

# **Noble County Circuit and Superior Courts**

## **Local Rules of Practice and Procedure**



**LOCAL RULES OF PRACTICE FOR  
THE NOBLE CIRCUIT AND SUPERIOR COURTS**

*(Updated effective February 1, 2020)*

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## **LR57-TR 00-1 Scope of Rules**

Except as otherwise provided, these rules govern the procedure and practice in all cases, including criminal, civil, and juvenile, filed or pending in the Noble Circuit and Superior Courts.

### **LR57-TR 3.1-2 Withdrawal of Appearance by Counsel**

- (A) All withdrawals of appearance of counsel shall be in writing and upon Order of the Court.

Permission to withdraw shall be granted only upon the following circumstances:

- (1) The filing of an appearance by new counsel for said client; or
  - (2) Upon written motion to withdraw, which motion shall be served on the client at least ten (10) days prior to the date of the filing of the motion.
  - (3) Upon other good cause found by the Court.
- (B) A motion to withdraw shall including the following:
- (1) The name and address of the Court where the case is filed;
  - (2) The last known address of the client and the client's telephone numbers; and
  - (3) Any hearing or trial dates and any pleading, discovery or other pretrial deadline dates.

### **LR57-TR 5-3 Tender of Orders**

All motions seeking an Order of the Court or a Notice of Hearing shall be accompanied by an original proposed order, sufficient copies for each party and person required to receive notice, and an extra copy for the Court.

### **LR57-TR 53.5-4 Continuances**

- (A) Written notices: A Motion for Continuance, unless made on record during the hearing of the cause or otherwise specifically authorized by the Court, shall be in writing and signed. Such motion shall comply in all respects with T.R. 53.5 of the Indiana Rules of Trial Procedure.
- (B) Scheduling conflicts: A Motion for Continuance based on a scheduling conflict with another cause shall specify the Court, the case name, the cause number, the date the hearing or trial in both cases was set, and the type of conflicting hearing or trial.
- (C) Duty to confer: Before requesting a continuance the moving party shall confer with counsel for all other parties and with any parties appearing *pro se* to determine any objections and to ascertain dates for rescheduling when all parties are available. Such objections and alternative dates shall be reported in the motion for continuance.

**LR57-TR-79(H)-5****Appointment of Special Judge in a Civil Case**

In the event of a change of judge resulting from (1) the judge disqualifying or recusing under Trial Rule 79(C), or (2) the judge does not accept the special judge appointment under Trial Rule 79(D), or (3) a motion for change of judge is granted as provided for in Trial Rule 76, then unless the parties agree to the appointment of a special judge pursuant to Trial Rule 79(D) the case will be randomly assigned by the clerk to one of the two other courts in Noble County in which the regular sitting judge of that court is not otherwise disqualified. If neither of the other two judges in Noble County are eligible to hear the case, then the clerk shall appoint an eligible judge (including senior judges) from a contiguous county within the court's administrative district as special judge for the case in which the change of judge is required. If the case is not transferred as provided for herein, or if a special judge is not appointed by the foregoing method, or if the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, the court shall certify the case to the Supreme Court of Indiana for the appointment of a special judge.

*(Amended effective July 1, 2014)*

**LR57-CR-00-6. Bail Policy, Schedule and Pretrial Assessment**

- (A) The Noble County Pretrial Services Program (the "Program") shall operate under the authority of the Circuit and Superior courts of Noble County with day to day operations supervised by Community Corrections Director and Chief Probation Officer who shall report to the judges of those courts. The purpose of the Program shall be to assess the risk posed by the release of individuals booked into the Noble County jail on a criminal charge, and to supervise those who are released by the courts under the authority of the Program. The Noble County Courts grant the Program the authority to perform the following duties:
- (1) Conduct assessments: Each individual booked into the Noble County Jail on a criminal charge, unless ordered or exempted by the court, shall be assessed as to his/her risk for failure to appear, risk of re-offending, and risk of potential harm to the community or to self if released from custody pending a resolution of a pending charge or charges. The safety of the community shall be paramount, but given this priority, the Program shall attempt to maximize release without money bond where appropriate. The Program shall utilize at least one screening tool approved by the Indiana Supreme Court for this purpose and such other instruments as may be approved and required by the judges of the Circuit and Superior Courts of Noble County.
  - (2) Supervise Program Participants: Each individual approved for release from custody and ordered by the court shall be under the supervision of the Program as a program participant. The Program shall utilize means of supervision approved by the judges of the Circuit and Superior courts that are consistent with the assessed risk level of the program participant, the level of offense, and the program shall have the authority to increase or decrease supervision requirements during the pendency of the program participant's case, as appropriate.

- (B) When any individual is booked into the Noble County Jail on a warrantless arrest, unless ordered or exempted by the court, the Sheriff shall either release or detain the individual in accordance with the Noble County Bond Schedule.
- (C) The Circuit and Superior Courts of Noble County will only accept appearance bonds written for a single cause number and will not accept lump sum appearance bonds that apply to more than one cause number.
- (D) All releases on bond or on personal recognizance are subject to the following basic conditions when ordered by the Court:
  - (1) defendant shall appear in court at all times required by the Court
  - (2) defendant shall execute a waiver of extradition
  - (3) defendant shall not commit nor be arrested for another criminal offense
  - (4) defendant shall keep his or her attorney and the Court advised in writing of any change of address within 24 hours of such change
  - (5) any other condition set forth in Noble County Release Schedule as ordered by court. Pursuant to IC 35-33-8-3.2(a)(4) a defendant's release may also be conditioned upon refraining from any direct or indirect contact with the alleged victim of an offense or other individual as ordered by the Court. Violation of any condition of release may result in the Court revoking the defendant's release and issuing a re-arrest warrant.
- (E) The Circuit and Superior Courts of Noble County will grant a defendant's release on a property bond only after notice is sent to the Prosecuting Attorney and a hearing is set to determine whether such a bond is proper.

## **NOBLE COUNTY PRETRIAL PRESUMPTIVE BAIL SCHEDULE**

This schedule applies to all cases to be filed in the Circuit and Superior Courts of this county.

**THE SHERIFF OF NOBLE COUNTY IS HEREBY ORDERED TO FOLLOW THIS SCHEDULE FOR DETERMINING THE PRETRIAL RELEASE OR DETENTION OF ALL INDIVIDUALS ARRESTED FOR CRIMINAL OFFENSES TO BE FILED IN THE ABOVE COURTS.**

Pursuant to the authority of the Noble County Circuit and Superior Courts to establish a reasonable basis for release/detention in criminal cases, a pretrial release schedule is established in accordance with the following terms and conditions as approved this date:

1. All individuals detained in the Noble County Jail and otherwise eligible to post bond shall be subject to pretrial release screening and risk assessment. This pretrial release schedule shall control the release or detention of all individuals screened by the Pretrial Services Program, unless a court, on its own motion or at the request of the State, issues an order setting a bond or detaining the individual until the initial hearing.
2. An individual is eligible for screening upon being booked-in unless the individual is booked in for an alcohol related offense, or lacks the capacity to provide a valid risk assessment due to the effects of drugs, chemical withdrawal, or a mental or emotional condition. An individual booked-in for an alcohol related offense becomes eligible for screening pursuant to the chart established for release eligibility in I.C. 35-33-1-6. An individual who lacks the capacity to provide a valid risk assessment becomes eligible for screening when he/she regains that capacity.

3. If an individual is not screened but has been released in accordance with the current Noble County Bond Schedule the individual shall be screened prior to appearing in court and shall appear at the Noble County Probation office at 9 A.M. on the next business day after posting bond.
4. All decisions regarding release and release conditions under this Pretrial Release Schedule are conditional and may be reviewed *sua sponte* by the Court at the initial hearing. Subsequent to the initial hearing (or waiver thereof), the Court, *sua sponte*, or the Prosecuting Attorney or Defendant by written motion may request a hearing on the Defendant's pretrial release/detention status and/or conditions of release.
5. Six risk categories are established and listed below:

**OFFENSE LEVELS AND PRESUMPTIVE BAIL SCHEDULE**

<b><u>LEVEL</u></b>	<b><u>PRESUMPTIVE BAIL</u></b>	<b><u>OFFENSE DESCRIPTION</u></b>
<b>LEVEL "A"</b>	Released on Own Recognizance (See Below)	All misdemeanors except: <ol style="list-style-type: none"> <li>1. Battery as a Class A misdemeanor (IC 35-42-2-1(d)).</li> <li>2. Domestic Battery (IC 35-42-2-1.3(a)).</li> <li>3. Operating While Intoxicated as a Class A misdemeanor (IC 9-30-5-1(b) and IC 9-30-5-2(b)).</li> <li>4. Leaving the Scene of an Accident as a Class A misdemeanor (IC 9-26-1-1.1(b)(1)).</li> <li>5. Resisting Law Enforcement, a Class A misdemeanor (IC 35-44.1-3-1(a)).</li> </ol>
<b>LEVEL "B"</b>	\$2,500 (See Below)	All misdemeanors not in Level "A" and all Level 6 and Level 5 felonies except: <ol style="list-style-type: none"> <li>1. Any Level 6 or Level 5 felonies included in Paragraph 4 of the Bail Rules.</li> <li>2. Disarming a Law Enforcement Officer 35-44.1-3-2(b) as a Level 5 felony.</li> <li>3. Escape (IC 35-44.1-3-4(a)) as a Level 5 felony.</li> <li>4. Stalking (IC 35-45-10-5(b) as a Level 5 felony.</li> <li>5. Possession of an Explosive Device (IC 35-47.5-5-3).</li> <li>6. Domestic Battery (IC 35-42-2-1.3(c)) as a Level 5 felony.</li> <li>7. Criminal Organization Intimidation (IC 35-45-9-4).</li> <li>8. Criminal Organization Recruitment (IC 35-45-9-5).</li> </ol>

<b>LEVEL “C”</b>	\$10,000 (See Below)	All Level 6 and Level 5 felonies not in Level “B” and all Level 4 and Level 3 felonies except: 1. Arson (IC 35-43-1-1), as a Level 3 or Level 4 felony 2. Disarming a Law Enforcement Officer 35-44.1-3-2(b) as a Level 3 felony. 3. Escape (IC 35-44.1-3-4(a)) as a Level 4 felony. 4. Stalking (IC 35-45-10-5(c)) as a Level 4 felony.
<b>LEVEL “D”</b>	\$25,000 (See Below)	All Level 4 and Level 3 felonies not in Level “C” and all Level 2 felonies.
<b>LEVEL “E”</b>	\$50,000 (See Below)	All Level 1 felonies
<b>LEVEL “F”</b>	NO BAIL	Murder, Treason, and all other offenses not in Level “D” or “E”

### **BAIL RULES**

1. If the amount and terms of bail are specified in a warrant for a person’s arrest, the sheriff shall take the recognizance and approve the bail as specified in the warrant.
2. Bail for a person arrested without a warrant shall be determined based upon the highest level or class of offense charged and shall be based upon this bail schedule.
3. The amount of the presumptive bail listed above is (a) the amount of bail to be utilized by the Noble County Sheriff in determining whether a person should be released prior to a hearing before a judicial officer if the offense is not exempted by paragraph 4 below, and (b) a guideline to be used by a judicial officer in setting bail.
4. Notwithstanding the Presumptive Bail schedule set forth above, the following offenses, or the attempt to commit the following offenses, or the conspiracy to commit the following offenses shall not be bailable until a pretrial release risk assessment has been filed with the Court and a hearing is held before a judicial officer at which time bail will be set:
  - (1) Murder (IC 35-42-1-1).
  - (2) Attempted Murder (IC 35-41-5-1).
  - (3) Voluntary Manslaughter (IC 35-42-1-3).
  - (4) Involuntary Manslaughter (IC 35-42-1-4).
  - (5) Reckless Homicide (IC 35-42-1-5).

- (6) Battery (IC 35-42-2-1) as a:
  - (A) Level 2 felony;
  - (B) Level 3 felony;
  - (C) Level 4 felony; or
  - (D) Level 5 felony.
- (7) Domestic Battery (IC 35-42-2-1.3) as a:
  - (A) Level 2 felony;
  - (B) Level 3 felony;
  - (C) Level 4 felony; or
  - (D) Level 5 felony.
- (8) Aggravated Battery (IC 35-42-2-1.5).
- (9) Kidnapping (IC 35-42-3-2).
- (10) Criminal Confinement (IC 35-42-3-3).
- (11) Rape (IC 35-42-4-1).
- (12) Criminal Deviate Conduct (IC 35-42-4-2) (before its repeal).
- (13) Child Molesting (IC 35-42-4-3).
- (14) Sexual Misconduct with a Minor (IC 35-42-4-9).
- (15) Child Exploitation (IC 35-42-4-4).
- (16) Vicarious Sexual Gratification (IC 35-42-4-5).
- (17) Child Solicitation (IC 35-42-4-6).
- (18) Child Seduction (IC 35-42-4-7).
- (19) Incest (IC 35-46-1-3).
- (20) Sexual Battery (IC 35-42-4-8).
- (21) Possession of Child Pornography (IC 35-42-4-4).
- (22) Promoting Prostitution (IC 35-45-4-4).
- (23) Human and Sexual Trafficking (IC 35-42-3.5).
- (24) Robbery (IC 35-42-5-1).
- (25) Burglary (IC 35-43-2-1).
- (26) Operating a vehicle while intoxicated causing death or catastrophic injury (IC 9-30-5-5).
- (27) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).
- (28) Resisting law enforcement as a felony (IC 35-44.1-3-1).
- (29) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

5. A foreign national who law enforcement reasonably believes to be present in the United States unlawfully under federal immigration law shall not be let to bail until a pretrial release risk assessment has been filed with the Court and a hearing is held before a judicial officer at which time the judicial officer shall, if appropriate, set bail and the terms thereof. (See IC 35-33-8-4.5)

6. A person who law enforcement reasonably believes to have an active warrant, to be on probation, parole, or other community supervision for an offense, other than a Level A offense on the Offense Levels and Presumptive Bail Schedule, shall not be let to bail until a pretrial release risk assessment has been filed with the Court and a hearing is held before a judicial officer at which time the judicial officer shall, if appropriate, set bail and the terms thereof.

7. Unless otherwise ordered by the Court, all bail shall be posted by means of (a) a 10% cash bond posted pursuant 35-33-8-3.2(a)(2), or (b) the deposit of cash in an amount equal to the presumptive amount of bail.



8. Pursuant to IC 35-33-8-6.5, a person arrested for a crime of domestic violence (as described in IC 35-31.5-2-78) shall not be released on bail until at least eight (8) hours from the time of the person's arrest. Additionally, as a condition of the person's release on bail the person shall agree and be ordered to refrain from any direct or indirect contact with the alleged victim of the offense pending the arrested person's initial hearing.

9. Pretrial conditions of release under this pretrial release schedule shall include that the individual released:

- (a) shall appear in Court at all times required by the Court;
- (b) shall execute a waiver of extradition;
- (c) shall not commit nor be arrested for another criminal offense;
- (d) for the purpose of receiving court notices and reminders of hearing dates, shall provide to the Pretrial Services Program, the Court and the person's attorney, a valid e-mail address, if available; a valid telephone number, if available; notice of a change in mailing address, email address or phone number within 24 hours of the change;
- (e) shall report for all appointments with the Pretrial Services Officer
- (f) shall comply with any No Contact Order and/or Protective Order issued by the Court
- (g) shall not use any controlled substance without a valid prescription

10. Pretrial conditions of release under this pretrial release schedule may include that the individual released shall:

- (a) not use, possess or consume any alcohol
- (b) be placed on a Remote Breath Alcohol Testing device
- (c) be placed on a Continuous Alcohol Monitoring bracelet
- (d) be placed on a Continuous Alcohol Monitor with a curfew
- (e) submit to a substance use or mental health assessment.
- (f) be placed on GPS monitoring
- (g) be placed on the Random Drug Screen Line
- (h) no possess a firearm and/or any dangerous weapons while on supervision.
- (i) obey all rules and regulations of the Pretrial Services Program;
- (f) obey all other conditions imposed by the Court.
- (g) be placed on a Text Reminder system for court and supervision appearances

## **LR57-CR 00-7 Criminal Discovery**

In all criminal felony and misdemeanor cases, reciprocal pretrial discovery shall be available to both the State of Indiana and the Defendant upon the filing of a formal written request by either party, and such discovery shall be subject to the following:

### **(A) State's Required Disclosure**

The State shall disclose to the Defendant the following material and information within its possession or control on or before thirty (30) days from the date of such request:

1. The names and last known addresses of persons whom the State may call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements and a list of memoranda reporting or summarizing their oral statements.

2. Any written or recorded statements and the substance of any oral statements made by the Defendant or by a codefendants, and a list of witnesses to the making and acknowledgment of such statements.
3. A transcript of those portions of grand jury minutes containing testimony of persons whom the State may call as witnesses at the hearing or trial, as designated by the defense after listening to the recording of the testimony.
4. Any reports or statements of experts, made in connection with the particular case, including the results of physical or mental examinations, ~~and~~ of scientific tests, experiments or comparisons.
5. Any books, papers, documents, photographs or tangible objects which the State intends to use in the hearing or trial or which were obtained from or belong to the Defendant or which the State intends to use at the hearing or trial.
6. The record of prior criminal convictions of the Defendant and any persons whom the State intends to call as a witness at a hearing or trial, which criminal record(s) shall be provided to the Defendant or his counsel on or before the date of the final pre-trial conference (or at least 20 days prior to the hearing or trial if there is no final pre-trial conference).
7. Any evidence which tends to negate the guilt of the Defendant as to the offense charged or which would tend to mitigate the Defendant's sentence if convicted.

The State may comply with this Order (1) in any manner it and the Defendant may agree to, or (2) by providing to the Defendant the material and information required by this rule, or (3) by notifying the Defendant that the material and information, described in general terms, may be inspected, obtained, tested, copied, or photographed at specified reasonable times and places.

**(B) Defendant's Required Disclosure**

The Defendant shall disclose to the State the following material and information within its possession or control on or before omnibus date:

1. The names and addresses of persons whom the defendant may call as witnesses.
2. Any books, papers, documents, photographs, or tangible objects which are intended to be used at a hearing or trial.
3. Any medical or scientific reports relating to the defendant or defendant's evidence which may be used at a hearing or trial.

**(C) Discovery Deadlines**

Except as may otherwise be ordered by the Court or otherwise provided for by this rule, discovery shall be provided within thirty (30) days of such request.

**(D) Objections to Discovery Order**

Any objections to the discovery order shall be filed on or before such discovery is due.

**(E) Certificate of Compliance Required, Deadline**

The State and the Defendant shall file with the Court Certificate of Compliance on or before the final pretrial conference.

**(F) Continuing Discovery Required**

Discovery is a continuing order through trial, and any discoverable material or information that comes to light by a party after discovery is initially provided or due shall be produced to the other party forthwith.

**(G) Sanctions**

The failure of either the State or the Defendant to comply in a timely manner with the requirements of this rule or any orders entered with regard to discovery may result in exclusion of evidence at trial or the imposition of other appropriate sanctions.

**LR57-CR 2.2-1 Initial Criminal Case Assignment**

The Prosecuting Attorney of Noble County shall file cases according to the classification of the highest level of offense charged in the information or indictment. If the highest level of offense charged is murder, capital murder, Class A felony, Class D felony, Level 1 felony, Level 2 felony or Level 6 felony, the case shall be filed in the Noble Superior Court, Div. 1. If the highest level of offense charged is a Class B felony, Class C felony, Level 3 felony, Level 4 felony or Level 5 felony, the case shall be filed in the Noble Circuit Court. If the highest level of offense charged is a misdemeanor or infraction, the case shall be filed in the Noble Superior Court, Div. 2.

*(Amended effective July 1, 2014)*

**LR57-CR 2.2-2 Appointment of Special Judge in a Criminal Case**

In the event a change of judge is granted pursuant to Criminal Rule 12, or an order of disqualification or recusal is entered, the case will be randomly assigned by the clerk to one of the two other courts in Noble County in which the regular sitting judge of that court is not otherwise disqualified. If neither of the other two judges in Noble County are eligible to hear the case, then the clerk shall appoint an eligible judge (including senior judges) from a contiguous county as special judge for the case in which the change of judge is required. If the case is not transferred as provided for herein, or if a special judge is not appointed by the foregoing method, or if the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, the court shall certify the case to the Supreme Court of Indiana for the appointment of a special judge.

*(Amended effective July 1, 2014)*

## **LR57-AR00-1 Noble County Community Corrections Fee Schedule**

### **Work Release:**

Initial Fee: \$75.00

Transfer Out Fee: \$75.00

Transfer In Fee: \$250.00

Weekly Minimum Fee: \$125.00 or 28% of gross income

Initial instant Drug Screen: \$20.00

### **Home Detention:**

Initial Fee: \$50.00

Transfer In/Out Fee: \$75.00

Portable Alcohol Breath Monitoring: \$9.00/day

Constant Alcohol Monitoring Anklet: \$11.00/day

GPS Monitoring: \$12.00/day

GPS and Portable Alcohol Breath Monitoring: \$16.00/day

GPS and Constant Alcohol Monitoring Anklet: \$18.00/day

### **Noble County Court Services Alcohol and Drug Program:**

Assessment: \$150.00

Case Management: \$50.00

Journals: \$15.00 each with a maximum charge of \$200.00

Life Skills class: \$25.00

### **Noble County Drug/Veteran's Court:**

Initial Fee: \$100.00

Transfer Fee: \$25.00

Phase 1: \$50.00/month

Phase 2: \$40.00/month

Phase 3: \$30.00/month

Phase 4: \$20.00/month

### **Low Risk Veteran's Court:**

Initial Fee: \$100.00

Phase 1: \$25.00/month

Phase 2: \$20.00/month

Phase 3: \$15.00/month

Phase 4: \$10.00/month

### **Pretrial Program:**

(No fee can be charged if first time defendant has been charged with a crime)

Text Reminders: No fee

### **Supervision fee: Misdemeanors:**

Initial Fee: \$50.00

Admin. Fee: \$50.00

Monthly fee of \$20.00

Felonies:

Initial Fee: \$100.00

Admin. Fee: \$100.00

Monthly Fee: \$30.00

**Day Reporting:**

Supervision fee: \$30.00/ month

**CTP Supervision on GPS:**

\$9.00/day

**Community Service:**

\$25.00 per cause number

**Drug Screens:**

Instant Screen \$20.00

Oral Screen: \$25.00

Sweatpatch: \$47.00

Urine Screen: \$12.00-187.50 depending on what substances requested

**Refund Policy:**

Fees may be paid in advance by participants. No refund will be paid for those who violate their supervision, or who are granted an early release from supervision. Any refund given may take up to 90 days to receive.

*(Amended effective February 1, 2020)*

**LR57-AR 00-2 Problem-Solving Courts**

Upon admission to a problem-solving court, the participant shall pay an initial user's fee of One Hundred Dollars (\$100.00) and a monthly user's fee of Fifty Dollars (\$50.00) for each month of participation, commencing with the second month of participation.

**LR57-AR 1-3 Transfer of Cases and Caseload Allocation Plan**

- (A) Pursuant to Administrative Rule 1(E): 1) a case may be transferred to another court within Noble County with the consent of the receiving court, 2) a judge of a court in Noble County may sit as judge of the Noble Circuit Court or Noble Superior Courts in any matter as if the elected Judge of that court with the consent of the judge of that court, and 3) each judge may sit in the stead of the other judges of the courts in Noble County.
- (B) Criminal Cases:
  - 1. Criminal cases shall be filed as assigned under LR57 CR 2.2-1.
- (C) Civil Cases:
  - 1. All AD, ES, EU, EM, GU, TR, TS, TP, JP, and pro se DR, DC, and DN case types shall be filed in Circuit Court.
  - 2. All JD, JS, JM, and MH case types shall be filed in Superior Court I.
  - 3. All SC, JC, JT, OV, and OE case types shall be filed in Superior Court II. The following case types shall not be filed in Superior Court II: CT, MF, RS, DR, DC, DN, and PO.

4. Any case types not otherwise specifically provided for herein may be filed in either the Circuit Court, Superior Court I, or Superior Court II at the initiating party's discretion.

*(Amended effective January 1, 2019)*

## **LR57-AR 12-4 Facsimile Transmission Filings**

### **(A) DEFINITIONS**

For the purpose of this rule the definitions set forth in this paragraph shall apply:

1. Cover Sheet means a descriptive initial page that accompanies an electronic facsimile transmission;
2. Electronic Facsimile Transmission, commonly referred to as "FAX," means a method of transmitting and receiving information in paper medium over telephone lines or other forms of electronic transmissions;
3. Original Document means the initially prepared written document or any counterpart intended to have the same effect by the creator; and
4. Duplicate Document means a written counterpart of the original produced by the same impression as the original or from the same matrix or by digitized electronic transmission, readable by sight, which accurately reproduces the original.

### **(B) The Noble Circuit and Superior Courts hereby authorize the filing of pleadings, motions, and other documents via electronic facsimile at facsimile machine telephone number (260) 636-3053 provided:**

1. such matter does not require the payment of fees by the Courts;
3. the sending party creates at the time of transmission a machine generated log for such transmission; and
4. the original document and the transmission log are maintained by the sending party for the duration of the litigation.

## **LR57-AR 7-5 Removal of Exhibits**

After a case is decided and no appeals are taken, or after all appeals are completed, the Court Reporter for a Court may give notice in writing to the party introducing the exhibit providing a time within which the exhibit shall be removed from the custody of the Court Reporter. If the party notified does not recover the exhibit within the time stated, the Court Reporter may dispose of the same in any reasonable manner deemed appropriate by the Court Reporter.

**(A) Section One – Definitions**

The following definitions shall apply under this local rule.

1. A 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.
2. 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 and storing, and transcribing electronic data.
3. Workspace 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.
4. Page means the page unit of transcript, which when a recording is transcribed in the form required by Indiana Rule of Appellate Procedures 7.2.
5. Recording means the electronic, mechanical, and stenographic or other recording made as required by Indiana Trial Rule procedure 74.
6. Regular hours worked means those hours, which the reporter is regularly scheduled to work during any given workweek. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each workweek.
7. 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 workweek.
8. Overtime hours worked means those hours worked in excess of forty (40) hours per workweek.
9. Workweek means a seven (7) consecutive day week that consistently begins and ends on the same days through the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
10. Court means the particular court for which the Court Reporter performs services.
11. County indigent transcript means a transcript that is paid for from county funds and is for the use by a litigant who has been declared indigent by a court.
12. State indigent transcript means a transcript that is paid for from state funds and is for the use by a litigant who has been declared indigent by a court.

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

14. Expedited transcript means a transcript, which is required to be completed within five (5) days.

(B) Section Two – Salaries and Per Page Fees

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e., monetary compensation or compensatory time off regular work hours. All per page fees for the preparation of transcripts shall be paid directly to the Court Reporter who prepared the transcript and shall be retained by that reporter.

2. The per page fee for a court reporter may charge for preparation of a COUNTY INDIGENT transcript shall be \$5.00. If a court reporter is requested to prepared an expedited transcript, the maximum per page fee shall be no less than \$7.50 where the transcript must be prepared within five (5) working days. However, this would be by approval of the presiding Judge. If a party requests a copy of a transcript, the fee per page shall be in the amount charged for copies by the Clerk of that Court, or electronic copies of the transcript will provided on a media format supplied by the party requesting the document (DVD, portable thumb drive, etc...), if requested in person from the Court Reporter for a \$3.00 flat fee regardless of the size, or \$5.00 if a DVD is provided by the Court Reporter.

3. The per page fee a court reporter may charge for preparation of a STATE INDIGENT transcript shall be \$5.00. If a court reporter is requested to prepare an expedited transcript, the maximum fee per page shall be no less than \$7.50 where the transcript must be prepared within five (5) working days. However, this would be by approval of the presiding Judge. If a party requests a copy of a transcript, the per page fee shall be in the amount charged for copies by the Clerk of that Court, or electronic copies of the transcript will provided on a media format supplied by the party requesting the document (DVD, portable thumb drive, etc...), if requested in person from the Court Reporter for a \$3.00 flat fee regardless of the size, or \$5.00 if a DVD is provided by the Court Reporter.

4. The per page fee a court reporter may charge for the preparation of a PRIVATE transcript shall be no less than \$5.00. If a court reporter is requested to prepare an expedited transcript, the maximum fee per page shall be no less than \$7.50 where the transcript must be prepared within five (5) working days. If a party requests a copy of a transcript, the fee per page shall be in the amount charged by the Clerk of that Court, or electronic copies of the transcript will provided on a media format supplied by the party requesting the document (DVD, portable thumb drive, etc...), if requested in person from the Court Reporter for a \$3.00 flat fee regardless of the size, or \$5.00 if a DVD is provided by the Court Reporter.



5. Each court reporter shall report, at least on an annual basis, all transcript fees received for preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.
6. No transcripts shall be prepared during the Court Reporters' regular hours or gap hours.

(C) Section Three – Private Practice

1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of deposition transcript, and 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 for the use of equipment, workspace and supplies.
  - b. The method by which records are to be kept for the use of equipment, workspace and supplies; and
  - c. The method by which the court reporter is to reimburse the court for the use of the equipment, workspace and supplies.
2. 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.

*(Amended effective May 15, 2018)*

**LR57-FL 00-1                      Divorcing Parents Classes**

- (A) Unless otherwise excused by the Court upon good cause shown, prior to the granting of a Petition for Dissolution of Marriage or Petition for Legal Separation by the Noble Circuit Court or Noble Superior Courts in cases in which the parties have minor children of the marriage, each spouse and each of the parties' school age children must attend not less than one session on Minimizing of Emotional Distress to Children of Divorcing Parents. Classes for parents, and those for children are different, each designed to serve the needs of the separate groups. School age is defined as: all children enrolled in a normal kindergarten class up to those in the 11th grade or age 17 or less. Children over 17 may attend at their option.
- (A) Each session will last approximately two (2) hours. The time and place of the program shall be determined by the agency conducting the program.
- (C) The moderators of each session will provide each attendee with a certificate of attendance which must be filed with the Court's Clerk prior to the Court's granting the Petition for Dissolution of Marriage or Petition for Legal Separation.
- (D) There will be no fee or charge made for attendance at these sessions by persons referred by the Noble County Courts.
- (E) Participants may not bring children to sessions denominated for parents only.
- (F) The parent taking a child to the child's session must remain in the building where the session is being held.

**LR57-FL 00-2      Participation by Father and Mother in Paternity Cases in the Family Enrichment Series offered by Right Relations, Inc.**

Unless otherwise excused by the Court upon good cause shown, both the Father and Mother (also referred to herein as a “party”) in a paternity action shall register, pay for, attend, and successfully complete the Family Enrichment Series offered by Right Relations, Inc. Within ten (10) days from the date of the entry of a decree of paternity both Father and Mother shall contact Right Relations, Inc. at (260) 436-7578 and pre-register to attend the Right Relations’ Family Enrichment Series. In addition to contacting Right Relations to pre-register and then enrolling in the program in person at the next possible start date, both Father and Mother shall pay their respective registration and program fees when due and successfully complete the program. Absent good cause shown, no further hearings shall be conducted until the parties have successfully completed the program. Notice of this requirement to participate in the Family Enrichment Series shall be included in each decree of paternity filed with the Court. The Court shall on a weekly basis notify Right Relations, Inc. of the cause number and the names and addresses of the parties in each paternity action in which a decree of paternity has been entered, together with the date that the paternity decree was entered. Right Relations, Inc. shall notify the Court in the event that a party fails to register or successfully complete the program.

If a party fails to enroll timely in the program or if a party fails to successfully complete the program, upon notification by Right Relations, Inc. the Court shall give notice to the defaulting party and a hearing shall be held to determine whether the defaulting party shall be held in contempt of the Court’s order for failing to abide by this rule.

**LR57-JR 4-1                      Procedure for Summoning Jurors**

- (A) In accordance with Rule 4(b) of the Indiana Jury Rules, the Courts of Noble County hereby select the two-tier notice and summons options, which permits the Jury Administrator to send the jury qualification form and notice first, and the summons to prospective jurors at least one week before service.
- (B) The Judges of the Courts of Noble County hereby appoint and designate the Clerk of the Noble Circuit Court to act as the Jury Administrator.
- (C) The Jury Administrator shall perform the duties prescribed under the Indiana Jury Rules.
- (D) The pool of jurors serves as a Jury pool for the Circuit and Superior Courts in Noble County.
- (E) As set forth in Rule 4, not later than seven (7) days after the date of drawing the names from the master list, the Jury Administrator shall mail to each person whose name is drawn a jury qualification form and a questionnaire to be completed by each prospective juror.
- (F) Further, as set forth in Rule 4, upon order of any Court, the Jury Administrator shall summon prospective jurors for service.