

# LAKE COUNTY LOCAL COURT RULES

*(Updated May 1, 2025)*

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# LAKE COUNTY RULES OF CIVIL PROCEDURE

## LR 45-TR1-1 Scope and Title

Scope. These rules shall apply in the Lake Circuit Court and the Superior Court of Lake County, Civil Division, the Juvenile Division and in both the Circuit Court and Superior Court Probate Divisions.

These rules shall also apply to all civil cases in the Superior Court, County Division that are not designated as SC, IF or OV. However, L.R. 45-T.R. 79 Rule 15, regarding the assignment of special judges, shall apply to small claims cases.

Title. These rules may be known as the Lake County Rules of Civil Procedure, and abbreviated as LR.

*Adopted effective January 1, 1993. Amended effective May 21, 1997; December 5, 2006; October 18, 2013.*

## LR 45-TR10-2 Preparation of Pleadings, Motions and Other Papers

For the purpose of uniformity, convenience, clarity and durability, the following requirements shall be observed in the preparation of all pleadings, motions and other papers:

A. Paper--Print, Quality and Binding. All pleadings, motions, process, exhibits, attachments, and other papers shall be neatly and legibly printed, typewritten or mechanically reproduced, on one side only, on white opaque paper. To satisfy the recordkeeping requirements of Indiana Rules of Procedure, Trial Rule 77, the print shall be of sufficient density and clarity for preservation and reproduction.

B. Sanctions. Whenever materials submitted fail to meet the foregoing standards, the Court may reject the non-conforming materials.

C. Minute Sheets; Chronological Case Summaries; Motion Blanks. Minute sheets, Chronological Case Summaries and motion blanks shall no longer be used.

D. Special Judge Matters. The caption of all pleadings, motions, orders and other papers to be filed in a special judge case shall include in block text the words SPECIAL JUDGE and the name of the judge directly below the cause number on the caption.

*Adopted effective January 1, 1993. Amended effective November 1, 1994; May 21, 1997; December 5, 2006; January 1, 2009. Adopted effective October 1, 2020. Amended effective January 1, 2021.*

## LR 45-TR5-3 Filing

Filing and submission only to the clerk; batch-filed CC cases; proof of service; sanctions. All papers presented for filing shall be submitted to the Clerk pursuant to Trial Rule 86 and not to the court. In all batch-filed CC cases, the clerk shall place upon all summonses so filed the name, street address and telephone number of the court to which the case is assigned together with the cause number assigned to the case. All pleadings, motions and other papers submitted for filing which are required to be served under Trial Rule 5(A) shall contain proof of service pursuant to Trial Rule 5(B)(2). If such papers are filed before service, proof of service thereof shall be filed no later than three (3) business days after service. Upon failure to comply with this rule, the Court may, on motion of any party or on its own motion, impose appropriate sanctions. *Adopted effective July 1, 2022.*

B. Separate Motions and Orders; Service; Motions Requiring an Order. Any motion requiring an order shall be accompanied by a proposed order. Proposed orders shall be prepared and filed separately from the pleadings, petitions, motions or other papers to which they have reference.

C. Chronological Case Summary (CCS) Entry Forms. Chronological Case Summary (CCS) Forms shall no longer be used.

*Adopted effective January 1, 1993. Amended effective May 21, 1997; December 5, 2006; January 1, 2009; amended July 31, 2009, effective January 1, 2010; October 18, 2013. Adopted effective October 1, 2020. Amended effective January 1, 2021.*

## LR 45-TR7-4 Motions

A. Unopposed Motions. Any motion that is agreed, joint, or unopposed shall be so designated in the title. All other motions shall be subject to Rule 4(B), set below.

B. Briefs. All motions filed pursuant to Trial Rules 12 and 56 shall be accompanied by a separate supporting brief. An adverse party shall have thirty (30) days after service of the initial brief in which to serve and file a response brief, and the moving party shall have ten (10) days after service of the response brief in which to serve and file a reply brief. With regard to all other motions or matters submitted to the court, and so long as consistent with the Indiana Rules of Procedure, an adverse party wishing to respond shall do so within fifteen (15) days of service. The moving party shall have ten (10) days after service of the response within which to reply. Each motion shall be separate, while alternative motions filed together shall each be identified on the caption. Failure to file a response brief or reply brief within the time prescribed shall be deemed a waiver of the right thereto and shall subject the motion to summary ruling.

C. Oral Arguments. The granting of a motion for oral argument, unless required by the Indiana Rules of Procedure or otherwise required by law, shall be wholly discretionary with the court.

*Adopted effective January 1, 1993. Amended effective December 5, 2006.*

*Adopted effective October 1, 2020. Amended effective January 1, 2021.*

## LR 45-TR3 Rule 5 Appearance by Attorney

A. Initiating Party. At the time an action is commenced, an attorney representing the initiating party must:

- (1) be a member in good standing of the Bar of the State of Indiana; and
- (2) file with the Clerk of the Court an appearance form setting forth the printed name, address, attorney number, the name of the firm, if any, telephone number, FAX number, email address and signature of any attorney representing the initiating party as applicable.

B. Responding Party. At the time the responding party or parties first appear in a case, if that party or parties are represented by an attorney, the attorney must:

- (1) be a member in good standing of the Bar of the State of Indiana; and
- (2) file with the Clerk of the Court an appearance form setting forth the printed name, address, attorney number, the name of the firm, if any, telephone number, FAX number, email address and signature of any attorney representing the responding party as applicable.

C. Pro Hac Vice. A person not a member of the Bar of the State of Indiana shall not generally be permitted to practice in the Civil Division of the Lake County Court System. The Court in its discretion may permit such counsel to appear only for a specifically limited purpose and time. Counsel's Motion shall strictly comply with Admission and Discipline Rule 3, and disclose such purpose, time, and all other cases in which the attorney or members of the firm have been permitted to appear in the State of Indiana.

D. Non-Resident Attorney. Whenever in its discretion the Court believes it would facilitate the conduct of litigation, the Court may require any attorney who is a member of the Bar of Indiana and who does not maintain an office in Indiana, to retain as local counsel a member of the Bar of Indiana who maintains a local office in Indiana. Notice served upon such local counsel shall constitute service upon all other counsel appearing of record for such party.

Withdrawal of Appearance.

(1) All withdrawals of appearance shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given a client ten (10) days' written notice of intention to withdraw. A copy of the notice of intention to withdraw shall be attached to the motion seeking leave to withdraw. This rule may be waived by the Court if withdrawal is at the written request of the client; accompanied by the appearance of successor counsel; or for other good cause. In any event, all withdrawals shall fully comply with the Rules of Professional Conduct, Rule 1.16 and Trial Rule 3.1(H) of the Indiana Rule of Trial Procedure.



(2) In addition to the information required for withdrawal under Trial Rule 3.1(H), the withdrawing attorney shall certify the last known email address of the client, if any.

Withdrawal Shall Not Affect Continuance. Withdrawal, in and of itself, shall not affect a continuance of any pending matter.

Duty to Update Electronic Distribution. Any attorney entering their appearance shall enter their name, contact information, including email address, on the Odyssey distribution list for the case. Upon receiving an order of withdrawal, the withdrawn attorney shall remove their name and contact information, replacing it with the name, contact information, including email address, if any, of their former client on the Odyssey distribution list. The requirement to add a former client's information does not apply where a substitution of counsel has occurred.

*Adopted effective January 1, 1993. Amended effective November 1, 1994; December 5, 2006. Adopted effective October 1, 2020. Amended effective January 1, 2021.*

## **LR 45-AR10-6 RULE STRICKEN BUT RETAINED FOR FUTURE USE**

*Adopted effective January 1, 1993. Amended effective December 5, 2006.*

*\*; Rule Nameline supplied by publisher. Adopted effective October 1, 2020. Amended effective January 1 2021.*

## **LR 45-TR53.5-7 Continuances--Extensions of Time to Answer**

A. Motion. A motion for continuance, unless made during the hearing of a matter, shall be for cause, in writing and verified. A motion for continuance may be granted ex parte only if the movant's attorney certifies to the court in writing the efforts, if any, which have been made to give notice and the reasons supporting the claim that actual notice should not be required.

B. Time for Filing. A motion for continuance must be filed as soon as possible after the cause for continuance is discovered, and not later than ten (10) days before hearing or trial, unless the reason therefor is shown by affidavit to have occurred within that period.

C. By Agreement of Counsel. An agreement by counsel to continue the hearing of any pending matter shall be signed by both counsel and parties (or proof of written notice to the parties in lieu of their signatures), and filed at least ten (10) days before hearing or trial, or such shorter period as the court in its discretion may allow.

D. Automatic Extension for Answer. Provided it is timely filed, the mere entry of appearance by a party or counsel in response to a summons in an action that requires an answer shall affect an extension of thirty (30) days from the filing thereof within which to respond. This provision is inapplicable to actions in replevin and ejectment.

*Adopted effective January 1, 1993. Amended effective December 5, 2006.  
Adopted effective October 1, 2020. Amended effective January 1, 2021.*

## LR 45-TR26-8 Discovery

A. Commencement and Extensions. In general, counsel are expected to begin discovery promptly and shall be granted extensions only upon a showing of diligence and good cause.

B. Interrogatories. Interrogatories shall be tailored specifically to the cause in which they are served and numbered consecutively to facilitate response. No party shall serve on any other party more than thirty (30) interrogatories or more than thirty (30) requests for admission (other than requests relating to the authenticity or genuineness of documents in the aggregate), including subparagraphs, without leave of court. Subparagraphs shall relate directly to the subject matter of the interrogatory or request for admission. Any party desiring to serve additional interrogatories or requests for admission shall file a written motion setting forth those proposed and the necessity therefor.

C. Attorney Conference. Strict compliance with Trial Rules 26 through 37 is required. The discovery process is intended to be largely self-actuating,

with minimal court supervision. Therefore, the court will not rule on motions related to discovery disputes unless moving counsel represents that, after personal or telephonic conference in good faith effort to resolve differences, counsel are unable to reach accord. If counsel advises the court, by way of motion or response thereto, that opposing counsel has refused or delayed resolution of the discovery dispute, the court may, after hearing, impose appropriate sanctions.

*Adopted effective January 1, 1993. Amended effective December 5, 2006.*

## LR 45-TR16-9 Pre-trial Procedure

A. Initial Status Conference. Upon motion of any party or the court, an initial status conference shall be scheduled and held within six (6) months of the filing of any Complaint in a civil plenary or civil tort case. Each party shall be represented at this conference by an attorney familiar with the case, who shall be prepared to discuss and enter into stipulations concerning:

(1) the exchange of lists of witnesses known to have knowledge of the facts supporting the pleadings. The parties thereafter shall be under a continuing obligation to advise opposing parties of other witnesses as they become known;

(2) the exchange of all documents, and any other evidence reasonably available, contemplated for use in support of the pleadings;

(3) a discovery schedule;

(4) the necessity for additional conferences in complex litigation;  
and

(5) the necessity for amendments to the pleadings and the filing or hearing of dispositive motions. Absent agreement, the court shall schedule the filing, briefing and hearing thereof.

B. Case Management Order. At the conclusion of the initial status conference, the court shall enter a case management order setting forth:

(1) a time limit for completion of discovery;

(2) a time limit for joinder of additional parties and amendment of pleadings;

(3) a time limit for filing all pre-trial dispositive motions;

(4) the scheduling of a pre-trial conference; and

(5) any other matters which the parties or the court have seen fit to address.

C. Mandatory Pre-Trial Conference. A pre-trial conference shall be held in every civil plenary and civil tort action, at which each party shall be represented by the attorney who will conduct the trial.

The parties shall exchange written lists of witnesses and photocopies of exhibits, together with contentions and statements of issues of fact and law, at least thirty (30) days prior to the pre-trial conference. Counsel designated by the Court shall prepare a proposed pre-trial order, which shall be executed by counsel for all parties and filed not later than five (5) days prior to the pre-trial conference. The pre-trial stipulation shall set forth in the following sequence:

(1) the jurisdiction of the court;

(2) the pleadings raising the issues;

(3) a list of motions or other matters requiring action by the court;

(4) a concise statement of stipulated facts, with reservations, if any;

(5) a concise statement of issues of fact which remain to be litigated;

(6) a concise statement of issues of law which remain for determination by the court;

(7) the plaintiff's contentions;

(8) the defendant's contentions;

(9) the plaintiff's numbered list of trial exhibits;

(10) the defendant's numbered list of trial exhibits;

(11) the plaintiff's numbered list of trial witnesses, with addresses.  
Expert witnesses shall be so designated;

(12) the defendant's numbered list of trial witnesses, with addresses.  
Expert witnesses shall be so designated; and

(13) the estimated length of trial.

When, for any reason, the pre-trial stipulation is not executed by all counsel, each shall file not later than five (5) days prior to the pre-trial conference a written statement of the reason therefor accompanied with a proposed pre-trial stipulation.

D. Pre-Trial Order. At the conclusion of the pre-trial conference, the court shall render a pre-trial order which, when entered, shall control the course of the trial and may not be amended except by order of the court to prevent manifest injustice.

E. Memoranda of Law. Memoranda of law, addressing any unusual questions of law, shall be filed and served no later than seven (7) days prior to trial.

F. Proposed Jury Instructions. Proposed preliminary and final jury instructions shall be filed and served no later than seven (7) days prior to trial. The date for the submission of final jury instructions shall be designated by the Court. Instructions covering issues arising at trial which could not reasonably be anticipated may be submitted during the trial. Each instruction shall be accompanied by citations of authority.

G. Sanctions. A failure of the parties or their attorneys to be prepared for the initial status conference, for the pre-trial conference, or to otherwise comply with this Rule, shall subject them to sanctions under Trial Rule 16(K).

*Adopted effective January 1, 1993. Amended effective December 5, 2006.*  
*Adopted effective October 1, 2020. Amended effective January 1, 2021.*

## LR 45-TR40-10 Trial Settings

Except for those set by the pre-trial order, all cases shall be set for trial by the court upon motion preceded by good faith effort of the parties to agree to the date thereof.

*Adopted effective January 1, 1993. Amended effective December 5, 2006.*

## LR 45-TR6-11 Briefs

Briefs, other than those addressed in Rules 4 and 9 hereof, shall be filed no later than two (2) calendar days preceding the relevant hearing or trial.

*Adopted effective January 1, 1993. Amended effective December 5, 2006.*

*Adopted effective October 1, 2020. Amended effective January 1, 2020.*

## LR 45-TR43-12 Exhibits

All exhibits offered or admitted into evidence shall be placed in the custody of the Court Reporter unless otherwise ordered. No earlier than three (3) years after the date of trial, they may be obtained by the parties offering them. A detailed receipt shall be left with the Court Reporter. No earlier than forty-two (42) months after the date of trial, the Court Reporter shall, upon order of the court, dispose of those exhibits unclaimed.

*Adopted effective January 1, 1993. Amended effective December 5, 2006.*

## LR 45-TR63-13 Courts

Whenever the presiding judge in any Room of the Civil Division of the Superior Court is absent or otherwise unavailable, and there is no judge pro tempore or temporary judge sitting in his or her stead, cases docketed in that Room may be submitted to any other judge of the Civil Division then available.

*Adopted effective January 1, 1993. Amended effective December 5, 2006.*

*Adopted effective October 1, 2020. Amended effective January 1, 2021.*

## LR 45-TR75-14 En Banc Court

In the event the Civil Division is called upon to sit en banc, the following rules shall apply:

A. The judge of the court in which the action is filed shall serve as the presiding judge for all proceedings and shall alone rule on all pretrial motions..

B. A majority of the Civil Division judges shall constitute a quorum sufficient to conduct en banc proceedings.

C. Oral arguments will not be heard on any matter without court approval.

D. In the event of an emergency, the presiding judge, or if the presiding judge is unavailable, any of the remaining judges, may hear and determine the matter until en banc action may be taken.

*Adopted effective January 1, 1993. Amended effective December 5, 2006.*

*Adopted effective October 1, 2020. Amended effective January 1 2021.*

## LR 45-TR79-15 Appointment of Special Judge

A. If a motion for change of Judge is granted in a case or an order of disqualification is entered in a case, and a special judge is not appointed and qualified as provided in Trial Rule 79(D), a special judge shall be appointed, on a rotating basis, from the current roster of judicial officers.

B. Each judicial officer shall have the option to be removed from consideration from some or all case types.

C. The current roster of judicial officers shall be maintained in the office of the Lake Superior Court Administrator (Administrator). When it becomes necessary to select a special judge from said lists, the following procedure shall be followed:

1. If a Special Judge is not selected in accordance with Trial Rule 79(D), the judge shall immediately contact the Administrator for the name of the next available judicial officer. The Administrator shall provide a name from the roster of current judicial officers. Selected judicial officers will be selected on a rotating basis.

2. The selected judicial officer appointed to serve under this local rule must accept jurisdiction unless disqualified under circumstances set out in the Rules of Trial Procedure 79(H). The order of appointment by the regular judge shall constitute acceptance. An oath or additional evidence of acceptance is not required.

D. This rule shall have no application to the selection of a special judge in a Post Conviction Relief petition which shall be governed solely by the Indiana Rules of Criminal Procedure and the Local Rules of the Lake Superior Court, Criminal Division.

*Adopted effective January 1, 1993. Amended effective January 23, 1996; May 21, 1997; January 27, 1999; October 2, 2000; October 4, 2005; January 9, 2006; September 29, 2006; December 5, 2006; January 1, 2009; January 1, 2011; October 4, 2012; October 18, 2013; January 1, 2015. [Adopted effective October 1, 2020. Amended effective January 1, 2021.*



## CONFIDENTIAL INFORMATION AND ELECTRONIC FILING OF DOCUMENTS

### LR 45-A.R.9 (G)(1)-16 Confidential Information and Sealed Documents

Pursuant to Trial Rule 81, the Superior Court of Lake County and the Lake Circuit Court hereby adopt this rule regarding the filing and retention of documents containing information which is excluded from public access under the Indiana Rules on Access to Court Records (ACR) or which are governed by an order for the sealing of records.

### LR 45-A.R.16-17 Electronic Filing and Service

Pursuant to Administrative Rule 16 and Trial Rule 77, the Superior Court of Lake County and the Lake Circuit Court, are authorized to establish practices and procedures for the filing, signing, verification and service of pleadings and papers, and sending notices, by electronic means. The judges and the clerk of the Superior Court of Lake County and the Lake Circuit Court have determined that an electronic filing system would advance efficiency in the Clerk=s offices and the courts, and that members of the public and bar would be well served by such a system. Pursuant to Trial Rule 81 and Administrative Rule 16, the Superior Court of Lake County and Lake Circuit Court hereby adopt these rules establishing an electronic filing and service system in Lake County by using the Indiana E-Filing System (IEFS) to file documents in the court's case management system, Odyssey, and to serve the documents upon other persons in a case. The electronic filing and service system shall be designed, constructed, and maintained so as to function in compliance with Administrative Rules 6, 7, and 16.

#### A. Official Record.

The official record of the court for all documents filed under these rules is the electronic record maintained by the clerk. The clerk shall establish an electronic Record of Judgments and Orders as provided by Trial Rule 77(D).

## B. Registered Users.

Attorneys admitted to practice before the Supreme Court of Indiana (including those admitted *pro hac vice*) may register as users of the Indiana E-Filing System (IEFS). A *pro se* litigant may elect to register as a user for the limited purpose of utilizing the electronic filing and service features for purposes of his or her case. Registrants will be issued a login and password upon fulfilling the registration requirements for the IEFS. *Pro se* registrants shall not knowingly permit or cause to permit their password to be used by anyone other than themselves. Attorney registrants shall not knowingly permit or cause to permit the password to be used by anyone other than an authorized agent of the registrant. Registered users will be assessed fees in accordance with the Schedule of Fees and Charges. Registered users are bound by the Registered User Agreement, which is posted on the IEFS, and registration also constitutes the following:

1. The registrant=s consent to receive service and/or notice electronically and a waiver of the right to receive service and/or notice by personal delivery or first class mail, including notice of the entry of an order or judgment under Trial Rule 72, except with regard to documents which are excluded from electronic filing, or service of a summons and complaint, or other legal process which is required by law to be served under Trial Rules 4 - 4.17.
2. An affirmation that the registrant will endeavor to file all documents electronically.
3. The registrant is responsible for all transactions under his or her password and is obligated to notify the Web Administrator if his or her password is compromised.

## C. Electronic Filing of Documents.

Unless otherwise permitted by these rules or otherwise authorized by the judicial officer assigned to a particular case, all documents submitted for filing (including the original complaint, or equivalent pleading, and summons) shall be filed electronically with the clerk using the IEFS, no matter when the case was originally filed. The IEFS may be accessed via

any Internet connection available to the registered user and at public access terminals located in the offices of the clerk.

1. **Format.** Electronically filed documents must meet the same requirements of format as documents conventionally filed pursuant to L.R.45-T.R.10-2 or other applicable Local Rule(s).
2. **Appearance.** Electronic filing of a Notice of Appearance shall act to establish the filing attorney as an attorney of record representing a designated party in a particular case.
3. **Titles of Documents.** The person electronically filing a document will be responsible for designating a title for the document at the time it is filed. The IEFS will generate the appropriate entry onto the CCS to record the filing of the document.
4. **Chronological Case Summary Entry Forms (CCS Entry Forms).** Separate CCS Entry Forms shall not be submitted. The IEFS shall make an appropriate entry upon the CCS whenever any document is filed electronically.
5. **Citations and Hyperlinks.** Electronically filed documents may contain hyperlink references to an external document as a convenient mechanism for accessing material cited in the document. Filers wishing to insert hyperlinks into documents shall continue to use the traditional method of citation to authority in addition to the hyperlink provided. The hyperlink is merely a convenience to the court and the material referenced is extraneous to the file and not a part of the court's record.
6. **Attachments and Exhibits.** All documents which form part of a single submission and which are being filed at the same time and by the same filer may be electronically filed together under one document filing, e.g., the motion, supporting affidavits, memorandum in support, designation of evidence, exhibits.

Large documents which do not exist in an electronic format shall be scanned into .pdf format and filed electronically as separate attachments.

7. **Filings Requiring Leave of Court.** In order to file a document which requires leave of court, such as an amended pleading or a document to

be filed late, the proposed document shall be attached as an exhibit to a motion.

8. Briefs. All motions filed pursuant to Trial Rules 12 and 56 shall be accompanied by a separate supporting brief. An adverse party shall have thirty (30) days after service of the initial brief in which to serve and file a response brief, and the moving party shall have ten (10) days after service of the response brief in which to serve and file a reply brief. With regard to all other motions or matters submitted to the court, and so long as consistent with the Indiana Rules of Procedure, an adverse party wishing to respond shall do so within fifteen (15) days of service. The moving party shall have ten (10) days after service of the response within which to reply. Each motion shall be separate, while alternative motions filed together shall each be identified on the caption. Failure to file a response brief or reply brief within the time prescribed shall be deemed a waiver of the right thereto and shall subject the motion to summary ruling.

9. Confidential Documents. Documents containing information excluded from public access under the Indiana Rules on Access to Court Records (ACR), or governed by an order for the sealing of records, which can be filed electronically shall be designated by the filer as “Not for Public Access Pursuant to the Indiana Rules on Access to Court Records (ACR)” at the time of filing on the IEFS. The IEFS shall permit only the Judge, the clerk, and attorneys or parties in a particular case to view the confidential documents in the case. Such confidential documents or information shall be served upon the parties in accordance with the applicable Indiana Rules of Court and local rules for filing and service. The Judge may permit additional persons to view the confidential documents in a case pursuant to the Indiana Rules on Access to Court Records (ACR).

#### D. Conventional Filing of Documents.

A conventionally filed document is one presented to the clerk or to a party in paper or other non-electronic, tangible format. Unless specifically authorized by the court, only the following documents may be filed conventionally and not electronically:

1. Exhibits And Other Documents That Cannot Be Converted To A Legible Electronic Form, Such As Videotapes, X-Rays, And Similar Materials. Whenever possible, the filer is responsible for converting filings to an electronic form. If electronic filing is not possible, the filer shall electronically file a *Notice of Manual Filing* as a notation to be placed on the CCS that filings are being held in the clerk=s office in paper. The filer shall serve the *Notice of Manual Filing* and the documents in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s); and shall file a certificate of service. A *Notice of Manual Filing* form is appended hereto as Form 2; a *Certificate of Service* form is appended hereto as Form 3.

2. Documents Delivered To The Clerk By *Pro Se Litigants*. Documents filed by *pro se* litigants who have not elected to become registered users may be presented in the clerk=s office for filing. Such documents shall then be converted to an image document by the clerk. Upon order of the Court, the Clerk shall forward to the Sheriff all documents necessary for service in small claims cases. After completion of scanning and filing, the original paper documents shall remain in the custody of the *pro se* litigant who has not elected to become a registered user.

If the original documents cannot be scanned into a legible electronic document, then the originals shall be placed into the case file and a notation of that action shall be placed onto the CCS; and, the filer shall also conventionally serve these documents in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s); and, shall also file a certificate of service.

3. Documents Mailed To The Clerk By *Pro Se Litigants*. Documents received by the clerk in the mail from *pro se* litigants who have not elected to become registered users shall be scanned and electronically filed by the clerk. After scanning, the originals shall be returned to the filer, if a return envelope is provided. If no return envelope is provided, the original documents shall be discarded.

If the original documents cannot be scanned into a legible electronic document, then the originals shall be placed into the case file and a notation of that action shall be placed onto the CCS. The filer shall also

conventionally serve these documents in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s); and, shall also file a certificate of service.

4. Confidential Documents. Documents containing information excluded from public access under the Indiana Rules on Access to Court Records (ACR) or governed by an order for the sealing of records, which cannot be legibly scanned and filed electronically, shall be conventionally filed under seal and designated by the filer as “Not for Public Access Pursuant to the Indiana Rules on Access to Court Records (ACR).”–Only the Judge, the clerk, and attorneys or parties in a particular case may view the confidential documents in the case. The Judge may permit additional persons to view the confidential documents in a case pursuant to the Indiana Rules on Access to Court Records (ACR). Such confidential documents or information shall be served upon the parties in accordance with the applicable Indiana Rules of Court and local rules for filing and service of conventional documents.

5. Notice of Manual Filing. Parties making a conventional filing shall file electronically, in place of the conventionally filed document, a Notice of Manual Filing setting forth the reasons why the document could not be filed electronically. The conventionally filed documents must be presented to the clerk within 24 hours after the electronic submission of the Notice of Manual Filing. A paper copy of the electronically filed Notice of Manual Filing must accompany the component at the time of conventional filing.

6. Titles of Documents. The person conventionally filing a document will be responsible for designating a title for the document at the time it is filed.

7. Chronological Case Summary Entry Forms (CCS Entry Forms). Separate CCS Entry Forms shall not be submitted. The clerk shall make an appropriate entry upon the CCS whenever any document is filed conventionally.

E. Service of Documents.

1. Service of Process. A party may not electronically serve a summons or other process and complaint or equivalent pleading, but instead must perfect service according to Trial Rules 4 through 4.17.

a. Service by Sheriff. The copies of the complaint or equivalent pleading and summons or other process, or any other documents such as an order to appear, necessary for service by sheriff shall be printed by the office of the clerk. The copies of the complaint and summons, or other documents, shall be forwarded to the sheriff for service and return. The clerk shall scan and electronically file the return of service and the paper original may then be discarded.

1). Pursuant to Trial Rule 86(B)(2)(e), when fees and other court costs are waived and the clerk has received required notification of same, the clerk shall serve the complaint and summons if;

a pro se litigant has paid the sheriff service fee;

the State is the plaintiff;

upon Order of the Court, the clerk shall forward to the sheriff all documents necessary for service in small claims court.

b. Service by Certified Mail – Initial Summons for a Defendant in Small Claims. If a plaintiff does not request service by sheriff, the clerk will upon request electronically issue a summons for service by certified mail, and the initial summons to be served upon a defendant will be printed and served by certified mail by the clerk. The clerk shall scan and electronically file the return receipt or notice of unsuccessful service when received by return mail, and the paper original may then be discarded.

c. Service by Certified Mail – Additional Summons or Other Process after Initial Service. The clerk will electronically issue any additional summons or other process requested for service by certified mail or special process server, and the summons or other process will be printed and served by certified mail by the party or attorney requesting the

documents to issue, or by the special process server appointed for that purpose. The party or attorney shall scan and electronically file the certificate of mailing and/or service, and the return receipt or notice of unsuccessful service when received by return mail, and retain the original documents.

2. Service of Other Documents. The IEFS will generate a Notice of Electronic Filing and Service@ when any document is filed and served. This notice will be emailed to each registered user of record in a case, and an electronic service event will be added to the work queue of each registered user of record in the case, if that user has elected to receive electronic service. The party filing the document should retain a paper or electronic copy of the Notice of Electronic Filing and Service. This notice represents proof of filing and service of the document on registered users of record in that case. The filer shall not be required to conventionally serve any document on any party receiving electronic service.

The filer shall also conventionally serve those parties not designated or able to receive electronic notice or service but who are nevertheless entitled to notice of said pleading or other document in accordance with the Indiana Rules of Civil Procedure and applicable Local Rule(s). In such cases, the filer shall also file a certificate of service, as appropriate.

#### F. Signatures.

1. Signature of Registered User. The electronic filing of a document which is required to be signed shall constitute the filer's representation under Trial Rule 11. Unless the electronically filed document has been scanned and shows the filer's original signature, the signature of the filer shall be indicated by A/s/Attorney=s Name@, or A/s/Party=s Name@ in the case of a *pro se* litigant, on the line where the signature would otherwise appear.

2. Signatures on Jointly Signed or Filed, Verified or Other Documents. In the case of a stipulation, agreed order, jointly signed motion or other document which needs to be signed by two (2) or more persons, or in the case of documents which must contain original signatures and which



require verification or an unsworn declaration under rule or statute, the signatures may be indicated by either:

- a. submitting a scanned copy of the originally signed document; or,
- b. submitting the document with the use of A/s/Name@ in the signature block(s) where the original signature(s) appear(s) in the original document; provided, however, that the filer shall first obtain the physical signature of all persons necessary.

The filer shall retain the original executed document.

#### G. Orders and Judgments.

All orders and judgments shall be entered or filed electronically by a judicial officer assigned to the case.

1. Administrative Entries. The judicial officer may direct the issuance of administrative entries which are routine in nature (e.g., setting or continuing dates) by way of a text entry upon the Chronological Case Summary (CCS). In such a case, the signature of the judicial officer is not required, no further document will issue and the CCS entry shall indicate that the court will issue no further written order.

2. All Other Orders and Judgments. In all other cases, unless the original document has been scanned and shows the signature(s) of the judicial officer(s), the signature(s) of the judicial officer(s) shall be indicated by A/s/Judicial Officer=s Name@ on the line where the signature(s) would otherwise appear; and, shall carry the same weight and authority as a written order signed by the judicial officer(s). Judicial officers shall not knowingly permit or cause to permit their passwords to be used by anyone other than an agent authorized in writing by the judicial officer. Such written authorization, or a revocation of such authorization, shall be filed with the clerk. Whenever appropriate, the clerk shall place a hardcopy version of any designated order or judgment in the Court=s Record of Judgments and Orders, pursuant to Trial Rule 77(D).

3. Service. The IEFS will generate a Notice of Electronic Filing and Service@ when any order is filed and served. This notice will be emailed to each registered user of record in a case, and an electronic service event will be added to the work queue of each registered user of record in the case. This notice represents proof of filing and service of the order on registered users of record in that case. All other parties or attorneys of record will be served with a hardcopy version by first class mail in accordance with the provisions of Trial Rule 72(D).

#### H. Time of Filing.

Filing electronically does not alter any filing deadlines or any time computation pursuant to state or federal statutes, any Rules of the Indiana Supreme Court, including without limitation the Rules of Trial Procedure, the Rules of Appellate Procedure or the Administrative Rules, or applicable Local Rule(s). The office of the Lake County Clerk is open for electronic filing under these rules 24 hours a day. A document is deemed filed at the date and time it is received by the IEFS server. Filing must be completed before midnight local time in order to be considered filed that day. Lake County observes Central Time.

In the event of complete failure of the IEFS to accept documents from all electronic filers for a period of in excess of three (3) hours, as determined by the Web Administrator, any filing deadlines which expire on the date of such failure, in cases subject to electronic filing, shall be extended until 6:00 p.m. of the first day on which the court is open for business following the day the IEFS returns to operation. The date, time and duration of such complete failure, as well as the time and date of the return to operation, shall be posted on the IEFS as soon as possible.

#### I. Technical Failures.

If a registered user is unable to file a document in a timely manner due to technical difficulties in the IEFS, the registered user must file a document with the court as soon as possible notifying the court of the inability to file the document. Delayed filings shall be rejected unless accompanied by the declaration attesting to the filer=s failed attempts to file

electronically at least two times, separated by at least one hour, after noon on each day of delay due to such technical failure.

J. Retention of Documents in Electronically Filed Cases.

Registered users must retain signed copies of electronically filed documents until two (2) years after all time periods for appeals expire. Documents that are electronically filed and require original signatures other than that of the registered user must be maintained in paper form. On request of the court, the registered user must provide original documents for review.

Originals of documents filed electronically which require scanning (*e.g.* documents that contain signatures, such as affidavits) must be retained by the filer and made available, upon request, to the court and other parties for a period of two (2) years following the expiration of all time periods for appeals.

The clerk shall maintain all filed documents in accordance with the Administrative Rules 6 and 7 and all other applicable law.

K. Fees and Charges.

The clerk shall collect all filing and electronic system fees due at the time of the commencement of a case or appearance in a case. Persons who have been determined by court order to be indigent in a case shall not be required to pay fees for electronic filing or service in that case. In the case of registered users, all fees due shall be collected via a credit card charge to each registered user=s designated credit card at the time of filing.

Conventional copies and certified copies of documents may be purchased at the offices of the clerk during regular business hours and upon payment of the customary copying fees prescribed by law.

The fees so collected shall be collected, maintained, and accounted for pursuant to Lake County Ordinance and all existing procedures as approved by the Indiana State Board of Accounts.

L. Public Access to the IEFS.

Remote access to documents filed through the IEFS via the Internet shall only be available to registered users. Other individuals may have access via the Internet following the creation of an account through mycase.in.gov . Access to mycase.in.gov is also available at terminals located in each of the offices of the clerk, during regular business hours.

Access to documents that are confidential as provided by the Indiana Rules on Access to Court Records (ACR), shall be restricted as required by that rule.

# Lake County Rules of Family Law

## PREAMBLE

*The Rules of Professional Conduct mandate that all lawyers conduct themselves honorably and remind lawyers that they have a special responsibility for the quality of justice. For lawyers who practice family law, that special responsibility for the quality of justice often occurs in an emotionally-charged arena with litigants who are angry, disappointed, hurt, hostile, betrayed, sad, fearful, shocked, and/or lost. When a case involves minor children, emotions run even higher.*

*Some statistics indicate that, every thirty-two seconds, a child in America witnesses his or her parents' divorce. Out of wedlock births to adults have increased exponentially. Research establishes that how parents conduct themselves during a domestic relations proceeding has a greater impact on their children than the proceeding itself. These local rules have been enacted to help effectuate a dignified and effective means of resolving all family law disputes, but especially those disputes involving minor children. While recognizing our adversarial system for resolving family law problems, these local rules mandate that attorneys not ignore but embrace their equally important roles as negotiators and advisors and their special responsibility for the quality of justice.*

## LR 45-FL00-1 Scope, Citation and Definition, Cooperative Approach and Liberal Construction

A. Scope. These rules shall apply to family cases in the Lake Circuit Court and the Superior Court of Lake County, Civil and Juvenile Divisions.

B. Citation. These rules may be cited as the Lake County Rules of Family Law and abbreviated as F. L. R.

C. Definition. Family cases shall include all cases involving claims for or related to marital dissolution or separation, paternity, child custody, parenting time or visitation with a child, and support of a child or spouse.

## LR 45-FL00-2 Statement of Policy and Purpose

The Circuit and Superior Courts of Lake County are committed to a cooperative model for the handling of family cases by parents, attorneys, and judges. These rules shall be liberally construed and applied to serve the healthy and child-sensitive functioning of families. In all family cases with children, the goal will be protecting the best interests of those children.

## LR 45-FL00-3 General Obligations of Cooperation of Attorneys and Parties

A. Attorneys and parties in family cases are expected to act with the courts as co-problem solvers, not mere problem-reporters. Attorneys shall both inform and remind their clients about the judicial expectations of cooperation in family cases, assist their clients to understand and observe these standards, and encourage clients to participate in co-parenting classes, counseling, mediation, and other appropriate problem-solving processes.

B. In order to establish and maintain an atmosphere which fosters cooperative problem-solving, all parties and attorneys shall:

explore resources which may reduce conflict, build cooperation and protect children;

attempt reasonable cooperative measures before resorting to the court;

avoid disrespectful language and behavior; and,

avoid unnecessary motions or petitions, hearing and arguments.

### *Commentary*

*The Circuit and Superior Courts of Lake County recognize that conflict in family cases is destructive and often dangerous. Litigating family cases does not end or resolve the conflict; it heightens the conflict. The cooperative model for handling family cases is implemented to minimize such conflict and, instead, foster the healthy and child-sensitive functioning of families.*

*Actions taken in the earliest stages of parents' separation and other family crises, whether those actions are helpful or destructive, often define much of the future of the family case and the family; and, attorneys' language and conduct in these earliest days are often crucial to the future course of both the case and the future functioning of the family. Until the case is filed, the courts have no involvement and are powerless to help families at that point; however, at such early stages, attorneys can either set a tone of beneficial cooperation or of destructive conflict for the families they touch.*

*All too often in family cases the courtroom becomes an arena in which the parties are subjected to criticism, sometimes even ridicule or similar abuse. Such conduct will not be tolerated. Attorneys have an ethical obligation to refrain from abusive conduct and other offensive tactics; to treat all parties, witnesses and all others involved in the legal process with courtesy and respect; and, to refuse to participate in any effort to embarrass, delay or burden someone. The courts consider such conduct to be repugnant. So should the attorneys and all members of the family. Attorneys have an ethical obligation to consult with their client about the means to be employed and clients normally defer to the attorney's special knowledge and skill in such matters. These rules and comments require that when doing so, the attorney should educate the client about the substantial risk that conflict presents for members of the family and of the benefits and opportunities for resolution through the cooperative model. If the prospective client will not abide by such advice, the attorney can and should consider declining the engagement. If a client agrees to abide but later shows the inability to do so or otherwise refuses, the attorney may and should consider withdrawing. Family members who elect to pursue the path of conflict instead of cooperation are not acting in the best interests of the children; and, the courts will consider the decisions made by the parties in this regard as part of its evaluation of the children's best interests and in the allocation of attorney fees.*

*This cooperative model will require some fundamental changes in the local legal culture, including the way attorneys approach family cases. While fundamental change does not occur overnight, it must be done and begin now. Attorneys must change their primary focus in family cases. Instead of the gathering of evidence or other "case building", the attorney's primary*

*focus must be on defusing the underlying source(s) of conflict(s) by helping the family to find the ways to reach resolution of their issues by using means which are less destructive than litigation.*

*As part of the cooperative model the courts will expect all parties and attorneys to consistently observe:*

*(1) personal responsibility by acting on one's own opportunities to solve problems and improve circumstances rather than merely reporting on the alleged fault in others;*

*(2) cooperation by sensibly defining and pursuing the best interests of all family members;*

*(3) courtesy by constant observance of respectful language and behavior; and,*

*(4) focused attention on children's needs including an awareness that parent conflict is dangerous to children.*

*As part of their duty to work as co-problem-solvers with the court in all family cases, if safe to do so, attorneys should:*

*(1) speak with all clients, as early as possible and as often as necessary, about the advantages and judicial expectations of safe cooperation in family cases;*

*(2) refer clients to all co-parenting classes, counseling, mediation, and other problem-solving processes that appear to counsel to be promising resources for their clients;*

*(3) work with other counsel to ensure safety in families where domestic violence has been, or reasonably could be, an issue;*

*(4) work with other counsel in all cases to reduce conflict, build cooperation, and protect children;*

*(5) avoid unnecessary motions and hearings; and*

*(6) use the least divisive processes in pursuing safety, fairness, cooperation, and the protection of the best interests of children, for example:*



- (a) using certified mail or acknowledgment of service instead of sheriff service of process if viable,*
- (b) encouraging restraint and safe cooperation between family members,*
- (c) avoiding unnecessary motions and arguments, and*
- (d) exhausting all viable cooperative measures before requesting custody evaluations or trial settings.*

*Before a case is filed, an attorney should:*

*(1) Assessment of Case and Safety Considerations. Counsel meeting with a person contemplating filing a family case should promptly assess whether the case can safely be handled cooperatively and without adversarial motions, hearings and other formal proceedings. Unless safety or exceptional circumstances make cooperation unreasonable, counsel should handle the case in ways that avoid court and maximize the parties' development of cooperative problem-solving.*

*(2) Cooperation between Counsel Before Initial Filings. Counsel representing persons wishing to initiate a family case should make reasonable efforts to determine if the other spouse, parent, or putative parent is represented or may be seeking representation. Unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, counsel should:*

- (a) consult and cooperate with each other before filing;*
- (b) attempt in good faith to find cooperative resolutions to provisional matters, including peaceful separation, so that unnecessary provisional filings and hearings can be avoided; and*
- (c) refer parents to resources such as co-parent education, co-parent counseling, marital counseling, and mediation that can help them build cooperation between them.*

*(3) Cooperation with Unrepresented Parties before Initial Filings. Unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, this same effort at consultation and cooperation should be made when counsel learns that the other spouse, parent, or putative parent is not intending to use legal representation. In such case, unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, counsel or the client should (a) communicate directly with that other spouse, parent, or putative parent and (b) attempt to avoid provisional filings and hearings on matters that could be resolved by cooperative measures including discussion, co-parent education, counseling, and mediation.*

C. Website. Parties and counsel should visit the court's website at [www.UpToParents.org](http://www.UpToParents.org)/ or [www.ProudToParent.org](http://www.ProudToParent.org) for more information on the procedures in use in Lake County in support of the cooperative handling of family cases.

## **LR 45-FL00-4 Initial and Provisional Hearings**

Unless considerations of safety or other good cause make it unreasonable, before the date and time set for an initial or provisional hearing, counsel shall meet with each other (or any unrepresented party) in a good-faith attempt to resolve all matters.

## **LR 45-FL00-5 Mandatory Website Work for Parents**

A. Dissolution of Marriage. In all dissolution cases where the parties have any children together under the age of 18, both parties shall complete the work on [www.UpToParents.org](http://www.UpToParents.org) within 30 days of initial filing.

B. Legal Separation. In all separation cases where the parties have any children together under the age of 18, both parties shall complete the work on [www.UpToParents.org](http://www.UpToParents.org) within 30 days of initial filing.

C. Paternity. In all paternity cases, both parents shall complete the work on [www.UpToParents.org](http://www.UpToParents.org) within 30 days of the court's finding of paternity.

D. Following completion of the website work required by this rule, the parents shall merge or exchange their chosen Commitments from their website work.

#### *Commentary*

*The rule contemplates that, following completion of the website work required by this rule, the parents shall merge their chosen Commitments from their website work into a set of Agreed Commitments, review those Agreed Commitments before all hearings, and take copies of them to all hearings. If a hearing is held more than a year since the parents' completion of the website work, they shall redo the work, again merge their Commitments into a set of Agreed Commitments, and bring those Agreed Commitments to all hearings.*

### **LR 45-FL00-6 Co-Parenting Class**

A. Dissolution of Marriage and Legal Separation. Mandatory Attendance. In all dissolution and separation cases where the parties have any children together under the age of 18, both parties shall complete a co-parenting class. The court may order both parties to attend additional co-parenting classes in post-decree matters. Information regarding the approved classes is available on the court's website at [www.UpToParents.org/](http://www.UpToParents.org/) or [www.ProudToParent.org](http://www.ProudToParent.org)

B. Paternity. In all paternity cases the court may order the parties to attend and complete a co-parenting class.

### **LR 45-FL00-7 Proof of Compliance**

A. Dissolution of Marriage and Legal Separation. In order to monitor compliance, within 60 days of the initial filing of an action for dissolution or separation, each party shall file a verified certification of their completion of the mandatory website work as required under FLR. 5, above, and of any mandatory co-parenting class as required under FLR. 6, above, see Appendix "A". <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

B. Paternity. In order to monitor compliance, within 45 days of the court's finding of paternity, each party shall file a verified certification of completion of the mandatory website work as required under FLR 5, above. See sample form Appendix "B."

<https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

C. Any party failing to timely file such a certification may be subject to a hearing on such a failure.

## LR 45-FL00-8 Parenting Plan Proposals

A. The Indiana Parenting Time Guidelines provide useful outlines of the minimum time each parent should have with the children to maintain frequent, meaningful, and continuing contact with them. Any parenting time plan submitted by agreement that provides for less than the minimum time allowed under the Indiana Parenting Time Guidelines must contain a written explanation for deviating from those guidelines. Agreed parenting plans that exceed the minimum time allowed under the Guidelines will not require a written explanation.

B. Unless they have already executed an agreed parenting plan, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing Appendix "C". <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/> Parents, personally and with the help of counsel and all useful counseling, mediation and other problem-solving resources, shall continue to attempt to reach an agreed parenting plan. Parents shall bring their respective Parenting Plan Proposals to all hearings, mediation sessions, and settlement discussions.

### *Commentary*

*A. Children whose parents live apart have special needs above and beyond those of other children, including the need for frequent, meaningful, and continuing contact with both parents. The courts will expect separated and divorced parents, wherever safely possible, to work together to support children's best possible relationships with each parent.*

*B. To assist parents and their counsel in developing parenting plans that will meet the needs of these children, parents with children under the*

*age of 18 or dependent children over the age of 18 should use all reasonable efforts, discussion, counseling, mediation, and other resources to promptly agree on a parenting plan to include the decision-making and living arrangements that will serve to nurture and protect their children as the years progress. If a parenting plan is agreed on and signed by the parents, it may be submitted to the court for its consideration as the order which will govern the parents' co-parenting unless changed by agreement or court order.*

*C. Unless the parties have already entered in to a signed agreement resolving all such issues then, within 60 days of the initial filing of all actions for marital dissolution or separation, or any post-decree filing regarding the children, or the court's finding of paternity in all paternity cases, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing the form Appendix "C". Parents, personally and with the help of counsel and all useful counseling, mediation and other problem-solving resources, shall continue to attempt to reach an agreed parenting plan. If parents do not reach an agreed parenting plan, they shall bring their respective Parenting Plan Proposals to all hearings, mediation sessions, and settlement discussions.*

*D. The Indiana Parenting Time Guidelines provide useful outlines of the minimum time each parent should have with children to maintain frequent, meaningful, and continuing contact with them. It is the express preference of the Lake Circuit and Superior Courts that parenting plans, wherever safely possible, should:*

- (1) help parents understand the important advantages of supporting each other's relationships with their children;*
- (2) exceed the Guideline minimums for each parent;*
- (3) fit the particular needs of the family; and,*
- (4) encourage parents' use of sensibility, flexibility, and reasonableness to allow for cooperative accommodations of special needs and circumstances in family activities.*

*E. Whenever parents need resources to reduce conflict, build cooperation, preserve family relationships, or respond to the needs of their children, they and their attorneys (if any), should use all resources that could help them. Such resources include:*

- (1) redoing the website work from [www.ProudToParent.org](http://www.ProudToParent.org);*
- (2) additional co-parenting classes, including re-attending the basic class or attending high-conflict classes;*
- (3) completing a new Parenting Plan Proposal;*
- (4) mediation;*
- (5) arbitration;*
- (6) a confidential therapeutic assessment of the parents to develop a set of recommendations for their improved interaction;*
- (7) individual, joint, family or child counseling;*
- (8) appointment of a parenting coordinator;*
- (9) appointment of a guardian ad litem for the children; and,*
- (10) any other measure that might protect children, reduce conflict, or build cooperation.*

*F. If parents nevertheless continue to have conflict and appear in court without an agreement about the resources they will use, the court may select the resources the parents will be ordered to use.*

## **LR 45-FL00-9      Protocols after Initial Filing**

**A. Duties Regarding Consultation.** Except in emergencies or when it might create a danger or substantial prejudice or is otherwise unreasonable to do so, counsel and pro se parties shall make a reasonable attempt to have a personal or telephonic consultation to resolve any issue before filing or seeking any other relief through the court. Counsel and pro se parties contacted for a consultation shall make themselves reasonably available for consultation. The duty of consultation shall be continuing.

B. Substance of Consultation. In the consultation, counsel and pro se parties shall:

- (1) attempt to resolve all matters at issue;
- (2) confirm the parties' compliance with FLR 5, FLR 6, FLR 7 and FLR 8; and,
- (3) discuss the resources they believe the parents could use to resolve current and future issues and to build cooperation, including any resources listed in Commentary E to FLR 8.

C. Cooperation Update - Mandatory. All motions and pleadings other than the initial filings shall include a statement confirming compliance with items (1) through (3), above, including the date of the required personal or telephonic consultation; or, shall recite the specific reasons for the lack of a consultation.

D. Parents shall review and bring a copy of their website Commitments, as required by FLR 5 and the current Parenting Plan Proposals, as required by FLR 8, to every hearing.

#### *Commentary*

*Counsel and pro se parties shall consult in advance of all court settings and exchange suggestions for the future course of the case that would serve the best interests of all family members.*

*During a Status Conference:*

*the attorneys and pro se parties will report on:*

- (1) the status of compliance with each of these rules by the parties and their attorneys; and,*

*parent progress in reducing conflict, building cooperation, preserving family relationships, and responding to the needs of the children.*

*where beneficial, the families will to be referred for any necessary help; and, the court will consider the future course of the case.*

## LR 45-FL00-10 Requirements before Custody Evaluations

All requests for custody evaluations must be (1) in writing (2) certify that both parties and their counsel, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or mediation.

The court will not grant a request for or otherwise order a custody evaluation except following a Status Conference in the presence of both parties and their attorneys, if any, during which the court has been satisfied that:

both parties have completed the mandatory website work pursuant to FLR 6, above; and,

both parents have completed any required co-parenting class pursuant to FLR 7, above; and,

both parties have exchanged Parenting Plan Proposals pursuant to FLR 8, above; and,

both parties and their attorneys, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or consultation pursuant to FLR 9, above; and,

the court has carefully considered and reviewed, with both parties and their attorneys, if any, the use of other resources including those listed in Commentary E to FLR 8.

### *Commentary*

*Custody evaluations are sometimes divisive and produce less, rather than more, cooperation between parents. As a result, custody evaluations will be reserved for cases where one or both parents lack the capacity to safely resolve the issues they face. No custody evaluation will be ordered or conducted unless reasonable cooperative measures have been attempted, such as co-parenting education, counseling and mediation.*



## LR 45-FL00-11 Case Captioning

Parties in dissolution, separation, and paternity cases shall not be captioned or designated as “petitioner”, “respondent”, “plaintiff”, or “defendant”. The parties shall be designated as “Mother”, “Father”, “Husband”, or “Wife”, “Former Husband”, “Former Wife”, and “Putative Father”. All captions shall comply with applicable statutes and case law.

## LR 45-FL00-12 Form of Summons

Parties in dissolution, separation, and paternity cases shall prepare and utilize forms of summons as set forth herein.

A. Dissolution of Marriage and Legal Separation. In dissolution and separation cases, the appropriate summons shall be used and shall be substantially the same as the form(s) Appendix “D”, “D-1”, “D-2”, or “D-3”. <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

B. Paternity. In paternity cases, the summons shall be substantially the same as the form Appendix “E”. <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

## LR 45-FL00-13 Preparation of Information Sheet for Family Court Pilot Project

Contemporaneously with the filing of any action for dissolution, separation, or paternity, the party filing the initial petition shall complete and furnish the Clerk with an Information Sheet which is substantially the same as the form Appendix “F”. <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/> Because this form requires information which is excluded from the public access under the Indiana Rules on Access to Court Records (ACR), this form shall be submitted on light green paper and conspicuously marked “Not For Public Access”.

## LR 45-FL00-14 Judges’ Notice

Whenever the initial filing is prepared by an attorney, the attorney shall also prepare and provide the client and the Clerk with a sufficient number of copies of the appropriate the Judges’ Notice as required

herein. In cases filed by pro se parties, the Clerk shall provide the appropriate Judges' Notice. The Judges' Notice to Parents Going through Divorce - Appendix "G" <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/> and Judges' Notice to Parents in Paternity Cases - Appendix "H". <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

## LR 45-FL00-15 Financial Declaration Form

A. Requirement. In all relevant cases including dissolutions, separation, paternity, post-decree, or support proceedings and, irrespective of which court, each party shall prepare and exchange, within 60 days of initial filing for dissolution or separation or within 30 days of filing of any paternity or post-decree matters, the appropriate Financial Declaration Form (see Appendix "I" and "J" <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>). These time limits may be extended or shortened by court order for good cause shown. In those cases where there is service, but no appearance by counsel, it is the responsibility of the initiating party to provide the other party with the appropriate blank Form and to notify that party of the duty to prepare and serve the same.

B. Exceptions. The Form need not be exchanged if:

- (1) the parties agree in writing within 60 days of the initial filing to waive exchange;
- (2) the parties have executed a written agreement which settles all financial issues;
- (3) the proceeding is merely at a provisional or emergency relief stage;
- (4) the proceeding is one in which the service is by publication and there is no response; or,
- (5) the proceeding is post-decree and concerns issues without financial implications.

Provided, however, when the proceeding is post-decree and concerns an arrearage, the alleged delinquent party shall complete the entire Form,

while the support recipient need complete merely the portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation).

C. Use at trial. The Forms are intended primarily as mandatory discovery though, subject to appropriate objection, they shall be admissible at the request of any party. Therefore, particularly in view of the presumptive nature of the Indiana Child Support Guidelines, direct examination on form data shall address only unusual factors which require explanation or corrections and shall not, particularly with respect to issues of support, be routinely permitted. For evidentiary purposes, the pages of the Form shall be deemed severable.

D. Supporting documents. For the purposes of providing a full and complete verification of assets, liabilities, and values, each party shall attach to the form all information reasonably required and reasonably available. This shall include recent bills, wage and tax records, and bank, pension and year-end mortgage statements. 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. Appraisals of real estate and pensions, or appraisals of personal property such as jewelry, antiques, or special collections (stamps, coins, or guns, for example) are not required. However, once an appraisal is obtained, it must be exchanged unless the appraisal was obtained in accordance with the provisions of Trial Rule 26(B) (4) (b) and is not expected to be utilized during trial. Moreover, the court may direct that an appraisal be obtained just as it may designate the appraiser.

E. Privacy - Sealing of Forms. Whenever the interest of privacy so requires, the court may, upon motion, direct the admitted Forms sealed until further order. However, such requests shall not be made as a matter of course.

When ordered sealed, the Court Reporter shall place the Forms in a flat manner in an envelope of sufficient size, seal the envelope, and affix a copy of the order. Forms may be withdrawn at the conclusion of the case on such terms as the court allows.

F. Financial Declaration Form as Mandatory Discovery. The exchange of Forms constitutes mandatory discovery. Thus, Indiana Rules of Procedure, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26(E) (2) and (3), the Form shall be supplemented if additional material becomes available. Further, any additional discovery, such as a motion to produce, interrogatories, or depositions of the parties shall not commence until the Forms are exchanged and, once exchanged, shall not seek information already obtained.

## LR 45-FL00-16 Indiana Child Support Guidelines

A. Worksheet Required. In all proceedings involving child support, each party shall file with any settlement or enter into evidence during any trial Indiana Child Support Guidelines Worksheets - one or more depending upon the facts. Further, the Worksheet(s) shall, when reasonably possible, be delivered to the other parent simultaneously with the Financial Declaration Form, but, in any event, within 10 days of receiving the other parent's Form. The Worksheets shall be promptly supplemented if any changes occur prior to resolution. All Worksheets shall be signed by the party(ies) submitting the Worksheet.

B. Support Settlement Agreements. If an agreement concerning support provides any deviation from the amount calculated under the Indiana Child Support Guidelines, the parents shall present the court with a written explanation justifying the deviation.

## LR 45-FL00-17 Preparation of Orders

A. Exchange. It shall be the duty of the parties' attorneys to prepare decrees and other orders as directed by the court. The attorney so directed is first to submit them to all other attorneys of record or to the unrepresented party to enable them to challenge any provision thereof before submission to the court for entry.

B. Additions. If the preparing attorney believes the other attorney or the other party, if the other party is proceeding pro se, is unreasonably withholding approval as to form, or if either believes the other is attempting to make additions not addressed by the court, either may

submit a proposed form to the court and shall attach thereto a written explanation of the dispute. The other party shall have 7 days to respond before the court enters any order. The court may enter sanctions against a party who has unreasonably withheld approval or attempted to make additions not addressed by the court.

C. Signatures. The signature line for counsel or pro se litigant shall indicate Approved as to Form. Such signature indicates that the order correctly reflects the court's ruling. It does not necessarily signify that the signing party or attorney agrees with the ruling.

### LR 45-FL00-18 Sanctions

If a party or counsel fails to timely prepare, exchange or file a Financial Declaration Form or Child Support Worksheet or to cooperate in providing information therefore in a timely manner, either is subject to sanctions under Trial Rule 37.

### LR 45-FL00-19 Attorney Fee Requests

A. Affidavits. When attorney fees (except those sought provisionally) are requested from the opposing party, the requesting attorney shall submit an appropriate affidavit, which, if the affidavit comports with these rules, the court shall admit as an exhibit.

B. Content. The affidavit shall indicate the:

- (1) requested fee and the basis thereof;
- (2) amounts counsel has billed, contracted for, or been promised; and,
- (3) amount counsel has received from all sources.

A copy of the written fee contract, if any, shall be attached to the affidavit and deemed a part thereof.

Opposing counsel may cross examine the requesting attorney as to any of the submitted material.

## LR 45-FL00-20      Agreed Matters - Submission

No agreed matter shall be submitted unless accompanied with a signed agreement, and other appropriate documents, such as the decree, a wage withholding order, or a qualified domestic relations order. However, if the parties reach a settlement on the courthouse steps, then the court shall accept evidence of that settlement on the record, and enter the appropriate order upon preparation and filing by counsel within 21 days after submission, or such additional time as the court may allow.

## LR 45-FL00-21      Orders Excluding Parent from the Residence

In all instances where emergency or extraordinary relief is requested including, but not limited to, excluding a parent from the residence, the court shall require full compliance with the provisions of Trial Rules 65(B) and 65(E). In situations involving allegations of physical abuse, intimidation or stalking, relief may be sought by a separate filing for an Order of Protection.

## LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO ESTATES

### L.R.45-P.R.00 Rule 1.

All probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

### L.R.45-P.R.00 Rule 2.

A Personal Representative's Information Sheet must be completed and filed with any petition opening a supervised or unsupervised Estate. The Court will not act upon the petition until the Personal Representative's Information Sheet is completed and filed. The Personal Representative's Information Sheet must be filed in compliance with Indiana Trial Rule 5(G) and the Indiana Rules on Access to Court Records, Rule 5. (SEE FORM A). <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

### **L.R.45-P.R.00 Rule 3.**

In all supervised and unsupervised estates, the Court's Instructions to the Personal Representative, executed by the Personal Representative and the Attorney, must be filed with the Court prior to Court appointment and issuance of letters. These Instructions are to be considered as direct Orders of the Court. Instructions to Personal Representative of Supervised Estate (SEE FORM B)

<https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/> or Instructions to Personal Representative of Unsupervised Estate (SEE FORM C), <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/> as applicable, must be completed and filed with the Court. No substitute form will be accepted by the Court.

### **L.R.45-P.R.00 Rule 4.**

All petitions, of any nature or kind, in all matters, must be executed and verified by the Personal Representative, the Trustee, or the Interested Party (Petitioner), and not by the Attorney. All petitions requesting relief or action by the Court should, where applicable, contain reference to the appropriate statute or rule authorizing such relief or action.

### **L.R.45-P.R.00 Rule 5.**

All Attorneys are required to prepare Orders in a form approved by the Court (order per form or OPF) for all proceedings except where expressly indicated to the contrary by the Court.

### **L.R.45-P.R.00 Rule 6.**

Unless waived by the applicable Court, Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

### **L.R.45-P.R.00 Rule 7.**

The Attorney shall prepare and serve any required notices on interested persons pursuant to I.C. §29-1-7-4.5, as amended, and proof thereof pursuant to I.C. §29-1-1-16, as amended.

### **L.R.45-P.R.00 Rule 8.**

A verified inventory must be prepared and filed in all supervised estates within sixty (60) days after appointment of the Personal Representative. In unsupervised estates, the Personal Representative shall comply with I.C. §29-1-7.5-3.2 with respect to inventories.

### **L.R.45-P.R.00 Rule 9.**

Attorneys must attend all hearings. The Court may, in its discretion, require the attendance of the Personal Representative or Trustee at any such hearing.

### **L.R.45-P.R.00 Rule 10.**

All accountings filed with the Court must follow the statutory format prescribed by I.C. §29-1-16-4, as amended. Informal, handwritten, or transactional accountings will not be accepted. Unless otherwise ordered by the Court, an accounting filed with the Court shall be accompanied by an Affidavit in Lieu of Vouchers stating that receipts are available for all disbursements contained in the accounting.

### **L.R.45-P.R.00 Rule 11.**

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

### **L.R.45-P.R.00 Rule 12.**

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any estate.



### **L.R.45-P.R.00 Rule 13.**

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

### **L.R.45-P.R.00 Rule 14.**

In a supervised estate, any petition for the allowance of fees, pursuant to the Fee Guidelines, for the Attorney and/or the Personal Representative shall set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a supervised estate. A separate petition must be filed requesting such fee determination. No fee shall be paid without the prior approval of the Court. No Attorney or Personal Representative fees will be authorized for payment until a Final Account is filed with the Court. If an Interim Account is filed with the Court, a petition for Attorney or Personal Representative Fees may be filed for the Court's review and approval

### **L.R.45-P.R.00 Rule 15.**

Attorney and Personal Representative fees will not be determined or authorized for payment by the Court in an unsupervised estate.

### **L.R.45-P.R.00 Rule 16.**

Unless otherwise stated in the decedent's Last Will and Testament, any Attorney or Personal Representative fees determined to be due by reason of non-probate assets shall be assessed against the recipients of the non-probate assets.

### **L.R.45-P.R.00 Rule 17.**

All documents filed with the Court must comply with the requirements of Ind. Trial Rule 5(G) and the Indiana Rules on Access to Court Records, Rule 5 utilizing the Notice of Exclusion of Confidential Information From

Public Access form. (SEE FORM D). <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

### **L.R.45-P.R.00 Rule 18.**

For good cause shown, the Court may waive any local procedural rule.

### **L.R.45-P.R.00 Rule 19.**

When required by law, all Wills must be admitted to Probate unless filed with the Clerk pursuant to Ind. Code § 29-1-7-3.1, as amended. Pursuant to Indiana Trial Rule 86(F), an Affidavit must be filed by the Attorney or Personal Representative regarding the possession of the decedent's Last Will and Testament. (SEE FORM E). <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

### **L.R.45-P.R.00 Rule 20.**

Bond procedures for Estates:

- a. If the decedent's Will provides for no bond, the Court may honor the request unless otherwise required by statute;
- b. If all heirs request no bond or a minimal bond, the Court may honor such request unless otherwise required by statute;
- c. In all instances, upon petition by an interested person, the Court may require a bond to protect creditors, heirs, legatees, or devisees;
- d. In all other situations, the Court will determine and set the amount of the bond and in no event shall it be less than that required to protect creditors and taxing authorities;
- e. Personal surety must meet the requirements of Ind. Code § 29-1-11-5;
- f. No Attorney will be accepted as personal surety on any bond required to be filed in Court.

### **L.R.45-P.R.00 Rule 21.**

Subject to the discretion of the Court, the Court may restrict transfer of all or part of the liquid assets of a supervised estate by placing those assets in a federally-insured financial institution or in a brokerage account (or any combination of the two) with the following restriction placed on the face of each account or document creating or evidencing the account:

NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF THE LAKE CIRCUIT/SUPERIOR COURT, PROBATE DIVISION. THE PERSONAL REPRESENTATIVE AND/OR FINANCIAL INSTITUTION SHALL PROMPTLY NOTIFY THE COURT IN WRITING IN THE EVENT PRINCIPAL AND/OR INTEREST IS WITHDRAWN WITHOUT WRITTEN COURT ORDER.

Within thirty (30) days after an Order authorizing the creation of the restricted account or investment, a certificate by an officer of the institution at which the restricted account or investment has been created shall be filed with the Court which affirms that the account or investment is restricted by Court Order. (SEE FORM F).

<https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

The Personal Representative and/or the financial institution shall promptly notify the Court in writing in the event that any principal or interest is withdrawn from the account without Court authorization.

## **L.R.45-P.R.00 Rule 22.**

On or before three (3) months and fifteen (15) days after the date of the first published notice to creditors, the Personal Representative, or the Personal Representative's Attorney, must allow or disallow a claim filed against the estate within three (3) months after the date of the first published notice to creditors.

For a claim filed not later than nine (9) months after the decedent's death (other than the United States, the state, or a subdivision of the state) by a claimant who did not received a notice of administration under I.C. § 29-1-7-7, the Personal Representative, or the Personal Representative's Attorney, must allow or disallow a claim not later than fifteen (15) days after the date of the filing of the claim.

For a claim filed by the United States, the state, or a subdivision of the state the Personal Representative, or the Personal Representative's Attorney, must allow or disallow a claim on or before the later of: (1) three (3) months and fifteen (15) days after the first published notice to creditors; or (2) fifteen (15) days after the date on which the claim was filed.

For purposes of allowing or disallowing a claim, the Personal Representative or the Personal Representative's Attorney shall electronically file a Notice of Allowance/Disallowance of Claim form. (SEE FORM G). <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

### **L.R.45-P.R.00 Rule 23.**

If an estate cannot be promptly closed, the Personal Representative must report the condition of the estate to the Court one (1) year after the date of the Personal Representative's appointment, and thereafter every year until the estate is fully administered.

### **L.R.45-P.R.00 Rule 24.**

The Federal Estate Tax closing letter and/or the countersigned receipt, or a photocopy thereof, showing payment of the Federal Estate in the estate must be filed with the Final Report or the Supplemental Report.

### **L.R.45-P.R.00 Rule 25.**

Proof of publication of all notices required to be published shall be filed with the Court by the Attorney for the estate within thirty (30) days after receipt of the same from the newspaper. It is the Attorney's responsibility to ensure that publication was timely made, and proof thereof is properly filed with the Court.

### **L.R.45-P.R.00 Rule 26.**

In an unsupervised estate, the Court shall not be involved other than for opening and closing the estate, unless requested pursuant to I.C. § 29-1-7.5-3(c). The Court reserves the right to revoke unsupervised

administration and convert the estate to supervised administration if the Court, in its discretion, believes supervised administration is warranted.

### **L.R.45-P.R.00 Rule 27.**

If, after three (3) months following the date that the verified closing statement is filed in an unsupervised estate and an objection has not been filed, the Attorney must file a proposed Order closing the estate within thirty (30) days after the objection deadline expires.

# LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO GUARDIANSHIPS

## LR 45-PR00-28

All probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

## LR 45-PR00-29

A Guardian's Information Sheet must be completed and filed with any petition seeking to establish a temporary or permanent guardianship or a protective order pursuant to I.C. § 29-1-3-4 et. seq., as amended. The Court will not act upon the petition until the Guardian's Information Sheet is completed and filed. The Guardian's Information Sheet must be filed in compliance with Indiana Trial Rule 5(G) and the Indiana Rules on Access to Court Records, Rule 5. (SEE FORM A).

<https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

## LR 45-PR00-30

In all guardianship matters pertaining to declaring an adult incapacitated for any reason, at a minimum, the Physician's Statement in a form acceptable to the Court, executed by the licensed physician treating the alleged incapacitated person, must be submitted at the time the petition is filed or on the hearing date. No determination will be made without the Physician's Statement and/or supporting medical testimony. (SEE FORM B).

<https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

## LR 45-PR00-31

In all guardianship matters, the Court's Instructions to the Guardian, executed by the Guardian, must be filed with the Court prior to Court appointment and issuance of letters. These Instructions are to be considered as direct Orders of the Court. Instructions to Guardian when the guardianship will be of the person only (SEE FORM C)

<https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/> or when

the guardianship will apply to the minor's or incapacitated adult's property (SEE FORM D) <https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/> must be completed and filed with the Court. If the Guardian will be appointed over both the person and estate, both sets of Court's Instructions to the Guardian must be completed and filed with the Court. No substitute form will be accepted by the Court.

### LR 45-PR00-32

All petitions, of any nature or kind, in all matters, must be executed and verified by the Guardian or the Interested Party (Petitioner), and not by the Attorney. All petitions requesting relief or action by the Court should, where applicable, contain reference to the appropriate statute or rule authorizing such relief or action.

### LR 45-PR00-33

Pursuant to I.C. §30-5-3-4(b), as amended, an appointment of a Guardian over an estate shall not operate to terminate a valid power of attorney, unless the power of attorney instrument provides for termination upon the incapacity of the principal. A Guardian shall not have power over property or health care conditions that are subject to a valid power of attorney. A Guardian cannot revoke or amend a power of attorney on behalf of a principal without Court approval. A Guardian seeking to revoke a valid power of attorney must obtain Court approval which can be granted only after hearing and notice to the attorney-in-fact.

### LR 45-PR00-34

All Attorneys are required to prepare Orders in a form approved by the Court (order per form or OPF) for all proceedings except where expressly indicated to the contrary by the Court.

### LR 45-PR00-35

Unless waived by the applicable Court, Attorneys desiring to have the Court Reporter present for a hearing must make a written request for

same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

### **LR 45-PR00-36**

The Attorney shall prepare and serve any required notices on interested persons pursuant to I.C. §29-1-7-4.5, as amended, and proof thereof pursuant to I.C. §29-1-1-16, as amended.

### **LR 45-PR00-37**

Inventories must be filed in all temporary guardianships of the estate within thirty (30) days after appointment of the Guardian. For permanent guardianships of the estate, inventories must be filed within ninety (90) days after appointment of the Guardian.

### **LR 45-PR00-38**

Attorneys must attend all hearings. The Court may, in its discretion, require the attendance of the Guardian at any hearing.

### **LR 45-PR00-39**

All accountings filed with the Court must follow the statutory format prescribed by I.C. §29-1-16-4, as amended. Informal, handwritten, or transactional accountings will not be accepted. Unless otherwise ordered by the Court, an accounting filed with the Court shall be accompanied by an Affidavit in Lieu of Vouchers stating that receipts are available for all disbursements contained in the accounting.

### **LR 45-PR00-40**

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

### **LR 45-PR00-41**

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any guardianship.



## LR 45-PR00-42

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

## LR 45-PR00-43

Any petition for the allowance of fees, for the Attorney and/or the Guardian shall set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a guardianship proceeding. A separate petition must be filed requesting such fee determination. No fee shall be paid without prior approval of the Court.

## LR 45-PR00-44

Attorney and Guardian fees in guardianship proceedings over the person of the protected person shall not be subject to Court approval.

## LR 45-PR00-45

All transfers, sales, or encumbrances of the protected person's real or personal property are subject to prior Court approval.

## LR 45-PR00-46

In all wrongful death proceedings, the Guardian must be present at the time the settlement, either partial and/or final, is presented to the Court for approval. The Court retains the right to require the presence of the minor, incapacitated person, or a Custodial parent at the time the settlement is presented to the Court for approval.

## LR 45-PR00-47

All documents filed with the Court must comply with the requirements of Indiana Trial Rule 5(G) and the Indiana Rules on Access to Court Records, Rule 5 utilizing the Notice of Exclusion of Confidential Information From Public Access form. (SEE FORM E)

<https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>.

## LR 45-PR00-48

For good cause shown, the Court may waive any local procedural rule.

## LR 45-PR00-49

The Court shall determine the amount of the Guardian's bond in accordance with I.C. §29-3-7-1, as amended. A bond shall be required equal to the sum calculated under I.C. §29-3-7-1, as amended. Exceptions as provided by statute may be permitted in the Court's discretion.

## LR 45-PR00-50

Subject to the discretion of the Court, the Court may restrict transfer of all or part of the liquid assets of a Guardianship by placing those assets in a federally-insured financial institution or in a brokerage account (or any combination of the two) with the following restriction placed on the face of each account or document creating or evidencing the account:

NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF THE LAKE CIRCUIT/SUPERIOR COURT, PROBATE DIVISION. THE GUARDIAN AND/OR FINANCIAL INSTITUTION SHALL PROMPTLY NOTIFY THE COURT IN WRITING IN THE EVENT PRINCIPAL AND/OR INTEREST IS WITHDRAWN WITHOUT WRITTEN COURT ORDER.

Within thirty (30) days after an Order authorizing the creation of the restricted account or investment, a certificate by an officer of the institution at which the restricted account or investment has been created shall be filed with the Court which affirms that the account or investment is restricted by Court Order. (SEE FORM F).

<https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

The Guardian and/or the financial institution shall promptly notify the Court in writing in the event that any principal or interest is withdrawn from the account without Court authorization.

### LR 45-PR00-51

Current reports filed by the Guardian must show the present whereabouts of the protected person and his/her general welfare.

### LR 45-PR00-52

All benefits and payments, such as Social Security benefits received on behalf of a protected person, must be included and accounted for in the Guardian's accountings unless excluded by prior order of the Court.

### LR 45-PR00-53

Neither the Guardian nor the Attorney shall take or receive any fees until the amount thereof has been approved by the Court.

### LR 45-PR00-54

Unless limitations on the powers of the Guardian are sought in the Petition for Appointment, an order in a form approved by the Court (order per form or OPF) must be submitted at the time of the appointment of a Guardian, detailing the duties, responsibilities and powers of the Guardian.

### LR 45-PR00-55

In all instances in which the appointment of a Guardian is contested, a Guardian Ad Litem shall be appointed unless waived by law, or by the Court in the Court's discretion, or if the alleged incapacitated person is represented by counsel.

# LAKE COUNTY ALTERNATIVE DISPUTE RESOLUTION RULES

## LR 45-ADR2.2-1 Applications and list of mediators

A. Any individual who fulfills the qualifications for mediator established by the Supreme Court of Indiana may submit an application to the circuit or any superior court to be placed upon the list of mediators. The application shall include the following information:

1. mediator's name, address and telephone number;
2. county of residence;
3. information about co-mediator if applicable;
4. type of cases which the mediator is competent to mediate;
5. any known limitations on referrals, such as disqualification because of marital relationship or employment, etc.;
6. statement of mediation training;
7. statement of professional background, including attorney number and date of admission to bar, and/or educational requirements for domestic mediation;
8. statement of use of effective conflicts-checking system;
9. such other information on background and mediation training relevant to the court's review of the application.

A sample form is provided as Appendix A.

<https://lakecountyin.gov/departments/lc-courts/forms-and-court-rules-c/>

B. The court shall review each application and determine the eligibility of the individual to be included on the list of mediators approved by the court.

1. The court administrator shall maintain a comprehensive list of all court-approved mediators for the county. A copy of the list of mediators shall be

available to the public for inspection in the Office of the Clerk of Lake County.

2. The court administrator shall also maintain a comprehensive list of lawyers engaged in the practice of law in the county who are willing to serve as arbitrators. A copy of the list of arbitrators shall likewise be available to the public for inspection in the Office of the Clerk of Lake County.

## LR 45-ADR2.7-2 Civil cases

A. Definition. For the purposes of this rule, "alternative dispute resolution" and "ADR" shall mean mediation and/or mini-hearings. This rule does not affect the parties' rights to agree to arbitration as provided by the ADR Rules of the Supreme Court of Indiana.

B. Case Selection and Objections. The court may order the parties to mediation or mini-hearing upon the occurrence of any of the following:

1. Any party's written request for mediation or mini-hearing any time after the expiration of the fifteen (15) day period allowed for peremptory change of venue;
2. At any time following the filing of the claim for relief if all of the parties file a written stipulation therefor; or
3. More than ninety (90) days have elapsed since the initiation of the claim and the case has not been scheduled for a pretrial conference.

In determining whether a case is appropriate for a judicial referral to ADR, the court may consider such factors as:

- (a) whether the case has been pending more than 180 days;
- (b) whether a pretrial conference has been requested;
- (c) whether the case is eligible for dismissal pursuant to TR 41(E);
- (d) whether the case is set for trial.

C. Nothing in this rule shall be interpreted to constrain or otherwise limit the court from referring a case to ADR at such other time as the court deems appropriate.

D. Any party may object to an order for mediation or mini-hearing by filing a written objection specifying the grounds for the objection within fifteen (15) days of the date of the order referring the case to mediation or mini-hearing, as provided in ADR Rule 2.2. Any response to the objection must be filed within ten (10) days of the service of the objection.

E. Completion of Mediation. The mediator and the parties shall make a good faith effort to complete the mediation process within ninety (90) days from the date of the order to engage in ADR, unless specifically ordered otherwise. In the event mediation is not complete within that time, the mediator shall file a report with the court as to the current status of the mediation and the projected date of completion of the mediation.

If the mediation is complete, the mediator shall file the agreement and report as required by ADR Rule 2.7(E) within 15 days of completion of the mediation. However, if the parties agree, a party may file the agreement in place of the mediator. If a party is to file the agreement, that party shall be identified in the mediator's report.

F. Payment of the Mediator's Fees. Unless otherwise specifically set forth in the order referring the case to mediation, or unless otherwise agreed by the parties, the mediator's fees shall be paid in the following proportions:

one-third (  $1/3$  ) by the plaintiff or plaintiffs;

one-third (  $1/3$  ) by the defendant or defendants;

one-third (  $1/3$  ) by the intervenor or third party.

In the case of multiple plaintiffs, defendants or intervenors, the mediator's fee shall be apportioned equally among the number of plaintiffs, defendants or intervenors, unless they shall agree otherwise.

G. Written Agreements. All agreements which resolve issues shall be reduced to writing and signed by all parties and their counsel, and shall be

submitted to the court with the mediator's report, or as soon thereafter as is practicable.

H. Parties to Attend. In all non-family cases, the attorney(s) who will try the case and the parties shall attend the mediation conference. A corporate party shall send a corporate representative with full authority to settle the case. If insurance is involved in the matter, the insurance carrier shall send a company representative who has full and absolute authority to resolve the matter for an amount which is the lesser of the policy limits or the most recent demand of the adverse party.

### LR 45-ADR00-3 Domestic relations cases

A. Case Selection. In applying the Alternative Dispute Resolution Rules, mediation is the appropriate method of court-ordered dispute resolution in domestic relations cases.

B. Time for Filing Motions and Stipulations. Either party may file a motion for referral to mediation at any time during the pendency of the case, from the time of filing and thereafter until the final hearing. The parties may file a joint application for referral to mediation at any time during the pendency of the case.

1. In determining whether a case is appropriate for judicial referral to ADR, the court may consider such factors as:

(a) whether the time for exchange of financial disclosure information has passed;

(b) when time for a contested hearing has been requested on the court's calendar;

(c) whether the case involves post-decree issues.

2. Nothing in this rule shall be interpreted to constrain or otherwise limit the court from referring a case to ADR at such other time as the court deems appropriate.

3. Completion of Mediation. The mediator and the parties shall make a good faith effort to complete the mediation process within sixty (60) days

from the date of the order to engage in ADR. In the event that mediation is not complete within that time, the mediator shall file a report with the court as to the current status of the mediation and the projected date of completion of the mediation. If the mediation is complete, the mediator shall file the agreement and report as required by ADR Rule 2.7(E). However, if the parties so agree, a party may file the agreement separately, and that party shall be identified in the mediator's report.

The mediator's report shall also include the parties' agreement as to a date certain for filing their agreement.

4. Payment of Mediator's Fees. Unless otherwise specifically set forth in the order referring the case to mediation, or unless otherwise agreed by the parties prior to the mediation conference, the mediator's fees shall be paid in the following proportions:

one-half ( 1/2 ) by the petitioner;

one-half ( 1/2 ) by the respondent.

5. Parties to Attend. In domestic relations cases, the attendance of the parties' counsel is not required at every session. If counsel choose not to attend, they shall be given the opportunity to review and discuss any settlement proposal made at a mediation conference.



## LAKE COUNTY CRIMINAL RULES

### L.R. AR1 (E) Local Rule for the Assignment of Criminal and Quasi Criminal Cases in all City, Town, County and Criminal Division Courts in Lake County

All ordinance violations, infractions, misdemeanors, and felonies alleged to have been committed in Lake County shall be filed, assigned, and reassigned only in accordance with this rule. The terms “charges” and “offenses,” as used herein, means ordinances, infractions, misdemeanors, and felonies, unless otherwise specified.

#### A. Filing.

1. Unless otherwise provided, all misdemeanors, infractions and ordinance violations alleged to have been committed within the political boundaries of any city or town that maintains a city or town court shall be filed in the city or town court sitting in said city or town. All other ordinance violations, infractions and misdemeanors shall be filed in the County Division of the Superior Court.
2. In cases in which law enforcement officers from multiple jurisdictions are involved, all misdemeanors, infractions and ordinance violations shall be filed in the city or town court of the officer issuing the probable cause affidavit for any misdemeanor or issuing the ticket for any infraction or ordinance violation.
3. All murder, Class A, B and C felonies shall be filed in the criminal division. After June 30, 2014, all murder charges and Level 1, 2, 3, 4 and 5 felonies shall be filed in the Criminal Division.
4. Except as otherwise provided, the clerk shall file all Class D Felonies, and after June 30, 2014, all Level 6 Felonies, pursuant to the Weighted Caseload Plan then in effect as adopted by the Lake Superior and Circuit Courts

5. If a defendant who is being charged with a Class D felony, or after June 30, 2014, a Level 6 Felony, is on probation to the county division, has other charges pending in the county division, or has previously been sentenced in the county division for an offense, then the Class D felony, or Level 6 Felony, shall be filed in the county division.

6. If a defendant who is being charged with a Class D felony, or, after June 30, 2014, a Level 6 Felony, is on probation to the criminal division, has other charges pending in the criminal division, or has previously been sentenced in the criminal division for an offense, then the Class D felony, or Level 6 Felony, shall be filed in the criminal division.

7. Notwithstanding the filing requirements above, all charges involving multiple offenses or defendants shall be filed in the same court as one another if the charges arise from:

a. a single act;

b. a series of acts connected together or constituting parts of a single scheme or plan;

c. a conspiracy; or,

d. a number of offenses so closely connected in respect to time, place, and occasion that it would be difficult to separate proof of one offense from proof of the others.

e. it is the intent of this subsection that in the event that a defendant has multiple cases or an alleged crime involves multiple defendants, one judge will hear all the pending matters.

8. Except as otherwise provided, and whenever possible, charges which have previously been filed and dismissed may only be refiled in the same division. This includes all charges arising out of the same offense report, arrest report, or set of operative facts.

9. A defendant who is seeking expungement in a case in which an arrest occurred, but no charges were filed, shall file the request for expungement with the Clerk of the Court for random assignment in any Criminal Division or County Division court that has jurisdiction over the

types of charges for which the defendant was arrested. The case shall be assigned an XP cause number, and no filing fee shall be required. Any document containing a social security number shall remain confidential pursuant to the Indiana Rules on Access to Court Records (ACR)

10. A defendant who is seeking expungement in a case in which charges were filed, but no conviction was entered, or a conviction was entered but was subsequently vacated on appeal, shall file the request for expungement in the same court in which the charges were filed. However, if the case that did not result in a conviction, or in which a conviction was vacated on appeal, was filed in a city or town court, the request for expungement shall be filed with the Clerk of the Court for random assignment in the County Division. The request for expungement shall be assigned an XP cause number. No filing fee shall be required. Any document containing a social security number shall remain confidential pursuant to the Indiana Rules on Access to Court Records (ACR).

11. A defendant who is seeking expungement in a case in which a conviction was entered shall file the request for expungement in the court in which the conviction was entered. However, if the conviction was entered in a city or town court, the request for expungement shall be filed with the Clerk of the Court for random assignment in the County Division. A request for expungement filed in a case in which a conviction was entered shall be assigned an XP cause number. A filing fee is required, unless waived or reduced by the court after a showing of indigency by the petitioner. Any document containing a social security number shall remain confidential pursuant to the Indiana Rules on Access to Court Records (ACR).

12. A defendant who is seeking expungement in multiple cases shall file the request for expungement with the Clerk of the Court for assignment in the Criminal Division or County Division court in which the highest level of conviction has been entered. If all of the convictions were entered in city and town courts, then the request for expungement shall be filed with the Clerk of the Court for random assignment in the County Division. A petition for expungement addressing multiple cases in which convictions were entered shall be assigned an XP cause number. A filing

fee is required, unless waived or reduced by the court after a showing of indigency by the petitioner. Any document containing a social security number shall remain confidential pursuant to the Indiana Rules on Access to Court Records (ACR)

#### B. Assignment.

1. Charges shall be assigned within a division according to the following rules, which are listed in order of precedence:

a. Charges involving multiple offenses or defendants shall be assigned to the same judge if the charges arise from:

(1) a single act;

(2) a series of acts connected together or constituting parts of a single scheme or plan;

(3) a conspiracy; or,

(4) a number of offenses so closely connected in respect to time, place, and occasion that it would be difficult to separate proof of one offense from proof of the others.

b. Charges filed against defendant who has other charges pending shall be assigned to the judge handling the pending charges.

c. Charges filed against a defendant who has previously been sentenced by a judge shall be assigned to that same judge. If the defendant has previously been sentenced by more than one judge of the division, then the case shall be assigned to the judge who still has jurisdiction over the defendant through probation, if applicable, or else to the judge who sentenced the defendant most recently.

d. Charges against a defendant who has previously been a defendant in the division shall be assigned to the same room of the division.

e. If more than one defendant in a new case has other charges pending before separate judges within the same division, the new case shall be assigned to the judge with the greater number of cases pending against all codefendants in the case. If the number of such pending cases is equal

for two or more judges, then the case shall either be randomly assigned to one of those judges or else be assigned to the judge whose cases are closer to disposition at the time of the new filing.

f. All other cases shall be randomly assigned so that the assignment of all criminal cases to judges within a division is kept relatively equal.

2. Charges which have been dismissed and refiled shall be assigned to the same judge who had jurisdiction of the charges when they were dismissed. This includes all charges arising out of the same offense report, arrest report, or set of operative facts.

### C. Reassignment.

If a motion for change of judge is granted in a felony or misdemeanor case or an order of disqualification or recusal is entered in a felony, misdemeanor, infraction or ordinance case, then the case shall be reassigned to a special judge as outlined below.

A special judge shall be appointed from a list of on a rotating basis in each of the following case categories: OE, OV, IF, CM, FD, FC, FB, FA, MR, MC, and, after June 30, 2014, for case types F1, F2, F3, F4, F5 and F6. Each judicial officer may also choose to limit the number of categories for which that judicial officer will be eligible to hear special judge cases. However, judges of city or town courts shall only be eligible to hear CM, IF, OV or OE cases and will not be eligible to serve as special judges in the case of Trials de Novo or Appeals from other city or town courts.

The lists of eligible persons shall be maintained in the office of the Lake Superior Court Administrator (hereafter Administrator) and regularly updated. When it becomes necessary to select a special judge from said lists, the following procedure shall be followed:

The judge who has recused or granted a motion for change of judge shall contact the Administrator for the name of the next available judicial officer. The Administrator shall provide to that judge a name from the list on a rotating basis beginning with the first name on the list for the particular case category. The disqualified judge shall then issue an order notifying the special judge that he or she has been appointed. The city or

county clerk's office shall then send the complete case file to the clerk's office servicing the special judge. No transfer fees shall be assessed.

The selected special judge to serve under this local rule must accept jurisdiction unless disqualified under circumstances set out in the Rules of Trial Procedure 79(H). Should the special judge be required to recuse, the special judge shall follow the procedures outlined above in Rule C(4)(a). Judges who have previously recused or were disqualified shall no longer be eligible as a special judge in that particular case. The order of appointment by the regular judge shall constitute acceptance. An oath or additional evidence of acceptance is not required.

If no judicial officer from the list qualifies, the final judicial officer that recuses shall petition the Supreme Court for the appointment of a special judge pursuant to Admin. Rule 21(B).

Motions for change of judge as of right (as opposed to recusal or disqualification) for infractions and ordinance cases shall continue to be governed by the Indiana Rules of Trial Procedure and nothing in this rule shall be read to conflict with those Rules.

6. Any protective order entered by the regular judge shall remain in full force and effect until addressed by the special judge, the judge receiving the case via transfer or the judge receiving the case upon filing of a Petition for Trial De Novo or Appeal from a city or town court.

#### D. Trials de Novo or Appeals from City or Town Courts

Upon filing a request for a Trial de Novo or Appeal from a city or town court for a misdemeanor, infraction or ordinance case and the posting of a bond, if required by the Trial de Novo Rules or by statute, the county division clerk shall randomly assign the case to the appropriate court of the county division pursuant to section B of this rule as if the case were a newly filed charge.

The clerk of the county division shall notify the city or town court from which a Trial de Novo or Appeal is sought as to the filing of the Trial de Novo or Appeal and whether a bond was posted in a misdemeanor case. The posting of a bond with the county division clerk for a misdemeanor

case shall stay the execution of the sentence imposed by the city or town court. Bond shall be set pursuant to the bond schedule. With the consent of the city or town court, a bond originally posted in the city or town court may be transferred to the county division clerk and utilized as a Trial de Novo or Appeal bond.

No judge of the county division may decline the assignment of a Trial de Novo or Appeal from a city or town court unless retaining jurisdiction by the county division judge would violate the Code of Judicial Conduct.

Upon a proper recusal, the procedures outlined in Sec. C of this rule shall be followed, however, no judge of a city or town court will be eligible to be a special judge of a Trial de Novo or Appeal from a city or town court; rather, if a city or town court judge is next on the list of special judges, the Administrator shall appoint the next judge on the list who is NOT a city or town court judge.

#### E. Transfers.

This rule shall not prohibit a town, city or superior court from transferring a case from one court to another. This rule shall also not be understood to encourage or permit the transfer of a case merely on the agreement of the prosecution and defense.

Pursuant to Admin. Rule 22, any reassignment of a case from a city or town court to the county division that does not involve the recusal of a city or town court judge or the filing of a petition for trial de novo or appeal, constitutes a transfer that requires the acceptance of a county division judge. Such acceptance must be obtained prior to the entry of any order to transfer from a city or town court.

#### F. Transfers to Veterans' Treatment Court

A Veterans' Treatment Court (hereafter VTC) will be presided over by the Judges of County Division III.

Upon assignment to the VTC, the clerk shall assign a County Division III cause number to the case.

For a Defendant to qualify for transfer to the VTC s/he must meet the following criteria. A Defendant:

must have received an honorable or less than honorable discharge from the armed services,

must be approved for transfer to the VTC by the Veterans Administration,

must be willing to adhere to the terms and conditions regarding said court and said agreement to be imposed by the VTC and the Veterans Administration.

A Defendant's Transfer to the Veteran's Treatment Court can be affected upon:

Order of a Judge of the County Division, Criminal Division, or any City or Town Court located in Lake County sua sponte,

Motion of the Defendant or the State, if said Motion is granted by the presiding judge of the County Division, Criminal Division or any City or Town Court Judge located within Lake County, to whom the Defendant was originally assigned.

If the VTC and/or the Veterans Administration determines that, upon transfer to the Veterans' Treatment Court, that a Defendant is ineligible to participate or is unable to continue placement in the program, the Veterans' Treatment Court may return the case to the court that originally had jurisdiction of the Defendant.

Transfers of cases directly to the VTC from counties other than Lake will be reviewed by the VTC on a case-by-case basis.

#### G. Transfer of Case Due to conflict

Court orders concerning the reassignment of any criminal or quasi criminal case must specifically indicate the reason for the reassignment.



# LAKE COUNTY ADMINISTRATIVE RULES

## LR45-AR1-01      Plan for Allocation of Judicial Resources

I. Pursuant to TR81(A), the Lake Circuit and Superior Courts adopt this Rule, effective January 1, 2025, governing the assignment of all cases filed in the Lake Circuit or Superior Courts as required by and in accordance with A.R. 1(E).

Unless changed by the court through addition, deletion and/or amendment, these rules shall remain in effect until December 31, 2026.

Notwithstanding the enactment of the following statutes, IC 33-28-1-2, IC 33-29-1-1.5, IC 33-29-1.5-2 and IC 33-31-1-9, which address jurisdictional issues, the Lake Circuit and Superior Courts adopt the following case assignment schedule:

All MR, FA, FB, FC (Murder and Felony Levels 1, 2, 3, 4 and 5 after June 30, 2014) shall be filed in the Criminal Division pursuant to L.R. 45 C.R. 2.2.1 in such a manner so as to ensure the equal distribution of them in the Criminal Division Courts.

2. FD (Level 6 cases after June 30, 2014) cases shall be assigned amongst the four Criminal Division and four County Division Courts pursuant to the requirements of L.R. C.R. 2.2.1 in such a manner so as to ensure the equal distribution of them between the Criminal and County Division Courts.

3. PC, CM, and MC cases shall be filed pursuant to the requirements of L.R. 45 C.R. 2.2.1

4. The filing of IF and OV cases is addressed in LR45-C.R.2.2.1, as modified using the formulas below:

A. County Division 1 – (D07) will receive 60% of all IF cases filed in the County Division.

B. County Division 3 – (D09) will receive 25% of all IF cases filed in the County Division.

C. County Division 4 – (D12) will receive 15% of all IF cases filed in the County Division.

D. County Division 2 - (D08) will receive all traffic related OV cases originating from the following jurisdictions: Cedar Lake, Dyer, Highland, St. John, and Winfield.

E. County Division 3 - (D09) will receive all traffic related OV cases originating from the following jurisdictions: Lake County Sheriff's Department, Griffith, Munster, and Schneider.

F. County Division 4 – (D12) will receive all traffic related OV cases originating from the City of Hammond, Whiting and New Chicago.

5. All JC, JD, JS, JP, JM, JT, and JQ cases shall be filed in the Superior Court, Juvenile Division.

6. All CT and PL cases shall be filed via the IEFS. CT and PL cases shall be distributed throughout the Circuit Court and Superior Court, Civil Division, Rooms 1, 2, 4, 5, 6 and 7 in such a manner so as to comply with Administrative Rule 1(E). The Circuit and Superior Court shall cooperate to ensure such compliance. Pro Se filings at the Lake County Clerk's Office, after assignment by Court Administration, can then be filed into the proper court by the Lake County Clerk's Office

A. Any new CT or PL case which seeks emergency relief shall be brought to the attention of the Judge of the Lake Circuit Court or a Judge of the Superior Court, Civil Division, Rooms 6 or 7. That Judge shall address the emergency matter. The case shall thereafter be transmitted to the assigned Court as provided in this rule.

7. All MF and MI cases shall be filed via IEFS, where said cases shall be randomly assigned to the Circuit Court and Civil Division, Rooms 1, 2, 4, 5, 6 and 7, in such a manner so as to ensure an equal division of these cases in each court. However, MI cases seeking a name change may be filed in the Clerk's Office in Crown Point, Gary, Hammond or East Chicago. Such cases shall be randomly assigned by the Clerk at each location in such a manner so as to ensure an equal division of them to the

Circuit and Civil Division Courts at each location. Pro Se filings are also accepted at any location of the Lake County Clerk's Office

8. All CC cases shall be distributed by the Clerk's Office in the following manner to ensure caseload parity:

- A. 30% of CC filings shall be assigned to Civil Division Room 3.
- B. 10% of CC filings shall be assigned to Civil Division Room 1.
- C. 10% of CC filings shall be assigned to Civil Division Room 2.
- D. 10% of CC filings shall be assigned to Civil Division Room 4.
- E. 10% of CC filings shall be assigned to Civil Division Room 5.
- F. 10% of CC filings shall be assigned to Civil Division Room 6.
- G. 10% of CC filings shall be assigned to Civil Division Room 7
- H. 10% of CC filings shall be assigned to the Circuit Court

9. Protective Order (PO) cases may be filed in the Circuit Court, Superior Court, Civil Division and Juvenile Division Courts by court location in the following manner:

A. In PO cases filed in Crown Point, where the parties are married with children and have a pending or previous dissolution case, the PO case shall be assigned to the Court having jurisdiction over the previous or pending case.

B. In PO cases filed in Crown Point, where the parties are married with children but no dissolution case has been filed, the PO case shall be assigned to the Circuit Court.

C. In PO cases filed in Crown Point, where the parties are not married but have children, the PO case shall be assigned to the Juvenile Division.

D. In PO cases filed in Crown Point, where the parties are not married but have children and have a pending case in the Juvenile Division, the PO case shall be assigned to the Juvenile Division.

E. Notwithstanding the above listed paragraphs, A through D, in the event there is an emergency, serious injury, and/or threat of serious injury to the Petitioner, the PO case filed in Crown Point shall be assigned to the Circuit Court, Superior Court, Civil Division or Juvenile Division. After due consideration and determination of the Petition for Protective Order, said court shall transfer any further action on the Protective Order to the Court having jurisdiction over the companion case (dissolution or paternity).

F. In PO cases filed in Crown Point, where there is alleged domestic violence and the parties are not married and have no children, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

G. In PO cases filed in Crown Point, where stalking is alleged, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

H. In PO cases filed in Crown Point, where there has been domestic violence and one of the parties is in custody or criminal charges have been filed, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

I. In PO cases filed in Crown Point, where there has been sexual abuse of a minor alleged, the PO case shall be assigned to the Juvenile Division.

J. In PO cases filed in Gary, where the parties are married with children and have a pending or previous dissolution case in the Superior Court, Civil Division, Room Three, the PO case shall be assigned to Superior Court, Civil Division, Room Three.

K. Notwithstanding the above assignment parameters established for PO cases, all other Protective Orders filed in Crown Point, Gary and Hammond shall be assigned by the Clerk of the Circuit Court and Superior Court, Civil Division in such a manner so as ensure equal case distribution. All PO cases filed in the Clerk's Office on East Chicago shall be assigned to the Superior Court, Civil Division, Room 2 sitting in East Chicago.

L. The Clerk of the Circuit Court, Superior Court, Civil Division and Juvenile Division shall process all PO case filings and have them assigned and delivered to the proper Court consistent with these rules no later than 3:30P.M. unless there has been serious bodily injury or threat of bodily injury.

10. All DC, DN and RS cases shall be filed in the Circuit Court in Crown Point, or in the Superior Court, Civil Division - Room 3 in Gary.

11. All MH, ES, EU GU and TR cases shall be filed in either the Circuit Court or in the Superior Court, Civil Division Rooms 2, 5, and 7. GU petitions filed by the Volunteer Advocates for Seniors and Incapacitated Adults (VASIA) program or any other volunteer adult guardian program shall be filed in Civil Division, Room 7.

12. All TS and TP cases shall be filed in the Circuit Court in Crown Point.

13. All Petitions for Guardianship over the person of minors with no assets shall be filed in the Superior Court of Lake County, Juvenile Division. All other Petitions for Guardianship, including those over minors with assets, shall continue to be filed in either Lake Circuit Court or any Lake Superior Court, Civil Division Courtroom having a probate division. This shall not affect any pending GU case in either Lake Circuit Court or Lake Superior Court, Civil Division.

14. All Petitions for Adoption (AD) shall be filed in the Superior Court of Lake County, Juvenile Division. Any such AD case may be transferred to either the Lake Circuit Court or any Lake Superior Court, Civil Division Courtroom by either the Judge of the Juvenile Division or by the Chief Judge of the Lake Superior Court. This shall not affect any pending AD case in either the Lake Circuit Court of Lake Superior Court, Civil Division.

15. RF filings can be civil or criminal in nature. RF filings should be file. in Crown Point.

A. Criminal RF cases will be filed randomly in the Criminal Division and the County Division (All courts will criminal jurisdiction), unless the defendant has pending or disposed cases in one of those courts already.

B. Civil RF cases will be filed randomly in the Circuit Court, the Civil Division and the County Division (all Crown Point courts with civil jurisdiction)

16. EV filing may be filed in the court elected by the filer. Small Claims evictions will be exclusively filed in the County Division. (see number 17)

17. The County Division shall have exclusive original jurisdiction of all Small Claims Cases, appeals, and/or Trials De Novo of civil cases from City or Town Courts. The County Division courts shall maintain a Plenary Docket, with limited jurisdiction as more fully described below:

A. There shall be no random filing of civil cases in the County Division.

B. The Plenary Docket is limited to cases designated as PL, CT, CC and MI.

C. Damages awarded in any case filed on the Plenary Docket shall not exceed \$10,000.00 (ten-thousand dollars).

D. The term “damages” shall include attorney fees, but excludes court costs, post judgment interest and any sanctions that a court may impose.

18. No case seeking equitable relief shall be filed in the County Division except as follows:

A. Orders directing the Bureau of Motor Vehicles to issue car titles, car registrations and driver’s licenses,

B. Evictions,

C. Replevins, provided the value of the property at issue does not exceed \$10,000.00,

D. Civil proceedings against property related to criminal activities, provided the value of the property does not exceed \$10,000.00.

19. This rule shall not be construed as limiting the powers of the County Division Courts with respect to collecting judgments, punishing contempt or enforcing its orders.

20. These rules should not be construed to exclude a County Division Judicial Officer from adjudicating a case by way of transfer or special judge assignment that would otherwise exceed the jurisdictional limits set forth in these rules for the County Division Courts.

21. By filing suit on the Plenary Docket or by filing a counterclaim or cross claim, a party waives any right to relief that is beyond the County Division's jurisdictional limits set forth in these rules. However, if a party can establish that the claim was mandatory or that due diligence would not have disclosed the need to request such relief prior to filing their suit, or that transfer is appropriate pursuant to T.R. 75(B), upon motion, the case shall be transferred to the Circuit or Civil Division Courts. Upon such transfer, the case shall no longer be constrained by the jurisdictional limits set forth in these rules.

*(Amended effective January, 1, 2023)*

## **LR 45-AR00-02 Priority of Bond Schedule**

The Clerk of the Circuit Court, at the time of disposition, in all cases in the County Division which fees are owed and there is a cash bond, before bond is released to defendant, or to the attorney pursuant to bond assignment, shall deduct and collect fees from the cash bond in the subsequent manner:

- 1<sup>st</sup> Restitution when ordered;
- 2<sup>nd</sup> LADOS Full Program Fee/ LADOS Monitoring Referral Fee/ LADOS Transfer Fee/ LADOS Education Only Fee/ LADOS Evaluation Only Fee. The Clerk of the Circuit Court, is ordered to deposit all funds collected for said LADOS Division 1 Program into the Lake Superior Court, County Division Room 1 (LADOS Division 1) User Fee Fund 217. The Clerk of the Circuit Court, is ordered to deposit all funds collected for said LADOS Division 2 Program into the Lake Superior Court, County Division Room 2 (LADOS Division 2) User Fee Fund 218;
- 3<sup>rd</sup> Administration Probation Fee pursuant to statute;
- 4<sup>th</sup> All Probation User Fees pursuant to statute;

5<sup>th</sup> Countermeasure and/or any other fee;

6<sup>th</sup> Court Costs



## LR 45-AR 00-03 Lake Superior Court, County Division I and II, Court Administered Alcohol and Drug Service Program Fee Schedule

|  |           |
|--|-----------|
| Assessment   | \$ 150.00 |
| Service Coordination & Case Management             | \$ 250.00 |
| Assessment, Service Coordination & Case Management | \$ 450.00 |
| Education – Level 2                                | \$ 350.00 |
| Education – Level 3                                | \$ 400.00 |
| Transfer   | \$ 100.00 |

### LR 45-AR 00-03.1 Lake Superior Court, County Division IV, Drug Court Program Fee Schedule

The Lake County Drug Court (Superior Court of Lake County, County Division, Room Four) Problem-Solving Court determined that assessment of fees for client's enrolled in this program is appropriate; the Court now adopts the schedule of fees pursuant to the authority granted by statute I.C. 33-23-16-20, I.C. 33-23-16-23, and I.C. 33-23-16-24.

The Lake County Drug Court (Superior Court of Lake County, County Division, Room Four) or the Clerk of the Court shall collect fees under this section. The fees must be transferred within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the designated Lake County User Fee Fund under I.C. 33-37-8.

#### Schedule of Program Fees:

The Lake County Drug Court (Superior Court of Lake County, County Division, Room Four) may require eligible individuals to pay:

A problem-solving court administration fee of not more than \$100 per admission to the problem-solving Court for initial problem-solving court services regardless of the length of participation in the problem-solving Court.

A problem-solving Court services monthly fee of not more than \$50 beginning with the second month of participation and for each month thereafter for the duration of participation in the problem-solving Court.

Administrative Fee     \$100.00

Court Fee     \$50.00 (waived first 30 days)

\$10.00 per day when in work release

\$10.00 per day on Alcohol Monitoring

\$10.00 per day on Electronic Monitoring (EM)

\$15.00 per week on House Arrest without EM

EM Probation fees (\$15-\$30/monthly based on income)

### **LR 45-AR 00-03.2     Lake Superior Court, Juvenile Division, Lake County Juvenile Family Recovery Court Fee Schedule**

Request for participation in the Lake County Juvenile Family Recovery Court is processed through a CHINS petition.

NO fees are collected for participation in this problem solving court.

### **LR 45-AR 00-03.3     Lake Superior Court, Criminal Division I, Community Transition Court Fee Schedule**

Administrative Fee     \$100.00

Monthly Court Fee \$50.00

\$10.00 per day when in work release

\$8.00 per day on Electronic Monitoring (EM)

\$25.00 per week on House Arrest without EM

All Fees waived first 30 days

## LR 45-AR 00-03.4 Lake Superior Court, Criminal Division II, Community Therapeutic Intervention Court Fee Schedule

Administrative Fee \$100.00

Monthly Court Fee \$50.00 (waived first 30 days)

\$10.00 per day when in work release

\$10.00 per day on Alcohol Monitoring

\$8.00 per day on Electronic Monitoring (EM)

\$25.00 per week on House Arrest without EM

## LR 45-AR 00-03.5 Lake Superior Court, County Division III, Veteran's Treatment Court Fee Schedule

Administrative Fee \$100.00

Monthly Court Fee \$50.00 (waived first 30 days)

Amended 5/1/25

## LR 45-AR 00-04 Judicial Transfer

The Superior Court of Lake County is a unified court system consisting of separate but equal divisions. Thus, subject to any conflicting valid statutory authority, in the event a new court is created or a court is vacated in the Superior Court, a sitting judge of the Superior Court may elect to serve in the new or vacated court. Should more than one judge wish to serve in a court under this provision, the judge with the most seniority shall prevail. In the event two or more judges with equal seniority wish to serve in a court, the decision will be made by lot.

## LR 45-AR 15-05      Court Reporter Services

The following rule for the provision of court reporter services in the Civil, County, Criminal and Juvenile Divisions of the Circuit and Superior Courts of Lake County is hereby adopted.

### I.      Definitions

A.      A *court reporter* is a person who is designated by a court, division or room to perform court reporting services, including the preparation of transcripts.

B.      *Equipment* means all physical property owned by the court or other government entity and used by a court reporter in providing court reporting services. Equipment shall include, but not be limited to, telephones, photocopiers, computer hardware and software, disks, tapes, and any other device for recording, storing, and transcribing electronic data.

C.      *Work space* means those portions of court facilities used by a court reporter while providing court reporting services.

D.      *Page* means the page unit of a transcript prepared in accordance with the Indiana Rules of Appellate Procedure.

E.      *Recording* includes any electronic, mechanical, stenographic or other recording of a proceeding.

F.      *Regular hours worked* means the hours that a court, division or room is officially open each work week.

G.      *Gap hours worked* means those hours worked in excess of the regular hours worked, but not hours in excess of forty hours per work week.

H.      *Overtime hours worked* means those hours worked in excess of forty hours per work week.

I.      A *work week* means Sunday through Saturday.

J.      *Court* means the Circuit and/or Superior Courts of Lake County, including all civil, county, criminal and juvenile divisions.

K. *Division* means the civil, county, criminal or juvenile division of the court.

L. *Room* means an individual courtroom of a division of the court.

M. *Transcript* means the original of the transcription of a proceeding. Under the rules of trial, criminal and appellate procedure, the original is usually filed with the clerk of the court.

*Deposition transcript* means the original and one copy of the transcription of a proceeding. The original and one copy is provided to the requesting party.

N. An *expedited transcript* is a transcript which is required to be delivered to a requesting party within fifteen (15) calendar days.

O. A *daily transcript* is a transcript which is required to be delivered to a requesting party within twenty-four (24) hours.

P. An *hourly transcript* is a transcript which is required to be delivered to a requesting party within the same day.

Q. *County indigent transcript* means a transcript that is paid for from county funds.

R. *State indigent transcript* means a transcript paid for from state funds.

S. *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for from funds other than county or state funds.

T. *Independent transcript* means a transcript that is prepared by a *contract transcriber*.

U. In a court, division or room currently without a court reporter on its payroll or assigned for the court's use, whose duties include the preparation of transcripts, a *contract transcriber* is a person not on a court's payroll, but who is designated by a court, division or room, pursuant to a memorandum of understanding consistent with the

requirements of Administrative Rule 15, to prepare transcripts and who is prohibited from using court or county equipment, work space or supplies.

## II. Compensation

A. A court reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court, a division or a room during any regular work hours, gap hours or overtime hours. A written agreement consistent with the personnel policies of the court reporter's division which outlines the manner in which the court reporter is to be compensated for gap hours and overtime hours worked shall be entered into between a court reporter and the court, division or courtroom for which the court reporter provides services.

B. The fee that a court reporter or contract transcriber may charge for the preparation of a county indigent transcript four dollars (\$4.00) per page.

C. A claim for the preparation of a county indigent transcript shall be submitted directly to the county.

D. The fee that a court reporter or contract transcriber may charge for the preparation of a state indigent transcript four dollars (\$4.00) per page.

E. The fee that a court reporter or contract transcriber may charge for the preparation of an indigent deposition transcript is four dollars (\$4.00) per page.

The fee that a court reporter or contract transcriber may charge for the preparation of a private deposition transcript is four dollars and twenty-five cents (\$4.25) per page.

F. The fee that a court reporter or contract transcriber may charge for the preparation of all other private transcripts is four dollars and fifty cents (\$4.50) per page, with a minimum fee of forty dollars (\$40.00).

G. The fee that a court reporter or contract transcriber may charge for an additional copy of a transcript two dollars (\$2.00) per page.

H. A court reporter or contract transcriber may charge up to an additional one dollar (\$1.00) per page for an expedited county transcript.

I. A court reporter or contract transcriber may charge up to an additional one dollar and fifty cents (\$1.50) per page for an expedited private transcript.

J. A court reporter or contract transcriber may charge up to an additional two dollars and fifty cents (\$2.50) per page for a daily transcript.

K. A court reporter or contract transcriber may charge up to an additional three dollars and fifty cents (\$3.50) per page for an hourly transcript.

L. A court reporter or contract transcriber may charge up to an additional one dollar and 25 cents- (\$1.25) per page for a private transcript consisting primarily of technical testimony.

M. A court reporter or contract transcriber may charge up to an additional one dollar (\$1.00) per keyword index page for a private or indigent transcript with a keyword index.

N. A court reporter or contract transcriber may charge up to an additional twenty-five cents (\$0.25) per page for a private or indigent transcript which is printed in a condensed format.

O. A court reporter or contract transcriber may charge thirty cents (\$0.30) per page for photocopying of exhibits for private transcripts.

P. A court reporter or contract transcriber may charge an additional labor charge approximating an hourly rate based upon the court reporter's annual court compensation or contract transcriber's hourly rate of pay for the time spent binding the transcript and the exhibits pursuant to Indiana Rules of Appellate Procedure 28 and 29.

Q. A court reporter or contract transcriber shall be reimbursed for the cost of office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, as itemized in the “Schedule of Supplies”.

R. The county shall provide supplies for the preparation of notices of filing private transcripts and motions for extension.

S. At least once each year a court reporter shall report all transcript fees received to the Indiana Supreme Court, Division of State Court Administration.

### III. Private Practice

A. If a court reporter elects to engage in private practice through the recording of a deposition or preparing of a deposition transcript and the court reporter desires to use the court’s equipment, work space or supplies, the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

1. the reasonable market rate for the use of the equipment, work space and supplies;
2. the method by which records are to be kept for the use of equipment, work space and supplies; and,
3. the method by which the court reporter is to reimburse the court for the use of equipment, work space and supplies.

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