

**LOCAL COURT RULES  
FOR  
JASPER CIRCUIT COURT  
AND  
JASPER SUPERIOR COURT**

*~~Updated July 1, 2014~~*

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## **LR37-AR00-02 Withdrawal of Original Court Files or Law Library Items**

A. No person shall withdraw any original pleading, paper, record, model or exhibit from the custody of the Clerk or other officer of the Jasper Circuit or Jasper Superior Court having custody thereof without first obtaining leave from either Court or the Clerk of the Court.

B. No person shall remove any books from the Jasper Circuit or Jasper Superior Court, either Judge's chambers or the county law library without first notifying the Bailiff or other Court staff and leaving a proper receipt with the Bailiff or other Court staff.

## **LR37-AR1-1 Consent to Authority to Sit as Acting Judge**

A. The Judges of the Jasper Circuit and Superior Courts consent to the Judges of the Newton Circuit and Superior Courts upon request to sit as acting judge in either of these courts in any matter as if the judicial officer were the elected or appointed judge of this court, as provided in Administrative Rule 1. This consent will be filed in the court's Record of Judgments and Orders.

B. The authority to sit as acting judge in the Jasper Circuit or Superior Court is granted even when the sitting judge is present and available.

## **LR37-AR00-01 Decorum**

A. The ethics and the professionalism of the practice of law require that counsel rise when the Judge enters or leaves the Courtroom.

B. There shall be no smoking or use of any tobacco products in the Courtroom, jury rooms, corridors, restrooms, chambers, offices or conference rooms.

C. The dignity of the Court is to be maintained and preserved at all times. The Court will require proper decorum and dress of all counsel and of all persons entering the courtroom. Gentlemen attorneys shall wear jackets and ties at all times. Female attorneys shall dress appropriately and professionally at all times as well.

D. Counsel for the State of Indiana, the plaintiff or the petitioner shall occupy the counsel table to their left as they are facing the bench. Counsel for the defendant or respondent shall occupy the counsel table to their right as they are facing the bench.

E. All counsel shall ask for leave of Court prior to approaching the bench or a witness.

F. Cellular Telephones (cell phones), personal data assistants (PDAs) and other personal electronic / hand-held devices are not permitted in the Jasper Circuit or Jasper Superior Courts. Personal laptops and tablets are allowed for counsel who maintain their cases with an electronic filing system. Cellular phones for calendaring purposes are permitted in the Courtroom at counsel table when necessary to schedule a future hearing date.

G. All counsel filing motions or other pleadings shall provide proposed orders grating the relief sought or setting the motion or pleading for hearing.

H. ~~All parties shall provide the sufficient number of copies and addressed, postage pre paid envelopes to the Clerk's office for service to all parties and required persons for each pleading filed with the Court.~~ Only bottled water or other beverage in a non-commercial container is permitted at counsel table in the Courtroom.

I. Counsel and parties are not permitted to eat at counsel table at any time. Food is prohibited in the Courtroom.

*(Amended effective November 10, 2011)*

### **LR37-AR01-03 Judges Sitting in Either Court**

A. The Judge of the Jasper Circuit Court hereby consents and authorizes the Judge of the Jasper Superior Court to sit as Judge of the Jasper Circuit Court, at any time, in any case, for purposes of judicial economy, expediency or other good cause.

B. The Judge of the Jasper Superior Court hereby consents and authorizes the Judge of the Jasper Circuit Court to sit as Judge of the Jasper Superior Court, at any time, in any case, for purposes of judicial economy, expediency or other good cause.

### **LR37-AR00-04 Case Allocation**

J. All Capital Murder Cases (LP/DP) shall be filed alternately in the Jasper Circuit Court and the Jasper Superior Court.

K.

L. All Murder (MR), Level One Felony (F1), Level Two Felony (F2), Level Three Felony (F3), Level Four Felony (F4), Level Five Felony (F5), and Level Six Felony (F6) cases shall be filed as follows:

M. All cases involving charges which occurred on odd numbered days of the calendar year shall be filed in the Jasper Superior Court.

N. All cases involving charges which occurred on even numbered days of the calendar year shall be filed in the Jasper Circuit Court.

O. For purposes of judicial economy, notwithstanding this rule, a felony or murder case may be filed in the Jasper Circuit or Jasper Superior Court without regard for the date of the offense if the named defendant already has pending felony charges in either the Jasper Circuit or Jasper Superior Court which have not yet reached a conclusion on the merits.

P. Notwithstanding any part of this rule, the Courts may reallocate any criminal case in order to comply with balanced caseload requirements.

Q. All Criminal Misdemeanor cases (CM) shall be filed in the Jasper Superior Court except as noted below:

R. For purposes of judicial economy, notwithstanding this rule, a Criminal Misdemeanor (CM) may be filed in the Jasper Circuit Court if the named

defendant already has pending felony charges in the Jasper Circuit Court which has not yet reached a conclusion on the merits.

S. Any Criminal Misdemeanor (CM) case where the defendant was summonsed to court by a Uniform Complaint and Summons, electronic or otherwise, and not arrested for the misdemeanor offense shall be filed in the Jasper Circuit Court with the Infractions (IF) pursuant to sub-part D of this rule.

T. All Infractions (IF) shall be filed in the Jasper Circuit Court.

U. All Small Claims (SC) shall be filed in the Jasper Circuit Court.

V. All Post Conviction Relief Petitions (PC) shall be assigned to the Court in which the judgment of conviction was entered. The Clerk shall assign the Post Conviction Relief Petition a new "PC" cause number and also consolidate the previous cause in which the judgment of conviction was entered with the new cause.

W. All juvenile cases (JC, JD, JS, JP, JM, JT), ~~pursuant to statute and this rule~~ shall be filed in the Jasper Circuit Court.

X. All other civil cases may be filed as has been traditional, in either Circuit or Superior Court.

Y. The Judges of Jasper Superior Court and the Jasper Circuit Court may transfer cases from either Court in order to equalize the caseloads between the courts.

## **LR37-TR79-05 Appointment of Special Judge in Civil Cases**

A. In the event of a recusal or disqualification of the Judge of the Jasper Circuit Court or the Jasper Superior Court under Trial Rule 79(C) of the Indiana Rules of Procedure, and a Special Judge is not qualified pursuant to Trial Rule 79(D) or 79 (E), then the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

B. In the event that a motion for change of judge is granted pursuant to Trial Rule 76(B), and a Special Judge is not qualified pursuant to Trial Rule 79(F) of the Indiana Rules of Procedure, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

C. Assignment of Special Judge

1. The Judge of the Jasper Circuit Court shall be appointed as Special Judge for all cases originating in Jasper Superior Court. If the Judge of the Jasper Circuit Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

2. The Judge of the Jasper Superior Court shall be appointed as Special Judge for all cases originating in the Jasper Circuit Court. If the Judge of the Jasper Superior Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

D. In the event no Special Judge qualifies under sub-part C of this rule, the Clerk shall appoint on a rotating basis from the following list of Judges who have agreed to serve as a Special Judge in the Jasper Circuit and Jasper Superior Courts:

- The Judge of the Newton Circuit Court
- The Judge of the Newton Superior Court
- The Judge of the Benton Circuit Court
- ~~The Judge of the Porter Circuit Court~~
- ~~The Judge of the Porter Superior Court #1~~
- ~~The Judge of the Porter Superior Court #2~~
- ~~The Judge of the Porter Superior Court #3~~
- ~~The Judge of the Porter Superior Court #4~~
- ~~The Judge of the Porter Superior Court #6~~
- The Judge of the Pulaski County Circuit Court
- The Judge of the Pulaski County Superior Court
- The Judge of the White County Circuit Court
- The Judge of the White County Superior Court

E. In the event that no Special Judge qualifies or is available for appointment, or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court pursuant to Trial Rule 79(H)(3) by written certification to appoint a Special Judge.

## **LR37-CR2.2-06 Appointment of Special Judge in Criminal Cases**

A. In the event of a recusal or disqualification of the Judge of the Jasper Circuit Court or the Jasper Superior Court in a criminal, infraction or ordinance violation, the assignment and selection of a Special Judge shall proceed pursuant to sub-part C of this local rule.

B. In the event of the granting of a motion to change judge or a change of judge pursuant to other Indiana Statue or Rule of Court in a criminal, infraction, ordinance violation, or post-conviction proceeding, the assignment and selection of a Special Judge shall proceed pursuant to sub-part C of this local rule.

### C. Assignment of Special Judge

1. The Judge of the Jasper Circuit Court shall be appointed as Special Judge for all cases originating in Jasper Superior Court. If the Judge of the Jasper Circuit Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

2. The Judge of the Jasper Superior Court shall be appointed as Special Judge for all cases originating in the Jasper Circuit Court. If the Judge of the Jasper Superior Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

D. In the event no Special Judge qualifies under sub-part C of this rule, the Clerk shall appoint on a rotating basis from the following list of Judges who have agreed to serve as a Special Judge in the Jasper Circuit or Jasper Superior Courts:

- The Judge of the Newton Circuit Court
- The Judge of the Newton Superior Court
- The Judge of the Benton Circuit Court
- The Judge of the Porter Circuit Court
- ~~The Judge of the Porter Superior Court #1~~
- ~~The Judge of the Porter Superior Court #2~~
- ~~The Judge of the Porter Superior Court #3~~
- ~~The Judge of the Porter Superior Court #4~~
- ~~The Judge of the Porter Superior Court #6~~
- The Judge of the Pulaski County Circuit Court
- The Judge of the Pulaski County Superior Court
- The Judge of the White County Circuit Court
- The Judge of the White County Superior Court

E. In the event that no Special Judge qualifies or is available for appointment, or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court by written certification to appoint a Special Judge.

A. DEFINITIONS. The following definitions shall apply under this local rule:

1. *A court reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court, including preparing a transcript of the record.
2. *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording or storing, and 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 recording is transcribed in the form required by Indiana Rules of Appellate Procedure 28 and 29.
5. *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule 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. *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
8. *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.
9. *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Jasper County.
10. *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
11. *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

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

B. SALARY

1. The court reporters of said courts shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the court during any regular work hours or overtime hours.

C. TRANSCRIPTS

1. All transcripts required by law to be prepared by the court reporters shall not be prepared during regular working hours unless agreed to between the court and the Court reporter.

D. INDIGENT TRANSCRIPTS

1. A maximum per page fee for county indigent transcripts shall be set at ~~\$4.00~~ 5.00 per page. The court reporters shall submit a claim directly to the county auditor for the preparation of county indigent transcripts.
2. A maximum per page fee of state indigent transcripts shall be set at ~~\$4.00~~ 5.00 per page. The court reporters shall submit a claim directly to the auditor of the State of Indiana for the preparation of state indigent transcripts.
3. A maximum per page fee for expedited transcripts shall be set at ~~\$7.50~~ 9.00 per page.
4. A maximum per page fee for copies of transcripts shall be set at ~~\$1.50~~ 2.00 per page.
5. A maximum fee of \$.25 per page for photocopies of exhibits, pleadings, or documents other than transcripts.

E. PRIVATE TRANSCRIPTS

1. A maximum per page fee for private transcript work shall be set at ~~\$4.00~~ 5.00 per page.
2. A maximum per page fee for depositions shall be set at ~~\$4.00~~ 5.00 per page, in addition to a recording charge.
3. A maximum per page fee for expedited transcripts shall be set at ~~\$7.50~~ 9.00 per page.
4. A maximum per page fee for copies of transcripts/depositions shall be set at ~~\$1.50~~ 2.00 per page.

5. A maximum fee of \$.25 per page for photocopies of exhibits, pleadings, or documents other than transcripts.

F. MINIMUM FEE FOR TRANSCRIPTS

1. A minimum fee of \$40.00 may be charged by the court reporters for any transcript prepared, whether county or state indigent, private, or depositions.

G. HOURLY CHARGES

1. The court reporters may charge an hourly rate commensurate with their annual rate of pay for copying and binding of exhibits, digital preparation of transcripts, including table of contents, and for preparation of the Notice of Completion.

H. DEPOSITIONS

1. A court reporter may engage in the private practice of recording depositions and/or preparing deposition transcripts; however, such private practice shall be conducted outside of the court reporter's work hours. Upon agreement of the court, the court reporter may utilize court equipment, work space and/or supplies in said private practice; however, the court reporter shall reimburse the court, on a quarterly basis, at the rate of \$.50 per page for the use of said equipment, work space and/or supplies.
2. A daily log shall be maintained by the court reporters, which shall reflect the number of deposition transcript pages completed. The court reporters shall submit their daily log sheets to the respective courts on a quarterly basis.

I. FEE FOR SUPPLIES

1. A standard supply fee of \$18.00 shall be charged for any transcript prepared which is not for purposes of an appeal and \$36.00 for any transcript prepared by the court reporters which is for purposes of appeal to cover supplies, i.e. binders and C.D.s, and said fee shall be paid to the Treasurer of Jasper County, and shall be credited to the office supply budget of the Court.

J. ANNUAL REPORT

1. The court reporters shall report on an annual basis to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees received by the court reporter, whether for county indigent transcripts, state indigent transcripts, private transcripts or depositions.

## LR37-AR00-08 Unified Bond Schedule

A. The unified bond schedule, as set forth in this rule, for the Jasper Circuit and Jasper Superior Court shall be used for persons arrested without a warrant on Misdemeanor charges and Level 5 (F5) and Level 6 (F6) Felonies and who are held in custody concerning that charge in either Court.

~~B. Bond shall be \$15,000.00 surety or \$1500.00 cash for a Level 5 Felony.~~

~~C. Bond shall be \$12,000.00 surety or \$1250.00 cash for a Level 6 Felony.~~

~~D. Bond shall be \$9,000.00 surety or \$900.00 cash for a Class A Misdemeanor.~~

~~E. Bond shall be \$7,000.00 surety or \$700.00 cash for a Class B Misdemeanor.~~

~~F. Bond shall be \$5,000.00 surety or \$500.00 cash for a Class C Misdemeanor.~~

F.B. There shall be no unified cash bond schedule for any offense charged as Murder, or any Level One (F1), Level Two (F2), Level Three (F3), or Level Four (F4) Felony.

C. Bond shall be \$5,000 surety or \$500.00 cash for any Misdemeanor cause.

D. Bond shall be \$10,000 surety or \$1000.00 cash for any Level 5 or Level 6 Felony cause.

E. Notwithstanding any terms in this Rule, the Jasper Circuit and Jasper Superior Courts maintain a Pre-Trial Release Program pursuant to Criminal Rule 26 of the Indiana Rules of Criminal Procedure which allows for release under other methods and conditions at the discretion of the trial court judge.

F. The purpose of the Pre-Trial Release Program outlined herein is to assess the risk posed by the release of individuals booked into the Jasper County jail on a criminal charge, to set appropriate conditions and supervision of those who are released under the authority of the program, and to promote earlier identification of individuals suffering from mental health and/or addictions.

G. In accordance with Rule 26 of the Indiana Rules of Criminal Procedure, and so long as funding is available, Jasper County pre-trial release officers shall perform pre-trial release screenings to assist in bail and pre-trial release decisions. Said decisions

shall be made by a judicial officer at or before an initial hearing and are not restricted by any other provisions of the Bail Schedule set out herein.

H. Eligible arrestees for Misdemeanor charges or Level 5 and 6 Felonies are automatically eligible to participate in the pre-trial release evaluation process voluntarily. Other arrestee may also participate upon Order of the Court or by permission of the Court.

I. Release conditions may include: release on a Defendant's own recognizance, with or without additional conditions; placement or supervision by Jasper County Community Corrections; cash, surety, or property bond; supervision by Probation and/or pre-trial release personnel and/or any other conditions of bail, bond, or pre-trial release authorized by law.

J. Violation of any of the conditions of pre-trial release shall be cause for removal from the pre-trial release program or modification of the terms of release. The pre-trial services officer shall file a report of a violation with the Court which will be set for hearing. The State or Defendant may also file a motion to revoke or modify any terms of release. Nothing in this rule shall be read to limit the Court's authority to address violations, issue warrants, modify conditions or revoke release consistent with all applicable rules of law and procedure.

## ~~LR37-FL00-09~~ ————— **Family Law Court Procedure**

~~A. — In any dissolution of marriage, paternity, custody, support or visitation action or in an action to modify any prior order in any of those actions in the Jasper Circuit or Superior Courts, all parties or their attorneys shall be required to request and to attend a Case Management Conference prior to the setting of any contested final hearing — if:~~

- ~~(1) — there are contested issues involving the custody of children;~~
- ~~(2) — there are contested issues involving the supervision of visitation; or~~
- ~~(3) — there are contested issues involving the division of substantial marital property.~~

~~B. — At the Case Management Conference, the Court may order the parties to:~~

- ~~(1) — attend and complete a form of alternative dispute resolution including~~

mediation;

- ~~(2) — exchange and disclose assets on disclosure forms provided by the Court;~~
- ~~(3) — participate in a home study, custody evaluation or other similar process to aid the Court in determining and deciding any contested issues;~~
- ~~(4) — conduct discovery in a particular manner or within a particular time frame;~~
- ~~(5) — require the parties and their counsel to attend a settlement conference;~~
- ~~(6) — acquire appraisals or other valuations of personal and real property to aid the Court in determining and deciding any contested property issues; or~~
- ~~(7) — follow any other reasonable order designed to facilitate the resolution of the action, to facilitate an orderly trial of the contested action, or to manage pre-trial procedures.~~

~~C. — The Judges of the Jasper Circuit or Superior Courts may waive any provision of this rule upon good cause shown in a verified, written pleading.~~

### **LR37-AR-0009 Agreement with Court Date Pending**

In all proceedings where a court date is pending and the parties reach an agreement between themselves, the parties shall notify the Court in a timely manner. Failure to do so may result in sanctions being imposed against either or both parties and/or their attorneys.

### **LR37-JR4-10 Jury Selection**

The Circuit Court and the Superior Court of Jasper County hereby adopt the “Two Tier Notice and Summons” approach for notice and selection for jury pool and summons for jury service pursuant to Indiana Jury Rule 4(b).

### **LR37-TR00-11 Limits on Written Interrogatories**

A. Interrogatories requiring written answers shall be limited to a total of thirty five (35), including sub-parts requiring discrete answers, and shall not be used as the substitute for the taking of a deposition.

B. For good cause shown and upon leave of the Jasper Circuit or Jasper

Superior Court first obtained, additional interrogatories may be propounded.

C. The Jasper Circuit Court and the Jasper Superior Court shall enforce this rule according to the provisions of Trial Rules 26-37 of the Indiana Rules of Procedure.

### **LR37-AR00-12 Examination of Witnesses and Jurors**

A. In the examination of witnesses in any hearing or in a bench or jury trial, and in the examination of prospective jurors on *voir dire* in jury trials, one attorney for each party to the matter being heard, and only one party, shall conduct the entire examination of each individual witness including direct, cross or any other examination, and of each prospective jury panel. The Court may grant leave, upon request, allowing separate co-counsel to conduct direct and cross-examination so long as one attorney, and only one attorney, shall be designated and heard as to objections and offers to prove.

B. That attorney shall make all of the objections, offers to prove, strikes or other necessary motions which are made during the examination of that witness or jury panel.

C. One attorney at a time and only one will be recognized by the Court.

D. Counsel may alternate in examining different witnesses or prospective jury panels.

E. All counsel shall request leave of Court before approaching a witness on the witness stand.

## LR37-AR00-13 Miscellaneous Court Fee Matters

A. The Jasper Circuit Court Probation Department, under the supervision of the Jasper Circuit Court Judge shall set and establish a set of fees for services provided to juveniles, including but not limited to:

1. Juvenile alcohol education programs;
2. Juvenile community service programs;
3. Juvenile education or treatment programs; and
4. Any other program or service provided for juveniles.

B. The Jasper Circuit Court and the Jasper Superior Court shall assess the maximum allowable public defender fee authorized by statute to indigent defendants in misdemeanor, felony and murder cases to be paid to the Clerk of the Courts and placed into the supplemental public defender's fund. At the time of the adoption of this rule, the fees are \$50.00 for a misdemeanor (~~MC~~) and \$100.00 for a felony (~~FA, FB, FC, FD~~) or murder (~~MR~~)-case.

C. In all juvenile cases (JC, JS, JD, JM, JT, JP) the maximum allowable public defender fee to be charged by the Jasper Circuit or Jasper Superior Court shall be the equivalent of the maximum misdemeanor public defender fee allowed by state statute.

D. In any other case where a public defender is appointed, the maximum allowable public defender fee to be charged by the Jasper Circuit or Jasper Superior Court shall be the equivalent of the maximum misdemeanor public defender fee allowed by state statute.

E. In any case in the Jasper Circuit or Jasper Superior Court in which a guardian *ad litem* or court appointed special advocate is appointed as required by law, the Judge of the Court shall ~~may~~ assess a user fee pursuant to statute (Ind. Code § 31-40-3-1) not to exceed the maximum amount allowed by statute or \$100.00 (~~the maximum amount allowed by Ind. Code § 31-40-3-1 as of adoption of this rule~~) whichever is greater.

F. ~~In any civil case where a party requests the appointment of a guardian *ad litem*, and said appointment is discretionary, the Court shall first hold a hearing or conference to determine the method of payment for the guardian *ad litem*.~~

G. Notwithstanding any other provision of this rule, the Court may, after determining the financial means of any person appointed a public defender or guardian *ad litem*, require the person to pay back all or part of the fees incurred upon by the Court and the County after giving the person notice and opportunity to be heard.

H. Notwithstanding any provision of this Rule, the Court may charge a different fee, higher or lower, necessitated by change in the contracted costs between the Courts and any service provider who provides any service for which a fee is assessed under this Rule.

### **LR37-AR00-14 Indigent Attorney Fees**

A. The Jasper Circuit and Superior Courts, as necessary because of conflicts of interest, multiple co-defendants, issues of qualifications or other good cause, may appoint attorneys to represent indigent persons other than those attorneys with whom Jasper County contracts as part-time public defenders.

~~B.~~ In the event of the appointment of an attorney under sub-part A, by the Jasper Circuit Court or the Jasper Superior Court in any criminal, civil, juvenile, appellate or other cause, the attorney shall be compensated at an hourly rate ~~no less than seventy-five percent (75%) of the hourly rate set by Indiana Criminal Procedure Rule 24(C) for the representation of indigent defendants in capital cases.~~ equal to the hourly rate paid to a special prosecuting attorney under Ind. Code § 33-39-10-2(g).

## LR37-AR00-15 Alcohol and Drug Program Fees

A. All persons directed to participate in the Jasper Circuit or Jasper Superior Court certified alcohol and drug court program shall pay a program fee of ~~\$385.00 or ninety five percent (95%) of \$400.00~~ or the highest allowable charge pursuant to Indiana Law for court certified alcohol and drug programs, ~~whichever is greater commencing July 1, 2007.~~

B. All persons directed to participate in the Jasper Circuit or Jasper Superior Court certified alcohol and drug court program, but who elect to complete counseling through another court certified program in their home county, shall pay a tracking fee of one hundred dollars (\$100.00). ~~for in-state programs, a tracking fee of one hundred and fifty dollars (\$150.00) for out-of-state programs, and a fifty dollar (\$50.00) tracking fee for distance-based or internet-based counseling or education.~~

C. For distance learning courses provided by the Probation Department or a contracted service provider the Court may charge a tracking service fee ~~of not greater than \$50.00 plus the costs of the distance learning course.~~ as negotiated and contracted with the Court to provide services.

D. Notwithstanding any provision of this Rule, the Court may charge a different fee, higher or lower, necessitated by change in the contracted costs between the Courts and any service provider who provides any service for which a fee is assessed under this Rule.

## **LR37-AR00-16 Continuances**

A. All motions to continue, pursuant to Trial Rule 6(D), must be filed five (5) days before the date and time specified for the hearing for which a continuance is sought.

B. Every motion to continue shall state:

1. The original date and time of the hearing;
2. Whether the hearing was coordinated with the Court or counsel;
3. Efforts made by the moving party to contact the opposing party or counsel prior to filing the motion to continue; and
4. Whether or not opposing counsel or the opposing party objects.
5. Whether any prior continuances have been requested for either party and whether such prior request was granted.

6. All motions for continuance must be accompanied by a proposed order and both the motion and order must state in the title whether it is the first, second, third, etc motion for continuance and on which party's motion the continuance is granted. (Eg. Second Defendant's Motion to Continue Pre-Trial Conference)

C. Any motion to continue filed sooner than five (5) days before the date and time specified for the hearing for which a continuance is sought:

1. Must be verified;
2. Must state the reasons that the motion could not be filed pursuant to subpart A of this rule;
3. Must state the reasons for the necessity of a continuance;
4. The original date and time of the hearing;
5. Whether the hearing was coordinated with the Court or counsel;
6. Efforts made by the moving party to contact the opposing party or counsel prior to filing the motion to continue; and
7. Whether or not opposing counsel or the opposing party objects.

D. The Court may grant or deny a continuance under this rule without hearing. The Court may set a motion made under subpart C for hearing on the issue of the necessity of the continuance.

E. Motions to continue not filed in accordance with this rule or which are found to be unsupported by law or facts, frivolous, vexatious or in any way without good faith merit may subject the moving party to sanctions including attorney fees where permitted by law.

## **LR37-AR00-17 Withdrawal of Appearance by Attorneys**

A. A motion to withdraw from representation of a party by an attorney pursuant to Trial Rule 3.1(H) must comply with the provisions of Trial Rule 3.1(H) and must be filed five (5) days before the date and time specified for the hearing for which a continuance is sought.

B. Any motion to withdraw from representation of a party by an attorney filed sooner than five (5) days before the date and time specified for the hearing must:

1. Comply with Trial Rule 3.1(H);

2. Be verified;

3. State the reasons why the motion could not be filed prior to five (5) days before the date and time specified for the hearing; and

4. State the reason as permitted by the Code of Professional Conduct for the necessity of the withdrawal.

C. Along with the requirements of Trial Rule 3.1(H), the attorney seeking to withdraw from representation of a party shall provide the last known electronic mail address of the party to the Clerk so that notice may be attempted pursuant to the e-filing system.

D. The Order appointing a public defender to represent an indigent criminal defendant, juvenile or parent shall serve as notice of that attorney's appearance.

1. The Sentencing Order in a criminal case shall serve as a withdrawal for a court-appointed public defender and the Clerk shall so note the termination of representation in the record and CCS of the Court.

2. The final order closing a CHINS or Juvenile Delinquency case shall serve as a withdrawal for a court-appointed public defender and the Clerk shall so note the termination of representation in the record and CCS of the Court.

E. Unless otherwise stated by Court order the service of a Guardian Ad Litem in family matters or probate matters shall terminate upon the filing of a Guardian Ad Litem's Report and testimony upon conclusion of the hearing on the issue or petition for which the Guardian Ad Litem was appointed. It is the responsibility of the Guardian Ad Litem to file a Motion to Withdraw citing this rule upon completion of their appointed duties.

F. The Clerk of the Court shall change the entry for counsel showing a withdrawal in the Odyssey Case Management System.

## **LR37-AR00-18 Instructions to Guardians of the Person or the Estate**

A. Prior to receiving Letters of Guardianship from the Clerk of the Court, each Court Appointed Guardian shall file and execute a copy of LR37-AR00-18 Form entitled “Court’s Instructions to a Guardian of Person or Estate,” which is attached to this rule.

Court's Instructions To Guardian of a Person or Estate

You have been appointed as the guardian of an individual who is unable to care for his or her own financial affairs. It is important that you fully realize your duties and responsibilities. Listed below are some of your duties, but not all of them. The best resource for you as guardian is to maintain legal counsel who can advise you of the necessary requirements for serving as a guardian.

The ultimate responsibility to see that all accounts and other documents are accurately prepared and filed, rests with you and you can be found personally liable should you not properly perform. The Court appreciates your efforts on behalf of the protected person.

**As Guardian you are required to:**

1. Locate, collect and maintain all property owned by the protected person. Keep motor vehicles and real estate insured and protected.
2. Have your attorney file with the Court, within ninety (90) days after your appointment, a verified inventory and appraisal of all the property belonging to the protected person, with values as of the date you were appointed. You must provide a copy of the inventory to the protected person (if over fourteen (14) years of age) and to certain other persons as set out in Indiana Code §29-3-9-5.
3. File with the Court a verified current account of all the income and expenditures of the guardianship every two (2) years after your appointment, consisting of three schedules. The first schedule must include all assets listed on the inventory or on the last current account along with any additions or adjustments to the inventory. The second schedule must be an itemized list of expenditures, supported by attached cancelled checks or facsimiles of paid checks as evidence of payment. The third schedule must be a recapitulation indicating the remaining property after subtracting expenditures.
4. Pay bond premiums as they become due.
5. File and pay taxes on the protected person's income and assets.
6. File a final accounting with the Court upon the termination of the guardianship, whether due to the death of the protected person, or for any other reason.
7. Keep all of the assets of the protected person separate from your own. Guardianship funds should **never be co-mingled** with personal funds. Unauthorized use of the guardianship funds will result in personal liability.
8. Open a guardianship checking account in your name "as guardian of **(the protected person)**" This account **shall** be used for all payments or disbursements on behalf of the protected person. The account should be in the protected person's Social Security number, not yours. It cannot be a joint account. Make sure that the financial institution you are utilizing will provide you with cancelled checks or images of paid checks and evidence of payments made from the account..
9. Real estate, automobiles and other accounts and investments should be held in the name of the protected person.
10. All investment accounts and other bank account holdings should be re-titled as follows: "John Smith Guardianship, Mary Jones Guardian."
11. Obtain approval from the Court to use guardianship assets, other than for normal bills.

12. Do not self-deal. Do not buy anything from or sell anything to the protected person. Do not borrow anything from the protected person.
13. If applicable, timely qualify the protected person for Medicaid or other public assistance. Seek appropriate legal and financial advice about estate planning issues.
14. It is the duty of the guardian to protect and preserve the protected person's property, to account for the use of the property faithfully, and to perform all the duties required by law of a guardian.
15. The guardian has the same duties and responsibilities concerning the protected person whether or not the protected person is a relative of the guardian.
16. Do not pay attorney fees or compensation to yourself from assets of the guardianship without first obtaining the advance written approval of the Court.
17. If any questions arise during the guardianship, immediately consult with your attorney.
18. If you are guardian of the person only, you must file a status report on the person's condition with the Court every two years.

**I acknowledge that I have carefully and completely read the above instructions and received a copy for my records. I agree to properly carry out my duties.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature, Guardian

\_\_\_\_\_  
Signature, Guardian

\_\_\_\_\_  
Print, Guardian

\_\_\_\_\_  
Print, Guardian

## LR37-AR00-19 Guardianships

**Medical Reports.** In all guardianship matters seeking to declare an adult incapacitated by reason of physical or mental illness, a Physician's Report by the doctor treating the alleged incapacitated person or such additional evidence as the Court shall require, shall be presented to the Court at the time the petition is filed or on the hearing date. No determination will be made without a supporting medical report or testimony.

**Guardian's Report.** Current reports filed by a guardian of the person shall state the present residence and the general welfare of the incapacitated person. If the incapacitated person is an adult and the incapacity is due to physical or mental illness, a Physician's Report by a treating physician shall be filed with the current report, verifying that the incapacity of the person remains unchanged since the date the guardianship was established or the date of the last current report and that the living arrangements for the incapacitated person are appropriate.

**Guardian of a Minor.** In every petition for the appointment of a guardian of the person of a minor child, in addition to the information required by I.C. 29-3-5-1 or other statutes the following information shall be included in the petition:

(1) The places where the child has lived within the past two years and the names and present addresses of persons with whom the child has lived during that period.

(2) Whether, to Petitioner's knowledge, any other litigation is pending concerning the custody of the child in this or any other state.

(3) Whether, to Petitioner's knowledge, any person not a party to the guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child.

## PHYSICIAN'S REPORT FORM

### PHYSICIAN'S REPORT

\_\_\_\_\_, a physician holding an unlimited license to practice medicine in the State of Indiana, submits the following report on \_\_\_\_\_, 'Patient', based upon examination of Patient.

1. Set forth the dates of all examinations of the Patient within the last one (1) year from the date hereof.

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2. In your opinion, based upon your examination and observation of the Patient, is the Patient incapacitated? If so, describe the nature and type of incapacity.

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3. In your opinion, based upon your examination and observation of the Patient, how long has the Patient been incapacitated?

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4. Describe the Patient's mental and physical condition; and if appropriate, describe the Patient's educational condition, adaptive behavior and social skills.

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5. In your opinion, is the Patient totally or only partially incapable of making personal and financial decisions? And, if the latter, state the kinds of decisions which the Patient can and cannot make. Include the reason for this opinion.

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6. In your opinion, what is the most appropriate living arrangement for the Patient? And, if applicable, describe the most appropriate treatment or rehabilitation plan. Include the reasons for your opinion.

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7. Can the Patient appear in Court without injury to his/her health?  Yes  No

If the answer is no, explain the medical reasons for your answer.

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8. If the Patient capable of consenting to the appointment of a Guardian?  Yes  
 No

9. Is the nature of the Patient's incapacity such that it prevents the Patient from making a knowing and voluntary Waiver of Notice?  Yes  No

10. In your opinion, is a Guardian needed to care for the Patient?  Yes  No

If a Guardian is needed, is one needed for personal or financial needs, or both?  Yes  
 No

I affirm, under the penalties of perjury, the above and foregoing is true and correct to the best of my knowledge and belief.

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Dated: \_\_\_\_\_

If the description of the Patient's mental, physical and educational condition, adaptive behavior or social skills is based on evaluations by other professionals, please provide the names and addresses of all professionals who are able to provide additional evaluations. Evaluations on which the report is based should have been performed within three (3) months of the date of the filing of the Petition. Names and addresses of other persons who performed evaluations upon which this report is based:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

## **LR37-AR00-20 Instructions to a Personal Representative of an Estate**

A. Prior to receiving Letters of Administration or Letters Testamentary from the Clerk of the Court, each Court Appointed Personal Representative shall file and execute a copy of LR37-AR00-19 Form entitled “Court’s Instructions to a Personal Representative of an Estate,” which is attached to this rule.

Name of Decedent \_\_\_\_\_

## COURT'S INSTRUCTIONS TO PERSONAL REPRESENTATIVE

You have been appointed as the personal representative of the estate of a deceased person. By your appointment, the Court has placed in you the highest trust that you will perform your duties in the best interests of all beneficiaries and creditors of the estate. It is important that you fully realize your duties and responsibilities. Listed below are some, but not all of them. Legal counsel is the best source for you to understand and to maintain compliance with Indiana Law and Orders of the Court.

Although your attorney will file all papers with the Court, you, as personal representative, are ultimately responsible to see that the estate is properly and promptly administered, and you are personally liable for incorrect distributions, payments, or acts, as well as any unpaid taxes or costs of administration. The Court appreciates your efforts on behalf of the estate.

### **As Personal Representative, you are required to:**

1. Locate, collect and maintain all property owned by the decedent.
2. Keep motor vehicles and real estate insured and protected.
3. Immediately fill out a change of address at the post office to have the decedent's mail forwarded to you.
4. No later than two (2) months after your appointment, have your attorney file in this Court an inventory describing all property belonging to the estate, with date of death values, and forthwith serve a copy of the inventory on all known heirs, beneficiaries or distributees of the estate.
5. Estate Checking Account
  - a. -Open a separate checking account in your name "as personal representative for the estate of (the decedent).” Obtain a federal tax I.D. number for the checking account. Do not use your Social Security number or decedent's Social Security number.
  - b. **-DO NOT** put any of your funds or anyone else's funds in this account.
  - c. -Always pay for estate expenses by checks from this account. Do not pay any expenses with cash.
  - d. Make sure that the bank is willing to return cancelled checks or electronic versions of the checks to you.
  - e. -Keep records of all deposits including the identity of the person or entity paying money into the estate.
6. Determine all debts that the decedent owed. Look through decedent's tax returns and other papers. Talk to anyone who knew decedent's business. Consult your attorney as to payment of debts, costs of administration, bond premiums, and funeral bills. Some debts may be unenforceable. Some may have priority over others.
7. Have your attorney provide written notice of the administration of the estate to all known creditors of the estate.

8. If the decedent owned a business or was involved in contracts which were not yet fully performed, have your attorney obtain directions from the Court as to those matters.
9. **DO NOT MAKE** any distribution of personal property or real estate to an heir or devisee without prior Court order.
10. **NEVER** borrow estate property or put it to your own personal use.
11. Prepare and file income tax returns for the tax year in which the decedent died and any returns for prior years if needed. Timely prepare and file any estate, inheritance or fiduciary tax returns and pay taxes as they come due.
12. **Accounting.** Indiana law requires the estate to be closed within one (1) year of your appointment as personal representative. Before the estate can be closed, you must file with the Court a final accounting of your actions as personal representative.
13. Have your attorney file your final accounting, consisting of three (3) schedules, after the administration of the estate has been completed.
  - a. The first schedule must include all assets listed on the inventory, any income and additional assets obtained during administration, and any adjustments to the inventory.
  - b. The second schedule must be an itemized list of expenditures. Documentation for each expense shall include: (a) the payee; (b) check number or other identifying number on the instrument; (c) the amount disbursed; and, (d) if the reason for disbursement is not apparent from the description of the payee, a description of the reason for the disbursement sufficient to substantiate the reason for the disbursement as part of the administration of the estate. Cancelled checks or facsimile copies of paid checks for each expenditure should be attached as evidence of payment.
  - c. The third schedule must be a recapitulation indicating the remaining estate property after subtracting expenditures. A proposed distribution must be furnished to all interested parties, including heirs.
14. After the Court approves your final account, make distribution to the proper people and file a supplemental report with the Court, attaching receipts.
15. Notify the Court and your attorney of any change in your address or telephone number.
16. **NEVER** pay yourself or your attorney any fees from assets of the estate without a prior Court Order, unless your attorney confirms to you that the law or local court rules allow you to reimburse yourself from estate assets for necessary expenses that you previously paid with your personal funds.
17. Keep a record of the time you spend working on the estate. You are entitled to a reasonable fee, unless you waive a fee. Time records will help the Court determine your fee.
18. Always contact your attorney for advice if you are unsure as to any act as personal representative. Have your attorney counsel you in relation to the estate and explain anything that you do not fully understand.

19. Do not sell an estate asset without prior Court Order unless the Will, in very specific terms, authorizes sale without court order. Consult your attorney about this.

**I acknowledge that I have carefully and completely read the above instructions and received a copy for my records. I agree to properly carry out my duties.**

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature, Personal Representative

\_\_\_\_\_  
Signature, Personal Representative

\_\_\_\_\_  
Print, Personal Representative

\_\_\_\_\_  
Print, Personal Representative

LR37-AR00-20 Form

## **LR37-AR00-21 General Probate Rules**

A. An inventory shall be filed by the fiduciary in all estates and guardianships as follows: Estates (supervised and unsupervised), within sixty (60) days; Guardianships, within ninety (90) days for permanent guardians and within thirty (30) days for temporary guardians. All times relate to the date of appointment of the fiduciary. In the event a partial inventory is filed, all subsequent inventories must contain a recapitulation of prior inventories.

B. Unless otherwise ordered by Court in a particular proceeding, closing statements complying with requirements of I.C. 29-1-7.5-4 or other statute are sufficient to result in closing an estate. Any objections thereto will be scheduled for hearing. No orders approving closing statements will routinely be provided. As part of the closing process, the Court will accept Affidavits in Lieu of Vouchers.

C. If a Supervised or Unsupervised estate cannot be closed within one (1) year from opening, the Personal Representative must report the condition of the estate to the Court one (1) year after the date of the Personal Representative's appointment, and thereafter every year until the estate is fully administered.

D. Where a restricted account has been created, an acknowledgment of or acquiescence to the restriction by the financial institution involved must be filed by the Guardian or Attorney within ten (10) business days of the Court Order creating such an account.

E. In the event an individual is appointed Guardian to handle the financial affairs of a protected person, the Guardian shall file his/her first current Accounting within thirty (30) days after the first anniversary of the date on which the letters were issued.

F. Where assets are claimed to be in a financial or holding institution, the Guardian's Accounting must contain a certification by an officer of the institution as to the amount and value of the assets remaining in the guardianship account. The certification must be dated by the officer not more than ten (10) days prior to the date of filing the Accounting

G. All Social Security benefits received on behalf of a protected person must be included and accounted for in the Guardian's Accountings. If this is the only income received by the Incapacitated person, the Court will accept a copy of the annual report filed

with the Social Security Administration as the accounting.

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## **LR37-CP00-21 Plea Agreement Submission**

A. Written plea agreements submitted in criminal cases shall be submitted on the attached form entitled “Jasper County Courts Plea Agreement Form.” Defense counsel shall provide sufficient copies for the Court, the Defendant, the State and any other affect entity such as the Probation Department or Jasper County Community Corrections.

B. Written plea agreement resolving cases must be submitted to the Court prior to the time for summoning jurors for a criminal jury trial pursuant to Jury Rule 4(b).

C. Continuance in a Criminal Case. Upon motion of any party, the Court may grant a continuance only upon showing of good cause and only for so long as necessary, taking into account not only the request or consent of the prosecution or defendant, but also the public interest in the prompt disposition of the case. All orders granting continuances shall indicate on which party's motion the continuance is granted. All motions for continuance or enlargement of time (whether 1st, 2nd, 3rd, etc) shall be made in writing, shall state whether or not opposing counsel objects to the motion, and shall state whether prior continuances or enlargements have been requested by either party and whether such prior request was granted. All motions for continuance or enlargement of time shall denominate in the title of such motion whether it is the first, second, third, etc motion for continuance or enlargement of time; e.g. Defendant’s Second Motion for Continuance of Mandatory Disposition Conference.

D.

D. Notice to Probation. In any plea agreement that contains proposed supervision by Probation to be transferred to another State or to another County, counsel shall provide advance notice to the Probation Department so that necessary administrative proceedings involving the transfer. If the Probation Department determines or learns that the Probation cannot be transferred or will not be accepted, it shall notify the Court and parties. Submission of a plea signed by the parties and counsel is affirmation to the Court of compliance with this rule.

JASPER COUNTY COURTS PLEA AGREEMENT FORM

STATE OF INDIANA

COUNTY OF JASPER

STATE OF INDIANA

v.

DEFENDANT

IN THE JASPER Choose an item. COURT

Cause Number(s)

Click or tap here to enter text.

**PLEA AGREEMENT**

Defendant is charged with: Click or tap here to enter text.

Defendant will plead guilty or admit to: Click or tap here to enter text.

**PRE-SENTENCE INVESTIGATION REPORT:** A presentence investigation report is required for all sentence to the Department of Corrections and Community Corrections. A Level Six Felony sentenced to the Jasper County Jail or entered as a Misdemeanor may waive a PSI. Do all parties waive?  Yes  No N/A

**SENTENCE:** Defendant will be sentenced to: Click or tap here to enter text..

In the Indiana Department of Correction (IDOC) in Cause number Click here to enter text.

In the Jasper County Jail in Cause number Click here to enter text.

With all suspended to time served which is Click here to enter text..

Defendant is/was incarcerated from Click or tap to enter a date. to Click or tap to enter a date..

Time served is Click or tap here to enter text. actual jail days prior to sentencing.

may be served at Jasper County Community Corrections at a level to be determined by them.

Other: Click or tap here to enter text.

**PROBATION:**

- The Defendant shall be placed on probation at a level of supervision to be determined by probation by evidence based risk analysis for [Click or tap here to enter text.](#) days.

Special Terms or Conditions of Community Corrections or Conditions of Probation include:

- Defendant shall submit to at-random blood, breath, urine testing for drugs and alcohol. Defendant to pay initial fee.
- Restitution to: \_ in the amount of \$ [Click or tap here to enter text.](#).
- Community Service of [Click or tap here to enter text.](#) hours, supervised through JCCC (Fees paid directly to JCCC).
- Counseling: [Click or tap here to enter text.](#).
- If charged with a felony, DNA Sample as required by I.C. §10-13-6-10
- TAD monitor for [Click or tap here to enter text.](#) (Fees to apply)

A no-contact order will continue;  be terminated; or,  added protecting [Click or tap here to enter text.](#)

- Other: [Click or tap here to enter text.](#).

Alcohol/Substance Abuse/Domestic Violence/Anger Management Education Classes/Counseling through Ryan & Ryan: **Fees assessed by the Court and paid through the Clerk of the Court. Additional fees may be charged by the providers for On-Line Offender Solutions Programs and are the responsibility of the Defendant.**

- Ryan & Ryan Evaluation & Prime for Life/Advanced Education Fee \$400.00\*Spanish available\*
- Ryan & Ryan in-state tracking fee \$100.00
- Ryan & Ryan out-of-state tracking fee \$100.00
- Ryan & Ryan Offender Supervision Fee for Bad Check/Theft \$50.00
- Ryan & Ryan Offender Solutions/Anger Management/Domestic Violence fee \$200.00
- Ryan & Ryan Re-Think a Drink (underage alcohol) Fee \$200.00
- Ryan & Ryan Alternatives (juvenile alcohol/drug classes) Fee \$200.00
- Ryan & Ryan Social Values The Change Company \$50.00
- Other: [Click or tap here to enter text.](#).

**Additional Fees for the following are to be paid directly to the service provider:**

**Offender Solutions (through Ryan & Ryan)**

- Adult Theft Class (4hr/\$50.00; 8 hrs/\$65.00)\*also available in Spanish\*
- Anger Management/Domestic Violence (8 hr/\$64.00; 10hr/\$74.00; 12 hr/\$84.00)
- Bad Check Course (\$65.50)
- Re-Think a Drink (\$50.00)

**Jasper County Community Corrections**

- "Thinking for a Change" classes at Jasper County Community Corrections (\$75.00 fee for individuals not sentenced to the JCCC)
- Complete "Thinking for a Change" after release from JCCC.

**Domestic Violence Treatment and Education Courses**

- Character Restoration, Lafayette, Indiana
- Other: [Click or tap here to enter text.](#)

**FINES AND COSTS:**

Defendant will be fined \$ \_\_ for  **each** count  **each** cause, plus court costs.  Court costs to merge

Court costs to include:

- Statutory Domestic Violence Fee of \$50.00  Alcohol Counter-Measure Fee of \$200.00
- Drug/Marijuana Interdiction Fee of \$200.00  Drug/Marijuana Eradication Fee of \$50.00
- Misdemeanor Public Defender Fee of \$50.00  Felony Public Defender Fee of \$100.00
- Safe School Fee of \_\_\_\_\_  CASA / GAL Fee of \$50.00

**Time to Pay:** Defendant will have \_\_ days to pay all fines, costs, fees, restitution, and probation fees.  Fines, costs, fees, restitution, and fees are entered as a judgment against Defendant.

**LICENSE SUSPENSION:**

Defendant’s driving privileges will be suspended for [Click or tap here to enter text.](#) days. Suspension to start on [Click or tap to enter a date.](#) Defendant to receive credit for administrative suspension unless there is a breath test refusal.

Restricted driving privileges for \_\_. Defendant is allowed to drive to and from work, during the course of employment and to and from probation and other required counseling appointments. Separate Order will be entered.

Other: [Click or tap here to enter text.](#)

**MISDEMEANOR TREATMENT FOR FELONY CONVICTION.**

Upon successful completion of the terms of this agreement, the Defendant’s conviction shall be entered as a Class A Misdemeanor on notice to the Court.

Upon successful completion of the terms of this agreement, the Defendant may petition the Court to enter Judgment as a Class A Misdemeanor at the Court’s discretion.

**BOND:** Cash bond, if any, is automatically applied to the payment of any fines, costs, fees, restitution and probations fees. Any remaining balance is then released to the posting party or paid per bond assignment.

**FINGERPRINTS:** Defendant, if not previously arrested and processed at the Jasper County Jail for this charge, will report to the Jasper County Sheriff's Department to submit to fingerprinting due to the conviction in this case pursuant to Indiana Law.

**TRANSFER OF PROBATION:** This plea agreement contains a transfer of probation to another state or county. The parties signify by submitting the plea that they have contacted probation prior to the plea hearing and have been advised by Probation that this sentence complies with the Interstate Compact for transferring offenders to another state or the rules for intrastate transfer.

**OTHER:** [Click or tap here to enter text.](#)

\_\_\_\_\_  
**State of Indiana**

\_\_\_\_\_  
**Defense Counsel**

\_\_\_\_\_  
**Defendant**

### **WAIVER AND ADVISEMENT OF RIGHTS**

The Defendant having submitted a plea of guilty pursuant to a Plea Agreement or agreed recommendation now asserts and that he understands each of the following rights which are voluntarily waived pursuant to entering a plea of guilty.

1. The right to have a speedy and public jury trial in the county in which the offense was committed.
2. The right to demand the nature and the cause of the accusation against you and the right to have a copy thereof.
3. The right to confront and to cross-examine the witnesses face to face.
4. The right to use compulsory process to obtain witnesses and evidence in your favor.
5. The right to remain silent and not to testify against yourself.
6. The right to have the State of Indiana prove you guilty beyond a reasonable doubt.
7. The right to appeal the sentence or conviction of this Court to a higher Court such as the Indiana Court of Appeals or the Indiana Supreme Court.
8. The right to petition the Court to modify the sentence as a fixed sentence contained in a plea agreement approved by the Court cannot be modified without the consent of the State, Defendant and the Court.

The Defendant also certifies and understands the following:

1. A record of this conviction will become a part of his/her permanent criminal record and driving record, if applicable, and could be used to impose harsher penalties or sentences in the future.
2. This plea is made of his/her own free will and is a voluntary act. No threats or force has been used against him/her to obtain his/her plea of guilty.
3. The Defendant is not under the influence of any drug, medication or intoxicant that effects his/her understanding of the plea agreement, the proceedings in Court and this waiver of rights.
4. If the Defendant is on parole, probation or a suspended sentence from another Court, this plea of guilty and conviction could affect your probation, parole, or suspended sentence case. Also, any punishment that you receive for this case must be served separately (“consecutively”) from any punishment for the other case.
5. The Defendant is not suffering from any mental illness or diagnosis that would affect his/her ability to understand this plea agreement, the Court proceedings and this

waiver of rights.

6. If you are not a U.S. Citizen, a conviction may affect your immigration status, and may lead to deportation, prevent you from re-entering the United States or being denied citizenship. You have a right to contact an attorney or your Consulate.
7. A conviction for a crime involving a motor vehicle may result in a license suspension and may lead to your being an Habitual Traffic Violator or an Habitual Vehicular Substance Offender if the crime involves the use of alcohol or a controlled substance.
8. If your sentence includes a period of “suspended” jail time and you are placed on probation, there will be certain rules that you must follow. You may be required to, in addition to any special conditions, the following general rules of probation during the term of probation. You cannot commit or be convicted of any new crimes; possess any deadly weapon; possess, buy, sell, or use any illegal drugs, controlled substances or alcohol; leave the State of Indiana without permission of the Court. While on probation you must attend all meetings with Probation Office; allow Probation Officer to visit you at home, work, or any other location; maintain suitable employment and housing; notify Probation Officer of any changes to personal contact information or employment; pay all fees, fines, costs of ordered by the Court and related to probation; must not associate with anyone on probation, parole, pre-trial release, or anyone serving a sentence with any state, local, or private correctional facility unless given permission by the Court or Probation Office.
9. A violation of the rules of probation could result in a Petition to Revoke Probation or internal sanctions. If you are found to have violated probation, the Court can order that you serve the entire suspended sentence in jail or in the Department of Corrections.
10. If you are pleading guilty to more than one crime, the Court may impose the sentences “consecutively” or “concurrently.” When sentences run consecutively, they run one after the other, which means that time served toward one sentence does not count as time served toward the other sentence. When sentences run concurrently, they run at the same time, which means that time served toward one sentence counts as time served toward the other sentence as well.
12. If you were free on bond in another case when you committed this offense, pleading guilty in this case may cause that bond to be increased or revoked. Also, any sentence hat you receive for this case must be served separately (“consecutively”) from any sentence for the other case.

I have read this entire document, I understand each paragraph, and I wish to waive/give up my rights as explained above, so that I can plead guilty.

\_\_\_\_\_

**Defendant**

\_\_\_\_\_

**Date**

LR37-CP00-21 Plea Agreement Submission Form

## **LR37-FL00-22 Guardian Ad Litem in Family Law and Probate Cases**

A. A party may request a Guardian Ad Litem in a family law or probate matter by filing, at least thirty (30) days prior to any hearing set upon an issue for which a guardian ad litem is sought.

B. The Court shall set a hearing on the request for a guardian ad litem unless the parties agree to a guardian ad litem pursuant to subpart D of this rule.

C. If the Court appoints a guardian ad litem, the Court shall specify in its order set out the scope and duties of the guardian ad litem as well as ordering a process for payment of the guardian ad litem by the parties.

D. In the event the parties agree to a guardian ad litem, the parties shall submitted an agreed order signed by parties and counsel which also contains the requirements found in subpart C of this rule.

E. A guardian ad litem who has not been timely paid by the parties prior to filing a report or testifying at a hearing may request by motion instructions from the Court on proceeding further or to force compliance with any order issued under subparts C & D of this Local Rule.

F. Unless otherwise stated by Court order the service of a Guardian Ad Litem in family matters or probate matters shall terminate upon the filing of a Guardian Ad Litem's Report and testimony upon conclusion of the hearing on the issue or petition for which the Guardian Ad Litem was appointed. It is the responsibility of the Guardian Ad Litem to file a Motion to Withdraw citing this rule upon completion of their appointed duties.

## **LR37-FL00-23 Family Law Settlement Conference**

A. Prior to a hearing in a family law case, including IV-D support matters where divorce, paternity, support, custody, visitation , property division are in issue, counsel and the parties shall conduct a settlement conference in good faith in an attempt to resolve the matter prior to a court hearing.

B. A party or counsel failing to attend a settlement conference under this rule may be subject to sanctions allowed by any applicable court rule or statute including payment of attorney fees.

C. The parties and their counsel shall file and sign a brief pleading with the Court indicating they have complied with this rule showing:

1. The date of the settlement conference;
2. The persons in attendance; and
3. Whether or not a full or partial settlement was reached.

D. In the event a full or partial settlement is reached counsel and parties shall file and submit the signed written agreement with the notice of compliance with this rule.

## **LR37-FL00-24 Family Law Trial Readiness**

A. Seven days prior to a contested final hearing in a dissolution of marriage action on any issue or a contested hearing on a paternity or a co-habitation case, each party shall complete and file the Contested Issues Dissolution Trial Readiness Form contained in this rule.

B. A party failing to comply with this rule may subject to sanctions from the Court under the Trial Rules or by any applicable statute. The Court may also continue the final hearing until the parties comply with this rule.

C. Parties are not required to use the form as a mandatory discovery exchange tool; however the Court encourages the parties to use the form for discovery or other mean that may facilitate the progress or resolution of issues in the cause.

D. Seven days prior to any contested hearing in a family law case including paternity, support, post-secondary educational support, custody, visitation, dissolution of marriage (except for Title IV-D support cases) the parties shall complete and file the Family Law Contested Hearing Witness List contained in this rule.

E. Failure to file the Family Law Contested Hearing Witness List may subject a party to sanctions under the Trial Rules, applicable statutes, or rules of evidence including the prohibition of calling witnesses.

F. Nothing in this rule shall be construed to limit or prevent the authority of the Court to proceed with any hearing notwithstanding compliance or non-compliance with this rule.

Jasper County Courts  
Adopted 2020

Cause No: \_\_\_\_\_

Party Name \_\_\_\_\_

### CONTESTED DISSOLUTION ISSUES TRIAL READINESS FORM

<u>Issue</u>	<u>Contested</u>	<u>Agreed</u>
<b>Custody</b>	_____	_____
<b>Support</b>	_____	_____

*\*(parties shall submit proposed child support obligation worksheets as required by 2019 amendments to the Indiana Child Support Rules)*

<b>Visitation</b>	_____	_____
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Supervised (Y/N) \_\_\_\_\_ By whom: \_\_\_\_\_

<b>Relocation</b>	_____	_____
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<b>Arrearage:</b>	_____	_____
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Amount \_\_\_\_\_ *(attach calculation)*

**Other:**

_____	_____	_____
_____	_____	_____
_____	_____	_____

**ASSETS**

**Marital Residence**

Value \_\_\_\_\_ Debt \_\_\_\_\_ Equity \_\_\_\_\_

Sell? \_\_\_\_\_ Terms \_\_\_\_\_

To: W \_\_\_\_\_ H \_\_\_\_\_ Terms \_\_\_\_\_

**Other Real Property**

Value \_\_\_\_\_ Debt \_\_\_\_\_ Equity \_\_\_\_\_

Sell? \_\_\_\_\_ Terms \_\_\_\_\_

To: W \_\_\_\_\_ H \_\_\_\_\_ Terms \_\_\_\_\_

**Vehicles:**

Year \_\_\_\_\_ Make/Model \_\_\_\_\_ Value \_\_\_\_\_ W \_\_\_\_\_ H \_\_\_\_\_

Year \_\_\_\_\_ Make/Model \_\_\_\_\_ Value \_\_\_\_\_ W \_\_\_\_\_ H \_\_\_\_\_

Year \_\_\_\_\_ Make/Model \_\_\_\_\_ Value \_\_\_\_\_ W \_\_\_\_\_ H \_\_\_\_\_

Year \_\_\_\_\_ Make/Model \_\_\_\_\_ Value \_\_\_\_\_ W \_\_\_\_\_ H \_\_\_\_\_

Year \_\_\_\_\_ Make/Model \_\_\_\_\_ Value \_\_\_\_\_ W \_\_\_\_\_ H \_\_\_\_\_

**Boats / Trailers / Campers / Other Craft**

Year \_\_\_\_\_ Make/Model \_\_\_\_\_ Value \_\_\_\_\_ W \_\_\_\_\_ H \_\_\_\_\_

Year \_\_\_\_\_ Make/Model \_\_\_\_\_ Value \_\_\_\_\_ W \_\_\_\_\_ H \_\_\_\_\_

Year\_\_\_\_\_ Make/Model\_\_\_\_\_ Value\_\_\_\_\_ W\_\_\_H\_\_\_

Year\_\_\_\_\_ Make/Model\_\_\_\_\_ Value\_\_\_\_\_ W\_\_\_H\_\_\_

**Pensions / 401k / Other Retirement**

Plan Type & Administrator\_\_\_\_\_

Owner(W or H)\_ QUADRO?\_\_\_\_\_ Present Value\_\_\_\_\_

Plan Type & Administrator\_\_\_\_\_

Owner(W or H)\_ QUADRO?\_\_\_\_\_ Present Value\_\_\_\_\_

Plan Type & Administrator\_\_\_\_\_

Owner(W or H)\_ QUADRO?\_\_\_\_\_ Present Value\_\_\_\_\_

Plan Type & Administrator\_\_\_\_\_

Owner(W or H)\_ QUADRO?\_\_\_\_\_ Present Value\_\_\_\_\_

**Bank Accounts**

Bank\_\_\_\_\_ Account\_\_\_\_\_ Amount\_\_\_\_\_ W\_\_\_ H\_\_\_

**Debts**

Type\_\_\_\_\_ Amount\_\_\_\_\_ W\_\_\_ H\_\_\_ JT\_\_\_ To whom:\_\_\_\_\_

Type\_\_\_\_\_ Amount\_\_\_\_\_ W\_\_\_ H\_\_\_ JT\_\_\_ To whom:\_\_\_\_\_

Type \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

Type \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

Type \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

Type \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

Type \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

Type \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

**Other Assets / Debts**

What \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

What \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

What \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

What \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

What \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

What \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

What \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

What \_\_\_\_\_ Amount \_\_\_\_\_ W \_\_\_ H \_\_\_ JT \_\_\_ To whom: \_\_\_\_\_

**Other**

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*(Parties may attach additional sheets if necessary)*

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Party



Worksheet Required. In all proceedings involving child support, each party shall file with any settlement, or enter into evidence during any trial, Indiana Child Support Guidelines worksheets - one or more depending on the facts. Further, the worksheet(s) shall, when reasonably possible, be filed and delivered to the other party and Court simultaneously with the Family Law Contested Witness List or the Contested Dissolution Issues Trial Readiness Form. The worksheet(s) shall be promptly supplemented if any changes occur prior to hearing.

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Agreed Support Differing from Guidelines: If an agreement concerning support contains deviation of ten percent (10%) or more from the Guidelines, the parties shall present to the Court a written explanation, with supporting documents if applicable, justifying the deviation.

Any after hour emergency pleading or petition including search warrants and orders for emergency detention must be electronically communicated to the Judge in a form that can be downloaded and signed electronically with the use of a program or application such as Adobe Fill & Sign® or other designated format by the Judge. Pleadings sent may not be “read-only” or encrypted in any manner that would impede the signing of the requested order electronically wherever the Judge may be located at that time. The Judge must have the ability to modify and sign any proposed after hour document. Encrypted documents sent with a separate password in a separate e-mail are not permitted. Parties seeking emergency orders after hours who do not comply with this rule or do not want to comply with this rule may e-file the petition pursuant to Trial Rule 86 by counsel and it will be addressed, at the earliest, the next business day upon processing by the Clerk of the Court.

Pursuant to Rule 69(F) of the Indiana Rules of Trial Procedure, the Courts of Jasper County will require in any judicial sale of land, including without limitation mortgage and lien foreclosures, execution sales, sales by receivers, assignees for the benefit of creditors, guardians or trustees, or partition sales, upon motion the court in its discretion may order the judgment creditor, person seeking the sale, or officer conducting the sale to procure a qualified title opinion or a title insurance policy from a title insurance company authorized to do business in Indiana with respect to the interest of the person whose land is being sold. The policy must be conditioned to cover the purchase price at the sale and may be given with any necessary exclusions. The opinion or policy shall run to all parties interested in the litigation and to any purchaser or purchasers at the sale. The opinion or policy or copy thereof shall be available for inspection in the court from which the sale is being conducted or in the office of the court officer conducting the sale at the first notice of sale and shall be made available for inspection at the sale. Expenses of the opinion or policy shall be taxed as costs like other expenses of the sale and paid from the first proceeds of the sale. The opinion or policy shall not cover defects arising in the conduct of the sale.

## LR 37-SC00-28 Small Claims Rules

- A. All Notices of Claim shall be set for trial. There are no initial hearings, first hearings or default hearings or dates.
- B. Each party bears the responsibility for filing the appropriate paperwork with the Court on any cases that are resolved or otherwise not heard in the Courtroom or the record. Failure to notify the Court of any agreement reached and a failure to file any necessary pleading or order thereafter in a timely fashion will result in the Court assuming the parties did not show and dismissing the pending petition or Notice of Claim.
- C. Proceedings Supplemental and Rules to Show Cause Hearings shall be conducted pursuant to and in compliance with these rules. Prior to a Court hearing on a Rule to Show Cause or a Proceedings Supplemental, the parties must first meet and attempt to resolve the matter before coming into the Courtroom and requesting a hearing on the record.
- D. Parties and/or Counsel are responsible for notifying opposing parties and counsel of all filings and pleadings.
- E. Parties and/or Counsel are responsible for obtaining service under Trial Rule 4 and for making all of the necessary arrangements for proper service including postage and Sheriff's fee and delivery of pleadings to be served to the Sheriff.
- F. It is the responsibility of the party or counsel to file proof of service.