

MIAMI COUNTY LOCAL COURT RULES

Updated January 1, 2025

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**LR52-CR00-1
BOND SCHEDULE**

**NON-ALCOHOL-RELATED
TRAFFIC MISDEMEANORS:** \$100 cash bond

ALL OTHER MISDEMEANORS: \$300 cash bond

**FOR FELONY OFFENSES (OTHER THAN MURDER) ALLEGEDLY COMMITTED ON
OR BEFORE JUNE 30, 2014:**

CLASS D FELONIES: \$500 cash bond

CLASS C FELONIES: \$12,000 corporate security bond or 10% cash

CLASS B FELONIES: \$25,000 corporate security bond or 10% cash

CLASS A FELONIES: \$50,000 corporate security bond only

**FOR FELONY OFFENSES (OTHER THAN MURDER) ALLEGEDLY COMMITTED ON
OR AFTER JULY 1, 2014:**

LEVEL 6 FELONIES: \$500 cash bond

LEVEL 5 FELONIES: \$10,000 corporate security bond or 10% cash

LEVEL 4 FELONIES: \$20,000 corporate security bond or 10% cash

LEVEL 3 FELONIES: \$30,000 corporate security bond or 10% cash

LEVEL 2 FELONIES: \$40,000 corporate security bond only

LEVEL 1 FELONIES: \$50,000 corporate security bond only

MURDER: INITIALLY, NO BAIL WILL BE SET.

When deemed appropriate, the judge may set bond in amounts and under terms different than are stated on this bond schedule.

A defendant arrested based ONLY on the offenses listed in the bulleted list immediately below AND who is NOT subject to any other warrant, detainer, or hold shall be released upon the defendant's own recognizance, on the condition that the defendant appear as directed for Court hearings and upon execution of a Personal Recognizance bond. A defendant who has been arrested for an alcohol-related offense is still subject to the minimum detention period called for by the applicable statute.

- A violation of I.C. 9-24-18-1 – Operating Motor Vehicle Never Received License, as a Class C Misdemeanor.
- A violation of I.C. 9-24-19-2 – Operating Motor Vehicle While Suspended or Revoked, Prior Infraction Violation, as a Class A Misdemeanor.
- A violation of I.C. 9-24-19-3 – Operating Motor Vehicle While Suspended or Revoked as Result of Offense, as a Class A Misdemeanor.
- A violation of I.C. 35-48-4-8.3 – Possession of Paraphernalia, as a Class C Misdemeanor.
- A violation of I.C. 35-48-4-11 – Possession of Marijuana, Hash Oil, Hashish, or Salvia, as a Class B Misdemeanor.
- A violation of I.C. 7.1-5-7-7 – Illegal Possession, Consumption, or Transportation of Alcohol by a Minor, as a Class C Misdemeanor.
- A violation of I.C. 7.1-5-1-3 – Public Intoxication, as a Class B Misdemeanor.

ADDITIONAL BONDING TERMS:

1. \$10,000 shall be added to a defendant's bond if charged with using a deadly weapon.
2. \$10,000 shall be added to a defendant's bond if charged with manufacturing any controlled substance.
3. \$10,000 shall be added to a defendant's bond if charged with Reckless Homicide; Operating a Motor Vehicle Resulting in Death under I.C. 9-30-5-5(a)(1), (2), or (3); or Operating a Motor Vehicle After Lifetime Suspension Resulting in Death.
4. For a defendant charged as a habitual offender, habitual substance offender, or habitual vehicular substance offender (excluding a habitual traffic violator), there shall be an additional bond equal to the bond for the highest class of felony charged against the defendant.
5. Except as augmented under these additional bonding terms, a defendant's bail shall be determined by adding the bonds for each criminal charge then pending against the defendant.
6. Unlike earlier versions of this rule, the current version of this rule now only addresses the calculation of the amount of bond that is to be set. Of course, certain Indiana statutes pertaining to bonding requirements or restrictions and/or calling for a defendant to be held for a certain length of time before that defendant's release on bond and/or limiting a defendant's contact with the defendant's alleged victim continue to apply.

(Effective November 22, 2023)

LR52-CR00-2
LATE FEES

- A. Pursuant to I.C. 33-37-5-22 this Rule applies in each case in which a Defendant is found to have:
1. Committed a crime, violated a statute defining an infraction; violated an ordinance of municipal corporation; or committed a delinquent act;
 2. Is required to pay court costs, including fees; a fine; or a civil penalty;
 3. Is not determined by the Court imposing the court costs, fine, or civil penalty to be indigent; and
 4. Fails to pay the Clerk the costs, fine, or civil penalty in full before the later of the following:
 - a. The end of the business day on which the Court enters the conviction or judgment; or
 - b. The end of the business day on which the Court has ordered as the deadline for the payment of costs, fines and civil penalties.
- B. The Court may extend the deadline for payment under this Rule for good cause shown.
- C. The Court may suspend a late fee payment if the Court finds that the Defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine or civil penalty.
- D. The Clerk shall collect a late payment fee of twenty-five dollars (\$25.00) from a Defendant described in subsection A of this Rule.

(Effective July 1, 2008)

LR52-TR79 (H)-1
ASSIGNMENT OF SPECIAL JUDGES IN CIVIL CASES

Purpose of Rule

This rule is adopted to comply with the requirements of Trial Rule 79(H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges ensuring the effective use of all judicial resources within Administrative District 8 (which is comprised of Cass County, Fulton County, Howard County, and Miami County) and includes each person eligible for appointment under Section (J) of Trial Rule 79.

Assignment of Special Judge for Certain Cases in the Miami Superior Court II

Starting on January 1, 2023, there will be a new Judge of the Miami Superior Court II. It is anticipated that there will be a number of Juvenile Delinquency (JD) and Juvenile Status (JS) cases in which there will be a change of venue from the judge or a recusal by the judge. Likewise, it is anticipated that there will be a number of Domestic Relations (DR), Domestic Relations with Children (DC), and Juvenile Paternity (JP) cases in which the Miami County Title IV-D Office has an appearance on file and in which there will be a change of venue from the judge or a recusal by the judge.

In the event that a change of venue is taken from the Judge of the Miami Superior Court II in a JD or JS case or the Judge of the Miami Superior Court II recuses from such a case, the case shall be referred to the Judge of the Miami Circuit Court to serve as special judge. Whenever the Judge of the Miami Circuit Court is unable to preside over such a case, then that case shall be referred instead to the Central Office of this District for the assignment of a special judge. (See the next section, “Central Office Established.”)

In the event that a change of venue is taken from the Judge of the Miami Superior Court II in a DR, DC, or JP case in which the Miami County Title IV-D Office has an appearance on file or the Judge of the Miami Superior Court II recuses from such a case, the case shall be referred to either the Judge of the Miami Circuit Court or the Judge of the Miami Superior Court I to serve as special judge. Referrals of such cases shall be made in such a fashion as to ensure that each of said two judges will preside over substantially the same number of such cases as special judge while ensuring that related cases will be pending before the same judge. Whenever both the Judge of the Miami Circuit Court and the Judge of the Miami Superior Court I are unable to preside over such a case, then that case shall be referred instead to the Central Office of this District for the assignment of a special judge. (See the next section, “Central Office Established.”)

Central Office Established

There is established a Central Office for the keeping of records of appointment and selection of special judges for this District. The Central Office of this District shall be the Howard Circuit Court.

Except as set forth in the preceding section, “Assignment of Special Judge for Certain Cases in the

Miami Superior Court II,” the Courts of this County shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. Each of the Courts of this County shall accept from the Central Administrator the name of the individual to then be appointed as special judge for a given case.

The person serving as the Central Administrator shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as special judge under Section (J) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a special judge.
3. To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.
4. To notify the referring court of the individual to be appointed under this rule.

Current Rotation Schedule

The following shall be the rotation schedule used by the Central Administrator:

1. The Judge of the Cass Superior Court I
2. The Judge of the Howard Superior Court III
3. The Judge of the Fulton Superior Court
4. The Judge of the Howard Superior Court II
5. The Judge of the Fulton Circuit Court
6. The Judge of the Howard Circuit Court
7. The Judge of the Miami Superior Court I
8. The Judge of the Howard Superior Court I
9. The Judge of the Cass Circuit Court
10. The Judge of the Miami Circuit Court
11. The Judge of the Cass Superior Court II
12. The Judge of the Howard Superior Court IV
13. The Judge of the Miami Superior Court II
14. The Magistrate of the Howard Circuit and Superior Courts

Administrative Fee

Each of the Courts participating under this rule shall pay each year the sum of Fifty Dollars (\$50.00) to the Central Administrator, payable directly to the Administrator by the 15th day of September of each year.

Certification to the Supreme Court

In cases in which no judge is eligible to serve as special judge in a particular case or where the circumstances of a case require it, the Court shall certify those circumstances to the Supreme Court and that Court shall make the appointment.

Credit for Voluntary Acceptance of Certain Special Judge Cases

If, outside the normal rotation schedule, a judge voluntarily accepts a Cass County, Fulton County, Howard County, or Miami County civil case at the request of the parties to the case or at the request of the Court in which the case is pending, that judge may then receive credit for taking that case, with the Central Administrator skipping over that judge the next time that judge's name comes up for appointment for a case under the above-described rotation schedule. In order to receive such credit, the judge shall notify the Central Administrator of his or her voluntary acceptance of such a civil case no later than seven (7) days after his or her formal qualification and assumption of jurisdiction in that case. At the time that such notification is provided to the Central Administrator, the notifying judge shall also provide the Central Administrator the cause number of the civil case that he or she has voluntarily accepted.

(Effective January 1, 2023)

LR52-AR00-1
CASELOAD ALLOCATION PLAN

The Miami Circuit Court, Miami Superior Court I, and Miami Superior Court II have previously adopted various rules and orders concerning the filing of certain types of matters in the County Courts. Based upon the 2021 weighted caseload numbers, the judges of all three Courts have agreed upon the following caseload allocations:

(A) Criminal Cases

- (1) All Murder, Class A and Class B felony, and Level 1, Level 2, Level 3, and Level 4 felony cases (except as noted in subparagraph (A)(3), below) shall be filed in the Miami Circuit Court.
- (2) All Class C and Class D felony, all Level 5 and Level 6 felony, and all misdemeanor cases (except as noted in subparagraph (A)(3), below) shall be filed in the Miami Superior Court II.
- (3) All traffic-related cases, both felony and misdemeanor, and all felony cases other than Murder cases filed against a defendant as a result of one or more criminal acts allegedly committed by the defendant at the Miami Correctional Facility while he or she was a prisoner, employee, or visitor at the Miami Correctional Facility shall be filed in the Miami Superior Court I.
- (4) All non-traffic-related misdemeanor cases shall be filed in the Miami Superior Court II.

(B) Infractions and Ordinance Violations

All Infraction and Ordinance Violation cases shall be filed in the Miami Superior Court I.

(C) Juvenile Matters

- (1) All Juvenile Delinquency, Juvenile Status, and Termination of Parental Rights cases shall be filed in the Miami Superior Court II.
- (2) All Juvenile CHINS cases shall be filed in the Miami Circuit Court.

(D) Small Claims Cases

All Small Claims shall be filed in the Miami Superior Court I, with the exception of Small Claims eviction cases, which shall be filed in the Miami Superior Court II.

(E) Eviction Cases That Are Not Small Claims Cases

All eviction cases that are not Small Claims cases shall be filed in the Miami Circuit Court.

(F) Civil Prison Litigation

All civil cases filed by prisoners at the Miami Correctional Facility or the Miami County Jail other than Small Claims cases, Dissolution of Marriage cases, Habeas Corpus cases, and Post-Conviction Relief proceedings shall be filed in the Miami

Superior Court II. All Dissolution of Marriage cases and Habeas Corpus cases filed by prisoners at the Miami Correctional Facility or the Miami County Jail shall be filed in the Miami Circuit Court. Post-Conviction Relief proceedings filed by a prisoner at the Miami Correctional Facility or the Miami County Jail shall be filed pursuant to the provisions of Rule PC 1, Section 2, of the Indiana Rules of Procedure for Post-Conviction Remedies.

(G) **All Other Cases**

All other cases not otherwise mentioned above may be filed in any of the three (3) above-named Courts. All litigants and their attorneys are encouraged to equalize their filing of all other cases between the three Courts.

(Effective January 1, 2023)

LR52-AR00-2
REVIEW OF CASELOAD DISTRIBUTION

The judges of the courts of record of Miami County shall meet *en banc* in the second half of April of each even-numbered year for the purpose of reviewing the weighted caseload of each court, and at such other times as may be required to comply with new orders of the Indiana Supreme Court and to comply with the District Plan or any amendments to the District Plan.

(Effective July 1, 2014)

LOCAL RULE 52-AR01-1
MIAMI COUNTY COURT ADMINISTERED ALCOHOL AND DRUG SERVICES
PROGRAM SCHEDULE OF FEES

1. Program Fee: \$350

Includes substance abuse assessment, client intake and orientation, referral to treatment if required, client monitoring, case management and compliance monitoring until discharge from program

2. Substance abuse Education Fee: \$50

Substance Abuse Education Fee includes placement in the Prime for Life Level 2 (10) hour education component, workbook, case management and compliance monitoring until course completion and/or discharge

3. Drug Screen Fees: \$ 30 per screen per random urine and/or saliva testing, including all lab fees and GCMS confirmation

4. Combined fees for Program services will not exceed the statutory cap.

(Effective March 15, 2010.)

LR52-AR01-2
MIAMI COUNTY DRUG COURT – SCHEDULE OF FEES

All individuals who are ordered to enroll in the Miami County Drug Court's program shall be required to pay a drug court administration fee in the amount of \$100.00, as well as a drug court services fee in the amount of \$50.00 per month, with the latter fee beginning on the second month of the individual's participation in drug court and continuing each month thereafter until the first-occurring of the following:

1. The individual stops participating in drug court; or
2. The total of that individual's drug court administration fee and monthly drug court services fees is \$500.00.

If an individual is approved for transfer from another county into the Miami County Drug Court's program or is approved for transfer to another county from the Miami County Drug Court's program, that individual shall pay a \$25.00 transfer fee. Any such transfer fee shall be in addition to and separate from any transfer fee that may be charged by the drug court program in the other county.

The above-described fees cover maintenance and operating costs and are separate from the costs of referral services for education, counseling, or other treatment costs (including but not limited to the costs associated with the administration of drug screens). Unless grant funds have been obtained that will cover the cost of such referral services, the payment of the cost of such referral services shall be the responsibility of the individual who is participating in the Miami County Drug Court's program.

(Effective November 1, 2018)

LR52-AR01(E)-1
ASSIGNMENT OF CRIMINAL CASES

Pursuant to Rule 2.2 of the Indiana Rules of Criminal Procedure, the Judges of the Miami Circuit Court and Superior Courts hereby establish the following local rules for the assignment of criminal cases:

1. All traffic-related felony, misdemeanor, and infraction cases shall be filed in the Miami Superior Court I. In the event that non-traffic-related felony or misdemeanor charges are filed against a defendant who is also charged with a traffic-related felony or misdemeanor arising from the same set of facts, the non-traffic-related charges shall also be filed in the Miami Superior Court I.
2. All felony cases other than Murder cases that are filed against a defendant as a result of one or more criminal acts allegedly committed by the defendant at the Miami Correctional Facility while he or she was a prisoner, employee, or visitor at the Miami Correctional Facility shall be filed in the Miami Superior Court I.
3. All non-traffic-related misdemeanor cases shall be filed in the Miami Superior Court II.
4. All Class C and D felony and Level 5 and Level 6 felony cases that are not traffic-related and that do not fall within the ambit of Paragraph 2, above, shall be filed in the Miami Superior Court II.
5. All Murder cases and all Class A and B felony and Level 1, Level 2, Level 3, and Level 4 felony cases that are not traffic-related and that do not fall within the ambit of Paragraph 2, above, shall be filed in the Miami Circuit Court.

(Effective January 1, 2023)

LR52-AR15-1
COURT REPORTER SERVICES

Section One. Definitions. The following definitions shall apply under this local rule:

- *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court, including preparing a transcript of the record.
- *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. *Equipment* shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording, storing, and transcribing electronic data.
- *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- *Recording* means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.
- *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- *Court* means the particular court for which the court reporter performs services. *Court* may also mean all of the courts in Miami County.
- *County indigent transcript* means a transcript that is paid for from county funds and is for the benefit of a litigant who has been declared indigent by a court.
- *State indigent transcript* means a transcript that is paid for from state funds and is for the benefit of a litigant who has been declared indigent by a court.

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

Section Two. Compensation, Equipment and Transcript Fees.

1. Court Reporters shall be paid an annual salary for the time spent working under the control, direction, and direct supervision of their supervising court during any regular fixed work hours, gap hours, or overtime hours.
2. Each court reporter shall report to the Indiana Supreme Court Office of Judicial Administration, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent, or private transcripts. The reporting shall be made on forms prescribed by the Office of Judicial Administration.
3. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript; the court reporter desires to utilize the court's equipment, work space, and supplies; and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - a. The reasonable market rate of the use of equipment, work space, and supplies.
 - b. The method by which records are to be kept of the use of equipment, work space, and supplies; and
 - c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space, and supplies.
4. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.
5. The maximum per page fee a court reporter may charge for private practice work shall be Six Dollars (\$6.00).
6. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Six Dollars (\$6.00).
7. The maximum per page fee a court reporter may charge for the preparation of a transcript for a county or state indigent transcript shall be Five Dollars (\$5.00).
8. Any transcript that is required to be expedited (due within 14 days of written request) will result in an additional fee of Two Dollars and Fifty Cents (\$2.50) per page.
9. A court reporter may charge a minimum fee of Thirty-Five Dollars (\$35.00) per transcript.

10. The court reporter shall submit directly to the county a claim for the preparation of the county indigent transcript.
11. An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and the exhibit binders.
12. A reasonable charge for the office supplies required and utilities for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, is permissible; the costs for these supplies should be determined pursuant to a Schedule of Transcript Supplies which should be established and published annually by the judge or judges of the county.
13. The courts will enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. either monetary compensation or compensatory time off.
14. The court reporter may charge up to \$1.00 per page for a duplicated physical copy of a transcript.

(Effective January 1, 2025)

LR52-AR21-1
ASSIGNMENT OF SPECIAL JUDGES IN CRIMINAL CASES

If a change of judge is granted because of a conflict of interest or pursuant to Rule 12 of the Indiana Rules of Criminal Procedure, the case shall first be assigned to a judge of one of the other two Miami County Courts who does not have a conflict of interest. If none of the judges of the Courts of Miami County can preside over a case that was originally filed in the Miami Circuit Court, that case shall be first assigned to the sitting Judge of Howard Superior Court II. If that judge is unable to accept the case, the case shall be assigned to the sitting Judge of Cass Superior Court I. If none of the judges of the Courts of Miami County can preside over a case that was originally filed in the Miami Superior Court I or the Miami Superior Court II, that case shall be assigned to the sitting Judge of Cass Superior Court I. If that judge is unable to accept the case, the case shall be assigned to the sitting Judge of the Howard Superior Court II.

If the Clerk is unable to assign a special judge from the judges listed above, then the Clerk shall select a full-time judicial officer on a rotating basis from a list of the other full-time judicial officers (including but not limited to judges and magistrates) within the counties of Cass, Fulton, and Howard in District 8 and the contiguous counties of Wabash and Grant.

If no full-time judicial officer within the above-listed counties is eligible to serve as special judge, or if the case's circumstances warrant selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court to appoint a special judge.

(Effective January 1, 2023)

LR52-FL00-1 WORKSHEET - CHILD SUPPORT OBLIGATION

[No text – This Local Rule was abrogated, effective July 1, 2016.]

LR52-FL00-2 SCHEDULE OF ASSETS AND LIABILITIES

[No text – This Local Rule was abrogated, effective July 1, 2016.]

LR52-FL00-3 INCOME AND PROPERTY DISCLOSURE

[No text – This Local Rule was abrogated, effective July 1, 2016.]