior Court Judge immediately for consideration.

- If there is no other pending case, the Superior Court Judge <u>may</u> act.

- If there is a pending case, the Superior Court Judge <u>may</u> decline to act and immediately transfer the case to the appropriate court by order or issue an emergency protective order and then transfer it if he determines immediate relief is needed pursuant to IND. CODE §34-26-5-6(4).

3. If the Superior Court Judge transfers the "PO" case, the Clerk shall keep the <u>original</u> "PO" file intact along with the Superior Court Order of Transfer, so anyone examining the "PO" file can see what occurred.

4. Copy the "PO" file and deliver it to the appropriate Court. The Circuit Court Judge will, in cases he receives, do an Order Accepting Transfer and place a copy of the "PO" file in the file and the Circuit Court Judge shall furnish the Superior Court Judge with a copy of the Order Accepting Transfer to place in the "PO" file.

5. Regardless if a case is transferred, the confidential information should be protected as always and NOT placed in either file.

6. If a "PO" case is filed first and then a dissolution, paternity, or legal separation proceeding is filed afterward and you know that or the Petitioner tells you that, they should be advised to speak with their dissolution, paternity, or legal separation lawyer and if pro se, to inform the Superior Court Judge's office as he would have both the "PO" case and the pro se dissolution.

LR 40-TR65-BC-18 - PROTOCAL FOR EX PARTE OR EMERGENCY CUSTODY ORDERS OR EX PARTE GUARDIANSHIPS OF MINOR CHILDREN

Whether in the context of a dissolution of marriage, paternity, guardianship, or any other proceeding, where one is seeking ex parte or emergency custody of a child or ex parte emergency guardianship of a minor child, the following minimum information will be required in the Jennings Circuit Court and the Jennings Superior Court:

1.) A sworn verified and notarized motion or petition signed by the person seeking relief.
2.) The full name and physical, and mailing address of the petitioner or movant, and their relationship to the child or children for whom they are seeking custody or guardianship.
3.) The full name, date of birth, and age of the child or children for whom custody or guardianship is being sought.
4.) The length of time the child or children have been in the petitioner's or movant's physical custody, and a brief description of the circumstances as to how such physical custody occurred. If the child or children are in another's physical custody, the same information is required including that person's relationship to the child or children.
5.) The name and physical, and mailing, address of every other person who has legal or physical custody of the child or claims such right, including, but not limited to, the biological mother, biological father, or putative father(s). If it is claimed an address is unknown, then the Court shall be advised what efforts have been undertaken to locate said person and their last known physical and mailing address.
6.) If any other interested party is represented by counsel, or known to have counsel, what efforts have been undertaken to advise other counsel of the pending ex parte request and other counsel's response.
7.) A complete copy of the most recent custody order in effect, if any.
8.) A statement whether the person seeking emergency or ex parte custody of guardianship has had their visitation or custodian rights to any of said child or children limited, restricted, o suspended in any way by prior court order.
9.) The existence of any pending C.H.I.N.S. proceeding or other involvement by a child welfare agency and whether custody proceedings or guardianship proceedings regarding the child or children are pending in or have been filed in another court and, if so, sufficient information to apprise the court of the place and nature of the proceedings.

LR-40 CR01-BC-19 - MEDICAL RELEASE FROM THE JENNINGS COUNTY JAIL

No person being held in the Jennings County Jail on a Class C felony or higher, probation or parole hold where the underlying conviction is a Class C felony or higher, invasion of privacy, violation of a protective order, battery on a previous victim or "domestic battery", or being held on an out-of-county warrant, is eligible for release to attend a visit to a medical provider, whether said release be a temporary own recognizance release or release to a family member for transport or transport by the Sheriff, unless the Sheriff, in his absolute discretion, agrees to transport, which decision to transport is solely that of the Sheriff of Jennings County.

Any person otherwise eligible must file a written motion directly with the appropriate court at <u>least</u> seven (7) business days prior to the scheduled appointment date, and have attached to the motion a statement on the medical provider's letterhead, dated and signed, briefly describing the underlying condition, the reason for the visit and when it was scheduled and the date, time and place of the visit along with a proposed order.

Any visit scheduled <u>after</u> a person is incarcerated will not be permitted.

The decision to release an individual is discretionary with the Court, and the Court may consult with the Sheriff before making any decision.

LR-40-CR02-BC-20 - FUNERAL LEAVE FROM THE JENNINGS COUNTY JAIL

Any individual incarcerated in the Jennings County Jail <u>may</u> be granted funeral leave, but only if the deceased person is the lawful spouse, child, parent, sibling, or grandparent of the incarcerated individual, and then only upon written verified motion filed with the applicable court indicating the day, time, and place of the viewing and funeral. Funeral leave remains at the discretion of the trial court judge.

If the incarcerated individual is in jail after a conviction for or while charged with a crime of violence (as defined by IND.CODE §35-50-1-2[a]), no leave shall be permitted.

LR 40-CR03-BC-21 - DISTRIBUTION OF MONIES RECEIVED IN CRIMINAL CASES

Those convicted of misdemeanors and felonies in both courts, or having been found liable for an infraction and ordinance violation in Superior Court, often make payments on their monetary obligations or cash bail is insufficient to pay all monies assessed, and when partial payments are made, the Clerk of Jennings County shall receipt the monies in the following order, as directed by IND. CODE §33-19-5-1(c):

<u>First</u>, to general court costs required by IND. CODE §33-19-5-1(a) and (b),

<u>Second</u>, to the Jennings County Alcohol and Drug Program, as required by IND. CODE §33-19-5-1(b)(3);

Third, to the administrative probation fee required by IND. CODES §35-38-2-1(d)5 and §35-38-2-1(e)(4) ($100.00 for felonies/$50.00 for misdemeanors).

Fourth, to initial probation user's fees required by IND. CODES §35-38-2-1(d)(1) and §35-28-2-1(e)(1), ($100.00 for felonies/$50100 for misdemeanors) and to monthly probation user's fees.

Fifth, to state fees (domestic violence, sexual assault, countermeasure, etc.)

Sixth, to fines.

Seventh, to restitution.

If there is more than one (1) recipient of restitution, each payment applied to restitution shall be pro-rated, according to the original amount due each victim.

LR40-AR15-BC-22 - COURT REPORTER SERVICES

Section One. Definitions.

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

B.) *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 devices used for recording and storing, and transcribing electronic date.

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

D.) *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.

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

F.) *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.

G.) *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.

H.) *Overtimes hours worked* means those hours worked in excess of forty (40) hours per week.

I.) *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.

J.) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Jennings County.

K.) *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.

L.) *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.

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

Section Two-Salaries and Per Page Fees.

A.) 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.

B.) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be Four Dollars ($4.00); the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

C.) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be Four Dollars ($4.00).

D.) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Four Dollars ($4.00).

E.) 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.

A.) 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, the court agrees to the use of the court equipment for such purpose, and 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 kept for the use of equipment, work space, and supplies, and

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

B.) 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.