STATE OF INDIANA – COUNTY OF WHITLEY
IN THE WHITLEY CIRCUIT AND SUPERIOR COURTS

Notice of Proposed Amendments to Local Court Rules
May 30, 2026

In accordance with Trial Rule 81 of the Indiana Court Rules, the Whitley Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) for the courts of record of Whitley County, effective January 1, 2027.

All new text is shown by underlining and deleted text is shown by ~~strikethrough~~. Supreme Court approval is required for Local Rules concerning **revalidation of caseload allocation plan and court reporter fees** and will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Whitley County Clerk and at the Indiana Judiciary webpage for Local Rules (https://www.in.gov/courts/publications/local-rules/), and by furnishing a copy to the officers of the Whitley County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Whitley County, 101 W. VanBuren Street, Columbia City, IN 46725 during normal business hours.

The time period for the bar and the public to comment shall begin on June 3, 2026, and shall close on July 6, 2026. The proposed amendments to the rule will be adopted, modified or rejected before July 29, 2026, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 3, 2026.

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

Hon. Douglas M. Fahl, Judge of the Whitley Superior Court, Attn: Public Comment on Local Rules, Whitley County Courthouse, 101 W. VanBuren Street, Columbia City, IN 46725; or wcsuperiorcourt@whitleygov.com.

DATED this 7th day of May, 2026 on behalf of the Judges of Whitley County.

/s/ Douglas M. Fahl
Douglas M. Fahl, Judge
Whitley Superior Court

WHITLEY COUNTY, INDIANA
CIRCUIT AND SUPERIOR COURTS
92ND JUDICIAL CIRCUIT

LOCAL RULES AND PROCEDURE
(AS REVISED January 1, 2027~~6~~)

LOCAL COURT RULES FOR WHITLEY CIRCUIT COURT AND WHITLEY SUPERIOR COURT OF THE 92ND JUDICIAL CIRCUIT OF WHITLEY COUNTY, INDIANA

(as amended on January 1, 2027~~6~~)

1. TABLE OF CONTENTS

TRIAL RULES

LR92 -TR3.1-2	**WITHDRAWAL OF APPEARANCE BY COUNSEL**
LR92-TR77-1.1	**FILING WITH THE CLERK**
LR92-TR77-1.2	**FORMAT OF PLEADINGS**
LR92-TR79-2	**SPECIAL JUDGE ASSIGNMENT IN CIVIL CASES**

CRIMINAL RULES

LR92-CR00-1	**REFILING AND SUBSEQUENT FILINGS**
LR92-CR00-2	**TRANSFER**
LR92-CR00-3	**DISCOVERY RULES**

ADMINISTRATIVE RULES

LR92-AR1-1	**LOCAL CASELOAD PLAN**
LR92-AR1-2	**CRIMINAL AND JUVENILE CASE ASSIGNMENT**
LR92-AR1-3	**JUDGES ASSISTING OTHER JUDGES**
LR92-AR7-4	**EVIDENCE HANDLING, RETENTION AND DISPOSITION**
LR92-AR12-5	**FILING OF DOCUMENTS IN THE WHITLEY CIRCUIT AND SUPERIOR COURTS BY FACSIMILE TRANSMISSION**
LR92-AR15-6	**COURT REPORTER SERVICES**
LR92-AR19-7	**COURT BUILDING SECURITY ORDER**
LR92-AR21-8	**REASSIGNMENT AND APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASE**

JURY RULES

LR92-JR4-1	**JURY RULES**

SMALL CLAIMS RULES

LR92-SC00-1	**FORM OF GARNISHMENT**
LR92-SC00-2	**LIMITATION ON FILING PROCEEDING SUPPLEMENTAL**
LR92-SC00-3	**SCHEDULING OF COLLECTION HEARINGS**

MENTAL HEALTH RULE

LR92-MH-1 APPLICATION FOR EMERGENCY DETENTION FOR TREATMENT OF MENTALLY ILL INDIVIDUALS

DISSOLUTION RULE

LR92-DR-1 DISSOLUTION MARRIAGE/JUVENILE PATERNITY

WHITLEY COUNTY ADR FUND PLAN

TRIAL RULES

2. LR92-TR3.1-2 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; or
   (3) Upon other good cause found by the Court.

B. A motion to withdraw shall include 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.

3. LR92-TR77-1.1 FILING WITH THE CLERK

A. Regarding paper and electronically filed pleadings, hereinafter referred to as "all pleadings," pleadings shall be filed with the Clerk, not directly with the Court, unless otherwise required by the Indiana Rules of Court.

4. LR92-TR77-1.2 FORMAT OF PLEADINGS

A. All pleadings, motions and other documents shall be prepared in accordance with the applicable provisions of the Indiana Rules of Trial Procedure, the Rules of Access to Court Records, and any other applicable rules of court or administrative rules. For uniformity and convenience, the following requirements shall also be observed:
   a. All papers shall be flat and unfolded, unless received by mail.
   b. All documents shall be on standard 20# white paper and measure 8 ½" x 11" with the exception of existing wills.
   c. Documents shall be free of blood, saliva, and objects such as grommets and staples.

5. LR92-TR79-2 SPECIAL JUDGE ASSIGNMENT IN CIVIL CASES

In any case except for criminal, infraction, or ordinance violation involving a change of Judge, the procedure mandated by Trial Rule 79 shall apply. The procedure for selecting a Special Judge is:

If a judge in Whitley County grants a motion for a change of judge, or the judge recuses or is disqualified, and 1) the parties are unable to agree to a particular special judge, or 2) the parties are unable to agree to have the regular sitting judge appoint a special judge, or 3) the agreed upon

or appointed judge does not accept appointment, the Court may appoint a senior judge to handle the matter as a special judge. If a senior judge is not appointed or does not accept appointment, the following local rule applies:

a. If the case originated in the Whitley Circuit Court, the case must be transferred to the Judge of the Whitley Superior Court.
b. If the case originated in the Whitley Superior Court, the case must be transferred to Judge of the Whitley Circuit Court.

If no Whitley County judge, senior judge, or magistrate accepts appointment, the Clerk of the Court shall select a special judge (on a rotating basis) from an alphabetical list of full-time judicial officers eligible under Trial Rule 79 from counties within the Judicial Administrative District of which Whitley County is a member.

In cases in which no judge is eligible to serve as special judge pursuant to the above procedure, or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Indiana Supreme Court for appointment of a special judge.

The appointed judge under this local rule must accept appointment unless:

a. Disqualified under the Code of Judicial Conduct;
b. Ineligible under the Trial Rules; or
c. Excused by the Indiana Supreme Court.

CRIMINAL RULES

6. LR92-CR00-1 REFILING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the court from which the dismissal was taken.

7. LR92-CR00-2 TRANSFER

A judge of Whitley Circuit or Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to the other court of record in the county with jurisdiction to hear the charged offense in any pending case, subject to acceptance by the receiving court.

8. LR92-CR00-3 DISCOVERY RULES

For all criminal cases filed in the Whitley Circuit or Superior Court, beginning January 1, 2021, the Court now issues the following Discovery Order:

1. The State shall disclose to the Defense the following material and information within its possession or control as soon as is reasonable, and at least thirty (30) days before trial.

    a. 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.
    b. Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgement of such statements.
    c. Any reports or statements of experts, made in connections with the particular case, including results of physical or mental examinations and scientific tests, experiments or comparisons which may be used or relied upon at hearing or trial.
    d. Any books, papers, documents, photographs or tangible objects which the Prosecuting Attorney intends to introduce into evidence as a part of the case-in-chief in the hearing or trial or were obtained from or belong to the accused.
    e. Any record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses in its case-in-chief at the hearing or trial.
    f. Any evidence, which tends to negate the guilt of the accused as to the offense charged or would tend to mitigate his/her punishment.
    g. A copy of any written agreement and the complete substance of any oral agreement made by the State with any witnesses to secure their testimony or any co-defendant or other person charged arising out of the same incident.

The State may perform these obligations in any manner mutually agreeable to itself and Defense Counsel by notifying Defense Counsel that material and information, described in general terms may be inspected, obtained, tested, copied or photocopied, at specified reasonable times and places.

2. The Defense shall disclose to the State the following material and information within its possession or control as soon as is reasonable, and at least thirty (30) days before trial.
    a. The names and addresses of persons whom the Defendant may call as witnesses along with a copy of their written statements or a summary of their oral statements and a record of their prior criminal convictions.
    b. Any books, papers, documents, photographs, or tangible objects, which are intended to be used at a hearing or trial.
    c. Any medical or scientific reports relating to Defendant or Defendant's evidence, which may be used at a hearing or trial.
    d. Any defense, procedural or substantive, the Defendant intends to make at a hearing or trial and a significant summary of the basis and authority for the same.
    e. Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific

tests, experiments or comparisons which will be used or relied upon at a hearing or trial.

3. Any objections to this Discovery Order must be filed fourteen (14) days before trial.

4. Continuing Discovery and Sanctions:

    a. Discovery is a continuing order through trial.
    b. No written motion is required except to compel discovery for a Protective Order, or for an extension of time.
    c. Failure of either side to comply with this order fourteen (14) days before trial may result in exclusion of evidence at trial or other appropriate sanction.

5. The State may be informed of and permitted to inspect and copy or photograph any report of results or testimony relative thereto of physical or mental examinations or of scientific tests, experiments or comparisons, or any other reports or statements of experts which Defense Counsel has in its possession or control, except those portions of reports containing statements made by the Defendant if Defense Counsel does not intend to use any of the material contained in the report at a hearing or at the trial.

ADMINSTRATIVE RULES

9. LR92-AR1-1 LOCAL CASELOAD PLAN

1. The judge of the Whitley County Circuit Court, may, with the consent of the judge of the Whitley Superior Court, transfer any action or proceeding from the Circuit Court to the Superior Court. The judge of the Whitley Superior Court may, with the consent of the judge of the Whitley Circuit Court, transfer any action or proceeding from the Whitley Superior Court to the Whitley Circuit Court. Other Local Rules previously filed with the Clerk of the Indiana Supreme Court establish rules for the filing of criminal cases in the courts of Whitley County.

2. The Judges of Whitley County shall meet at least as often as annually to review the workload and caseload of each judge and court and then transfer, if necessary, such cases or judges between the courts as shall substantially equalize the workload of each of the judges of Whitley County.

3. Beginning November 1, 2020, to improve a discrepancy in the caseload, the courts and Clerk shall require that all Divorces with Children be filed in the Whitley Circuit Court.

4. Beginning January 1, 2023, to improve a discrepancy in the caseload, the courts and Clerk shall require that all Civil Collection cases be filed in the Whitley Circuit Court.

5. All EV cases shall be filed in the Whitley Superior Court to be placed on the small claims docket.

10. LR92-AR1-2 CRIMINAL AND JUVENILE CASE ASSIGNMENT

SUPERIOR COURT:

The following cases will be filed and assigned to Superior Court:

1. All infractions, traffic infractions and Title 9 traffic offenses, excluding O.W.I. Causing Death.
2. All misdemeanors, with the exception of Check Deception misdemeanors.
3. All Class D felonies, with the exception of Check Fraud, as a Class D felony, and felony Non-Support Child Support cases.

CIRCUIT COURT:

The following cases will be filed and assigned to Circuit Court:

1. All Class A, B and C felonies, with the exception of Class C felony of Operating While a Habitual Traffic Violator.
2. All misdemeanor and Class D felony cases except for Superior Court filings as listed above.
3. All juvenile cases.

LR92-AR1-2 (a) CRIMINAL CASE ASSIGNMENT (for crimes committed after June 30, 2014)

SUPERIOR COURT:

The following cases will be filed and assigned to Superior Court:

1. All infractions, traffic infractions and Title 9 traffic offenses, excluding O.W.I. Causing Death.
2. All misdemeanors, with the exception of Check Deception and Theft (by issuance of a check).
3. All Level 6 felonies, with the exception of Check Fraud, Theft (by issuance of a check), and Non-Support of a Dependent Child.

CIRCUIT COURT:

The following cases will be filed and assigned to Circuit Court:

1. Murder and all Level 1, Level 2, Level 3, and Level 4 felonies.
2. All Level 5 felonies with the exception of I.C. 9-30-17 (Operating after Lifetime Suspension).
3. All misdemeanor and Level 6 felonies not assigned to Superior Court as noted above.
4. All juvenile cases.

11. LR92-AR1-3 JUDGES ASSISTING OTHER JUDGES

Pursuant to the authority conferred upon Judges to make Local Rules and pursuant to Indiana Code 33-29-1-10 and for the purpose of each of the Judges being able to assist the other:

A. The Judge of the Whitley Circuit Court may, with the consent of the Judge of Superior Court, sit as a Judge of the Whitley Superior Court in any matter as if the Circuit Court Judge were an elected Judge of the Whitley Superior Court.
B. The Judge of the Whitley Superior Court may, with the consent of the Judge of the Whitley Circuit Court, sit as the Judge of the Whitley Circuit Court in any matter as if the Judge of Whitley Superior Court were the elected Judge of the Whitley Circuit Court.

12. LR92-AR7-4 EVIDENCE HANDLING, RETENTION AND DISPOSITION

A. Preamble. In all cases, the court shall proceed pursuant to these Rules unless the court directs a longer retention period after motion by any party or on its own motion.

B. Retention Periods for Evidence Introduced in Civil and Criminal Proceedings.

1. Civil Cases, including Adoption, Paternity, Juvenile, and Infraction Proceedings. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later. The Court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

2. Misdemeanor, Level 6 Felonies, and Attempts. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence except as otherwise ordered by the court, three (3) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken, If an appeal is taken, all such exhibits shall be retained by the court reporter for three (3) years from termination of the appeal, retrial,

or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The Court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

3. Level 1-5 Felonies and Attempts. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, twenty (20) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty (20) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

4. Murder, Life without Parole, and Death Penalty Cases. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter should be retained for the lifetime of the defendant in cases where the defendant is found guilty. All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court twenty (20) years after the case is dismissed or the defendant found not guilty, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty (20) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

5. Non-documentary and Oversized Exhibits. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court, but shall remain in the custody of the trial court or Administrative Agency during the appeal. Such exhibits shall be briefly identified in the transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits. Under no circumstances should drugs, currency, or other dangerous or valuable items be included in appellate records.

C. Notification and Disposition.

1. Notification. In all cases, the court shall provide actual notice, by mail (including email), to all attorneys of record and to parties only if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and parties have the duty to keep the court informed of their current addresses and notice to the last current address shall be sufficient. Court reporters should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area. At the time of removal, a detailed receipt shall be given to the court reporter by the party receiving and removing the evidence, the receipt will be made part of the court file.

2. Disposition. In all cases, evidence which is not retaken after notice should be disposed of by the sheriff on the court's order. The sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. Evidence of some value should be auctioned by the sheriff with proceeds going to the county general fund. These Rules and their retention periods will take precedence over inconsistent language in statutes, ct I.C. 35-33-5-5(c)(2).

13. LR92-AR12-5 FILING OF DOCUMENTS IN THE WHITLEY CIRCUIT AND SUPERIOR COURTS BY FACSIMILE TRANSMISSION

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 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 of 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 Whitley Circuit and Superior Courts hereby authorize the filing of pleadings, motions and other documents via electronic facsimile at facsimile machine telephone number (260) 248-3137 provided:

(1) Such matter does not exceed ten (10) pages, including the cover sheet;

(2) Such matter does not require the payment of fees by the Court;
(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.

C. Time of Filing. During normal, posted business hours, the time of filing shall be the time the duplicate document is produced in the office of the Clerk of the Whitley County Courts. Duplicate documents received at all other times shall be filed as of the next normal business day.

D. Cover Sheet. Any document sent to the Clerk of the Whitley County Courts by electronic facsimile transmission shall be accompanied by a cover sheet which states the title of the document, case number, number of pages, identity and voice telephone number of the sending party and instructions for filing. The cover sheet shall contain the signature of the attorney or party, pro se, authorizing the filing.

14. LR92-AR15-6 COURT REPORTER SERVICES

Section One. Definitions.

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 transcribing electronic data.

3. "Work space" means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

4. "Page" means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rules of Appellate Procedure 7.2.

5. "Recording" means the electronic, mechanical, stenographic or other recording made as required by Indiana Rules of Trial Procedure 74.

6. "Regular hours" worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

7. "Gap hours" worked means those hours worked that are in excess of the regular hours worked, but hours are not in excess of forty (40) hours per work week.

8. "Overtime hours" worked means those hours worked in excess of forty (40) hours per work week.

9. "Work week" means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

10. "Court" means the particular court for which the court reporter performs services. Court may also mean all of the courts in Whitley County.

11. "County indigent transcript" means a transcript that is paid for from county funds and is for use on behalf of 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 use on behalf of a litigant who has been declared indigent by the court.

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

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 any 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. The Whitley County Employee Handbook shall govern these issues unless later modified by the supervising court.

2. The per-page fee a court reporter may charge for the preparation of a county indigent transcript shall be $7.00~~6.50~~. If a court reporter is requested to prepare an expedited transcript, the maximum per page fee shall be no less than $9.00 where the transcript must be prepared within ten (10) working days. However, this would be by approval of the presiding Judge. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcript. Charge to copy transcript for an indigent shall be $1.00 per page.

3. The per page fee a court reporter may charge for the preparation of a state indigent transcript shall be $7.00~~6.50~~. If a court reporter is requested to prepare an expedited transcript, the maximum per page fee shall be no less than $9.00 where the transcript must be prepared within ten (10) working days. However, this would be by approval of the presiding Judge. Charge to copy transcript for a state indigent transcript would be $1.00 per page.

4. The per page fee a court reporter may charge for the preparation of a private transcript shall be $7.00~~6.50~~. If a court reporter is requested to prepare an expedited transcript, the maximum per page fee shall be no less than $9.00 where the transcript must be prepared within ten (10) working days. However, this would be by approval of the presiding Judge. The charge to copy transcript for a private transcript would be $1.25.

5. 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 Office of Court Services. The reporting shall be made on forms prescribed by the Indiana Office of Court Services.

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 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 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, work space and supplies shall be 25 cents per page.

b. The method by which records are to be kept for the use of equipment, work space and supplies shall be a written document between the court and the individual court reporter.

c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies shall be on an annual basis.

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.

15. LR92-AR19-7 COURT BUILDING SECURITY ORDER

Ind. Administrative Rule 19 requires "(e)ach court shall develop and implement a court security plan to ensure security in court facilities". The power to do so is derived in part from Indiana Constitution Article 3§1 and Ind. Const. Art. 7. Ind. Code § 35-47-11.1-4(5) creates an exception to general rule prohibiting a political subdivision from regulating the possession and carrying of firearms, etc. The Judges of the Whitley Circuit and Superior Courts ("the Courts"), in order to comply with the requirements of Admin. R. 19 and to provide for the orderly operation of the Courts, the safety of the public, the litigants, the witnesses, and the court staff, have promulgated this local court rule:

1. Anyone entering the locations listed below (collectively "the courtroom buildings') must consent to a search of their person, including any package, briefcase, or purse:

(a) the Whitley County Courthouse;

(b) the Whitley County Probation Department;

(c) any other location where a judicial officer of any of the Courts maintains an office;

(d) any other location where a judicial officer conducts court proceedings.

2. If a courtroom building has more than one entrance/exit, the Courts may designate one or more of the entrances/exits to be used only for restricted purposes.

3. Unless exempt under Paragraph 6, below, anyone entering a courtroom building is prohibited from having any of the following in his or her possession while in the courtroom building:

(a) a loaded or unloaded firearm; or

(b) a weapon, device, taser (as defined in Ind. Code § 35-47-8-3) or electronic stun weapon (as defined by I.C. § 35-47-8-1), equipment, chemical substance or other material, including a knife, razor, box-cutter, and switchblade that in the manner it is used, or court ordinarily be used, is readily capable of causing serious bodily injury.

4. Anyone refusing to comply with this Order is to be denied entrance to the courtroom buildings.

5. Anyone violating this Order may be found to be:

(a) in direct contempt of court under I.C. §34-47-2, if the violation is willful and occurs in the presence of a judicial officer; or

(b) in indirect contempt of court under I.C. § 34-47-3, if the violation is willful and occurs out of the presence of a judicial officer.

6. The following individuals are exempt from this order:

(a) a law enforcement officer, as defined in I.C. § 35-31.5.2-185;

(b) a judicial officer, as defined in I.C. § 35-31.5-2-177.7;

(c) a probation officer pursuant to I.C. § 11-13-1-1;

(d) an employee of a locally or regionally operated Community Corrections Program, who is authorized to carry a firearm by his or her supervisor;

(e) any other person authorized by at least one (1) full-time judicial officer of the Courts shall be exempt until at least one (1) full-time judicial offer of the Courts withdraw the exemption. The judicial officers are to promptly provide the Whitley County Sheriff with a copy of the authorization or the withdrawal of the authorization.

7. Any person listed in Paragraph 6 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.

8. The statutes cited above may change from time to time. This local court rule shall automatically refer to the relevant statutes in effect in effect at any given time.

9. Each Court may have specific rules regarding cellphones and/or cameras in the courtroom. In all events, if cellphones are permitted, they should be made to be silent during court hearings, and no photographs or video should be taken in the courtroom without explicit court approval.

Please view the Court Building Security Order.

16. LR92-AR21-8 REASSIGNMENT AND APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASE

In any case in which a change of judge is necessary or appropriate involving a felony, misdemeanor, infraction, or ordinance violation, the procedure mandated by Indiana Administrative Rule 21 and Indiana Procedure for Post-Conviction Remedies 1(4)(B) shall apply.

If a judge in Whitley County grants a motion for a change of judge, or the judge recuses or is disqualified, the court may assign a senior judge to handle the matter as a special judge. If a senior judge is not assigned, or does not accept assignment, the following local rule applies:

a. If the case originated in the Whitley Circuit Court, the case must be reassigned to the judge of the Whitley Superior Court as successor.

b. If the case originated in the Whitley Superior Court, the case must be reassigned to the judge of the Whitley Circuit Court as successor.

In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned on a rotating basis from the following Judges: Whitley Circuit

Court Judge, and the full-time judicial officers of contiguous counties and counties within the Judicial Administrative District of which Whitley County is a member.

Pursuant to Indiana Administrative Rule 21(B) , in the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

JURY RULES

17. LR92-JR4-1 JURY RULES

1. The Courts of Whitley County, Indiana, adopt and confirm the use of the Indiana Jury Rules as ordered and published by the Indiana Supreme Court.

2. The Courts together with the Clerk shall appoint a jury administrator.

3. The Whitley County Courts adopt a two-tier notice and summons process for summoning jurors. The Jury Administrator shall send the jury qualification form and notice to prospective jurors at least six (6) weeks before jury service, and shall summon prospective jurors at least one week before service.

4. The jury pool for each court shall be compiled by the jury administrator annually.

5. The jury pool shall consist of names randomly selected from the voter registration lists for Whitley County, Indiana, and motor vehicle registrations of Whitley County residents. The jury administrator shall avoid duplication of names from the lists.

6. Each of the Whitley County Courts will have its own jury pool.

SMALL CLAIMS RULE

18. LR92-SC00-1 FORM OF GARNISHMENT

A. All attorneys and collection agencies using the courts for collection matters and enforcement of judgments for payment of money shall use, when permitted by law, the form of garnishment order attached hereto, or a substantially similar form.

B. All attorneys and collection agencies using the courts for reasons described above shall submit the courts' requested garnishment orders which have been accurately completed on the form of order attached hereto.

C. The courts will not accept garnishment orders which do not comply with this local rule.

D. This local rule shall become effective for all garnishment orders filed or requested on or after March 3, 1997.

STATE OF INDIANA SS: WHITLEY SUPERIOR COURT
COUNTY OF WHITLEY COLUMBIA CITY, IN 46725

TELEPHONE: 260-248-3119

_____
Plaintiff

AGAINST

_____
Defendant

CAUSE NO. 92D01-

_____
Social Security Number

AND

GARNISHMENT ORDER

_____
Garnishee Defendant

_____
Street Address

_____
City, State, Zip

Plaintiff appears and makes proof of service of notice of hearing upon Defendant, _____

And upon Garnishee Defendant, _____

The Court now finds and orders:

1. That Garnishee Defendant withhold from earnings of Defendant the lesser of the following sums:

(a) 25% of said earnings after subtracting income taxes and social security withholdings per week;

OR

(b) All of said earnings after subtracting income taxes, social security withholdings, and _____ (insert 30 x federal minimum hourly wage) per week.

2. That withholding of said amounts shall continue until the following is fully paid:

(a) Judgment $_____

(b) Costs $_____

(c) Interest to Date $_____

(d) Service Fee $_____

(e) Minus paid to date $_____

Total Amount Owing $ _____

3. The Garnishee Defendant is ordered to pay to the Clerk of this Court the withhold amounts every 30 days and place the above cause number on each check, said payments to commence when all prior garnishment orders against Defendant have been satisfied.

4. The Clerk of this Court shall serve a copy of this order on the Garnishee Defendant, and on Judgment Defendant.

Dated:_____ _____
Judge

NOTICE TO GARNISHEE DEFENDANT AND JUDGMENT DEFENDANT

Indiana Code 24-4.5-5-106 provides as follows: NO DISCHARGE FROM EMPLOYMENT FOR GARNISHMENT - No employer shall discharge an employee for the reason that a creditor or creditors of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment or judgments.

Indiana Code 24-4.5-5-202 provides as follows: EFFECT OF VIOLATIONS ON RIGHTS OF PARTIES – (6) if an employer discharges an employee in violation of the provisions prohibiting discharge (24-4.5-5-106) the employee may within six months bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for six weeks.

GARNISHEE DEFENDANT FEE:

Pursuant to I.C.24-4.5-5-105, the Garnishee Defendant may collect, as a fee to compensate the employer for making deductions, an amount equal to the greater of twelve dollars ($12.00) or three percent (3%) of the amount owing. One-half (1/2) of said fee shall be borne by the debtor and may be deducted directly from the employee's disposable earnings. The other one-half (1/2) of said fee shall be borne by the creditor and the Garnishee Defendant is allowed to retain this portion of the fee from the funds that would otherwise be paid to the Clerk pursuant to this Order.

19. LR92-SC00-2 LIMITATION ON FILING PROCEEDING SUPPLEMENTAL

Once a proceeding supplemental has been filed a subsequent proceeding supplemental may not be filed for a period of one (1) year unless the Plaintiff submits to the Court a statement demonstrating a material change in the financial circumstances of the Defendant.

20. LR92-SC00-3 SCHEDULING OF COLLECTION HEARINGS

A. Unless the participation of the Judge is specifically requested by the judgment holder or judgment debtor, the First Hearing, Proceeding Supplemental, or Rule to Show Cause hearings will be conducted informally by the parties, without the presence of the Judge. Said hearings with the Judge will be conducted on the record upon request by either Party. The hearings will be scheduled by the Court. Counsel shall inform the court staff of the result of the informal hearings by E-file within ten (10) days.

B. No Plaintiff or single law firm shall have more than 40 cases per day for informal hearings.

C. Small Claim trials are limited to a total of thirty (30) minutes, unless either Party has requested in advance a longer trial setting.

MENTAL HEALTH RULE

21. LR92-MH-1 APPLICATION FOR EMERGENCY DETENTION FOR TREATMENT OF MENTALLY ILL INDIVIDUALS

Any application for emergency detention for treatment of mentally ill individuals shall comply with Indiana Code 12-26-5-1 and Indiana Code 12-26-5-2.

A judicial officer authorized to issue a warrant for arrest may, after proper application and after making a determination that emergency detention is necessary, endorse an application made pursuant to Indiana Code 12-26-1-2 in any of the following manners:

1. By signing the application;
2. In a non-adversarial, recorded hearing before the judge;
3. Orally on a recorded line by telephone or radio;
4. In writing by facsimile transmission (FAX); or
5. In a writing by electronic mail or other electronic transmission.

If the application is made orally by telephone or radio, the applicant shall recite the facts required by Indiana Code 12-26-5-1 under penalty for perjury and shall read to the judge the entire contents of the application. The judge may direct the applicant to modify the terms of the emergency detention. If the judge agrees to the emergency detention, the judge shall direct the applicant to sign the judge's name to the application and enter the time of its issuance.

DISSOLUTION RULE

22. LR92-DR-1 DISSOLUTION OF MARRIAGE/JUVENILE PATERNITY

A. Provisional Relief Hearing. Before a date and time is set for hearing on a Motion for Provisional Orders, the parties or their counsel shall attempt to resolve all provisional matters by way of Agreed Entry. At the beginning of each provisional order hearing, the parties will be asked if a meeting to attempt to resolve the matter has occurred. If not, the hearing will be vacated and a new hearing date shall be set once the parties have complied with this rule.

On or before the date the Motion for Provisional Orders is set for hearing each party, if applicable, shall file with the court the Child Support Obligation Worksheet and Parenting Time Credit Worksheet (and Post-Secondary Education Worksheet if necessary) which are found at: https://www.in.gov/courts/services/child-support-calculator/. If a temporary division of marital assets and/or debts is to be at issue at the hearing, then the parties shall file with the Court the Statement of Assets and Liabilities as set forth at Appendix 1.

B. Final Hearing. The court has made available to parties a Statement of Assets and Liabilities as set forth at Appendix 1. Court time for a final contested hearing on a Petition for Dissolution of Marriage will not be scheduled until a party has fully completed and filed a Statement of Assets and Liabilities. Parties may submit an affidavit confirming the Party has provided a Statement of Assets and Liabilities to the opposing Party in order to comply with this rule.

C. Custody Evaluations. Unless waived by the Court, no case involving the issue of contested child custody will be set for final hearing until there is filed with the Court a custodial evaluation prepared by an expert approved by the Court. Upon request, the Court will allocate costs subject to review at final hearing. The written report of the expert shall be deemed admitted into evidence subject to cross-examination. However, no custody evaluation may be conducted, ordered by the Court, or requested by any party unless and until cooperative approaches, such as mediation, have been exhausted.

D. Parenting Time Schedule. Unless the Court enters specific orders to the contrary, any order of the Court providing for custody of children shall be deemed to provide, by operation of this rule, for the implementation of parenting time with said child(ren) by the non-custodial parent in accordance with the Indiana Parenting Time Guidelines.

E. Verified Submission of Child Support Information. If not previously filed, on or before the date of the final hearing on any Petition for Dissolution of Marriage, Petition to Establish Paternity or Petition to Modify Child Support, the parties shall submit to the Court a completed copy of the Child Support Obligation Worksheet, Parenting Time Credit Worksheet (and Post-Secondary Education Worksheet if necessary). All numbers shall be rounded to the nearest whole dollar. Child Support Obligation Worksheets are available at IN.gov.

F. Education Program. In any dissolution, legal separation or paternity case where orders are requested regarding unemancipated children, the parties shall attend either the Bowen Center "TransParenting" program or the Live, Heal, Grow~~Choices and Changes~~ "Shared Parenting" program. The parties shall attend the same program. In the event the parties cannot agree, the Petitioner shall determine which course the parties complete. Parties shall present their certificate of completion to the court on or before the date of final hearing.

G. Mediation. It is the policy of Whitley County courts to require mediation in juvenile paternity and dissolution matters before setting the matter for final hearing, absent good cause shown. Once a case is referred to mediation, it shall not be set for contested final hearing until the court receives a written report from the mediator.

H. Post-Dissolution/Post-Adjudication. All post-dissolution petitions or counter-petitions, or juvenile paternity actions which seek a modification of child custody or an alteration of parenting time shall involve a child custody evaluation and/or shall be immediately referred to mediation absent good cause shown.

I. Modest Means Program. Whitley County Courts utilize a funding program to help those of modest means pay for mediation in dissolution and juvenile paternity matters. Parties who wish to participate in the program should inquire as to their eligibility, which is based, in part, on a sliding scale of income. Further information can be found at Whitley County Alternative Dispute Resolution Program.

STATEMENT OF ASSETS AND LIABILITIES

IN RE: THE MARRIAGE OF: _____

CAUSE NUMBER: _____

Statement of Assets

Asset	Acquisition Date & Cost	Lienholder & Amount	Real or Personal Assets by H/W	Distribution to H/W

Statement of Liabilities

Creditor	Description of Debt	Obligor	Current Balance	Payment Rate

Appendix 1

	HUSBAND	WIFE
Total Value of Property		
Total Debts		
Net Value		
Proposed Equalization Judgment	**Husband to Wife:**	**Wife to Husband:**

I affirm under the penalties of perjury that the above statements are true.

Date:_____ Petitioner's Signature:_____

I affirm under the penalties of perjury that the above statements are true.

Date:_____ Respondent's Signature: _____

Submitted by: _____