

**STATE OF INDIANA – COUNTY OF MONROE
IN THE MONROE CIRCUIT COURTS**

**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
June 2, 2025**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Monroe Circuit Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) on LR53-AR00-0108 CASELOAD ALLOCATION, LR53-AR00-0109 SPECIAL JUDGES IN CIVIL CASES PURSUANT TO TRIAL RULE 79(H), LR53-AR00 -0112 SPECIAL JUDGES IN CRIMINAL CASES, LR53-AR00-0114 FISCAL MANAGEMENT, LR53-AR00-0116 PERSONNEL, LR53-AR00-0125 LAW CLERKS, LR53-AR00-0129 COPYING OF COURT PROCEEDINGS, LR53-AR00-0142 PROBATION DEPARTMENT, LR53-AR00-0143 COMMUNITY ALTERNATIVE SUPERVISION PROGRAM (CASP) VIOLATIONS, LR53-AR00-0153 COURT ALCOHOL AND DRUG PROGRAM USER FEES, LR53-CR00-00317 COMMUNITY ALTERNATIVE SUPERVISION PROGRAM (CASP) PROCEDURES, , LR53-MH00-0900 EMERGENCY DETENTION PROCUEDURES, AND striking LR53-AR00-0150 UNSUPERVISED PROBATION, and ADDING LR53-AR00-00157 LATE FEE for the courts of record of Monroe County, effective January 1, 2026.

All new text is shown by **underlining** and deleted text is shown by **~~strikethrough~~**. Supreme Court approval is required for Local Rules concerning LR53-AR00-0108 CASELOAD ALLOCATION, LR53-AR00-0109 SPECIAL JUDGES IN CIVIL CASES PURSUANT TO TRIAL RULE 79(H), and LR53-AR00 -0112 SPECIAL JUDGES IN CRIMINAL CASES and will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Monroe County Clerk and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the Monroe County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Monroe County, 301 N College Ave., Bloomington, IN 47404, during normal business hours.

The time period for the bar and the public to comment shall begin on June 2, 2025, and shall close on July 2, 2025. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2025, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2025.

Comments by the bar and the public should be made in writing to:

Lisa Abraham, Court Administrator, of the Monroe County Circuit Court, Attn: Public Comment on Local Rules, 301 N. College Ave., Bloomington, IN 47404 or labraham@co.monroe.in.us

DATED this 30th day of April, 2025 on behalf of the Judges of Monroe County.

_____/S/_____
Mary Ellen Diekhoff, Presiding Judge
Monroe Circuit Court

LR53-AR00-0108 CASELOAD ALLOCATION

Updated 1/1/2026

A. Procedure. The Board of Judges shall:

1. Review and comply with current caseload allocation orders of the Indiana Supreme Court.
2. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.
3. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney, and the Public Defender.
4. Review and analyze the statistics on current workload and case flow within the Monroe Circuit Court.
5. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time, and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.

B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the Presiding Judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of the Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation is as follows:

1. Case Assignment. The Clerk shall assign cases as from time to time directed by the Board of Judges.
 - a. The Clerk shall randomly assign all murder, A, B, C, D, Level I, Level II, Level III, Level IV, Level V, Level VI felony, misdemeanor, post-conviction, criminal miscellaneous, and red flag cases to Divisions II, III, V, and IX.
 - b. Domestic relations cases shall be randomly assigned 50% to Division IV and 50% to Division VIII, *unless consolidated with an active protection order case as provided in paragraph c. **Grandparent Visitation (GV) shall be assigned 50% to Division IV and 50% to Division VIII.***
 - c. Protective Order cases shall be randomly assigned 50% to Division IV and 50% to Division VIII. If, however, the parties to the Protection Order case have an active or

closed Domestic Relations case with Children (DC) or a closed Domestic Relations case without Children (DN), ~~or~~ an active Child in Need of Services (CHINS) case ~~or~~ **Paternity (JP) case**, the Protection Order case will be assigned to the Division with the DN, DC, ~~or~~ CHINS, ~~or~~ **JP** case. Domestic Relations ~~or~~ **Paternity** cases shall be assigned to the Division with an active Protection Order case involving the same parties.

- d. Tort, Civil Plenary, Civil Collection, Mortgage Foreclosure, **Commercial Court Eligible, Review of Administrative Agency**, and Mental Health cases shall be randomly assigned 50% to Division I and 50% to Division VI.
- e. Juvenile Delinquencies, Juvenile Status, Juvenile Miscellaneous, Juvenile CHINS, Juvenile Terminations, and Adoption cases shall be assigned to Division VII. Guardianship and Guardianship Miscellaneous cases shall be assigned to Division I.
- f. Juvenile Paternity cases shall be assigned 33% to Division IV, 33% to Division VI, and 33% to Division VIII.
- g. Estate and Trust cases shall be assigned to Division I.
- h. Small Claims shall be randomly assigned 50% to Division IV and 50% to Division VIII. Eviction (small claims) cases shall be randomly assigned 50% to Division IV and 50% to Division VIII.
- i. Infraction cases shall be assigned 33% to Division IV, 33% to Division VI, and 33% to Division VIII.
- j. Reciprocal Support shall be assigned 25% to Division I, 25% to Division IV, 25% to Division VI, and 25% to Division VIII. Eviction (Civil) cases shall be assigned 100% to Division VI.
- k. A redocketed case bearing a 1992 or earlier cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
- l. A redocketed case bearing a 1993 or later cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
- m. The Clerk shall use the related case function in the Odyssey Case Management System in Protection Order (PO) and Juvenile Paternity (JP) cases involving the

same parties to facilitate coordination, consistency, and efficiency within judicial orders.

- n. The Clerk shall use the related case function in the Odyssey Case Management System if an active CHINS case pending in Division VII involves the same parties to a new or pending Domestic Relations, Reciprocal Support, or Protective Order cases.
- o. Tax Sale (TS) and Tax Petition (TP) cases shall be assigned to Division I.
- p. Juvenile Protective Order (JQ) cases shall be assigned to Division VII.
- q. Expungement (XP) cases shall be assigned to Divisions II, III, V and IX. If multiple cases are listed on the Expungement Petition, the XP case shall be filed in the Criminal Court with the oldest case listed in the petition (Divisions II, III, V, IX.) If only one case is listed on the Expungement Petition and that Court no longer hears criminal cases, the case will be randomly assigned to a practicing criminal court (II, III, V, IX); however, the original criminal files should not be transferred to that Court and will retain their original cause number.
- r. New Guardianship (GU) cases shall be assigned to the division with a related pending CHINS case.
- s. Civil Miscellaneous (MI) cases shall be assigned 50% to VI and 25% to Division IV and 25% to Division VIII.
- t. Ordinance Violations shall be assigned to Division IV.

2. **Case Re-filed.** If a case is dismissed without prejudice on a plaintiff's motion and the same case is subsequently re-filed by a plaintiff, the re-filed case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a re-filed case is not initially re-filed in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.
3. **Change of Judge.** When a special judge must be appointed in accordance with Trial Rule 79 (H), the case shall be randomly reassigned to another civil division in the Monroe Circuit Court. Juvenile CHINS, Juvenile Termination of Parental Rights and Adoption cases shall be reassigned to Division IV. Estate and Trust cases shall be reassigned to Division VII. Juvenile Status, Juvenile Miscellaneous, Guardianship, and Guardianship

Miscellaneous cases shall be randomly reassigned 50% to Division VI and 50% to Division VIII. Juvenile Protective Order (JQ) and Juvenile Delinquency cases shall be reassigned to Division I.

The Court Reporter shall notify the Clerk of the need for reassignment in accordance with District Rule DR 20-TR79-000.

C. Case Consolidation.

1. **Civil cases.** Civil cases filed against different defendants that arise out of the same occurrence, or multiple cases filed against the same defendant may be consolidated and assigned to the division with the oldest case number.
2. **Criminal cases.** All criminal cases against a defendant shall be consolidated in the Division with the oldest pending case number. A new case shall be filed in that Division or transferred to that Division. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program.

D. Case Transfer.

Nothing in this Rule shall preclude the transfer of case from one Division of the Circuit Court to another Division to promote efficiency and provide for timely resolution of cases.

LR53-AR00-0109 SPECIAL JUDGES IN CIVIL CASES PURSUANT TO TRIAL RULE 79(H)

Updated 1/1/2024-1/1/2026

When it is necessary to appoint a special judge pursuant to Trial Rule 79 (H), it shall be done in accordance with District 20 Rule on appointment of special judge in civil cases at **DR20-TR79-000.**

| DR 20-TR79-000 APPPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES

A. Eligibility for Special Judge Service:

1. **Agreement to Serve.** Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge, ~~only for those case type(s) which compose that Judicial Officer's typical caseload, as determined by the Local County Caseload Allocation Plan.~~
2. **Prior Service Excluded.** The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge

in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

B. **Appointment of a Special Judge:** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, or should the appointment of a Special Judge through agreement by the Parties fail, the Special Judge appointment shall be made by the Administrative District 20 Facilitator:

1. **Priority Given to Local County Appointments.** Special Judge appointments shall be made within the Local County, ~~on a rotating basis so long as a Judicial Officer within the County who has jurisdiction for the type of case remains eligible for Special Judge service.~~ Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, the case will be forwarded to the District 20 Facilitator who will appoint a Special Judge on a rotating basis, from ~~either Greene County Circuit Court, Greene County Superior Court, Greene County Magistrate Court, Lawrence Superior Court I, Lawrence Superior Court II, Lawrence Circuit Court, Lawrence County Referee, Owen Circuit Court I, and Owen Circuit Court II, which are all~~ the available ~~full-time~~ Judicial Officers within the Administrative District ~~or are from a contiguous county to Monroe County, and have agreed to serve as special judge in the court where the case is pending, who have jurisdiction for the type of case.~~

C. **Acceptance of Appointment:**

1. **Acceptance Mandatory.** Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

D. **Supreme Court Certification.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.

E. **Discontinuation of Special Judge Service.** The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.

F. **Method of Assignment and Related Records.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

LR53-AR00 -0112 SPECIAL JUDGES IN CRIMINAL CASES

Updated 1/1/2026

When it is necessary to appoint a special judge pursuant to AR13 21, it shall be done in accordance with District 20 Rule on appointment of special judge in criminal cases at DR20-CR13 AR21-000.

DR 20-CR13 AR21-000 APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES

Each county within the Administrative District shall amend its local rules, pursuant to, AR1(E)(6) and AR 21 to allow for appointment of Special Judges utilizing the following elements.

A. Eligibility for Special Judge Service

1. **Available to Serve.** Pursuant to AR 21, the Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge. ~~only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.~~
2. **Prior Service Excluded.** The appointment of Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

B. Appointment within the Administrative District. In order to improve the coordination within the Administrative District, and pursuant to AR 21, appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.

C. Appointment of a Special Judge. In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, Special Judge appointment shall be made by the Administrative District 20 Facilitator.

1. **Priority Given to Local County Appointments.** Pursuant to AR1(E)(6) appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County. ~~so long as a Judicial Officer with criminal jurisdiction remains available within the Local County for appointment.~~ Following the appointment of the Special Judge, the Special Judge may request that the case be forwarded to the court of the Special Judge.

2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from either Greene County Circuit Court, Greene County Superior Court, Greene County Magistrate Court, Lawrence Superior Court I, Lawrence Superior Court II, Lawrence Circuit Court, Lawrence County Referee, Owen Circuit Court I, and Owen Circuit Court II, which are the available full-time Judicial Officers within the Administrative District 20 or are from a contiguous county with Monroe County and have agreed to serve as special judge in the court where the case is pending.

D. Acceptance of Appointment.

1. **Acceptance Mandatory.** Pursuant to A.R. 21(A), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

E. Discontinuation of Special Judge Service. The provisions of A.R. 21 (F), apply if a Special Judge ceases to serve following assumption of jurisdiction.

F. Method of Assignment and Related Records. The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

LR53-AR00-0114 FISCAL MANAGEMENT

Updated 1/1/2026

A. Board of Judges.

1. **Budgets.** The Board of Judges shall direct the preparation of a unified budget for all divisions of the Court, the Probation Department, and the Office of Court Services to be funded from the county general fund upon approval of the County Council. The Board of Judges shall further direct the preparation of additional budgets for programs funded by user fee income and grants, including all Youth Services Bureau budgets, for approval by the County Council.

2. Annual Procedure. Each year the Board of Judges shall establish a schedule for budget preparation, review, and submission with the goal of providing for the effective functioning of the court as follows:
 - a. Each judge, the Chief Probation Officer, the Youth Services Bureau Executive Director, and the Director of Court Services shall submit written budget requests to the Financial Coordinator in the Office of Court Services. Board of Judges. These requests shall be specific and well-justified in light of the past year's expenditures and the future needs of the offices.
 - b. The Board of Judges shall meet to review the budget requests and may request further discussion from the chief Probation Officer, the Youth Services Bureau Executive Director, and the Director of Court Services, or any other employee.
 - c. The Board of Judges shall establish budget priorities and guidelines for allocation of individual line items in the budget and shall direct the Director of Court Services to prepare budget proposals for submission to the County Council.
- B. Office of Court Services/Probation/Youth Services Bureau.
 1. Budgets. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall prepare budget proposals established by the Board of Judges for submission to the County Council for approval.
 2. Claims. The Office of Court Services, the Probation Department, and the Youth Services Bureau of Monroe County employ staff members who serve as Financial Coordinators for their respective departments. All claims shall be submitted to the respective Financial Coordinators after review by the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director for compliance with the budgetary policies and guidelines of the Board of Judges. The respective Financial Coordinators shall forward all payroll claims and all purchase, travel, and training claims consistent with the Board's policies and guidelines as authorized by the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director to the Auditor's Office for payment. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director must submit any claim exceeding budgetary guidelines or otherwise inconsistent with the Board's policies to the Board for approval.
 3. Transfers within Budget Categories. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director with the assistance of the respective Financial Coordinators may determine that a transfer is necessary within budget categories.
 4. Transfers between Budget Categories. The Presiding Judge should approve transfers between budget categories, as necessary. A written proposal shall be submitted to the County Council for approval.

5. Additional Appropriations. If the Director of Court Services, the Chief Probation Officer, or the Youth Services Bureau Executive Director with the assistance of the Financial Coordinators determines that an additional appropriation is necessary, a written proposal shall be submitted to the Presiding Judge prior to submission to the County Council.
6. Mandate. No individual judge shall exercise mandates for the adequate provision of court services, personnel, or other expenditures.
7. Compliance with laws. The Presiding Judge, the Director of Court Services, the Chief Probation Officer, the Youth Services Bureau Executive Director, and the respective Financial Coordinators shall closely monitor all budget submissions, claims, expenditures, and other financial records to assure strict compliance with all laws, rules, and regulations.

LR53-AR00-0116 PERSONNEL

Updated 10/10/2022 1/1/2026

- A. General Organization. The Monroe Circuit Court employs personnel as follows:

1. Court Division:

Commissioner
Official Court
Reporters Associate
Court Reporters Law
Clerks

2. Probation Department:

Chief Probation Officer
Deputy Chief Probation Officers
Probation Supervisors/Program Directors
Program Coordinators
Probation Officers
Field Officers
Clerical Staff/Legal Secretaries
Probation Officer Assistants

3. Office of Court Services:

Director of Court Services
Deputy Court Administrator
Case Management Coordinator
Financial Coordinator
Public Service Coordinator
Court Program Coordinator

Floating Court Reporters
Receptionist
Bailiffs

4. Youth Services Bureau:

Executive Director
Assistant Director
Shelter Care
Coordinator
Residential
Coordinators
Residential
Specialists
Health and Wellness Specialists Clinical
Coordinator
Youth Support Specialist
Project Safe Place
Coordinator Clinicians
Financial Manager
Secretary/Receptionist

B. Court Divisions. The Monroe Circuit Court shall have 9 court divisions. The judge of each court division shall have the sole authority to employ an Official Court Reporter, two Associate Court Reporters, and a Law Clerk, to serve at the pleasure of the judge. The Official Court Reporter of a division shall supervise the Associate Court Reporters and Law Clerks if so directed by the division's presiding judge.

C. Probation Department. The Board of Judges shall have the sole authority to employ Probation Department personnel and to terminate their employment. All employees of the Probation Department serve at the pleasure of the Board of Judges. The Board of Judges shall advertise the position of Chief Probation Officer and interview and screen applicants for that position. The Chief Probation Officer shall advertise any other available probation position and interview and screen applicants as directed by the Board of Judges. The Board of Judges has authorized the Chief Probation Officer to make final hiring decisions regarding Probation Department positions. As directed by the Board of Judges, the Chief Probation Officer shall supervise employees of the Probation Department and may delegate certain supervisory responsibilities to the staff and other employees.

D. Office of Court Services. The Board of Judges shall have the sole authority to employ personnel for the Office of Court Services and to terminate their employment. All employees of the Office of Court Services serve at the pleasure of the Board of Judges. The Director of Court Services shall advertise an available position and interview and screen applicants as directed by the Board of Judges. The Board of Judges has authorized the Director of Court Services to make final hiring decisions regarding Office of Court Services positions. Employees of the Office of Court Services shall be supervised by the Director of Court Services.

E. Youth Services Bureau Executive Director. The Board of Judges shall have the sole authority to employ personnel for the Youth Services Bureau and to terminate their employment. All employees of the Youth Services Bureau serve at the pleasure of the Board of Judges. The Youth Services Bureau Executive Director shall advertise an available position and interview and screen applicants as directed by the Board of Judges. Employees of the Youth Shelter Bureau shall be supervised by the Youth Shelter Bureau Executive Director.

LR53-AR00-0125 LAW CLERKS

Update 1-1-2026

Each judge is allocated an average of **40 ten** hours of Law Clerk work per pay period.

LR53-AR00-0129 COPYING OF COURT PROCEEDINGS

Updated 1-1-2024 1/1/2026

A. Audio copies of court proceedings will be provided to parties of record by filing a written request to the court. **The requesting party of record must provide either blank tapes (brand new, high quality), blank new unopened CD's and/or new, unopened flash drive. The court reporter will notify the requesting party on what type of media to provide.**

B. Copies **for from parties** of record of taped court proceedings **(prior to 2012)** will be provided by the Office of Court Services. The court reporter from the originating court will index and deliver the tapes to the Office of Court Services. The Office of Court Services staff will duplicate the tapes for the requesting party of record. **The requesting party of record must provide blank tapes (brand new, high quality).** Requests from parties of record of **a digital** court proceeding **(from 2012 to present)** shall be copied by the court reporter. **The requesting party must provide blank new unopened CD's and/or a new, unopened flash drive.** The service is provided at no cost.

C. Parties shall not transfer possession of a tape, flash drive or CD or make another copy of the tape, flash drive or CD for another person except as necessary for transcription, in accordance with Indiana Office of Court Services' Court Reporter Handbook. This rule does not prohibit an attorney from playing a tape, flash drive or CD for a client.

LR53-AR00-0142 PROBATION DEPARTMENT

Updated **08/01/09 1/1/2026**

- A. Establishment and Purpose. As required by Indiana law, the Board of Judges has established a Probation Department to serve all divisions of the Monroe Circuit Court. The Probation Department shall comply with all laws of the State of Indiana and all standards put forth by the Judicial Conference of Indiana. The Probation Department staff conducts interviews and investigations, prepares pre-sentence and juvenile reports, and oversees probationers and juveniles for compliance with court orders. These activities are conducted with the goals of rehabilitating offenders and protecting society. Further, the Probation Department develops and maintains community-based alternative correction programs.
- B. Chief Probation Officer. As directed by the Board of Judges, the Chief Probation Officer shall oversee the efficient operation of the department; assist in the hiring and discharge of personnel; ensure the proper evaluation and training of department employees; compile statistics and create required reports; monitor budget expenditures and outline budget requests; maintain written policies and procedures for the department; and perform other duties as required.
- C. Probation Department Management Team. The Chief Probation Officer, **Assistant Deputy** Chief Probation Officers, and the Division Supervisors/**Directors** shall constitute the Probation Department Management Team. This team shall meet frequently to oversee the operation of the Department and to formulate proposed changes to department policy and operation. Each Division Supervisor/**Director** shall meet regularly with division staff and shall communicate staff concerns to the Probation Management Team.
- D. Procedures. The Probation Department shall maintain a written policy, procedure, and training manual which sets forth the manner of operation of the Department and the duties of each officer or staff member.
- E. Caseload Allocation. The Chief Probation Officer, with the assistance of the Probation Department Management Team shall maintain a written caseload allocation policy for probation officers. This policy shall reflect a plan for equitable distribution of cases to officers based on workload, staff expertise, and training.
- F. Statistics and Reports. The Probation Department shall maintain all statistical reports and records required by law and necessary for compliance with grant or program authorities. A written report summarizing the activity and operation of the Probation Department shall be delivered to the Board of Judges by March 31st of each year.
- G. Fees and Costs. Court-ordered supervision fees shall be collected by designated staff pursuant to an established system of financial records management. This system, subject to a State Board of Accounts audit, shall delineate special funds accounts, maintenance of daily collections and ledgers, and proper deposit and disbursement of funds. An internal

audit will be conducted any time the collection clerk or staff responsible for the collection of fees terminates employment.

LR53-AR00-0143 COMMUNITY ALTERNATIVE SUPERVISION PROGRAM (CASP) HOME DETENTION VIOLATIONS

Updated 01/01/10-1/1/2026

- A. The ~~CASP~~ case manager (probation officer) will file a Notice of Noncompliance/Petition to Revoke Suspended Sentence for technical and/or new offense violation(s) that occurs while an offender is participating on ~~CASP the Home Detention Program (with or without Electronic Monitoring)~~ and are specific to that program. The officer will provide probable cause information for the issuance of a warrant to the Sentencing Court, Duty Court, or Duty Judge if requested after hours. The ~~CASP~~ ~~probation~~ officer will continue to supervise the offender until the offender's ~~CASP Home Detention/Electronic Monitoring~~ obligations are terminated or completed.
- B. A probable cause hearing and a request for warrant should be pursued on PTRs that allege serious or multiple ~~Home Detention/Electronic Monitoring~~ or ~~CASP~~ violations.

LR53-AR00-0150 UNSUPERVISED PROBATION

Updated 01/02/2014

~~A. Unsupervised probation does not prohibit probation from responding to allegations of criminal activity by scheduling an appointment, conducting a home contact, or conducting a drug test. The sentencing judge will indicate on the sentencing order those terms of probation expected to be enforced and/or those terms not applicable if allegations are made. The Probation Department will advise the sentencing court if the unsupervised "probationer" has been arrested on another charge.~~

~~B. Persons placed on unsupervised probation with no term of supervised probation shall be assessed an administrative fee and an initial Probation user fee as set by the current Probation Department Fee Schedule. Persons placed on any term of supervised probation with an allowance for unsupervised probation shall be responsible for all fees imposed including monthly fees during any unsupervised period.~~

LR53-AR00-0153 COURT ALCOHOL AND DRUG PROGRAM USER FEES

Updated 1/1/2024-01/01/2026

A. The Criminal Division of the Monroe Circuit Court has set the following schedule of fees pursuant to the authority granted by IC 12-23-14.

B. Court Alcohol and Drug Program Schedule of Fees:

1. Assessment, Referral, and Monitoring: ~~\$300 for misdemeanor conviction; \$400 for misdemeanor and~~ felony conviction.

2. Assessment, Referral, and Monitoring for other jurisdictions: \$300 for misdemeanor conviction; \$300 for felony conviction.
3. Transfer out fee: \$100.
4. Alcohol Education School fee: \$75.
5. Prime for Life Course: \$12 Hour -\$170.00.

C. All Court Alcohol and Drug Program Fees are payable to Clerk of the Court.

LR53-CR00-00317-COMMUNITY ALTERNATIVE SUPERVISION PROGRAM (CASP) PROCEDURES

Updated ~~10/10/2022~~ 1/1/2026

~~The Court, noting that participation in the Community Alternative Supervision Program (CASP), including the Home Detention Program component, is contingent upon offender compliance with program rules and regulations, finds:~~

~~Pursuant to I.C. 35-38-2.5-5, program participants must have a working telephone, cellular telephone, or other wireless or cellular communications device in their home to be eligible for Home Detention. If the participant does not have a working telephone and/or a long distance carrier, cellular telephone, or other wireless or cellular communications device, the Court ORDERS that the participant shall be placed on CASP Day Reporting without credit time until working telephone service, cellular telephone, or other wireless or cellular communications device can be verified; or until an electronic monitoring cellular or GPS unit can be utilized for a non-violent offender with the participant paying the additional enhanced electronic monitoring daily fee.~~

~~A maximum of two (2) weeks from CASP/Home Detention Intake will be allowed for offenders to meet program guidelines for acceptance in CASP (including securing a working telephone, long distance carrier, cellular telephone, or other wireless or cellular communications device). Upon program staff verification of offender meeting program guidelines for acceptance in CASP (including securing a working telephone, cellular telephone, or other wireless or cellular communications device), the participant will begin Home Detention by the next business day if possible.~~

~~FAILURE TO MEET ELIGIBILITY GUIDELINES FOR CASP/HOME DETENTION PROGRAM~~

~~Program eligibility shall be determined by program staff prior to admitting participants to any level of CASP. If the participant is not eligible per prohibition by statute (excluding telephone cellular telephone, or other wireless or cellular communications device provision), the Court shall be notified immediately via e-filed memorandum by the supervising probation officer and the participant will not be placed on the program until or unless statutory prohibitions are remedied.~~

~~If offender does not meet program guidelines for CASP/Home Detention (including telephone service, cellular telephone, or other wireless or cellular communications device, and suitable housing) within two weeks (14 days) of the CASP/Home Detention Intake appointment, program staff shall file a memorandum with the Court, advising the Court of the participant's status. If the offender in question cannot be located by program staff, the supervising probation officer shall file a Notice of Noncompliance with the Court requesting a warrant. If the offender in question is on the Day Reporting Program, program staff may bring the offender to the Duty Judge/Court to advise the Court of the offender's failure to meet program guidelines for CASP within 14 days of the CASP/Home Detention Intake.~~

~~Once advised of the offender's failure to meet program eligibility guidelines for CASP/Home Detention, the Court may:~~

- ~~(1) Order the defendant to be taken into custody to serve the executed portion of sentence.~~
- ~~(2) Order the defendant to be taken into custody with a status hearing to be held; or~~
- ~~(3) Order the defendant to have 14 additional days on Day Reporting in order to attain eligibility.~~

EMPLOYMENT ASSISTANCE

~~CASP, including the Home Detention component, is designed to provide immediate employment assistance for unemployed offenders/participants, therefore being unemployed will not delay the commencement of program participation. The supervising probation officer may place unemployed participants on CASP Home Detention with Day Reporting which requires clients to report to the Community Corrections office daily, Monday through Friday. Program staff shall verify participants' active job search.~~

CASP AS CONDITION OF BOND OR PRETRIAL RELEASE

~~If the defendant is being referred to CASP as a condition of bond and/or pretrial release, the Court should retain the defendant in the Monroe County Jail until notified that program staff has completed screening and that the defendant meets program eligibility. This initial screening process will be conducted by program staff within 2 to 4 business days of request by the Court.~~

SEX OFFENDERS AND VIOLENT OFFENDERS

~~Pursuant to IC 35-38-2.5 a person placed on Home Detention who is deemed as a violent offender or sex offender shall be placed on GPS electronic monitoring. If the participant is a violent offender or sex offender, the supervising probation officer shall identify the participant as such in the Probation Department case management databases. The violent offender or sex offender shall also be specifically identified on the Community Corrections field officer's log sheet and also on the report sent to law enforcement agencies, which lists all Monroe County Home Detention participants.~~

~~Notification on possible GPS violations from the electronic monitoring equipment vendor will be investigated by Community Corrections staff. If a violation is verified, Community~~

~~Corrections staff will take appropriate action using progressive sanctions up to and including requesting a warrant from the Court. If a warrant is requested and subsequently ordered by the Court and the defendant's location is known, Community Corrections staff will contact Monroe County Central Dispatch to request that the warrant be served.~~

~~DELEGATED AUTHORITY~~

~~The Monroe Circuit Court Board of Judges has delegated authority to CASP probation officers to authorize Home Detention participants to earn errand time, to be scheduled for personal errands (grocery shopping, haircuts, etc.). CASP probation officers may also grant Home Detention participants, except for persons with pending violation(s) of community supervision, earned pro-social time as an incentive after achieving at least 30 days of program compliance, including adhering to payment schedule, for approved pro-social activities at a specified location (such as attending a child's school/athletic event, family event or exercising at a fitness center) at the discretion of the Probation Department. The combined earned errand time and earned pro-social time may not exceed six (6) hours per week unless specifically approved in advance by the Court.~~

~~The Board of Judges delegates the terms of placement in Community Corrections to the Community Corrections Director and permits the director to change the terms of placement or reassign a person in CASP. Participants may be placed on GPS, alcohol detect electronic monitoring enhancements or other conditions with the director's approval. Participants will be responsible for paying applicable adjustments to user fees for added services.~~

~~This Order applies to persons sentenced to or released as a condition of bond to CASP Home Detention.~~

- A. ELECTRONIC MONITORING STANDARDS.** ~~In accordance with IC 35-38-2.7 Electronic Monitoring Standards, the Court serves as the "supervising agency" for individuals who are required to wear a monitoring device as a condition of probation or pretrial release. Further, the Monroe Circuit Court is the governing board for the Monroe County Community Corrections Program and therefore serves as the "supervising agency" for individuals who are required to wear a monitoring device as a condition of community corrections. The Court, including the Probation Department and Community Corrections Program, utilize the services of a contract agency to maintain constant supervision of each offender and alleged offender ordered to undergo home detention.~~
- B. SUPERVISING AGENCY.** ~~Pursuant to IC 35-38-2.7-2, the Court, as the supervising agency for individuals who are required to wear a monitoring device as a condition of probation, pretrial release, or as a condition of community corrections, must perform required activities. The Court designates the Monroe County Community Corrections Program, a division of the Monroe Circuit Court Probation Department, and its designated employees, to perform the required community supervision activities and notifications of law enforcement agencies and vulnerable victims as described in IC 35-38-2.7-2.~~

C. **MONITORING DEVICE.** Per IC 35-38-2.5-3 (revised 2022), a "monitoring device" means an electronic device that can record or transmit information twenty-four (24) hours each day regarding an offender's precise location; is minimally intrusive upon the privacy of the offender or other persons residing in the offender's home; with the written consent of the offender and with the written consent of other persons residing in the home at the time an order for home detention is entered, may record or transmit:

- a visual image;
- an electronic communication or any sound; or
- information regarding the offender's activities while inside the offender's home.

A "monitoring device" must have the ability to notify a probation department/a community corrections program/a pretrial services agency/a contract agency if the offender violates the terms of a home detention order. The term "monitoring device" includes any device that can reliably determine the location of an offender and track the locations where the offender has been, including a device that uses a global positioning system satellite service. The term does not include an unmanned aerial vehicle (as defined in IC 35-31.5-2-342.3).

D. **TRACKED INDIVIDUAL.** A tracked individual is a person who is court-ordered to Home Detention with Electronic Monitoring.

E. **POLICIES/PROCEDURES FOR HOME DETENTION AND ELECTRONIC MONITORING.** The Monroe Circuit Court Probation Department maintains policies/procedures for all units/divisions of the Department. CHAPTER 60: COMMUNITY CORRECTIONS PROGRAM POLICY AND PROCEDURE MANUAL contains the detailed policies and procedures for the Home Detention Program and Electronic Monitoring. This policy manual describes how the Community Corrections Program staff establish approved and unapproved locations for each tracked individual under the Program's supervision.

F. **REQUIRED NOTIFICATION TO THE COURT AS SUPERVISING AGENCY.** Notification on possible GPS violations from the electronic monitoring equipment vendor will be investigated by Community Corrections staff. If a violation is verified, the supervising probation officer will take corrective action up to a request for issuance of a warrant either in writing during office hours or telephonically after hours. If probable cause is found by the Court that the defendant has violated conditions of Home Detention, the Monroe County Sheriff's Department and/or Monroe County Central Dispatch will be initially advised of the verified program violation.

Except as provided in section G. below, a designated employee of the Probation Department must provide notification to the Court as soon as possible, but not later than twelve (12) hours, after:

1. The monitoring device of a tracked individual suffers an unexplained or undocumented loss of communication with the employee, and the employee is unable to verify the tracked individual's presence at an approved location by using a backup verification method (contacting the tracked individual by phone);

2. A tracked individual enters a prohibited exclusion zone; or
3. A tracked individual removes, disables, or otherwise interferes with a monitoring device.

G. REQUIRED NOTIFICATION TO THE COURT WITHIN 15 MINUTES. A designated employee of the Probation Department must provide notification to the Court as soon as possible, but not later than fifteen (15) minutes, after the occurrence of an event described in sections F.1. through F. 3. ABOVE if the tracked individual who is placed on electronic monitoring due to being charged with or convicted of:

1. A crime of violence (as defined in IC 35-50-1-2(a)); or
2. A crime of domestic or sexual violence (as defined in IC 16-18-2-88.5).

H. VULNERABLE VICTIM. IC 35-38-2.7 (5). "Vulnerable victim" means the victim of a crime committed or alleged to have been committed by a tracked individual:

1. Under circumstances suggesting that the tracked individual may disturb, harass, or harm the victim, as determined by the Court;
2. If the tracked individual is the subject of a protection order, restraining order, or no contact order with respect to the victim; or
3. That is a crime of domestic or sexual violence (as defined in IC 16-18-2-88.5). (2022)

If the tracked individual has committed or is alleged to have committed a crime against a vulnerable victim, the designated employee of the Probation Department shall notify the vulnerable victim and request local law enforcement to conduct a welfare check on the vulnerable victim in accordance with the protocol developed by the Court/Probation Department as described in CHAPTER 60: COMMUNITY CORRECTIONS PROGRAM POLICY AND PROCEDURE MANUAL.

I. CODE OF CONDUCT. All staff members of the Probation Department are required to follow the codes of conduct as described in the Department's Policy/Procedure Manual CHAPTER 1.3 PHILOSOPHY, CODES OF CONDUCT, OATH AND AFFIRMATION. This policy includes the following statement: "Employees shall not have personal relationships/associations, business relationships/associations, and/or romantic and/or sexual relationships with any person under supervision of the Probation Department."

J. HOME DETENTION PROGRAM ELIGIBILITY GUIDELINES. The Court, noting that participation in the Home Detention Program component is contingent upon offender compliance with program rules and regulations, finds:

Pursuant to IC 35-38-2.5-6, program participants must have a working telephone, cellular telephone, or other wireless or cellular communications device in their home to be eligible for Home Detention. If the participant does not have a working telephone and/or a long distance carrier, cellular telephone, or other wireless or cellular communications device, the Court ORDERS that the participant shall be placed on Community Alternative Supervision Program (CASP) Day Reporting Program component without credit time until working telephone service, cellular telephone, or other wireless or cellular communications device can be verified; or until an electronic monitoring cellular or GPS unit can be utilized for a non-violent offender with the participant paying the electronic monitoring daily fee.

A maximum of two (2) weeks from Home Detention Intake will be allowed for offenders to meet program guidelines for acceptance in the Home Detention Program (including securing a working telephone, long distance carrier, cellular telephone, or other wireless or cellular communications device). Upon program staff verification of offender meeting program guidelines for acceptance in the Home Detention Program-(including securing a working telephone, cellular telephone, or other wireless or cellular communications device), the offender will begin Home Detention by the next business day if possible.

K. FAILURE TO MEET ELIGIBILITY GUIDELINES FOR HOME DETENTION PROGRAM. Program eligibility shall be determined by program staff prior to admitting offenders to the Home Detention Program. If the offender is not eligible per prohibition by statute (excluding telephone cellular telephone, or other wireless or cellular communications device provision), the Court shall be notified immediately via e-filed memorandum by the supervising probation officer and the offender will not be placed on the program until or unless statutory prohibitions are remedied.

If offender does not meet program guidelines for Home Detention (including telephone service, cellular telephone, or other wireless or cellular communications device, and suitable housing) within two weeks (14 days) of the Home Detention Intake appointment, program staff shall file a memorandum with the Court, advising the Court of the offender's status. If the offender in question cannot be located by program staff, the supervising probation officer shall file a Notice of Noncompliance with the Court requesting a warrant. If the offender in question is on the Day Reporting Program, program staff may bring the offender to the Duty Judge/Court to advise the Court of the offender's failure to meet program guidelines for the Home Detention Program within 14 days of the Home Detention Intake.

Once advised of the offender's failure to meet program eligibility guidelines for Home Detention, the Court may:

- (1) Order the defendant to be taken into custody to serve the executed portion of sentence;
- (2) Order the defendant to be taken into custody with a status hearing to be held; or
- (3) Order the defendant to have 14 additional days on Day Reporting in order to attain eligibility for the Home Detention Program.

L. EMPLOYMENT ASSISTANCE. The Home Detention Program is designed to provide immediate employment assistance for unemployed offenders/participants, therefore being unemployed will not delay the commencement of program participation. The supervising probation officer may place unemployed participants on Home Detention with Day Reporting which requires clients to report to the Community Corrections office daily, Monday through Friday. Program staff shall verify participants' active job search.

M. HOME DETENTION AS CONDITION OF BOND OR PRETRIAL RELEASE. If the defendant is being referred to Home Detention as a condition of bond and/or pretrial release, the Court should retain the defendant in the Monroe County Jail until notified

that program staff has completed screening, and that the defendant meets program eligibility. This initial screening process will be conducted by program staff within 2 to 4 business days of request by the Court.

N. SEX OFFENDERS AND VIOLENT OFFENDERS. Pursuant to IC 35-38-2.5-7 a person placed on Home Detention who is deemed as a violent offender or sex offender shall be placed on GPS electronic monitoring that can transmit information twenty-four (24) hours each day regarding an offender's precise location. If the participant is a violent offender or sex offender, the supervising probation officer shall identify the participant as such in the Probation Department case management databases. The violent offender or sex offender shall also be specifically identified on the Community Corrections field officer's log sheet and also on the weekly report sent to law enforcement agencies, which lists all Monroe County Home Detention participants.

Notification on possible GPS violations from the electronic monitoring equipment vendor will be investigated by Community Corrections staff. If a violation is verified, Community Corrections staff will take appropriate action using progressive sanctions up to and including requesting a warrant from the Court. If a warrant is requested and subsequently ordered by the Court and the defendant's location is known, Community Corrections staff will contact Monroe County Central Dispatch to request that the warrant be served.

O. DELEGATED AUTHORITY. This Delegated Authority Order applies to persons sentenced to or released as a condition of bond to Home Detention.

The Monroe Circuit Court Board of Judges has delegated authority to probation officers to authorize Home Detention participants to earn errand time, to be scheduled for personal errands (grocery shopping, haircuts, etc.). Probation officers may also grant Home Detention participants, except for persons with pending violation(s) of community supervision, earned pro-social time as an incentive after achieving at least 30 days of program compliance, including adhering to payment schedule, for approved pro-social activities at a specified location (such as attending a child's school/athletic event, family event or exercising at a fitness center) at the discretion of the Probation Department. The combined earned errand time and earned pro-social time may not exceed six (6) hours per week unless specifically approved in advance by the Court.

Pursuant to IC 35-38-2.6-5 Violation of terms of placement, the Board of Judges delegates the terms of placement in Community Corrections to the Community Corrections Executive Director and permits the director to change the terms of placement. Participants may be placed on alcohol-detect electronic monitoring enhancements or other conditions with the Executive Director's approval. Participants will be responsible for paying applicable adjustments to user fees for added services. The Community Corrections Executive Director shall notify the Court if the director changes the terms of the placement. The Executive Director may request that the Court revoke the placement and commit the person to the county jail or department of correction for the remainder of the person's sentence.

LR53-MH00-0900 EMERGENCY DETENTION PROCEDURES

Updated 10/10/2022 1/1/2026

A. In order to hospitalize a person on an emergency detention order (EDO), staff of the health care facility shall:

1. ~~Complete the necessary EDO with the signatures of the petitioner and the physician.~~
2. ~~During working hours submit the EDO to the on-call mental health judge, either Division I or VI, via e-mail or fax for their review and endorsement. After completion of the EDO the judge will return the form to the sender via e-mail or fax.~~
3. ~~After working hours, send the EDO forms via e-mail to the on-call mental health judge, either Division I or VI, and call the mental health duty judge to notify them of the pending EDO.~~
4. ~~The next business day the court reporter, either Division I or VI, shall file the completed EDO with the Clerk's Office for them to assign a cause number.~~

A. In order for a facility to detain a person pursuant to Indiana Code 12-26-5-1:

1. the facility shall Complete the necessary *Application for Emergency Detention of Mentally Ill and Dangerous and/or Gravely Disabled Person (Application)*.
2. During regular business hours, the facility shall submit the *Application* to the on-call mental health judge, either Division I or VI, via e-mail or fax for their review and endorsement. After review and completion of the judge will return the *Application* to the sender via e-mail or fax.
3. After regular business hours, weekends, or legal holidays, the facility shall submit the *Application* via e-mail to the on-call mental health judge and telephone the on-call mental health duty judge to notify them of the pending *Application*.
4. The next business day the court reporter, either Division I or VI, shall file the completed *Application* with the Clerk's Office for them to assign a cause number.

LR53 - AR00 – 00157 LATE FEE

- A. Authority. Pursuant to Indiana Code 33-37-5-22 the Monroe Circuit Court adopts this rule.
- B. Scope. This rule applies to all defendants found guilty of crimes, violation of infractions, ordinance violations, or delinquent acts who are not determined to be indigent and fail to pay court costs, fines, or civil penalties by the date ordered by the Monroe County Circuit Court.
- C. Late Fee Amount. If all court costs, fines, or civil penalties are not paid by the date order, an additional late fee of \$25.00, or the maximum allowed by Indiana Law shall be imposed.
- D. Late Fee Suspended. A court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely fee payment in full.