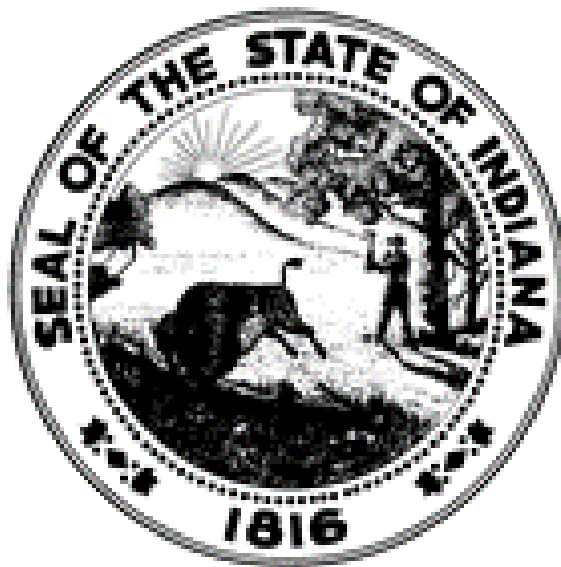


WARREN COUNTY CIRCUIT COURT
LOCAL RULES



Effective and Approved: December 1, 2024

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LR86-AP29-001 EVIDENCE RETENTION FOR APPEALS

The Court shall proceed pursuant to this rule, unless the Court directs a longer retention period after motion by any party or on its own motion.

Except as otherwise provided by this Rule, all models, diagrams, documents, or materials admitted into evidence or pertaining to the case placed in the custody of the Court Reporter as exhibits shall be retrieved from the Court Reporter by the party offering them into evidence, except as otherwise ordered by the Court, one (1) year after the case is decided, unless an appeal is taken. If an appeal or post-conviction relief is taken during that time, all of the exhibits shall be retained by the Court Reporter for a period of two (2) years from the termination of the appeal, retrial, post-conviction relief or subsequent appeal and termination, whichever is later. In all capital cases resulting in a death penalty sentence, evidence shall be retained until the sentence imposed is carried out.

LR86-AR00-101 PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

- I. The caseload of the Warren Circuit Court, Warren County, Indiana, being the only Court in Warren County, Indiana, shall be handled by the sole Judge of the Warren Circuit Court of Warren County, Indiana, within the provisions of the Constitution of the State of Indiana, Article 7, Section 8.
- II. Until such time as more than one (1) Court is created for Warren County, Indiana, which is the 21st Judicial Circuit, there is no need for further review of this Rule or for the establishment of any method of administration other than the Judge's Oath of Office.

III. This Rule shall not affect the handling of cases of the Warren Circuit Court by Special Judges, Judges Pro-Tempore, or other Judges authorized by law to handle cases in the Warren Circuit Court.

LR86-AR00-102 COURT ALCOHOL AND DRUG PROGRAM FEES

All individuals ordered to enroll in the Warren County Court Alcohol and Drug Program may be charged a fee of \$400.00, for participation in said program, in accordance with I.C. § 12-23-14-16.

LR86-AR00-103 ALLOCATION OF JUDICIAL RESOURCES WITHIN DISTRICT 11 PERTAINING TO BI-COUNTY ACCOUNTABILITY COURT

The Bi-County Accountability Court (BAC) is a problem-solving drug court of the Fountain and Warren Circuit Courts.

In order to facilitate the judicial work of the Bi-County Accountability Court certain accommodations regarding jurisdiction and oversight of cases are in order. A person accepted into the BAC consents to the jurisdiction of the case being transferred to the concurrent jurisdiction of Fountain Circuit Court and the Warren Circuit Court during the period of time that case remains in the BAC.

The Judge of the Warren Circuit Court shall be deemed the Supervising Judge and the Judge of the Fountain Circuit Court shall be deemed the Coordinating Judge. The Judges from the Fountain and Warren Circuit Courts are assigned to and may preside over BAC cases and proceedings including but not limited to judicial participation in compliance with any of the standards and protocols of the BAC as approved by the Indiana Office of Court Services for problem solving courts.

The court with original jurisdiction resumes jurisdiction of the case upon either the successful completion or the expulsion of the person from the BAC. If expelled from the BAC the court with original jurisdiction shall be responsible for the imposition of any disposition or sentencing as authorized by law.

LR86-AR00-104

BI-COUNTY ACCOUNTABILITY COURT FEES

The Bi-County Accountability Court (BAC) is a problem-solving drug court of the Fountain and Warren Circuit Courts.

Those persons directed to participate in the Bi-County Accountability Court shall pay a \$100.00 administrative fee as well as a problem-solving court services fee of \$50 for each month, starting the second month, of problem-solving court participation in accordance with I.C. § 33-23-16-23, as amended. The Warren Circuit Court Probation Department shall collect and transmit these fees within thirty (30) days after the fees are collected for deposit with the Warren County Auditor in the Bi-County Accountability Court User Fee Fund established under I.C. § 33-37-8. Participants shall also be assessed other fees permitted by law. Nothing contained in this provision shall prevent the Court from waiving fees based upon the participants ability to pay or in the interests of justice, as permitted by law.

LR86-AR00-105

LATE FEES AND PAYMENTS

Pursuant to I.C. § 33-37-5-22, the Warren Circuit Court makes the following rules regarding the timeliness for payments of fines, court costs, fees, or civil penalties, and assessment of late fees:

I. Application

As permitted by I.C. § 33-37-5-22, all fines, courts costs, fees, or civil penalties, which are not paid as set forth in this Rule, shall be assessed a late fee of \$25.00 to be collected by the Clerk of the Court and deposited into the General Fund:

II. Infractions and Ordinance Violations

- a. Fines and costs for infractions pursuant to the standard fine schedule, shall be due and payable by 3:00 p.m. on the date of the initial hearing is concluded, unless the Defendant appears and enters a denial to the infraction.
- b. If a Defendant enters a denial, at the initial hearing, the fines and costs shall not be due unless and until a judgment is entered against the Defendant, and upon entry of judgment shall be shall be due and payable by 3:00 p.m. the date of the judgment.
- c. Fines and costs for infractions not specified on the standard fine schedule, shall be due and payable by 3:00 p.m. on the date judgment is entered against the Defendant determining the fine and costs.
- d. An order setting aside a finding of failure to appear, failure to pay, or entry of judgment, shall not set aside a late fee assessed under this Rule, unless specifically ordered by the Court.

III. Criminal Actions and Delinquent Acts

Except as provided in Subsection II(b), all fines, courts costs, or fees, in criminal actions or delinquent acts, shall be due and payable by 3:00 p.m. on the date of

sentencing, unless otherwise ordered by the Court, such as during the term of probation, in which fines, costs, and fees may be paid pro-rata throughout probation.

IV. Other provisions restricting assessment of late fees

- a. In all other actions specified by I.C. § 33-37-5-22, fines, courts costs, fees, or civil penalties shall be due and payable by 3:00 p.m., on the thirtieth (30th) day after the hearing or written order, whichever is later, entering a judgment determining a person's liability for said fines, courts costs, fees, or civil penalties, or the first business day thereafter, if that date is a weekend or holiday, in which the Court is closed.
- b. A Guardian ad Litem/Court Appointed Special Advocate fee assessment imposed by the Court pursuant to I.C. § 31-40-3-1, shall be due at or before the first scheduled review hearing, but no late fee shall be assessed.
- c. The Court shall have the authority, *sua sponte* or upon motion, to enter an order extending or shortening any of times for payment under this Rule, or waiving any late fee, if a person demonstrates good cause for failure to make timely payment of the fee. Any order entered modifying a due date for such financial obligation shall supersede this Rule and those obligations shall become subject to a late fee if not timely paid by the date in the order.
- d. This late fee shall not apply to any person, found by the Court to be indigent. A person who is obligated to pay any fine, courts costs, fees, or civil penalties, may file a motion requesting the Court make a finding of indigency, which may be proven by affidavit or at a hearing, as ordered by the Court.

- e. Not more than one (1) late fee shall be assessed against the same person or entity in a single cause of action.
- f. Imposition of late fees under this Rule shall be stayed, upon the timely filing of a notice of appeal or motion to correct errors, until the appeal is concluded.

LR86-AR00-106 FAMILY LAW MATTERS WITH CHILDREN

This rule applies to all actions, commenced after this Rule becomes effective: (1) to dissolve marriages; seek legal separation; establish custody; or establish parenting time; and (2) in which the parties have a child under eighteen (18) years of age in common.

I. Parenting Class Required.

- a. Parties to the litigation shall attend a workshop, counselling session, lecture, class or online course (“Class”), together or separately, to counsel and education attendees on co-parenting and communication skills for divorcing or separated parents of minor children.
- b. The Class shall be completed within sixty (60) days of filing or service of the Petition commencing the action, whichever is later.
- c. The Class shall, at a minimum:
 - i. require at least 3 hours of interaction, in person or online, to complete or at least 8 hours for court ordered High Conflict cases;
 - ii. be approved by the Court in advance;
 - iii. focus on co-parenting, conflict resolution, communicating with the co-parent, and avoiding conduct detrimental to a child; and

- iv. be instructed by a disinterested third party, trained, educated, or specifically skilled in providing curriculum of this type.
- d. Parties shall file a certificate or other proof of attendance from the provider with the Clerk, upon completion of the Class.

II. Approved Classes

- a. The following are Classes approved by the Court and several offer fee waivers for individuals with income below poverty guidelines, upon request:

HEALING AFTER DIVORCE (in person class)
419 Washington Street, Covington, IN 47932
(765) 366-6609
www.healingheartsafterdivorce.com

CO-PARENTING FOR SUCCESSFUL KIDS (in person class)
Purdue Extension Warren County Office
14 Railroad Street, Williamsport, Indiana
(765) 762-3231

COURSE FOR PARENTS
www.CourseForParents.com

UP TO PARENTS
www.UpToParents.org

CHILDREN IN BETWEEN
Online.divorce-education.com

COURT SOLUTIONS ONLINE
www.courtsolutionsonline.com

ONLINE PARENTING PROGRAMS
parentingskills.com

COURT ORDERED PROGRAM
CourtOrderedProgram.com

- b. A party may file a motion requesting approval of another provider, by providing documentation from the provider that Class, substantially complies with the requirements in Section (I)(c).
- c. Providers may include mental health providers, social workers, clergy skilled in counselling, providers offering parenting workshops, and the like.

III. Noncompliance

- a. Parties shall comply with this Rule, prior to the entry of any decree or final order.
- b. Failure to comply, may result in delay or denial of relief sought, sanctions, or the award of reasonable attorney's fees.

IV. Waiver of Class Requirement

Under exigent circumstances, including default, incompetence, or incapacity, the Court may waive the requirements of this Rule upon motion.

LR86-AR00-107 CUSTODY OR PARENTING TIME ORDERS ARISING FROM CHINS PROCEEDINGS

I. Application

- a. If:
 - i. a pleading is filed, seeking modification of custody or parenting time; and
 - ii. the minor child subject to the order, at the time of the last order modifying custody or parenting time:
 - 1. was the subject of a petition alleging the child to be a child in need of services; or
 - 2. was participating in a program of informal adjustment;

the moving party shall provide notice of the pleading, consistent with Trial Rule 5, upon the local office of the Department of Child Services and any court appointed special advocate or guardian ad litem, that was appointed for the child at the time of the prior order, referred to in (a)(ii).

- b. Upon disclosure to the Department of Child Services, court appointed special advocate or guardian ad litem in the certificate of service, as provided above, the Court will notify those parties of any hearing set upon the pleading.
- c. If the Department of Child Services, court appointed special advocate or guardian ad litem, desires to be heard, the Court shall proceed in the same manner as set forth in I.C. § 29-3-8-9(e), with respect to either the Department of Child Services, court appointed special advocate or guardian ad litem.
- d. Failure of the Department of Child Services, court appointed special advocate or guardian ad litem to appear, intervene and then respond or object, shall constitute a waiver of the opportunity to be heard under paragraph (c).

II. Content of Orders

- a. Parties submitting proposed orders and agreements, which are subject to this Rule, shall include a provision in the pleading requiring notice upon the Department of Child Services, court appointed special advocate or guardian ad litem, prior to any future modification.
- b. At the time of an order is entered, which complies with (a)(ii), the Department of Child Services, court appointed special advocate or guardian ad litem, and parties, may waive the requires of this Rule, by including a provision in the order that the

Department of Child Services and court appointed special advocate or guardian ad litem, waive notice.

III. Limited Acknowledgement of Service Permitted

Department of Child Services, court appointed special advocate or guardian ad litem, may file a limited notice with the Clerk of the Court to:

- a. provide notice to the Court and parties of receipt of service of the pleadings;
- b. indicate a response to the pleadings and of an intent not to appear or participate further in the proceedings; and
- c. distribute the limited notice to the parties consisted with Trial Rule 5.

IV. Non-Compliance

Any of the following sanctions or relief may be imposed for failure to comply with Section I or II this Rule:

- a. relief from judgment or setting aside of an order;
- b. continuance of hearing; and
- c. award of attorney fees.

LR86-AR00-108 MEDIATION PROGRAM

I. ADR Program

Parties involved in family law cases, may be referred to the Court's mediation program, upon motion of the court or on the Court's own motion. Parties' fees for the program may be reduced based upon their income and the availability of program funds to subsidize the mediation.

II. Mediation

Whenever a party moves for mediation, or the Court on its own motion orders parties to mediation, the parties shall have thirty (30) days to agree upon a mediator and file a notice with the Court. If the parties cannot agree upon a mediator, either party may file a motion requesting

the Court name a panel for striking. When the Court names a panel of mediators, parties shall each alternately strike off the names of such mediators. The party commencing the action shall strike first and within seven (7) days of the order naming the panel, with the opposing party striking within seven (7) days after said strike, and the mediator remaining not stricken under such procedure, shall be deemed appointed, subject to acceptance and qualification. If a party fails to timely strike, the clerk shall strike for such party. When there are multiple parties in a class (i.e., plaintiff or defendant class), each class shall collectively have one strike, and if the class cannot agree timely, then the Clerk shall strike for the class. It shall be the duty of the non-striking party to notify the Clerk, when a strike is required by this Rule. Parties shall share equally the costs of mediation, unless mutually agreed otherwise.

LR86-AR00-109 CLOSURE OF UNSUPERVISED ESTATES

Upon the filing of a closing statement in an unsupervised estate, the estate shall close by operation of law ninety (90) days after the filling of thereof, unless objections are timely filed. The Court will not enter an order closing the estate, unless a proposed order is tendered by the personal representative and will show the estate closed by administrative actions and/or docket entry only, if the closing statement appears in proper form to the Court.

LR86-AR00-110 RETENTION OF ORIGINAL WILL OR CODICIL

Upon the electronic filing of a petition to probate a purported last will and testament or codicil (“Will”), the filing party shall retain the original Will for one (1) year after being admitted or denied probate. If an action is taken to contest a Will’s admission to probate, the original Will

may be deposited with the Clerk of the Court, to be impounded, or it may be retained until one (1) year after the action to contest the Will is fully adjudicated. If an appeal is taken, then the party shall retain the Will for one (1) year following the conclusion of all appeals.

LR86-AR14-115 REMOTE HEARINGS

Pursuant to Administrative Rule 14 and when modified by Administrative Rule 15, the Warren Circuit will generally utilize Zoom as its preferred platform for remote hearings.

I. Connecting

- a. Parties shall connect to Zoom using the default website or application for that platform, currently www.zoom.us/join or when a computer connection is not available by telephone to (312) 626-6799 or as otherwise provided by the platform. Attorneys and parties shall make every reasonable effort to connect in a manner that allows video to be streamed to the Court. The Court may continue a hearing where video is unavailable for a witness or party testifying, if the Court finds that lack of video appearance would be impair the Courts ability to evaluate witness creditability or perform necessary judicial functions.
- b. It is the duty of attorneys to provide timely notice to their clients and witnesses of the meeting identification (“meeting ID”) and password provided by the Court or if not provided, to request the information from court staff. It shall be the duty of unrepresented parties to monitor the docket and orders for the most up to date meeting ID and password, requesting the same from the court staff in advance of a hearing if the information has not been provided. The Court will generally place the remote hearing information on the order setting a hearing or on the docket, in advance of each hearing.
- c. To connect to a meeting, parties should follow the link and connect to the hearing. After entering your Meeting ID and Password on the website, you will be placed in a waiting room until the hearing starts. In order to connect to the video hearing, you will need audio and video access to the hearing. This requires an internet connection and webcam. Or, you

will be able to connect to the audio via your computer or by calling in with a telephone to (312) 626-6799, then enter the Meeting ID and Password. If you have any documents or exhibits that need to be introduced as evidence at this hearing, they must be delivered to the Court Reporter before the hearing and served on opposing parties. Parties may use e-mail or the E-Serve option with a courtesy copy to the Court's email at court@warrencounty.in.gov. Parties are prohibited from recording and broadcastings the proceedings. If you have issues connecting to the hearing, please call the Court Staff.

- d. Parties tendering a proposed order for a remote hearing shall include the verbiage set forth in paragraph (c) above, in the order and leave blank space for the meeting ID and passcode.

II. Broadcasting of the Proceedings

Generally, parties and the public may attend remote hearings, in person, in the Warren Circuit Court, as they will generally take place in open court. If the hearing is not held in the Courtroom and open to the public, it will be broadcast on the trial court's streaming platform hosted by the Indiana Supreme Court: <https://public.courts.in.gov/incs#/>.

LR86-AR15-120

COURT REPORTERS

- I. **Definitions.** The following definitions shall apply under this local rule:
 - a. "Court" means the Warren Circuit Court.
 - b. "Expedited transcript" means a transcript which is requested to be prepared sooner than that time set forth by Ind. R. App. P. 11(B) or any transcript prepared pursuant to Ind. R. App. P. 14.1.
- II. **Salaries and Per Page Fees**

- a. The Court Reporter appointed by the Warren Circuit Court from time to time shall be paid an annual salary as set each year in the budget of the Court and approved by the Warren County Council and said salary shall be paid for time spent working under the control, direction and direct supervision of the Court during any regular working hours, gap hours or overtime hours.
- b. For hours worked in excess of regular working hours, (i) Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and overtime hours shall be paid in the amount of one and one-half (1 ½) times the hourly rate of the annual salary; or, (ii) Compensatory time off from regular work hours shall be given in the amount equal to the number of gap hours worked; and compensatory time off from regular work hours shall be given in the amount of one and one-half (1 1/2) times the number of overtime hours worked. The court and each court reporter may freely negotiate between themselves as to which of the preceding two (2) options shall be utilized and the court and court reporter shall enter into a written agreement designating the terms of such agreement.
- c. Except as provided in paragraph (e), the maximum per page fee a court reporter may charge for the preparation of a county indigent transcript, state indigent transcript and private practice transcript shall be \$4.00. The maximum per page fee shall be \$4.50, if an expedited transcript is requested.
- d. The maximum fee that a court reporter may charge for paper copies shall be \$1.00 per page. Electronic copies of transcripts or any electronic media files, will be provided on a media format supplied by the Court (typically DVD or CD) at a cost of \$5.00 per DVD/CD required. Once filed with the Court of Appeals, the transcript

may be requested directly from the Clerk of the Indiana Court of Appeals, in accordance with their procedures.

- e. The minimum fee that a court reporter may charge for transcripts is \$35.00.
- f. An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and exhibits.
- g. Upon preparation of an indigent transcript, the Court Reporter shall submit directly to the County a claim for the same upon a form designated by the Auditor of Warren County.
- h. Each court reporter shall report, at least on an annual basis, all transcript fees received for the 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.
- i. The Judge of the Warren Circuit Court may prioritize transcripts to be prepared by any court reporter with the court reporter's regular work assignments, including determining whether or not to expedite a transcript request over other transcripts required to be completed by Appellate Rules and other duties of the Court Reporter.
- j. In all cases in which a transcript is prepared for an appeal, the requisite Notices filed by the Clerk of the Warren Circuit Court and Clerk of the Supreme Court, Court of Appeals, and Tax Court, will serve as the only notice to the party requesting the transcript of its completion.

- k. Parties who desire to listen to audio recordings of public hearings or hearings in which the party is involved, may schedule times to review them using the Court Reporter's equipment, which may be rescheduled based upon the needs of the Court. Upon motion and due to exigent circumstances, the Court may make an exception and authorize the Court Reporter to provide audio files to party, which may be listened to by downloading a free multimedia player from the vendor's website, (currently www.fortherecord.com). Because the court is unable to edit audio files once they are created, the Court will not grant such exceptions under any circumstances, when confidential proceedings are mixed with public proceedings.

III. Private Practice.

- a. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a 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 reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - i. The reasonable market rate for the use of equipment, work space and supplies;
 - ii. The method by which records are to be kept for the use of equipment, work space and supplies; and
 - iii. The method by which the court reporter is to reimburse the Court for the use of the equipment, work space, and supplies.

- b. The fees set forth in Section II shall apply to work performed in private practice by court reporters.

LR86-AR19-130 COURT FACILITY SECURITY ORDER

I. Restrictions on Court Access

- a. Anyone entering the locations listed below (collectively “the courtroom facilities”) must consent to a search of their person, including any package, container, briefcase, or purse:
 - i. the Warren County Courthouse;
 - ii. the Warren County Probation Department;
 - iii. any other location where a judicial officer of any of the Courts maintains an office; and
 - iv. any other location where a judicial officer conducts a court proceeding.
- b. The Court may, from time to time, designate one or more of the entrances/exits to be used only for restricted purposes.
- c. For the purpose of this Rule, “employee” shall include employees of Warren County, Indiana; any judicial officer, or a member of a judicial officer’s staff engaged in the performance of their duties.

II. Prohibited Items

- a. Unless exempt under Paragraph (d), below, anyone entering a courtroom facility is prohibited from having any of the following in his or her possession while in the courtroom facility:
 - i. a loaded or unloaded firearm;
 - ii. body armor (as defined by I.C. § 35-47-5-13(a)); or

- iii. a weapon, device, taser (as defined in I.C. § 35-47-8-3) or electronic stun weapon (as defined by I.C. § 35-47-8-1), bomb (as defined in I.C. § 35-31.5-2-31, including fireworks, black powder, and those items listed in subparagraph (b) therein), deadly weapon (as defined by I.C. 35-31.5-2-86), baton, equipment, chemical substance or other material, including a knife, razor, box-cutter, and switchblade that in the manner it is used, or could ordinarily be used, is readily capable of causing serious bodily injury.
- b. Anyone refusing to comply with this Order is to be denied entrance to the courtroom facilities.
- c. Anyone violating this Order may be found to be in contempt of court and punished for that contempt pursuant to the inherent power of the Courts and/or pursuant to I.C. § 34-47, I.C. § 34-47-2, and/or I.C. § 34-47-3.
- d. The following individuals are exempt from this Order:
 - i. a law enforcement officer, as defined in I.C. § 35-31.5-2-185;
 - ii. a judicial officer, as defined in I.C. § 35-31.5-2-177.7;
 - iii. a probation officer appointed pursuant to I.C. § 11-13-1-1, who has satisfied all of the conditions listed in I.C. § 11-13-1-3.5 and is authorized the officer's supervising judge to possess such items restricted by this Order;
 - iv. an employee of a locally or regionally operated Community Corrections Program, who is authorized to carry a firearm by his or her supervisor; and
 - v. any other person authorized by Warren Circuit Court Judge or Warren County Sheriff.

- vi. Any person listed in this Paragraph (d) SHALL NOT BE EXEMPT whenever they or any member of their family is a party to any proceeding taking place. This does not include appearing in the individual's official capacity.

III. Private Areas Restricted from Public Access

- a. The elected officials and judicial officers of the courtroom facility shall have the right to designate offices and other areas as private and prohibit public access to those restricted areas, unless the guest is accompanied by an employee and/or with permission from an employee.
- b. Any person, who is not an employee, is prohibited from entering or refusing to leave, areas within the courtroom facility designated as "private" and subject to restricted access, either by signage, locked doors, or verbal statements of any authorized employee. Simply because an employee allows a member of the public into a restricted area, within the ordinary course of business, does not prevent that area from being restricted to other members of the public not allowed access at that time, or accompanied by a county employee, or prevent the employee from revoking access granted to that guest and requesting the guest vacate the private area immediately.

IV. Video Cameras and Cellphones Prohibited in Certain Areas

- a. In compliance with Ind. Code of Judicial Conduct 2.17, Administrative Rule 19, and to insure the security, confidentiality and decorum of courtroom activities, juror identities and litigants, video cameras and cellphone are strictly prohibited as provide herein.

- b. Except with prior approval of the Warren Circuit Court or the Indiana Supreme Court, all persons are prohibited, restrained, and enjoined from broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto.
- c. For the purpose of this Rule, “areas immediately adjacent thereto” shall be defined to include the Circuit Courtroom, Courtroom foyer and the floor of the Courthouse on which the Circuit Court is located, its common areas, the jury room, restrooms, elevators and stairway, and those adjacent offices of: probation/administrator, bailiff, judge, and court reporter. This definition may be expanded by posted general orders of the Court when jury trials are in session or other times, to protect the identity of prospective and actual jurors, or when other matters, confidential by statute or law or circumstance, so permit and dictate broader application of this term’s definition, to preserve the spirit and intent of the Supreme Court rules.
- d. To prevent intentional or inadvertent violations, all persons shall turn off cell phones, smart phones, tablets, cameras, computers, and other electronic devices capable of violating this order, when entering areas covered by this Order. This provision does not apply to Court Staff, judicial officers, attorneys admitted to practice law before the Court and not a party to the case, law enforcement and jail officers providing security to the Court or appearing in their official capacity, any other person granted an exception by the presiding judge of the Court.
- e. This Order shall apply when the Warren Circuit Court is in session, and during recesses when the Circuit Court is open for business, but the courtroom and judge is standing in recess, including all official court business work days and any other

day of the week when the Court may be opened for trials or other Court business,
by order of the judge.

- f. A person who violates this Order, inadvertently or intentionally, shall immediately purge, delete, and destroy any audio, video, photograph, electronic data, or other thing, collected in violation thereof, and permit the device to be.
- V. The statutes cited herein may change from time to time. This local court rule shall automatically refer to the relevant statutes in effect at any given time.

LR86-AR21-140 SPECIAL JUDGE ASSIGNMENT - CRIMINAL CASES

- I. If it becomes necessary to reassign a criminal case in the Warren Circuit Court, the Clerk or Court Administrator shall reassign the case on a rotating basis to the full time judges and their magistrates, from the following courts:

Fountain Circuit Court
Benton Circuit Court
Vermillion Circuit Court
Tippecanoe Circuit Court
Tippecanoe Superior Court # 1
Tippecanoe Superior Court # 2
Tippecanoe Superior Court # 4
Tippecanoe Superior Court # 5
Tippecanoe Superior Court # 6
Tippecanoe Superior Court # 7
Parke Circuit Court
Montgomery Circuit Court
Montgomery Superior Court #1
Montgomery Superior Court #2

- II. In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, the case may be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes the unique circumstance presented in such proceeding requires appointment

by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.

- III. If the parties agree upon the appointment of a judicial officer, who is not listed in the rotation above, the parties shall first confer with the proposed judicial officer's staff, to confirm that judicial officer will accept appointment in the case, as some judges do not regularly handle all areas of law. Any stipulation on the appointment of a special judge not included on the above list, shall indicate the efforts made by the parties to confirm that judge's willingness to serve and any responses provided.

LR86-CR2.3-200 WAIVER OF MISDEMEANOR INITIAL HEARINGS

I. Applicability of this Rule

This rule applies only to criminal cases in which:

- a. the offenses are all misdemeanors;
- b. the defendant is represented by an attorney, who has filed an appearance with the Court prior to or contemporaneously with the Waiver of Initial Hearing Form;
- c. the defendant is not incarcerated; and
- d. the attorney and defendant comply with the provisions of this Rule.

II. Waiver of Initial Hearing Permitted

- a. Defendant and attorney shall execute a Waiver of Initial Hearing Form [*See*: Form CR00-200].
- b. Defendant shall indicate having read and understood those rights set forth on the Form CR00-200; the charges filed by the State against the defendant; and the other information set forth on Form CR00-200.

- c. Defendant's attorney shall file a motion to waive the initial hearing, attaching the completed Waiver of Initial Hearing Form, and tendering a proposed order granting the motion that provided for a pretrial and trial dates.
- d. The Initial Hearing is not waived, until granted by the Court.

LR86-CR2.6-250 PRETRIAL RELEASE

To assist in the Court in the administration of the Criminal Rule 26, upon completion of a pretrial assessment, either a Probation Officer, Pretrial Release Administrator or Pretrial Release Officer shall be authorized by the Court to approve a defendant for pretrial release on their own recognizance, in accordance with the Court's pretrial release program and consistent with the pretrial release matrix approved by the Court. This Rule shall not prevent a defendant from posting bail pursuant to the Court's standard bail schedule. Any person released to Pretrial Release or bond, may have the terms of the defendant's release reviewed *sua sponte* by the Court, or upon motion of the State or defendant, at the first hearing following the defendant's release or later upon a showing of just cause.

LR86-CR2.6-251 RELEASE OF CASH BOND

A defendant granted a pretrial release from custody upon posting a cash bond, who subsequently enters the Prosecuting Attorney's Infraction Deferral or Pretrial Diversion Programs in connection with the same cause of action, may have their cash bond applied to the costs of such Program by the Clerk of the Court, without further order of the Court, upon defendant's entry into said Program. A defendant who executes and files with the Court an agreement for said Programs, without tendering full payment contemporaneously with the agreement, shall be deemed to have

consented to the Clerk of the Court applying the cash bond to the applicable fees of that Program and to disburse any remaining fees as authorized by law.

LR86-JR2-400 PLAN FOR JURY SELECTION

Pursuant to I.C. § 33-28-5-1 et seq, the Court establishes this plan for jury selection. The Court Bailiff shall serve as Jury Commissioner.

I. Definitions

- a. “Circuit Court Judge” shall mean the elected judge of the Warren Circuit Court.
- b. “Jury Management System” or “JMS” shall mean the application developed by the Office of Court Services and provided by INCite for use by judicial officers in managing jury information.
- c. “Jury Panel” shall mean the list of prospective jurors, selected from the master list to serve for a term, subject to summons for jury duty in a given trial.
- d. “Jury Pool” shall mean the list of prospective jurors, actually summoned to appear, on a date(s) certain to serve in a jury trial for specified cause of action or to appear for jury service for a trial not yet determined, but to be held on said date(s).
- e. “Master List” shall mean the master jury pool list created and approved by the Indiana Supreme Court, as required by Jury Rule 2, annually to comply with I.C. § 33-25-5-14(a) and published to the Courts through JMS.
- f. “Presiding Judge” shall mean, any judge, senior judge, special judge, or other judicial officer, who will preside over a cause of action, requiring the use of a jury from Warren County’s Jury Pool, which has been summoned to appear in a specific cause of action.

II. Jury Plan

- a. Names for the jury pool will be selected annually from the Master List, which shall be maintained electronically in JMS.
- b. Method of selecting names from the master list for a Jury Pool
 - i. Names will be selected randomly, at least annually, from JMS, in the quantity determined by the Jury Commissioner and Circuit Court Judge, based upon historical needs for jury service and attendance rates to form the Jury Pool, which may be appended from time to time to meet the needs of the Court throughout the year.
 - ii. Names will be saved into a Jury Pool in JMS to serve a one (1) year term.
- c. Forms of and method for maintaining records of names drawn, jurors qualified, and juror's excuses and reasons to be excused
 - i. Jury Commissioner shall develop forms, approved by the Circuit Court Judge, for which the jury pool shall qualify, list excuses, and request exemptions ("Qualification Forms").
 - ii. After submitting Qualification Forms, future requests to be excused, shall be reduced to writing, signed by the prospective juror. Requests from the jury pool shall be directed to the Jury Commissioner for review by the Circuit Court Judge. Requests from jury panel members shall be directed to the Presiding Judge, if summonsed for a specific trial or the Circuit Court Judge, if summonsed for a general date, rather than a specific trial.
 - iii. Records shall be retained in accordance with appropriate retention schedule by the Jury Commissioner.

- d. Method of drawing names of qualified jurors for prospective service
 - i. Names from the Pool, will be selected randomly by the JMS for each panel, as needed for scheduled Jury Trials, in the quantity requested by and at the direction of the judge presiding over each jury trial (“Panel”).
 - ii. The Presiding Judge or Jury Commissioner may add names to the Panel, at any time, based upon response, qualification, exemptions, excuses granted, or other reasons, which justify increasing the quantity of members in the Panel.
- e. Procedures to be followed by prospective jurors in requesting to be excused from jury service
 - i. Requests shall follow paragraph (c)(ii) above.
 - ii. In exigent circumstances that do not allow for advanced written requests, oral requests to be excused from jury service from a Jury Panel member, may be made to the Jury Commissioner, ruled upon by Presiding Judge, noted on the Court’s Record, and the Jury Panel member directed to memorialize the request in writing, as soon as practical.
- f. Jury Commissioner and Judge shall determine the number of jurors for each panel by considering Jury Rule 16 and the type of case

LR86-JR10-410 JUROR ANONYMITY

To protect the integrity of the Court proceedings, ensure the safety, security and anonymity of the proceedings, jurors and prospective jurors shall at all times be referred to by their juror number, when Court is in public session or on the record. If the need arises to state a juror’s name

in open court or on the record, the party seeking to do so, shall motion the Court for approval and show just cause.

LR86-JR29-450 JURY TRIALS

I. Admonishment.

- a. The Court will provide the following First Admonishment, in substantially these words, to jurors when they leave the Courtroom for the first time after the start of the trial, and again prior to all overnight breaks:

Members of the jury, during this recess you are permitted to discuss the evidence with each other, but only in the jury room, only while all of you are present, and only as long as you reserve judgment about the outcome of the case until deliberations begin. You are not to discuss the evidence or the case with anyone else and you are not to permit anyone to talk to you or in your presence on any subject or matter connected with the trial. It is your duty to keep an open mind about the case until it is submitted to you for deliberation. If anyone attempts to discuss the case with you or in your presence get their name and report it to the Bailiff immediately.

Furthermore, during any recess or adjournment you must not talk to any of the attorneys, parties, or witnesses about anything. You should not even pass the time of day with them in the courthouse or elsewhere. I say this, not because I think you would discuss this case with them, but simply because it is not proper for you to be seen talking with one side or the other. In other words, it is important that you be, and appear to be, impartial at all times during the trial of this case.

You should keep an open mind. You should not form or express an opinion during the trial and should reach no conclusion about the case until it is submitted to you for your deliberation. Do not use cell phones or other wireless devices to access or send any information concerning this trial, except under the direct supervision and permission of the Bailiff.

- b. The Court will provide the following Second Admonishment to jurors during second and subsequent breaks throughout the day of a jury trial.

Members of the jury, during this recess you are permitted to discuss the evidence with each other, but only in the jury room, only while all of you are present, and only as long as you reserve judgment about the outcome of

the case until deliberations begin. Do not discuss the evidence under any other circumstance. You should keep an open mind. You should not form or express an opinion during the trial and should reach no conclusion about the case until it is submitted to you for your deliberation. Do not use cell phones or other wireless devices to access or send any information concerning this trial, except under the direct supervision and permission of the Bailiff.

II. Jury Selection

The Court will utilize a single pass process. Challenges for cause, shall be made orally to the Court prior to presenting any preemptory challenges. Once a juror has been passed for cause and preemptory challenges are tendered to the Court, the remaining jurors will be deemed accepted by the parties, unless new information concerning the juror arises to establish good cause for removal, as permitted by law. Preemptory challenges will be provided to the Court through a blind striking process, such that neither parties will be aware of the prospective jurors stricken by the opposing party, until the preemptory challenges are tendered to the Court and then disclosed to the parties. A juror stricken peremptorily by both parties, will be charged against both parties allotted preemptory challenges. Nothing contained in this Rule shall prevent a judicial officer from deviating from this selection process, upon notice to the parties, in the interest of justice or judicial economy.

LR86-TR3.1-500 WITHDRAWAL OF APPEARANCE

I. Automatic Withdrawal

- a. Attorneys appointed as pauper counsel in any action, shall be deemed to have their services to the County and appointment concluded thirty (30) days, following: sentencing; an order disposing of a probation revocation petition; termination of wardship or parental rights; dismissal of the contested action; or, entry of any other final appealable order which disposes of the contested issues for which the pauper

attorney was appointed by the Judge. At any time thereafter, the Court may show the appearance concluded.

- b. Failure of the Court to timely conclude the appearance in the Court's records, does not obligate the pauper attorney to further representation or appearance, without new orders of appointment from the Court.

II. Motions to Withdraw

- a. A motion seeking to withdraw the appearance of an attorney shall include:
 - i. the last known email address for the client or a statement it is unknown to the attorney, along with the information required by Trial Rule 3.1, when moving to withdraw.
 - ii. In a criminal case, the cellular phone number of the Defendant or a statement it is unknown to the attorney, if different than the number provided in the motion pursuant to Trial Rule 3.1.
- b. The ten (10) day notice letter, required by Trial Rule 3.1, may be electronically filed as an incorporated page of the motion or as a separate exhibit.
- c. The ten (10) day notice letter is not required, where the client signs the motion, indicating, either: the client was provided with ten (10) days advanced notice, or that the client is requesting the attorney withdraw.

LR86-TR4-510 VERIFIED PROOF OF SERVICE REQUIRED

A party required to perfect service, pursuant to Trial Rule 4 to 4.17, shall file with the Clerk a verified pleading or affidavit, providing sufficient facts to permit the Court to determine that the affiant complied with the said trial rules, including verification of the documents served, manner of service, and that any mailing receipts provided by the movant, are related to those documents

served upon the recipient. A certified mailing or similar receipt, returned or filed directly with the Clerk, shall be referenced by the certified mailing number in the proof of service.

LR86-TR5-520

SERVICE OF ORDERS

I. Application.

This Rule applies to all orders to be issued by the Court

II. Distribution and Service of Orders.

- a. The Clerk of the Warren Circuit Court will distribute orders as required by the trial rules, regardless of designations made by parties on proposed orders, unless otherwise directed by the Court.
- b. It shall be the responsibility of any party requesting orders to be distributed by a method other than that required by the trial rules (i.e., certified mail, sheriff, personal service, etc....), to perfect such service at their own expense and file due proof with the Court, in the manner provided for in Paragraph (c) below. This shall not alleviate the Clerk from distributing orders as required by Trial Rules.
- c. Parties required to distribute orders pursuant to Trial Rule 5(H) or to provide notice to non-parties by rule or statute, shall distribute said orders or pleadings within three (3) business days of the document being placed on the docket and then, shall file a separate certificate of service with the Clerk within seven (7) days thereafter, in the form and manner provided for by Trial Rule 5(C) to certify the party's compliance with Trial Rule 5(H), the rule or statute that requires notice.

- d. Failure to distribute orders and file a separate certificate of service under paragraph (c), may result in: denial of relief; relief from judgment/orders; vacating of hearings; award of attorney's fees to the adverse party; and/or other sanctions.

LR86-TR5-530 MOTION HOUR

The Warren Circuit Court will hold Motion Hour, daily from 8:15 A.M. until 9:00 A.M., excluding Thursdays, on all days the Court is in session. Motion hour may used for scheduling matters with the Court, addressing procedural issues, or other routine matters that do not required presenting evidence. Attorneys may request a specific date and time to conference with the Judge or may call in for an impromptu conference. Scheduled conferences will be given priority over of impromptu calls. These shall be done by conference calls, initiated by one of the parties, to the other parties and finally the Court, or by a meeting in chambers. If any party is self- represented, then the conference shall occur remotely via Zoom and made a part of the record. Only the attorney or self-represented litigant shall participate, no witness, clients, or others. Such conferences shall be limited to less than fifteen minutes. Attorneys may contact Court Staff to find an available time for a conference. Jury trials and judicial conflicts may reduce availability.

LR86-TR6-540 EXTENSIONS OF TIME

In all civil matters, where a responsive pleading required, parties shall be allowed an initial extension of up to thirty (30) days to respond, by agreement, without an order from the Court. The parties shall confer and if there is no objection, then the party requesting the extension shall file a notice with the Court, which shall specify the new date to respond and that all parties consented. If there is an objection, then a motion shall be filed indicating which party is objecting. Future extensions of time shall be accompanied by a written motion or made orally in open court.

LR86-TR8-550 FORMAT OF PLEADINGS AND PROPOSED ORDERS

Pleadings and proposed orders, filed with the Court, whether by electronic or paper format, shall adhere to this Rule.

I. Format of Pleadings

- a. One pleading shall be filed electronically for each document uploaded for electronic filing. Exhibits, attachment, or related document, shall be attached as related events, but filed as separated PDF documents. Parties shall not file a single PDF containing multiple pleadings, as a single event.
- b. Margins: All pleadings shall include a one (1) inch margin at the top of the pleading.
- c. Fonts: All pleadings and proposed orders shall be those permitted by Indiana Appellate Rule 43 and shall be a 11 to 14-point font.
- d. Page Length: Memorandum in support of motions for summary judgment or briefs for judicial review, shall be limited to thirty (30) pages, double spaced, including any response or objection thereto. Replies shall be limited to ten (10) pages. Motions to strike shall be limited to six (6) pages, double spaced, including any responses or objection thereto. There shall be no sur-replies filed, except by leave of Court.
- e. Proposed Orders:
 - i. All proposed orders, shall be filed as a separate document and may not be included as a part of any motion, petition, or other pleadings.
 - ii. Parties E-filing a proposed order for the Court's consideration, on non-routine matters, may also be submitted in an electronic,

word processing file format, by electronic mail to the Court Reporter.

iii. If the following orders are E-filed, a copy may also be submitted in an electronic, word processing file format, by electronic mail to the Court (court@warrencounty.in.gov):

1. Proposed Findings of Fact and Conclusions of Law;
2. Proposed Orders on Summary Judgment in excess of one (1) page; or
3. Proposed Order or Findings, as ordered by the Court.

iv. The space from the caption to the right edge of the document, shall remain blank space to allow adequate for the Court's file stamp, when processed.

v. Proposed orders shall contain a specific and descriptive title, ideally referring to the motion it relates, rather than a generic "order" title, such as "Order Granting Plaintiff's Motion for Default Judgment."

vi. Single blank lines shall be used for dates to be filled in by the Court and Clerk. To allow for the use of the automatic electronic date stamps, proposed orders, shall include, following the conclusion of the body of the text and above the judge's signature line:

"SO ORDERED on this date: _____".

Similarly, blanks within the proposed order or notices for hearing dates, should be indicated by a single blank line, of at least three inches (3”) for the date and time, such as:

“...set for hearing on _____”.

(Litigants should no longer use formats similar to: “on the ____ day of _____, 20__ at _____ o’clock.”)

- vii. Proposed orders shall contain at least three (3) blank lines of at least 11-point font single spaced, immediately above the judge’s signature line.
- viii. Pursuant to directives from the Indiana Office of Court Services, proposed orders shall not include “HERE INSERT”, “H.I.” or similar language to reference pleadings or other documents in the Court’s record, unless the actual document is a part of the proposed order submitted and incorporated into a single PDF file. Order may make reference to the documents filed with the Court, include the date upon which they appear on the docket.
- f. Unless otherwise directed by the Court, proposed documents shall be: submitted (1) using the event “proposed order” or “proposed notice” in the appropriate E-Filing service provider’s web portal; and (2) filed contemporaneously with a motion related to the proposed order.
- g. Proposed Orders shall list a distribution of parties and manner of distribution, suggested by the moving party. The Clerk shall distribute all orders for represented parties to the attorney of record by the electronic notice system **only**, regardless of

the designation on the proposed order and will not generally provide copies directly to the represented litigant. Service requested upon parties by other than by regular mail (certified or sheriff), will be at the expense and obligation of the moving party, unless the Court specifically directs the Clerk or other party to do so.

- h. Any pleading or proposed order, filed in non-conformity with this Rule, may be stricken or the motion denied, without prior notice or hearing.

II. Proposed Orders Required

- a. A proposed order shall be submitted with all motions, suggested the relief requested.
- b. A motion submitted without a proposed order, may be denied without prejudice.
- c. Proposed orders for the following motions are excepted from this Section, and discretionary, unless and until ordered by the Court:
 - i. motion for summary judgment, when contested by the opposing party;
 - ii. motion to reconsider;
 - iii. motion to correct error;
 - iv. motion to suppress; or
 - v. motion for limited release

III. Stipulation and Agreements

Stipulations and agreements, filed by parties, which required the approval of the Court, shall be filed either: (a) as a proposed order event, if the document contains a judicial signature line; or, (b) filed as any other appropriate event, if it does not contain a judicial signature line,

and then accompanied by a separately filed motion to approve the stipulation or agreement, and a proposed order approving said stipulation or agreement.

LR86-TR8-551 OPPOSING PLEADINGS OR HEARING DATES

I. Time for Filing Objections

- a. Unless another time is provided for by statute, rule, or order of the Court, upon the filing of a pleading, non-moving parties objecting to the relief sought, within fourteen (14) days, shall file such objection, request for a hearing, or request for additional time to so file.
- b. A moving party may request, in any pleading, to shorten or waive this time, by requesting the court waive application of this local rule and providing just cause.
- c. Paragraph (a) shall not apply to motions relating to hearings, deadlines, or events, which will occur or expire within fourteen (14) days; any matter in which service upon the opposing party would not be required by Trial Rule 5; where there are no parties with standing to oppose the relief sought, including joint motions; motions/petitions, which necessarily require an evidentiary hearing before relief can be granted; or, in any other instance where the court determines that just delay should be avoided and the pleading ruled upon, in the interest of justice or judicial economy.
- d. Upon the satisfaction of the Court that proper notice was provided, the Court may rule upon a petition or motion, if there is no objection timely filed. In matters in which notice is required by rule and statute, the moving party shall file proof as required by Local Rule LR86-TR5-510 or LR86-TR5-521.

III. Motions to Continue

- a. A moving party shall confer with all non-moving parties, prior to filing a motion seeking to continue a hearing or trial, to determine whether non-moving parties object and include the position each party, or efforts made to reach the party, in the motion.
- b. Motions that seek to continue a hearing or trial, due to a scheduling conflict, shall be filed within fourteen (14) days of the matter being placed on the docket, or shall state in the motion why the conflict was unknown at the time of scheduling or should take precedent over the matter being continued.

LR86-TR11-570 ELECTRONIC SIGNATURES; RETENTION

I. Electronic Signatures Permitted

Pleadings required to be signed pursuant to Trial Rule 11, may be signed by the attorney or interested party electronically, in lieu of a handwritten signature, by affixing an electronic signature, where the individual's name is preceded by "/s/" to indicate the name that follows, represents a signature of the name typed. (e.g.: /s/ *John A. Doe*) or affixing an electronic signature stamp, or other typed name of the signor, making it clear to the Court the document was electronically signed. Inclusion of an electronic signature upon a document filed with the Court, shall constitute an affirmation and representation both by the person preparing the document and the person filing the document with the Court, that the signor personally reviewed the pleading and specifically directed their signature to be affixed, or personally affixed it themselves. A pleading or document, which was signed with an original signature by a signor may be

filed with an electronic signature substituted, if the original is maintained pursuant to this Rule.

IV. Original Verified Documents Retained

Originally signed paper copies of all documents submitted to the Court under oath or penalties of perjury shall be retained by the filing attorney or party for a least three (3) years following the closing of the case by the Court. Examples of such documents include, but are not limited to, affidavits or verified pleadings. These originally signed documents shall be produced for inspection upon request of the Court or a party in interest.

LR86-TR12-580 DEFENSES – FILED SEPARATELY

Motions to dismiss or seek other rulings pursuant to Trial Rule 12, shall be filed as a separate motion, if defendant desires a ruling in advance of trial. Defenses included in an answer, shall be reserved until the trial and not ruled upon by the Court, absent a separate motion requesting an early determination by the Court in advance of trial.

LR86-TR79-700 SPECIAL JUDGE ASSIGNMENT – CIVIL CASES

- I. If it becomes necessary to reassign a civil case in the Warren Circuit Court, the Clerk or Court Administrator shall reassign the case on a rotating basis to the full time judges and their magistrates, in the following courts:

Montgomery Superior Court # 1
Fountain Circuit Court
Montgomery Superior Court # 2
Montgomery Circuit Court
Parke Circuit Court
Vermillion Circuit Court
Benton Circuit Court
Tippecanoe Circuit Court
Tippecanoe Superior Court # 1
Tippecanoe Superior Court # 2
Tippecanoe Superior Court # 4
Tippecanoe Superior Court # 5
Tippecanoe Superior Court # 6
Tippecanoe Superior Court # 7

- II. In the event the Judge selected above is disqualified, ineligible or excused from service, the next Judge in order shall be appointed. In the event no Judge is eligible to serve as Special Judge, then such case shall be certified to the Supreme Court.
- III. If the parties agree upon the appointment of a judicial officer, who is not listed in the rotation above, the parties shall first confer with the proposed judicial officer's staff, to confirm that judicial officer will accept appointment in the case, as some judges do not regularly handle all areas of law. Any stipulation on the appointment of a special judge not included on the above list, shall indicate the efforts made by the parties to confirm that judge's willingness to serve and any responses provided.

DR11-AR5 -01 DISTRICT 11 RULE: JURISDICTION OF SENIOR JUDGES

The District 11 Plan with respect to the allocation of judicial resources within the District shall be amended as follows for the counties of Fountain and Warren:

Jurisdiction of Senior Judges

For those Senior Judges specifically named in and subsequently approved from the Court's Order seeking appointment of Senior Judges, such Senior Judges shall have jurisdiction in the emergency matters enumerated below without a prior order for such emergency matter. Such Senior Judge shall within five (5) business days notify the regular Judge of such emergency matter action and the regular Judge shall cause an order to be issued regarding such emergency matter jurisdiction. Such Senior Judge notification can be in any form reasonably calculated to inform the Court and shall not affect the jurisdiction to issue such emergency order. The Court's order shall be filed in the Record of Judgments and Orders of the court and a copy sent to the Division of State Court Administration.

Emergency matters shall include:

- 1. Emergency Detention Orders**
- 2. Civil Protection Orders**
- 3. Workplace Violence Restraining Orders**
- 4. Search Warrants**
- 5. Arrest Warrants**
- 6. Probable Cause Determinations within 48 hours of warrantless arrest** (*County of Riverside v. McLaughlin*)
- 7. Temporary Restraining Orders**
- 8. Emergency CHINS Orders**
- 9. Emergency Delinquency Orders**

IN THE WARREN CIRCUIT COURT

STATE OF INDIANA)
)
vs.)
)
_____)

CAUSE NO. _____

[FORM CR2.3-200] WAIVER OF INITIAL HEARING

Defendant now waives the right to appear for an initial hearing and acknowledges the following:

1. I have read and understand the following:
 - a. I have a right to a speedy, public trial, by jury, in the county in which the offense was allegedly committed.
 - b. I will be presumed innocent unless and until the State proves me guilty beyond a reasonable doubt.
 - c. I have the right to face all witnesses against me and to see, hear, question and cross-examine those witnesses.
 - d. I have the right to require witnesses to be present at any hearing to testify in my behalf, and at my request subpoenas will be issued by the Court, at no expense to me, requiring witnesses to appear on my behalf.
 - e. I have the right to remain silent and I cannot be required to give any testimony or make any statement against myself to anyone.
 - f. I have the right to be heard in my own defense at any hearing or trial concerning the charge[s] against me. Anything I say, however, may be used against me.
 - g. I have the right to be represented by an attorney at each and every stage in these proceedings and throughout any appeal. If I can no longer afford my attorney, the Court will appoint an attorney for me at county expense. I have right to represent myself.
 - h. I have the right to appeal, any guilty plea, verdict, or sentence that may be imposed by the Court, and to be represented by an attorney at county expense, if I cannot afford one.
 - i. I have the right to jury trial in a Misdemeanor case. If I wish to exercise my right to trial by jury, I must file a written demand for a jury trial. I must file this written demand no later than ten (10) days before my first scheduled trial date. If I fail to file a written demand, or if I file a written demand but file it late, I give up my jury trial right, permanently. If I give up my jury trial right, I will have no say about whether it will be a jury or a judge who hears the evidence at my trial and determines whether the State of Indiana proves my guilt beyond a reasonable doubt.
2. I waive the right to have a trial within sixty-five (65) days of my Initial Hearing.
3. I understand the following possible penalties, if I am convicted:
 - a. Class A Misdemeanor, 0-365 days in jail and a fine of \$0-\$5,000
 - b. Class B Misdemeanor, 0-180 days in jail and a fine of \$0-\$1,000
 - c. Class C Misdemeanor, 0-60 days in jail and a fine of \$0-\$500

- d. Habitual Vehicular Substance Offender, may add one (1) to eight (8) years in jail to the above sentences.
 - e. I will lose your right to possess a firearm upon the conviction of a crime of domestic violence.
- 4. I have read or had read to me, the charging information, listing the charges. I do not have any questions concerning my rights, possible penalties, or the nature of my charges, to address with the court at this time. I understand I may raise questions with the Court at any future hearing.
 - 5. I understand that if I am charged with any offense under I.C. § 9-30-5-1 or 2 (*i.e.*: Operation of Vehicle with Specified Amount of Alcohol or Controlled Substance in Body or Operating While Intoxicated), that the Court will determine if there was probable cause for my arrest, at the time and date for my Initial Hearing, which may result in the suspension of my driving privileges. I understand that, upon a finding of probable cause, my license will be suspended on that date, and I may not operate a motor vehicle thereafter, without obtaining specialized driving privileges. Unless I receive an order from the Court finding there was **no probable cause**, I am waiving further notice that I have been suspended, and consent that an Order served upon my attorney of my suspension shall serve as actual notice to me. I may file a petition for specialized driving privileges, to request an order allowing me to drive with certain restrictions.
 - 6. If I am subject to a ten (10) day No Contact Order (NCO), as a condition of my bail or pretrial release, I consent to that order remaining in full force and effect until my case is disposed of, or until further order of the Court. I may file motion with the Court for a hearing to consider removing the NCO at a later date.
 - 7. I understand I can review my charges, orders, court dates, and follow my case at www.mycase.in.gov.
 - 8. I will receive my court dates by text notifications from the Court and my attorney. My cellular phone number is:_____ and my mailing address is:_____.

I request the Court waive my Initial Hearing.

Defense Attorney*

Defendant

**Defense attorney's signature certifies attorney's compliance with Local Rule LR86-CR2.3-200*