

**STATE OF INDIANA – COUNTY OF SHELBY**  
**IN THE SHELBY CIRCUIT AND SUPERIOR COURTS**  
**73C01-1805-CB-19; 73D01-1805-CB-20; 73D02-1805-CB-18**

---

**Order Amending and Giving  
Notice of Proposed Local Rule Amendment  
May 1, 2025**

---

The judges of the Shelby Circuit and Superior Courts, pursuant to Admin Rule 1(E) and Trial Rule 81, do hereby amend and give notice of said amendments to the Shelby County Local Court Rules regarding caseload allocation. All new text is shown by underlining and deleted text is shown by ~~strike through~~. Supreme Court approval is required for Local Rules concerning caseload allocation plans and court reporter transcripts. Unless otherwise indicated, these changes will be effective January 1, 2026 and if necessary, upon approval by the Supreme Court. The rules regarding law enforcement cameras in the courtroom and bail matters will be effective July 3, 2025.

Notice has been given to the public by posting on the website of the Shelby County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Shelby County Bar Association. Comments may be made from June 2, 2025 until July 2, 2025, to Judge David N Riggins, 407 S. Harrison Street, Shelbyville, IN 46176.

These rule amendments cover caseload allocation, cameras in the courtroom, small claims, court reporter transcripts, bail matters, discovery in criminal cases, and other miscellaneous matters.

It is so Ordered this 1st day of May, 2025 by the Judges of Shelby County, 16th Judicial Circuit.

_____/s/_____ Trent Meltzer Judge Shelby Circuit Court	_____/s/_____ R. Kent Apsley Judge Shelby Superior Court 1	_____/s/_____ David N. Riggins Judge Shelby Superior Court 2
-----------------------------------------------------------------	---------------------------------------------------------------------	-----------------------------------------------------------------------

**SHELBY COUNTY CIRCUIT AND SUPERIOR COURTS  
LOCAL RULES**

Administrative Rules

Trial Rules

Family Law Rules

Criminal Rules

Small Claim Rules

Rules of Indiana Administrative Judicial District 17

**SHELBY COUNTY LOCAL ADMINISTRATIVE RULES**

*Amendments effective January 1, 2026*

*Caseload Allocation Plan effective upon approval by the Supreme Court on January 1, 2024*

**Rules**

LR73-AR15 RULE 1 COURT REPORTER SERVICES

LR73-AR00 RULE 2 LOCAL CASELOAD PLAN

LR73-AR00 RULE 3 EXCEPTIONS TO LOCAL CASELOAD PLAN

LR73-AR00 RULE 4 EVIDENCE IN POSSESSION OF COURT REPORTER RETENTION

LR73-AR00 RULE 5 AUDIO & VIDEO RECORDINGS OF COURT PROCEEDINGS

**LR73-AR15 RULE 1 COURT REPORTER SERVICES<sup>1</sup>**

**1.1 Definitions**

The definitions contained in Administrative Rule 15(B) are adopted for use in this Rule and control any question of interpretation. For the purposes of this Rule, the Regular Hours worked by the Court Reporting Staff shall be Monday through Friday from 8:00 a.m. until 12:00 noon and from 1:00 p.m. until 4:00 p.m. or as otherwise ordered by the Court. The Work Week shall be a seven day period beginning on Sunday and ending on Saturday of each week and shall contain thirty-five (35) hours for which salaried compensation shall be paid.

**1.2 Compensation**

The Court Reporter shall work under the control, direction and direct supervision of the Court during all hours of employment and shall be paid an annual salary for regular hours worked during a Work Week. The salaries shall be set by the Court and approved by the County Council. Gap Hours (the 5 hours between 35 and 40 hours per week) shall be ~~compensated in~~ compensated for by time off from work in an amount equal to the number of Gap Hours worked or by payment of regular time as directed by the court. Overtime Hours shall be compensated in an amount equal to one and one-half (1 ½) times the number of Overtime Hours worked in excess of 40 hours per week.

**1.3 Duties and Responsibilities**

The duties of a Court Reporter shall include Reporting the evidence presented in Court proceedings; Preservation and storage of reported testimony and any physical evidence presented in Court proceedings; Preparation of Chronological Case Summary entries at the direction of the Court and providing notice thereof as required by the Rules of Trial Procedure; Preparation of written documents to effectuate the rulings, orders and judgments of the Court or to comply with the Rules of the Indiana Supreme Court; Preparation of transcripts of evidence presented in Court proceedings requested pursuant

to the Rules of Trial Procedure; and, Such other functions and responsibilities as required by law or the Court for its effective administration.

#### **1.4 Maximum Per Page Fee**

1.4.1 A Court Reporter shall not charge more than the following per page:

1.4.1.1 ~~\$5.508.00~~ for a transcript of evidence for appealed cases. The Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts of evidence.

1.4.1.2 ~~\$5.508.00~~ for state/county indigent transcript of evidence for appealed cases;

1.4.1.3 ~~\$5.508.00~~ for civil transcripts of evidence for appealed cases;

1.4.1.4 ~~\$5.508.00~~ for non-appeal transcripts;

1.4.1.5 ~~\$4.507.00~~ for deposition transcripts and \$1.50 for copies if Reporter elects to use Court facilities, equipment and/or supplies in the exercise of her private practice;

1.4.1.6 ~~\$9.00~~ 13.00 for expedited transcripts. If the requestor needs the transcript in 20 days or less, it is considered expedited.

1.4.1.7 \$1.75 for copies of transcripts.

2. In addition to the page charges the Court Reporter shall be allowed ~~\$40~~ 15.00 for each physical device provided and \$5.00 for each copy emailed.

3. Court Reporter's Certification fee for transcripts shall be \$10.00.

4. Each Court Reporter shall annually report all compensation received for transcripts to the Indiana Supreme Court Division of State Court Administration.

*As amended April 18, 2017 Amended May 1, 2025, Effective upon adoption by the Indiana Supreme Court.*

#### **1.5 Private Practice**

5.1 A Court Reporter may elect to engage in the private practice of recording of and preparation of deposition transcripts. Such activity, regardless of whether the deposition concerns a case pending before the Court, shall be conducted outside of regular working hours. If a Reporter, in the exercise of such private practice, utilizes, with the consent of the Court, Court facilities, equipment and/or supplies, the Reporter shall reimburse the Court for such usage pursuant to a written agreement between the Court and Reporter.

5.2. Such agreement shall establish the:

5.2.1 Reasonable market rate for the use of equipment, facilities and supplies;

5.2.2 Method by which records are kept for the use of the same; and,

5.2.3 Method by which the Reporter shall reimburse the Court for such usage.

*Adopted May 28, 1998, effective June 1, 2008. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended effective December 17, 2007. Amended, Jan 1, 2012; Amended effective May 1, 2013.*

<sup>1</sup> See, also Rule 2

#### **LR73-AR1(E) RULE 2 LOCAL CASELOAD PLAN**

##### **2.1 Evaluation of Caseload Allocation**

2.1.1 The Allocation of Judicial Resources described herein should place the Shelby County Courts in compliance with guidelines issued by the Indiana Supreme Court's Order for Development of Local Caseload Plans. No later than March 1 of each year, the judges of the courts of record in Shelby County shall meet and evaluate the caseload data as reported to the Indiana Supreme Court Office of Judicial Administration.

2.1.2 The caseload evaluation shall factor in the allocation of administrative duties among the judges as well as any special circumstances such as death penalty cases.

2.1.3 Special service by Shelby County judges outside their own courts or special, senior judges or transfer judges serving in the Shelby County Courts shall also be considered. Such service shall be calculated in accordance with the weighted caseload worksheet and criteria established by the Indiana Supreme Court Office of Judicial Administration.

- 2.1.4 Modification or changes necessary for the Shelby County Courts to remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judges and shall become effective on April 1 of each year.

## 2.2 Caseload Allocation

### 2.2.1 Criminal Cases

- All A, B & C and Level 1-5 felonies and murder as defined in Local Rule 73-CR2.2-1, shall be filed in the respective courts in the following percentages:
  - 45% in Shelby Circuit Court
  - 45% in Shelby Superior Court No. 1
  - 10% in Shelby Superior Court No. 2
- All D and Level 6 felonies shall be filed in the respective courts in the following percentages:
  - 45% in Shelby Circuit Court
  - 10% in Shelby Superior Court 1
  - 45% in Shelby Superior Court 2
- All misdemeanor, (CM) infraction (IF), and ordinance violation (OV, OE) cases shall be filed in Superior Court 2.
- All XP cases shall be filed as per statute.
- All search warrants issued outside of normal hours by the Shelby County Magistrate shall be filed in Superior Court 2.
- All Miscellaneous criminal cases (MC) and red-flag cases (RF) shall be filed as directed by the initiating party.

### 2.2.2 Civil Cases

2.2.2.1. *Juvenile Cases.* The following Juvenile case types (JC, JD, JM, JQ, JS, JT and JP.) shall be filed in Shelby Superior Court No. 1.

#### 2.2.2.2 *Remaining Civil Cases*

2.2.2.2.1 All Plenary (PL) cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1

2.2.2.2.2 All Domestic Relations (DR) (DC) (DN) ~~(JP)(GV)~~ cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1.

~~If a series of JP cases involve siblings are filed, the first filing shall decide the court and the remaining siblings' cases shall be filed in the court of the first filing.~~

2.2.2.2.3 All Reciprocal Support (RS) cases shall be filed in Shelby Circuit Court.

2.2.2.2.4 All Protective Orders (PO) and Juvenile Protective order (JQ) cases shall be filed in Shelby Superior Court I.

2.2.2.2.6 All Guardianship (GU) (GM) cases shall be filed in Shelby Circuit Court.

2.2.2.2.7 All Mortgage Foreclosure (MF) Cases shall be filed in Shelby Circuit Court.

2.2.2.2.8 All Small Claims (SC) shall be filed in Shelby Superior Court No. 2

2.2.2.2.9 All Tax Sale (TS) and Tax Deed Petitions (TP) shall be filed in Shelby Superior Court 1.

2.2.2.2.10 All CC cases shall be filed ~~in~~ 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court 2.

2.2.2.2.11 EV cases with a small claims filing fee shall be filed in Superior Court 2.

EV cases with a full filing fee shall be filed in Superior Court 1.

2.2.2.2.12 All remaining types of civil cases (AD, AH, CE, CT, ES, EU, EM, MH, MI, RA, and TR) shall be filed as requested by the initiating party. If no request is made by the initiating party, the remaining cases shall be assigned 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court 1.

2.2.2.2.12 All 72 hour (MH) holds issued outside of normal hours by the Shelby County Magistrate shall be filed in Superior Court 1.

*Adopted as local Rule 1991-1, September 8, 1999, effective November 1, 1999. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005. Amended and renumbered as LR73-AR00 Rule 2 effective Sept 1, 2011. Amended April 18, 2017. Amended May 1, 2018. Effective January 1, 2019. Amended January 7, 2019, effective February 15, 2019. Amended May 25, 2021- Effective Upon adoption by the Supreme Court. Amended May 5, 2023. Effective upon adoption by the Indiana Supreme Court January 1, 2024. Amended May 1, 2025, Effective January 1, 2026 if approved by the Indiana Supreme Court.*

### **LR73-AR1(E) RULE 3 EXCEPTIONS TO LOCAL CASELOAD PLAN**

In addition to the authority granted by Indiana Code 33-29-1-9 and Indiana Code 33-29-1-10 and notwithstanding the caseload allocation plan, a judge of Shelby Circuit or a Superior Court may transfer and reassign to any other court or judge or magistrate in the county with jurisdiction to hear the matter in dispute, any case subject to acceptance by the receiving court, where the interests of justice or the interest of judicial economy so require. For cases filed after January 1, 2014, if the intent is to transfer the entire case to the other court, the clerk shall change the court identifier characters to reflect the new receiving court pursuant to Indiana Administrative Rule 8. Such a change shall be noted in the CCS as well. *Effective September 1, 2011, amended effective July 1, 2014; Amended February 2015-effective April 1, 2015. As Amended April 18, 2017*

### **LR73-AR7-RULE 4: EVIDENCE HANDLING, RETENTION AND DESTRUCTION**

In all cases, the Court shall proceed pursuant to these Rules unless the Court directs a longer retention period after motion by any party or on its own motion. This section shall not apply to exhibits that are on 8.5 x 11 inch paper or that can otherwise be easily stored in a flat court file.

#### **4.1 CIVIL CASES, INCLUDING ADOPTION, PATERNITY, AND JUVENILE PROCEEDINGS.**

All models, diagrams, documents, or material not on 8 ½ by 11 paper admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

Small Claims cases. Exhibits capable of being scanned into the Odyssey case management system will be discarded by the Court after scanning unless the party requests the items to be returned either on the record at the hearing or in writing prior to the hearing. Exhibits that are not able to be scanned must be taken away by the party tendering the exhibit not later than 45 days after entry of judgment or the exhibits will be discarded by the court. *Amended May 21, 2021*

#### **4.2 RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL MISDEMEANOR, CLASS D, CLASS C FELONIES AND LEVEL 3,4,5 AND 6 FELONIES.**

Unless otherwise agreed to by the parties, and except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 ½ by 11 paper and admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence except as otherwise ordered by the Court, 180 days after the case is dismissed or the defendant is found not guilty. If the defendant is sentenced, unless an appeal is taken, exhibits shall be taken away after two (2) years. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court will notify the parties at their last known address, including last known email address, when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual

exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

#### **4.3 RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL CLASS B AND A FELONIES AND LEVEL 1 AND 2 FELONIES.**

Unless otherwise agreed to by the parties, and except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 ½ by 11 paper and admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, one (1) year after the case is dismissed or the defendant found not guilty. If the defendant is sentenced, unless an appeal is taken they shall be taken away after 10 years. If an appeal is taken, all such exhibits shall be retained by the court reporter for ten (10) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court will notify the parties at their last known address, including last known email address, when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7. The court reporter will either scan or photograph as much evidence as possible and courts and parties reminded of the requirements of Appellate Rule 29(B).

#### **4.4 MURDER**

Except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 ½ by 11 paper and admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, 2 years after the case is dismissed or the defendant is found not guilty. If the defendant is sentenced, the exhibits shall be taken away after fifty (50) years. If an appeal is taken, all such exhibits shall be retained by the court reporter for fifty (50) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court will notify the parties at their last known address when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7. The court may photograph as much evidence as possible and remind parties of the requirements of Appellate Rule 29(B).

#### **4.5. NON-DOCUMENTARY AND OVERSIZED EXHIBITS.**

Non-documentary and oversized exhibits shall not be sent to the Appellate level Court but shall remain in the custody of the trial court or Administrative Agency during the appeal and shall be disposed of pursuant to the preceding rules. Such exhibits shall be briefly identified in the Transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits. Under no circumstances should drugs, currency, or other dangerous or valuable items be included in appellate records.

#### **4.6. NOTIFICATION AND DISPOSITION.**

In all cases, the Court shall provide notice, by mail or email, to all attorneys of record and to parties if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and parties have the duty to keep the Court informed of their current addresses and notice to the last current address or email address shall be sufficient. Counsel's last known address or email address shall be ascertained by reference to the Indiana Roll of Attorneys maintained by the Indiana Supreme Court. Court reporters should maintain a log of retained evidence and scheduled disposition date and evidence shall be held in a secure area. At the time of removal, the party receiving and removing the

evidence shall give a detailed receipt to the court reporter, and the receipt will be made part of the court file. In all cases, the Court, or the sheriff on the Court's order, should dispose of evidence that is not retaken after notice. The sheriff may destroy evidence if its' possession is illegal or if it has negligible value. The sheriff should auction evidence of some value with proceeds going to the county general fund. These Rules and their retention periods will implement the exception under Indiana Code I.C. 35-33-5-5(d)

#### **4.7 BIOLOGICALLY CONTAMINATED EVIDENCE.**

A party who wants to offer biologically contaminated evidence shall notify the trial court that the evidence may be biologically contaminated prior to offering the evidence at trial. A party can show contaminated evidence or pass photographs of it to jurors, but no such evidence, however contained, shall be handled or passed to jurors or sent to the Jury Room unless specifically ordered by the Court.

*As amended April 18, 2017; As Amended Effective June 1, 2023*

#### **LR73-AR10-RULE 5: AUDIO AND/OR VIDEO RECORDINGS OF COURT PROCEEDINGS**

As proscribed by Indiana Judicial Conduct rule 2.17 and because the court is further required to prohibit broadcasting or televising court proceedings, any distribution of audio and video recordings of court proceedings shall not occur without explicit leave of court and accompanying protective orders regarding such recordings. Unauthorized distribution of such recordings may be punishable as a contempt of court matter.

Except for an authorized court reporter, Audio and/or video recording of any court proceeding by any person for any reason without pre-approved leave of court is punishable by contempt of court. A person that aids, induces, or causes the unauthorized recording of court proceedings or a person that possesses or distributes an unauthorized recording of a court proceeding is also subject to contempt of court proceedings. To help enforce Rule 5, cell phones and other devices capable of making audio or visual recordings are prohibited in the courtroom except by law enforcement officers, attorneys admitted to the Bar, and courthouse employees. Upon application, the court may create additional exceptions. Persons that possess such a device in the courtroom may be held in contempt.

Code of Judicial Conduct Rule 2.17 prohibits broadcasting, televising, recording, digital streaming, or photographing of court proceedings or the courtroom while court is in session. Requests to photograph the courtroom when court is not in session may be granted at the Court's discretion.

A member of the news media may request permission to broadcast a court session by submitting a written request at least 7 days in advance of the hearing or proceeding. The request shall be made using the request form found on the court's website. The Court has discretion to approve or deny a request. Affirmative approval is required; otherwise, the request is deemed denied. The Court has discretion to modify the request period. If granted, the Court will post notice in the courtroom that news media personnel may be present for broadcast of court proceedings, and filming, photographing, and recording is limited to the authorized news media personnel.

News media is defined as persons employed by or representing a newspaper, periodical, press association, radio station, television station, or wire service and covered by Ind. Code § 34-46-4-1. Representatives of news media organizations may be required to wear and/or display identification. The Court has discretion to determine who may be eligible to be admitted as news media and under what conditions. Broadcast is defined as any broadcasting or recording of court proceedings by news media using still, video or audio equipment.

If approved, all broadcasting shall take place in an area designated by the Court. The Court has discretion to limit or terminate broadcast by a news media organization at any time during the proceeding. The Court may direct the manner in which the proceedings are covered by news media. News media are to be unobtrusive and quiet. News media may not move around the courtroom during proceedings. News media may not conduct interviews in the courtroom. All cameras shall be on a fixed mounting. Handheld



cameras are not permitted. Once the court session starts, the camera or recording device may not be moved, tilted or panned. Devices shall use ambient lighting only. Power, internet and other utilities will not be provided by the Court. No cords or boom microphones are allowed.

Broadcasting, recording, digitally streaming, or photographing proceedings will always be prohibited in proceedings that are closed to the public, either by state statute or Indiana Supreme Court rules. This prohibition also applies to:

1. minors;
2. juvenile delinquency and child in need of services matters;
3. protective order proceedings;
4. guardianship proceedings;
5. civil proceedings in which children are involved;
6. alleged victims of violent offenses, sex offenses, and domestic abuse;
7. jurors and prospective jurors and the jury selection process;
8. proceedings or portions of proceedings where the court deems it necessary for the administration of justice (i.e., to protect a witness, other persons or confidential information);
9. attorney-client communications;
10. bench conferences; and
11. materials on counsel tables and judicial bench.

Notwithstanding any departmental policy to the contrary, all law enforcement body cameras located in the courtroom shall be turned off and shall not record during any court proceeding. Upon application, the court may allow an exception as circumstances dictate. In the event of any imminent threat of a physical altercation or security breach, courthouse security personnel, law enforcement officers, and or jail custodial officers are authorized to activate a body camera and record any such altercation or security breach. Said officer shall attempt to obtain pre-approval of the presiding judicial officer if reasonably possible, prior to activating any recording device.

Any violation of this rule may be punishable by contempt of court or sanctions. Sanctions may include suspension and/or termination of broadcast privileges.

*Amended Effective Jan 1, 2019. Amended Effective July 7, 2023 Amended May 1, 2025, Effective upon adoption by the Indiana Supreme Court January 1, 2026.*

#### **LR73-AR00 RULE 6 WEAPONS IN THE COURTHOUSE**

Except for law enforcement and judicial officers, and other individuals excepted by the Court, it shall be unlawful for any person to carry or to attempt to carry into the Shelby County Courthouse a firearm, a knife, or other edged weapon. Law enforcement officers who are a party to a court case unrelated to their duties as a law enforcement officer are prohibited from carrying a weapon into the courthouse. Individuals that violate this order may be subject to criminal charges and/or contempt of court.

*As amended April 18, 2017*



## SHELBY COUNTY LOCAL TRIAL RULES

LR73-TR76 RULE 1. SELECTION OF SPECIAL JUDGE

LR73-TR-33 RULE 2 INTERROGATORIES

LR 73 TR-69 RULE 3 SEQUENTIAL NUMBERING OF PROCEEDINGS SUPPLEMENTAL AND GARNISHMENT PETITIONS

LR 73-TR-10 RULE 4 MOTION AND ORDER FORMS

*Joint Local Rule No. 1, amended effective October 1, 2001. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended September 1, 2011, effective Jan 1, 2012. repealed April 18, 2017*

### **LR73-TR79 RULE 1. SELECTION OF SPECIAL JUDGE**

1.1 Selection of a Special Judge in a Civil Case shall be conducted pursuant to Indiana Judicial Administrative District Rule DR17 – TR79 – 00002.

*Adopted as Coordinated Local Rule, 1995. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005. Amended effective April 8, 2009. Amended December 4, 2012; Approved May 13, 2012; Effective May 1, 2013.*

### **LR73-TR33-RULE 2. INTERROGATORIES**

- 2.1 Number Limited.** Interrogatories shall be limited to a total of 25 including subparts and shall be used solely for the purpose of discovery and shall not be used as a substitute for the taking of a deposition. For good cause shown and upon leave of Court additional interrogatories may be propounded.
- 2.2 Answers and Objections.** Answers or objections to interrogatories under Rule TR 31 or 33 shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objection.
- 2.3 Duplicated Forms.** No duplicated forms containing interrogatories shall be filed or served upon a party unless all interrogatories on such forms are consecutively numbered and applicable to the cause in which the same are filed and served.

### **LR73-TR-69 RULE 3. SEQUENTIAL NUMBERING OF PROCEEDINGS SUPPLEMENTAL AND GARNISHMENT PETITIONS**

- 3.0 All Proceedings Supplemental, including without limitation Orders to Appear and Orders to Answer Interrogatories Motions and Petitions shall be numbered sequentially in the title. E.g. 1<sup>st</sup> Order to Appear for Proceedings Supplemental, 2<sup>nd</sup> Order to Appear for Proceedings Supplemental; 1<sup>st</sup> Verified Motion for Interrogatories, 2<sup>nd</sup> Verified Motion for Interrogatories; etc... . Filings that do not comply with this rule may be summarily denied by the court.
- 3.1 For a 4th and every garnishment sought thereafter, the requesting party must certify on their Motion for Interrogatories that they have complied with Indiana Code IC 33-37-4-6 which requires a ten-dollar \$10 fee for each garnishee or garnishee defendant in excess of three (3). Multiple requests from the same employer are not counted as a single garnishee defendant but are counted separately.

### **LR73-TR-10 RULE 4. MOTION AND ORDER FORMS**

- 4.0 The practice of including Petitions/Motions and orders on the same page shall cease immediately. Motions and proposed orders shall be tendered separately. Failure to abide by this rule may result in a denial of the relief sought.
- 4.1 Proceedings supplemental motions shall not be combined. For example, a "Motion for Debtor to Appear" and a "Motion for Garnishee Defendant to Respond to Interrogatories" shall not be combined on a single motion. Each should have an independent motion and order.
- 4.2 Attachments. Exhibits and attachments may either be part of the motion itself or shall be e-filed as separate attachments. Attachments should not be submitted as proposed orders. If an order

requires an ~~attachment~~, (attachment (for example, interrogatories), then it is acceptable to place the interrogatories within the proposed order or as page 2 of the order.

4.3 Small Claims fForms and orders should be in substantial compliance with the language and formatting as shown on the forms found on the small claims section of the Court's website <http://co.shelby.in.us>. Parties should check the website from time to time to make sure that they are using the most recent form.  
*Amended May 1, 2025, Effective upon adoption by the Indiana Supreme Court January 1, 2026.*

## **SHELBY COUNTY FAMILY RULES**

*Effective Jan 1, 2012*

### **Rules**

LR73-FL00 RULE 1. ADR IN DOMESTIC RELATIONS

LR73-FL00 RULE 2. GUARDIAN AD LITEM FEES

LR73-FL00 RULE 3 AUTOMATIC WITHDRAW

### **LR73-FL00 RULE 1. ALTERNATIVE DISPUTE RESOLUTION (ADR) IN DOMESTIC RELATIONS**

#### **1.1 PROGRAM OVERVIEW.**

The purpose of the ADR Plan is to provide alternative dispute resolution opportunities to litigants involved in dissolution of marriage, legal separation and paternity cases. The goal is to offer litigants the opportunity to resolve conflict amicably, arrive at acceptable resolutions, have ownership of outcomes, and provide a basis upon which to resolve later issues all with the overriding goal of furthering the best interests of children. A primary aspect of the program is to provide alternative dispute services to litigants of modest means.

The forms of alternative dispute to be used are mediation, arbitration, and family counseling in high conflict cases. Mediation will be the favored process. The parties may agree to submit to non-binding arbitration. Courts may require the parties submit to non-binding arbitration.

Court may require the parties to participate in counseling in high conflict matters. If mediation or arbitration are used, the Indiana Rules for Alternative Dispute Resolution apply.

The ADR Plan is to be effective with cases filed after September 1, 2005. The Clerk of Shelby County shall commence collecting the additional \$20.00 alternative dispute resolution fee, pursuant to Indiana Code 33-23-6-1, on September 1, 2005.

#### **1.2 MEDIATION REQUIRED.**

All domestic relations litigants with custody and/or visitation disputes reasonably expected to take one hour or more of court time to litigate their custody and/or visitation dispute shall be required to participate in the ADR Plan. A party currently charged with or convicted of a crime under Indiana Code 35-42- et seq. or a substantially similar crime in another jurisdiction may not participate in the ADR Plan. If this subsection applies, as a condition precedent to the setting of a final hearing, each party shall certify to the court that they have participated in the ADR plan.

#### **1.3 FINANCIAL QUALIFICATIONS.**

Litigants whose income is less than 125% of the federal poverty guidelines and have less than \$10,000.00 of assets will participate without cost. Litigants whose income is between 125% and 175% of the federal poverty guidelines and have less than \$20,000.00 of assets will pay a co-payment of \$50.00 per hour for the services of the mediator. Litigants whose income is less than 125% and have \$20,000.00 or more in assets will co-pay \$50.00 per hour for the services of the mediator. Litigants whose income is greater than 175% of the federal poverty guidelines or who own more than \$20,000.00 in assets will pay the mediator the normal hourly rate of the mediator.

#### **1.4 REFERRAL AND PLAN ADMINISTRATION.**

The administrator of the Shelby County Public Defender Program will be the Plan Administrator. She will be responsible for the initial intake of litigants. If a litigant is determined to qualify for no-cost or reduced rate mediation, they will be referred to a volunteer mediator. If the litigant is determined not to qualify for no-cost or reduced rate mediation, the litigant may choose the alternative dispute resolution facilitator of their choice. If one party qualifies but one does not, they shall be referred to a volunteer mediator and the non-qualifying party shall pay the mediator the normal hourly charge of the mediator. Attorneys and Judges shall refer the appropriate cases to the ADR Plan. All registered domestic law mediators, including

Senior Judges, are eligible to act as mediators under the plan. Funds generated by the Plan shall be managed by the Shelby County Auditor.

### **1.5 PLAN EDUCATION.**

Information about the Plan, including the additional \$20.00 filing fee, its implementation, purpose and goals will be presented to the Shelby County Bar Association, the Shelby County Clerk, and local mental health counselors. The general public will be advised through newspaper and radio outlets.

### **1.6 PLAN COORDINATION.**

The ADR Plan facilitates the resolution of domestic relations cases without the necessity of extended court hearings. Participants will be required to participate in the ADR Plan to attempt an amicable resolution of the case. The ADR Plan will provide a funding source for resolution of high conflict disputes for litigants of modest means.

### **1.7 PROJECTED BUDGET.**

The Shelby Circuit Court estimates \$3,000.00 will be collected annually. These figures are based on the total number of domestic cases filed in 2004 in Shelby Circuit Court (160) and Shelby Superior Court No. 1 (158). There were approximately 5 private paternity actions filed in 2004. There were approximately 20 domestic relation cases filed in which the filing fee was waived or reduced. (256 DC DN & DR cases in 2017)

### **1.8 PROJECTED ANNUAL BUDGET**

Income \$6,200.00

Expenses 6,200.00

Compensation for intake and referral

Coordinator \$13.28/hour x 5 hours/week x 52 weeks = 3,452.80

Publicity regarding program 250.00

High conflict counseling 1,497.20

Mediation 1,000.00

\$6,200.00

### **1.9 PROGRAM EVALUATION AND REPORTING.**

An annual Report containing data related to the Plan shall be submitted to the Judicial Conference of Indiana by December 31 of each year. It shall be the responsibility of the Judge of Shelby Superior No. 1 to prepare and submit the Annual Report. The Annual Report shall be used to evaluate the program in conjunction with ongoing discussions with the Plan. Exit surveys will be done by a random sampling of participants *Adopted as ADA Plan. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005. As Amended April 18, 2017. Renumbered as Rule 1, January 1, 2024.*

### **LR73-FL00 RULE 2. GUARDIAN AD LITEM FEES**

The Shelby County Courts, recognizing it is appropriate to require parents and custodians of children who are involved in litigation and use the services of the Shelby County Guardian Ad Litem to be financially responsible for those services, hereby establishes a standard fee schedule for the services<sup>1</sup> of the Shelby County Guardian Ad Litem in cases other than Child in Need of Services cases.

- 1) For custody and/or visitation evaluations, each parent/custodian shall pay the sum of \$325.00.
- 2) For cases in which the services of the Guardian Ad Litem is required on an ongoing basis, each parent/custodian shall pay the sum of \$75.00 per month.
- 3) The Court in which the case is pending retains the discretion to deviate from the schedule in a particular case based upon the circumstances of the parties.

*Adopted effective November 18, 1997. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005. Amended May 1, 2018, effective July 1, 2018. Renumbered as Rule 2, Jan 1, 2024*

**LR73-FL00-RULE 3. AUTOMATIC WITHDRAWAL OF APPEARANCE**

In Domestic Relation (DR) cases and Paternity (JP) cases, an attorney's Appearance in the case shall automatically be deemed to be withdrawn thirty-five (35) days after the conclusion of the pending action, i.e., Final Decree, Modification, or Citation. If a new action, i.e., Modification or Citation, is filed more than thirty-five (35) days after the conclusion of a prior action, an attorney will need to re-enter his or her Appearance to represent a party in the new action. *Renumbered as Rule 3, January 1, 2024.*

## SHELBY COUNTY LOCAL CRIMINAL RULES

*Except for Caseload Allocation, Effective Jan 1, 2012*

### Rules

- LR73-CR2.2 RULE 1 CRIMINAL CASELOAD ASSIGNMENT
- LR73-CR00 RULE 2 BOND SCHEDULE
- LR73-CR00 RULE 3 ~~AUTOMATIC MUTUAL DISCOVERY~~ PROMPT DETERMINATION OF BAIL
- LR73-CR02 RULE 4 SERVICE OF SUBPOENAS IN CRIMINAL CASES
- LR73-CR00 RULE 5 COMMUNITY TRANSITION VIOLATIONS
- LR73-CR00 RULE 6 PROBATION FEES
- LR73-CR00 RULE 7 AMENDMENT TO BOND SCHEDULE
- LR73-CR00 RULE 8 SCHEDULE OF FEES FOR COURT ALCOHOL AND DRUG ASSESSMENT

### **LR73-CR2.2 RULE 1. CRIMINAL CASELOAD ASSIGNMENT**

- 1.1 All misdemeanors, infractions, and ordinance violations shall be filed in Shelby Superior No. 2;
- 1.2 All felonies (including murder) shall be assigned on a random basis among the three courts by the Shelby County Clerk pursuant to the Shelby County Caseload Allocation Plan under LR73-AR1(E) Rule 2.
- 1.3 The most serious level of charge filed determines where the case is assigned.
- 1.4 When the State of Indiana dismisses a felony case and chooses to refile that case, the case shall be assigned to the court from which dismissal was taken;
- 1.5 All co-defendants in felony cases shall be assigned to the same court based upon a single random assignment by the case management system;
  - 1.5.1 The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the cases involve co-defendants. Each person will be assigned an individual cause number. For purposes of this Rule, the cases involve co-defendants as provided by I.C. 35-34-1-9 and amendments thereto.
- 1.6 Except in felony cases involving co-defendants as defined above, any new felony case filed against a defendant who has an open felony case already pending in any Court, shall be assigned to the Court where the current case is pending. The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the defendant has a pending felony case.
- 1.7 The prosecuting attorney or the defendant may seek to transfer a case, and upon good cause shown, a case may be transferred to any of the other courts for consolidation with a companion case, or with other cases pending in that court against the defendant with the acceptance of the judges or magistrate of the receiving and sending courts.
- 1.8 In the event a motion for change of judge is granted the case shall be reassigned pursuant to Local Rule or District Rule DR17-CR12-00003 Appointment of a Special Judge In Criminal Cases.

*Adopted as Joint Local Rule No. 1, effective October 11, 2001. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended on April 8, 2009. Amended 06-14-2011; effective September 1, 2011. As Amended July 1, 2014 Effective Aug 1, 2014. As amended April 18, 2017; Amended May 1, 2018, effective July 1, 2018*

### 73-CB00 RULE 2 BOND SCHEDULE

THE FOLLOWING IS THE PRESUMPTIVE BOND SCHEDULE FOR ALL SHELBY COUNTY COURTS:

2.1 Bond Schedule. Unless otherwise ordered by a Judge, the following shall be the amounts set for the bail bonds:

a. Charge	Bond Amount
Class C Misdemeanors	\$3,000.....10% Cash
Class B Misdemeanors	\$4,000.....10% Cash
Class A Misdemeanors	\$6,000.....10% Cash
Class D Felony	\$7,500 .....10% Cash
Level 6 Felony	\$7,500.....10% Cash
<u>Level 5 Felony – Non-Violent Arrestee</u>	<u>\$10,000 10% Cash</u>
<u>Level 5 Felony – Violent Arrestee</u>	<u>\$10,000.....10% Cash NO BOND*</u>
Class C, B, A Felony.....	NO BOND
Level 1-4 Felonies.....	NO BOND
Murder.....	NO BOND

\*Violent Arrestee means a person arrested for a crime of violence. Crime of violence is defined by Indiana Code 35-50-1-2 and includes the following:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li><u>(1) Murder (IC 35-42-1-1).</u></li><li><u>(2) Attempted murder (IC 35-41-5-1).</u></li><li><u>(3) Voluntary manslaughter (IC 35-42-1-3).</u></li><li><u>(4) Involuntary manslaughter (IC 35-42-1-4).</u></li><li><u>(5) Reckless homicide (IC 35-42-1-5).</u></li><li><u>(6) Battery (IC 35-42-2-1) as a:</u><ul style="list-style-type: none"><li><u>(A) Level 2 felony;</u></li><li><u>(B) Level 3 felony;</u></li><li><u>(C) Level 4 felony; or</u></li><li><u>(D) Level 5 felony.</u></li></ul></li><li><u>(7) Domestic battery (IC 35-42-2-1.3) as a:</u><ul style="list-style-type: none"><li><u>(A) Level 2 felony;</u></li><li><u>(B) Level 3 felony;</u></li><li><u>(C) Level 4 felony; or</u></li><li><u>(D) Level 5 felony.</u></li></ul></li><li><u>(8) Aggravated battery (IC 35-42-2-1.5).</u></li><li><u>(9) Kidnapping (IC 35-42-3-2).</u></li><li><u>(10) Rape (IC 35-42-4-1).</u></li><li><u>(11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).</u></li><li><u>(12) Child molesting (IC 35-42-4-3).</u></li></ul> | <ul style="list-style-type: none"><li><u>(13) Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).</u></li><li><u>(14) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).</u></li><li><u>(15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).</u></li><li><u>(16) Operating a vehicle while intoxicated causing death or catastrophic injury (IC 9-30-5-5).</u></li><li><u>(17) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).</u></li><li><u>(18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).</u></li><li><u>(19) Resisting law enforcement as a felony (IC 35-44.1-3-1).</u></li><li><u>(20) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).</u></li><li><u>(21) Strangulation (IC 35-42-2-9) as a Level 5 felony.</u></li></ul> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- b. In the event that an arrest is made without a warrant signed by a judge endorsing a specific bond, the charts above shall establish the bond for a “preliminary charge”. In the event that the individual is arrested on more than one “preliminary charge”, the bond shall be set in the amount of bond for the most serious offense

2.2 In the event that the arresting officer believes that the above schedule is not appropriate for a specific arrest based upon facts known to the officer or surrounding circumstances, the officer may complete an affidavit in a form substantially conforming to the form attached hereto (Form A) and provide it to the Sheriff’s Department and the Sheriff is authorized to hold such arrestee until the sooner of forty-eight (48) hours (excluding weekends and holidays) or until further order of a Judge.

2.3 No bond: this bond schedule shall not be used for nor applicable to the following cases:

- 2.3.1—A person arrested for a crime while on probation, parole, bond, or while released on their own recognizance or on the pre-trial release program . Persons on parole or probation shall



have an immediate 15 day probation/parole hold placed upon them by jail staff, including but not limited to persons arrested pursuant to a warrant.

~~2.3.2 Any person arrested on a charge of Invasion of Privacy, Domestic Battery, or Stalking.~~

2.4 Court Assignments

- a. All misdemeanor arrestees will be scheduled by jail personnel into Superior Court 2.
- b. All felony arrestees case assignments will be determined by the clerk. Such arrestees shall report to the Shelby County Clerk at the date and time designated by the jail staff when released for information regarding their assigned court, failure to do so may be punished by contempt or additional criminal charges including but not limited to escape.

2.6 Subject to paragraph 2.3, the bond stated on a warrant shall be allowed in all warrant arrests and the arrested person shall report to the appropriate court as instructed by the jail staff.

2.7 Nolle Pros--Upon notification by an authorized representative of the Shelby County Prosecutor's Office that no charges will be filed in the immediate future, the jail may release any person upon their own recognizance. If the prosecutor's office notifies the jail or the court after the arrestee has already posted bond, then such bond shall be held by the clerk until further order of the court.

2.8 A person arrested for one or more crimes against a family or household member listed under Indiana Code 35-33-8-6.5 is not eligible to post a bond until after the time under such statute has lapsed. Those crimes include the following:

- (1) A crime of domestic violence (as described in IC 35-31.5-2-78).
- (2) Battery (IC 35-42-2-1).
- (3) Domestic battery (IC 35-42-2-1.3).
- (4) Aggravated battery (IC 35-42-2-1.5).
- (5) Strangulation (IC 35-42-2-9).
- (6) Rape (IC 35-42-4-1).

- (7) Sexual battery (IC 35-42-4-8).
- (8) Invasion of privacy (IC 35-46-1-15.1).
- (9) Criminal stalking (IC 35-45-10-5).
- (10) Criminal recklessness (IC 35-42-2-2).
- (11) Criminal confinement (IC 35-42-3-3).
- (12) Burglary (IC 35-43-2-1).
- (13) Residential entry (IC 35-43-2-1.5).

Once such time has lapsed, the arrested person may post bond pursuant to the presumptive bond schedule unless the bond schedule is otherwise inapplicable (violent arrestee, probation, parole, has another pending case, pre-trial release, etc). (Amended Jan 13, 2025, Amended June 1, 2014) . Amended May 1, 2025, Effective July 1, 2025

2.9 Pursuant to Indiana Code 35-33-8-3.6, a defendant who bonds out under the above presumptive bail schedule and who is charged with committing a violent crime (as defined in IC 5-2-6.1-8) that results in bodily injury to a person shall refrain from any direct or indirect contact with the victim for ten (10) days after release, or until the initial hearing whichever occurs 1st. The jail shall notify the defendant of this restriction upon their release. At the initial hearing, the court may reinstate or modify the condition that the defendant refrain from direct or indirect contact with the victim. Amended May 1, 2025, Effective July 1, 2025.

**73-CB00 RULE 3 PROMPT DETERMINATION OF BAIL-**

A violent arrestee arrested on Level 1-5 felonies shall be held without bail pursuant to Indiana Code 35-33-8-3.4 until a court reviews the probable cause affidavit or arrest warrant in open court. Therefore, the Prosecuting Attorney shall promptly file with a court either:

- (1) formal criminal charges under the appropriate case type; or
- (2) a probable cause affidavit bearing the law enforcement case number under an MC case along with a request for additional time to investigate; or
- (3) a Notice of Nolle Prosequi under an MC case, bearing the law enforcement case number under which the arrestee was arrested.

Effective July 1, 2025.

**FORM A****AFFIDAVIT FOR HOLD FOR PRELIMINARY CHARGE**

Arrestee Name: \_\_\_\_\_

Arrestee DOB: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Arrestee OLN/ID Card \_\_\_\_\_

Arrestee Home address: \_\_\_\_\_

Street: \_\_\_\_\_

Arrestee City State Zip Code \_\_\_\_\_

The undersigned law enforcement officer makes this affidavit for the purpose of requesting that the Shelby County Sheriff hold the named arrestee, and that said arrestee shall not be allowed to post bond pursuant to the schedule set by the judges of this county. In support the undersigned states the bond schedule is not appropriate for:

Name \_\_\_\_\_ (hereinafter arrestee) in that said arrestee:

\_\_\_ is not a resident of this community and/or appears to have no significant ties to the community and /or appears to the undersigned to present a higher than normal risk to fail to return; or

\_\_\_ has made threats of violence to this officer or to another person which if carried out would warrant a substantially higher charge and bond, and it appears likely to the undersigned that the arrestee would carry out these threats if permitted to post the standard bond; or

\_\_\_ is suspected of additional or more serious charges which will require further investigation, and the bond for the offense for which the arrestee is now held is not likely to be sufficient to assure attendance at proceedings for the suspected offense; or

\_\_\_ other grounds not set forth above: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

I affirm under penalties for perjury that the above is true to the best of my knowledge this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_m.

\_\_\_\_\_  
Signature

## **LR73-CR00-RULE 3. AUTOMATIC DISCOVERY IN FELONY CASES**

### **3.1 GENERAL PROVISIONS- FELONY CASES:**

- ~~3.1.1 Within thirty (30) days from the entry of an appearance by an attorney for a defendant, or from the formal filing of charges, whichever occurs later, the State shall disclose and produce to the defendant or his/her attorney in all felony cases and in all misdemeanor cases as ordered by the Court, all relevant items and information under this rule, subject to Constitutional limitations and such other limitation as the Court may specifically provide by separate order. And the defendant shall disclose and produce all relevant items and information under this rule to the State within thirty (30) days after the State's disclosure. Both parties shall furnish items disclosed and required to be furnished under this Rule within a reasonable time thereafter.~~
- ~~3.1.2 No written motion is required, except:~~
- ~~3.1.2.1 To compel compliance under this rule;~~
  - ~~3.1.2.2 For additional discovery not covered under this rule;~~
  - ~~3.1.2.3 For a protective order seeking exemption from the provisions of this rule; or,~~
  - ~~3.1.2.4 For an extension of time to comply with this rule.~~
- ~~3.1.3 Although each side has a right to full discovery under the terms of this rule, each side has a corresponding duty to seek out the discovery. Failure to do so may result in the waiver of the right to full discovery under this rule.~~
- ~~3.1.4 The parties may perform these disclosure and production obligations in any reasonable manner including by delivery in electronic format. If the discovery is in an electronic format, the party offering the discovery must make a reasonable effort to ensure the discovery is in a format that is readily accessible by the other party. Portable Document Format (PDF) and audio mp3 or .wav files are presumptively readily accessible. Alternative compliance with these rules may include a notification to the defendant or defense counsel that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.~~
- ~~3.1.5 Discovery shall not be filed with the court.~~
- ~~As amended April 18, 2017.~~

~~**3.2 STATE DISCLOSURES:** The State shall disclose and produce to the Defendant or his/her attorney the following materials and information within its possession or control:~~

- ~~3.2.1 The names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and recorded statements. However, addresses and other confidential information are subject to the disclosure limitations in Indiana Admin Rule 9 and the Indiana Access to Public Records Act Indiana Code § 5-14-3-1. In lieu of providing an address or phone number, the Prosecutor's Office may designate their office as a contact point for their listed witnesses.~~
- ~~3.2.2 Any written or recorded statements and the substance of any oral statements made by the accused or by a codefendant and a list of witnesses to the making and acknowledgment of such statements.~~
- ~~3.2.3 If applicable, the State shall disclose the existence of grand jury testimony of any person whom the prosecuting attorney may call as a witness at any trial or hearing in the case. In addition, the State shall provide a copy of those portions of any transcript of grand jury minutes, within the State's possession, which contain the testimony of such witness or witnesses. If such transcripts do not exist, the defendant may apply to the Court for an order requiring their preparation;~~
- ~~3.2.4 Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons;~~

- ~~3.2.5— Any books, papers, documents, photographs, or tangible objects that the prosecuting attorney intends to introduce as an exhibit in the hearing or trial or which were obtained from or belong to the accused; and~~
- ~~3.2.6— Any record of prior criminal convictions that may be used for impeachment of the persons whom the State intends to call as witnesses at any hearing or trial.~~
- ~~3.2.7— Any material or information within its possession or control that tends to negate the guilt of the accused as to the offenses charged or would tend to reduce the punishment for such offenses. Amended March 10, 2017~~

### **~~3.3 DEFENDANT DISCLOSURES:~~**

~~Defendant's counsel (or defendant where defendant is proceeding pro se) shall disclose and produce to the State the following material and information within his or her possession or control:~~

- ~~3.3.1— The names and last known addresses of persons whom the defendant intends to call as witnesses along with copies of their relevant written and recorded statements and the substance of any oral statements made by them;~~
- ~~3.3.2— Any books, papers, documents, photographs, or tangible objects defendant intends to use as evidence or an exhibit at any trial or hearing;~~
- ~~3.3.3— Any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at any trial or hearing;~~
- ~~3.3.4— Any defense, procedural or substantive, which the defendant intends to make at any hearing or trial; and~~
- ~~3.3.5— Any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call at any hearing or trial.~~

### **~~3.4 DEFENDANT'S OBLIGATIONS UPON REQUEST OF THE STATE:~~**

~~Upon request by the State, the defendant must produce himself or herself subject to constitutional and statutory limitations, for purposes of: appearing in a line up; speaking for identification by witnesses to an offense; being fingerprinted; posing for photos not involving reenactment of a scene; trying on an article of clothing; permitting samples of blood, hair, or other materials of his body, which involve no unreasonable intrusion; providing a sample of the his or her handwriting; and submitting to a reasonable physical or medical inspection of his or her body~~

### **~~3.5 ADDITIONS, LIMITATION, AND PROTECTIVE ORDERS:~~**

- ~~3.5.1— Discretionary Disclosures: Upon written request and a showing of materiality, the Court, in its discretion, may require additional disclosure not otherwise covered by this rule.~~
- ~~3.5.2— Denial of Disclosure: The Court may deny disclosure required by this rule upon a finding that there is substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure to defendant or counsel.~~

### **~~3.6 MATTERS NOT SUBJECT TO DISCLOSURE~~**

- ~~3.6.1— Work Product: Disclosure hereunder shall not be required of legal research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staff, or of defense counsel or counsel's legal or investigative staff; and~~
- ~~3.6.2— Informants: Disclosure of an informant's identity shall not be required where there is a paramount interest of non-disclosure and where a failure to disclose will not infringe upon the Constitutional rights of the accused.~~
- ~~3.6.3— Protective Orders: Either the State or defense may apply for a protective order for non-disclosure of discovery required hereunder or any additional requested discovery.~~

### **~~3.7 DUTY TO SUPPLEMENT RESPONSES:~~**

~~The State and the defendant are under a continuing duty to supplement the discovery disclosures required hereunder as required upon the acquisition of additional information or materials otherwise required to be disclosed hereunder. Supplementation of disclosures shall be made within a reasonable time after the obligation to supplement arises.~~

### **3.8 SANCTIONS UPON FAILURE TO COMPLY:**

~~Failure of a party to comply with either the disclosure requirements or the time limits required by this rule may result in the imposition of sanctions against the noncompliant party. These sanctions may include, but are not limited to, the exclusion of evidence at a trial or hearing, contempt of court, and/or financial sanctions.~~

~~As amended April 18, 2017 Amended May 1, 2025, Effective upon adoption by the Indiana Supreme Court January 1, 2026.~~

### **LR73-CR02 RULE 4 SERVICE OF SUBPOENAS IN CRIMINAL CASES**

The Shelby County Sheriff's Department shall serve subpoenas without cost in criminal cases where a defendant is represented by a public defender. Personal service on an individual means physically handing the subpoena to the person named on the subpoena.

*Adopted as Joint Local Rule No. 8, effective February 22, 2000. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.*

### **LR73-CR00 RULE 5 PROBATION FEES**

- 5.1 Any probationer who requests their probation be transferred to a department outside the state of Indiana shall pay a \$125 fee to ~~the Shelby County Probation Department through~~ the Clerk of Shelby County for distribution consistent with Indiana Code 11-13-4.5-4.
- 5.2 Any probationer who lives in Indiana and outside Shelby County for whom a transfer of probation is sought to another probation department in Indiana ~~by the Shelby County Probation Department or the probationer~~, shall pay a \$~~2575.00~~ transfer fee to the receiving probation department Shelby County Probation through the Clerk of Shelby County per Indiana Administrative Rule 22(D).
- 5.3 Each person who is placed on probation as a result of a felony conviction shall pay a \$100.00 administrative fee. Each person who is placed on probation as a result of a misdemeanor conviction shall pay a \$50.00 administrative fee. Said fees shall be paid to the Shelby County Probation Department through the Clerk of Shelby County and shall be applied first before all other fees.
- 5.4 The parents of each child adjudicated a delinquent and placed on probation shall be required to pay a \$100.00 administrative fee to Shelby County Probation through the Clerk of Shelby County.
- 5.5 The above fees are in addition to the probation user fees.

*Adopted effective July 30, 2003. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005. Renumbered as LR73-CR00 Rule 4 March 16, 2011. Renumbered as LR73-CR00 Rule 5 April 18, 2017 Amended May 5, 2025, effective Jan 1, 2026.*

### **LR73-CR00-RULE 6 LATE PAYMENTS –ADDITIONAL FEE**

- 6.1 Any defendant found to have committed a crime; violated a statute defining an infraction; violated an ordinance of a municipal corporation; or committed a delinquent act; and the defendant is required to pay: court costs, including fees; a fine; or a civil penalty; and the defendant is not determined by the Court imposing the court costs, fine, or civil penalty to be indigent; and the defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:
  - (1) The end of the business day on which the Court enters the conviction or judgment.
  - (2) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the Court; then the defendant shall pay an additional \$25.00 late payment fee pursuant to IC 33-37-5-22 and the Clerk of the Court shall collect the late payment fee.

- 6.2 The late payment fees imposed under this rule are authorized for deposit in the clerk's record perpetuation fund under IC 33-37-7-2 and the clerk may use any money in the fund for the following purposes: (1) The preservation of records. (2) The improvement of record keeping systems and equipment. *Renumbered as LR73-CR00 Rule 6 April 18, 2017*

**LR73-CR00 RULE 7 SCHEDULE OF FEES FOR COURT ALCOHOL AND DRUG PROGRAM SERVICES**

The schedule of fees set forth under Indiana Code 33-37-4-1 and Indiana Code 35-38-2-1 shall be applicable in all court alcohol and drug program services and shall not exceed \$400.00.

*Renumbered as LR73-CR00 Rule 7 April 18, 2017*

**LR73-CR00 RULE 7 COMMUNITY TRANSITION VIOLATIONS**

Pursuant to Indiana Code 11-10-11.5-11.5 regarding the procedure for offenders who have violated the rules of the Community Transition Program, the Judges of Shelby County authorize the detention of an offender who has violated the rules of the Shelby County Transition Program in the Shelby County Criminal Justice Center pending their return to the Department of Correction upon request of the Director of Shelby County Community Corrections or the Shelby County Prosecutor or Deputy thereof.

*Adopted effective June 5, 2003. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005. Amended and Renumbered as LR73-CR-00-Rule 4, March 16, 2011. Amended and Renumbered as LR73-CR-00-Rule 8, January 2, 2019*

**LR73-CR00 RULE 8: AUTOMATIC WITHDRAWAL OF APPEARANCE**

In all criminal cases, except for the prosecutor, an attorney's appearance in the case shall automatically be deemed to be withdrawn thirty-five (35) days after the conclusion of the pending action, i.e., not guilty verdict, sentencing. If a new action, i.e., Modification or probation violation, is filed more than thirty-five (35) days after the conclusion of a prior action, an attorney will need to re-enter his or her Appearance to represent a party in the new action. *As amended and renumbered April 18, 2017*

## SHELBY COUNTY LOCAL SMALL CLAIMS RULES

*Effective Jan 1, 2012*

### **Rules**

LR73-SC08 RULE 1. POLICIES AND PROCEDURES FOR IMPLEMENTATION OF SMALL CLAIMS RULES

#### **LR73-SC8 RULE 1. POLICIES AND PROCEDURES FOR IMPLEMENTATION OF SMALL CLAIMS RULE 8**

Parties that fail to comply with Indiana Small Claim Rule 8 may have their case dismissed or be subject to an adverse judgment against the parties that fail to follow the rule. Also, cases are subject to dismissal for failure to comply with Indiana Trial Rule 41.

*Adopted effective October 8, 2004. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended Jan 1, 2012 Amended April 18, 2017. Amended May 15, 2023. Effective January 1, 2024*