

LAPORTE COUNTY
CIRCUIT AND SUPERIOR COURTS
Local Rules of Practice and Procedure

(Updated September 18, 2017)

Table of Contents

LR46-TR 79(H)-1.....Selection of Special Judges in Civil Cases

LR 46-CR 2.2-2.....Assignment of Judges in Criminal Cases

LR46-AR 15-3.....Court Reporting Services

LR 46-AR 1(E)-4.....Caseload Allocation

LR46-JR 4-5.....Selection of Juries

LR46-AR00-6.....Alcohol and Drug Service Fee Schedule

LR46-AR00-6.1.....Problem Solving Court Fee Schedule

LR 46-FL 00-7.....LaPorte County Local Family Law Rules

LR 46-AR00-8.....Miscellaneous Administrative Rules

LR46-AR00-9.....Security Cameras in the Courtroom

LR46-AR00-10.....Felony Bond Schedule for La Porte County Courts

LR 46-AR00-11.....Evidence Handling, Retention And Disposition

Change of judge and recusal or disqualification of a judge

In the absence of an agreement under Trial Rule 79 (D) resulting in a special judge accepting jurisdiction of the case, the clerk of the court shall assign the case to one of the other LaPorte County judges on a rotating basis. If a special judge is not selected and qualified from among the LaPorte County judges, then the clerk shall select a special judge on a rotating basis from full-time judicial officers from contiguous counties and counties within the administrative district as follows:

- Porter Circuit Court
- Pulaski Superior Court
- Porter Superior Court No. 1
- Starke Circuit Court
- Porter Superior Court No. 2
- Pulaski Circuit Court
- Porter Superior Court No. 3
- Porter Superior Court No. 4
- Porter Superior Court No. 5
- Porter Superior Court No. 6

A judge appointed under this procedure must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible to serve under Trial Rule 79, or excused from service by the Indiana Supreme Court.

In cases in which no full-time judicial officer is eligible to serve as special judge, or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge under Trial Rule 79 (H) may certify the case to the Supreme Court for appointment of a special judge.

(Amended effective February 10, 2015)

LR 46 – CR 2.2 – 2 Assignment of Judges in Criminal Cases

Pursuant to Criminal Rule 2.2, Assignment of Cases, and in conjunction with the weighted caseload measures, the Judge of the LaPorte Circuit and the LaPorte Superior Courts No. 1, 2, 3, and 4, adopt the following:

The assignment of all felony and misdemeanor cases filed in LaPorte County shall be pursuant to the line of demarcation which runs east and west as follows: The line of demarcation is I-94 east to the intersection of Highway #20 and #35; east to the intersection of Highway #20 and State Road #2; east to the county line.

1. All felonies occurring south of the line of demarcation are assigned to LaPorte Circuit Court.
2. All felonies, except for Level 6 felonies, occurring north of the line of demarcation are assigned to LaPorte Superior Court No. 1.
3. All misdemeanors occurring to the south of the line of demarcation are assigned to LaPorte Superior Court No. 3.
4. All Level 6 felonies and misdemeanors occurring north of the line of demarcation are assigned to LaPorte Superior Court No. 4.
5. Murder, Level 1, 2, 3, 4 and 5 felonies and misdemeanors arising out of the State Penal Institutions in LaPorte County are assigned to the LaPorte Superior Court No. 2

If the State of Indiana dismisses a criminal action and thereafter re-files the same charge, said charge must be re-filed per the “lines of demarcation”.

In the event a change of Judge or the disqualification or recusal of a judge, the assignment of a successor Judge shall be as follows:

1. If from LaPorte Circuit Court, the Judge of LaPorte Superior Court 1 shall become the successor Judge.
2. If from LaPorte Superior Court No. 1, the Judge of LaPorte Circuit Court shall become the successor Judge.
3. If from LaPorte Superior Court No. 2, the Judge of Superior Court No. 4 shall become the successor Judge and vice versa.
4. If from Superior Court No. 3, the Judge of the LaPorte Circuit Court shall become the successor Judge.

If after the above transfer, the judge of the transferee court is unable to hear the case, then the clerk of the court shall assign the case to one of the other LaPorte County judges on a rotating basis.

If the above procedures do not result in the assignment of a successor judge, then the clerk of the court shall select a special judge, on a rotating basis, from contiguous counties and counties within the administrative district of the court, as follows:

Porter Circuit Court
Pulaski Superior Court
Porter Superior Court No. 1
Starke Circuit Court
Porter Superior Court No. 2
Pulaski Circuit Court
Porter Superior Court No. 3
Porter Superior Court No. 4
Porter Superior Court No. 5
Porter Superior Court No. 6

A judge appointed under this procedure must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible to serve under Criminal Rule 13, or excused from service by the Indiana Supreme Court.

In cases in which no full-time judicial officer is eligible to serve as special judge, or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge under Criminal Rule 13 (D) may certify the case to the Supreme Court for appointment of a special judge.

(Amended effective February 10, 2015)

LR46 – AR 15 – 3 Court Reporting Services

Section One. Definitions: The following definitions shall apply under this local rule:

- (1) *A Court Reporter* is a person who is specifically designated by a Court to perform the official court reporting services for the Court including preparing a transcript of 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, and any other device used for recording, storing, and transcribing electronic data.
- (3) *Work Space* means that portion of the Court's facilities dedicated to each court reporter and shall include, but not be 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 Rule of Appellate Procedure 7.2.
- (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) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but are hours 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.
- (11) *County indigent transcript* means a transcript that is paid for from county funds and is to be used 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 to be used on behalf of a litigant who has been declared indigent by a Court.
- (13) *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for by a private party.
- (14) *Expedited transcripts* are those which are requested to be completed within five (5) days.

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.
- (2) The maximum per page fee a court reporter may charge for the preparation of a county or state indigent transcript shall be a regular page rate of \$4.50 per page; \$4.75 per page, appellate page rate; and an expedited rate of \$7.00 per page for expedited transcripts.
- (3) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be a regular page rate of \$5.00 per page; \$5.25 per page, appellate page rate; and an expedited rate of \$8.00 per page for expedited transcripts.
- (4) A minimum fee of \$50.00 shall be required for any transcript ordered. (This includes county and state indigent transcripts).
- (5) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for time spent binding the transcript and exhibit binders.
- (6) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

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 fair market rate for the use of equipment, work space and supplies;

(b) The method by which records are to be kept for the use of equipment, work space and supplies; and

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

(Amended effective October 1, 2016.)

LR 46-AR1(E)-4 Caseload Allocation Plan

This matter came before the judges of the courts of record of this county pursuant to the "Order for Development of Local Caseload Plans" issued by the Indiana Supreme Court on the 16th day of July, 1999, in Indianapolis, Indiana, and the judge of this county having met and considered that order, together with the data and advisory materials related thereto provided by the Division of State Court Administration of the Indiana Supreme Court and those particular local factors that pertain to the efficient administration of justice, and being duly advised in the premises, now issue the following findings and rules pertaining to local caseloads of the courts of this county:

1. Based on the 2017 statistical data provided by the Division of State Court Administration of the Indiana Supreme Court, the average weighted caseload utilization for La Porte County Courts is 119%.

2. Consistent with the stated policy and purposes of the Indiana Supreme Court's "Order for Development of Local Caseload Plans" issued July 16, 1999, the following considerations bear import to the effective use of judicial resources and the effective access of La Porte County citizens to the Courts:

a) La Porte County's five courts and their companion clerk's offices are located in three separate county complexes: La Porte Circuit Court at the Circuit Courthouse [in La Porte, Indiana], La Porte Superior Court 3 located in the County Government Complex [in La Porte, Indiana]; and La Porte Superior Courts 1, 2 and 4 located in the Superior Courthouse [in Michigan City, Indiana]. A distance of approximately thirteen miles separates Michigan City from La Porte; four separate clerk's offices service the five courts, which, in terms of square mileage, serve the second largest county in the State of Indiana. That geographical configuration has attendant considerations of administrative necessity for the allocation of the county's personnel, financial, and space resources; for example, the maintenance of court records in four separate clerk's offices and assignment of the clerk's personnel, the offices of both the Deputy Prosecutors and Public Defenders and assignment of their personnel, the offices of the courts' respective Probation Departments, and the warrant divisions of the Sheriff's Department are each located and based on access to particular courts on a geographical basis; likewise, those geographic considerations underlie La Porte County's Local Court rule for the assignment of criminal cases, which provides for the distribution of cases on the basis of demographic considerations and the nature of the charge. A wholesale restructuring of caseloads to provide for specialization of courts by case type is precluded by considerations of space, personnel allocation, and geography; fortunately, the present general distribution of cases generally has served the courts, its support services, and the citizens of La Porte County in an effective fashion.

b) Complicating the configuration of the courts and matters of caseload distribution is the additional workload created by the various correctional facilities located in La Porte County that house approximately 7,000 offenders and generate a criminal caseload and unique *pro se* civil litigation that defies the weighted case-load study assignments of time necessary to process particular case-types.

c) La Porte County should benefit from specialization in the handling of all Children in Need of Services and Delinquency proceedings by a single court; that caseload, with its attendant demands for interaction with a variety of social service agencies and its administration of the Juvenile Services Center, as well as the distinct need for those cases to be processed in an expeditious fashion and reviewed on a continuing basis, warrant the singular focus of one judicial officer.

d) Similarly, the need for specialization in family issues and the existing "high volume" caseloads of La Porte Superior Courts 3 and 4 warrant the restructuring of existing caseloads, albeit with consideration for the demographic and geographic considerations discussed herein.

e) This plan embodies recognition of geographically-based caseloads and specialization.

f) Currently, La Porte County's judiciary benefits from the General Assembly's addition of two non-juvenile Magistrates to its judicial workforce; the existence of those Magistrates is recognized as the most useful tool in apportioning caseloads equitably amongst the courts.

g) The resources of Senior Judges provide a potential and additional vehicle for accomplishing the policy and purposes of the Supreme Court's "Order for Development of Local Caseload Plans."

h) This plan provides additional vehicles for the reduction in disparity of caseloads; it provides for the consensual transfer of cases between courts and provides for the judges of the respective courts to sit as judge in another court with the consent of the respective judges.

i) The geographically-based distribution of criminal cases and filing patterns in civil caseloads warrant that a semi-annual review of caseload disparity be conducted by La Porte County judges and adjustments made as needed for the efficient administration of justice.

A) Upon approval of this rule, one non-juvenile Magistrate shall be assigned completely to Superior Court 4. The other non-juvenile Magistrate shall serve La Porte Circuit Court for five. (*A periodic review of caseloads by the judicial officers of this county may adjust the assignments of these Magistrates as new caseload data may demand).

B) All juvenile matters will be assigned to the La Porte Circuit Court. The caseload of Juvenile Magistrate shall include all Delinquency and Child in Need of Services proceedings filed in La Porte County, as well as those cases otherwise assigned to her by the Judge of the La Porte Circuit Court.

C) The caseloads of La Porte Circuit Court, Superior Court 1, and Superior Court 2 shall include all new civil filings for probate, protective orders, dissolutions of marriage, paternity, custody, and/or support; the Clerk of La Porte County courts and the deputy clerks are directed to inform litigants of the provisions set forth herein; given that the various courts of La Porte County are, by statute, courts of general jurisdiction, it is recognized that the clerk is not empowered to prohibit the filing of a particular type of case in a particular court; in the event a filing occurs that is not in compliance with the provisions set forth herein, the judge of La Porte Superior Court 3 or 4 that receives that filing shall cause it to be transferred to an appropriate court.

D) Efforts to reduce caseload disparity shall include requests to the Indiana Supreme Court for the appointment of present Senior Judges to serve various courts of La Porte County, as opposed to a singular designated court.

E) The judicial officers of this county shall meet **at least** on a semi-annual basis to review the issue of caseload disparity and shall continue in the endeavor to accomplish not only a statistical parity in the respective caseloads of the courts, but, moreover, a caseload distribution that enhances citizen access to the courts in a timely and expeditious manner and recognizes the particular geographic and demographic needs of the populace.

F) Criminal. All criminal charges arising out of a single criminal event or instance of criminal activity shall be filed in a single court, that court being the appropriate court under Local Rule 1 for the highest charge filed.

G) In cases where defendants have criminal charges in multiple courts, the cases may be consolidated to one court with consent of the parties and approval of the courts.

H) Small Claims. Small Claims filings shall be reviewed in a quarterly basis after the effective date of this revision, and if deemed necessary by a majority of judges, may be assigned to either Superior Court 3 or Superior Court 4 based upon the same line of demarcation used for the filings of criminal cases in those courts.

ALLOCATION UNDER CURRENT PLAN

COURT	NEED	HAVE	UTILIZATION
Circuit Court	4.06	3.00	1.35
Superior 1	1.26	1.00	1.26
Superior 2	1.33	1.00	1.33
Superior 3	1.05	1.00	1.05
Superior 4	1.78	2.00	0.89
TOTAL	9.49	8.00	**** 0.46 Difference, high and low

The Judges believe that the Superior 4 need is an anomaly. Superior 4 is historically above the local mean.

I) Effective January 27, 2017 Rule 1(E) no longer contains a prohibition on variance greater than .40. The rule still requires that a CAP ensures an even distribution of cases between all courts of record. The Judges of the Circuit and Superior Courts unanimously agree that this current plan does provide for that even distribution. Thus, no changes from the current plan are necessary.

J) Special Circumstances. The committee shall consider in addition to the actual caseload data, any special circumstances relevant to evaluating the various caseloads of the various Courts and Judges in La Porte County. These special circumstances shall include such matters as death penalty cases, administrative and special Judge service, availability of physical resources, and any other relevant factors.

K) Statistical Deviation. Based upon the foregoing caseload evaluation for each Court within the County, the committee shall determine whether or not a sufficient statistical deviation occurs between the Courts which would warrant a transfer of cases within La Porte County from one court to another or a limitation during the following year upon what case types may be filed in certain courts or before certain Judges in order to more effectively and efficiently provide services to the citizens of La Porte County.

L) Caseload Allocation Plan and Transfer of Cases. In the event the committee determines a significant statistical deviation exists and is likely to continue to exist the following year, the committee shall unanimously adopt a written plan providing for the assignment of cases and/or for the transfer of cases from one Court to another in order to more equally distribute cases among and between the various Courts within La Porte County or requiring that certain types of cases only be filed in certain courts or assigned to certain Judges therein. Such transfer of cases or limitation on filing shall take into consideration the specialized jurisdictional attributes of any of the five Circuit and Superior Courts of La Porte County and endeavor to transfer cases that fit within a receiving Judge's statutory jurisdiction.

In the event that either cases transferring in or out of a Court are outside the normal statutory jurisdiction of the receiving Judge, the committee shall designate the receiving Judge as a special Judge of the court that retains jurisdiction over the original proceeding. The committee shall also take into consideration the impact of such transfer upon other local agencies such as the Prosecutor's Office, Public Defender's Office, Sheriff's Department, Local Law Enforcement, County Clerk's Office, Probation Departments, as well as the general citizenry and the cost of such transfers. The caseload allocation plan may be memorialized as an appendix to this rule.

M) Procedures Following Transfer. Once a case is assigned or transferred pursuant to the caseload allocation plan adopted by the committee into another Court, the case shall be heard and processed as all other cases originally filed within that Court.

(Amended as approved on September 18, 2017)

LR46 – JR 4 – 5

Selection of Juries

The judges of LaPorte County adopt pursuant to Jury Rule 4, the two-tier notice and summons method of jury selection.

LR46-AR00- 6

Establishment of Fee Schedule for LaPorte County Alcohol and Drug Service

LEVEL I

\$400 Evaluation/Assessment, 8 hour PRI, follow-up appointments, exit interview.

LEVEL II

\$400 Evaluation/Assessment, 16 hour PRI, follow-up appointments, exit interview.

OTHER FEES

\$100 Evaluation/Assessment for court/other referrals

\$35 Evaluation/Assessment for juvenile referrals

\$100 In and Out of State Transfers

\$25 Missed Office appointments

\$50 Evaluation updates not included in original contract

\$100 Monitoring of LADS clients referred to outside agencies

The program fees for LADS are payable at the Circuit Court Clerk's Office located on the main level of the County Courthouse. All payments must be made in cash or by money order. Fees are determined at the time of the clinical evaluation/assessment. Fee deadlines are determined at the time of the evaluation/assessment.

(Amended effective July 1, 2013)

LR46-AR00-6.1

Establishment of Fee Schedule for La Porte County Problem Solving Courts

1. The LaPorte County Courts have established the Re-Entry Court, the LaPorte Problem Solving Court and LaPorte County Veterans Treatment Court pursuant to I.C. 33-23-16 and the Problem Solving Court Rules. Additional Problem-Solving Courts may be established in the future.
2. Participants admitted to a LaPorte County Problem-Solving Court may be assessed a problem-solving court administration fee of \$100.00 for initial problem-solving court services upon admission into the program.
3. Participants admitted to a LaPorte County Problem-Solving Court may be assessed a monthly user fee of \$50.00 beginning with the second month of participation and for each month thereafter for the duration of their participation in the program.

4. Participants admitted to a LaPorte County Problem-Solving Court may be responsible for all chemical testing fees. Participants may be responsible for the cost of any confirmatory test.

5. Participants may be assessed a fee for services received as a result of referrals made by the Court, including mental health services, health services and monitoring services. Fees for those services are payable to the entity providing the service.

(Amended effective April 17, 2014)

LR 46-FL00-7 Rule 01: Statement of Policy

A. Consistent with Indiana Code 31-15-2-17 which provides for the settlement of divorce disputes by agreement of the parties, it is the decided preference of the courts of LaPorte County that the attorneys and parties engaged in a divorce proceeding strive to resolve their disputes concerning their children and property by agreement. That preference rests upon the belief that when divorced parents are able to communicate, cooperate and compromise with each other, their children are less likely to be psychologically harmed by the break-up. Conversely, where parents adopt an adversarial approach toward each other in the divorce process, children are much more prone to suffer a loss of confidence, self-esteem, to fare poorly at school and in their interpersonal relationships, to suffer emotionally and financially and, ultimately, to resent their parents.

B. Consistent with that philosophy of encouraging a cooperative approach to divorce, it is noted that Indiana Code §31-15-2-4 provides as follows: “A proceeding for dissolution of marriage is commenced by the filing of a petition entitled ‘In Re the marriage of _____ and _____.’ ” Accordingly, counsel and parties are directed to utilize the word “and” in all dissolution and post-dissolution pleadings, as opposed to the adversarial term “versus” or its abbreviated versions of “v.” or “vs.”. Pleadings improperly captioned may be returned by the court for corrections and refile.

LR 46-FL00-7 Rule 02: Mandatory Parenting Class Attendance

A. In any cause of action for dissolution of marriage [divorce] involving a minor child or children under the age of sixteen [16] years, both parents, prior to the issuance of the final dissolution decree, shall attend a parenting education program or other program approved by the court. Each parent shall be responsible for the timely payments of their individual fees for the program unless, by reason of indigence, the agencies waive those fees.

B. The parties may contact Family Focus at [800] 582-4198, or any other court-authorized agency, to learn of upcoming dates, times, and locations of parenting education programs or obtain a schedule of parenting education programs at the La Porte Circuit Court in La Porte or at Superior Court 1 or 2 in Michigan City.

C. A parent shall file a copy of the certificate of attendance with the court in which his or her dissolution action is pending within five (5) days after attending the program.

D. The failure to timely attend the parenting education program may result in an order that the parent appear and show cause why he/she should not be found in contempt of court and punished for such contempt. Evidence that a party has failed to timely attend the parenting education program may be considered in ruling on custody and parenting time matters. A parent who fails to attend the program prior to final hearing shall be ordered to attend the program post-dissolution.

E. Waiver of the obligation set forth herein may be had only by written motion or oral motion in court setting forth good cause for such waiver.

LR 46-FL00-7 Rule 03: Cooperative Family Law Obligations

A. In any cause of action for dissolution of marriage [divorce] involving a minor child or children under the age of sixteen [16] years, both parents shall complete the worksheet at www.UpToParents.org, print and save a copy of their work, and provide a copy of their work to the other party within forty-five (45) days of the date the petition for dissolution of marriage is filed.

B. If a parent lacks personal computer access to the Internet, they may gain that access at any public library branch.

C. In the parties' settlement discussions, at the mandatory settlement conference, or any mediation conference that may be ordered by the court regarding custody, the parties, attorneys, and mediators should utilize the parties' respective worksheets and the commitments set forth therein as reference points for stipulations and as a foundation for an amicable and cooperative post-dissolution parenting relationship.

D. The failure to timely satisfy the obligation set forth in subparagraph 3(A) may result in an order that a parent appear and show cause why he/she should not be found in contempt of court. Evidence of a parent's failure to comply with the obligation defined in subparagraph 3(A) may be considered in ruling on custody and parenting time matters.

LR 46-FL00-7 Rule 04: Mandatory Conferences

A. Prior to any contested provisional hearing, the parties and counsel must meet for a "Mandatory Preliminary Conference" to attempt to resolve, in whole or part, provisional issues. That certification may be filed of record in a form which substantially complies with "Appendix A" attached hereto.

B. At least twenty-one (21) days prior to a contested final hearing, the parties and counsel must meet in a "Mandatory Final Conference" for the purpose of resolving, in whole or part, all issues involving minor children and the marital assets and liabilities, as well as to resolve any evidentiary issues which may arise at final hearing. Certification that the "Mandatory Final Conference" was held must be filed of record prior to the contested final hearing in a form which substantially complies with "Appendix A" attached hereto.

C. The mandatory settlement conference may be waived upon written motion which establishes good cause for such waiver, including but not necessarily limited to:

- 1) without further factual representation in the motion, a representation that by reason of a party proceeding pro se, an attorney's professional ethical obligations might reasonably be compromised or questioned were a settlement conference held; or
- 2) supported by specific factual representations of counsel, facts establishing that opposing counsel has repetitively failed to return telephone calls or otherwise acted in an uncooperative fashion to schedule the mandatory conference and that delay in the scheduling of a final hearing works to the advantage of opposing counsel's client for a stated reason or conversely, to the prejudice of the moving party for stated reasons.

D. The mutual failure of the parties to participate in a “Mandatory Final Hearing” may constitute cause for the court, acting *sua sponte*, to continue the final hearing until after that conference is held.

LR 46-FL00-7 Rule 05: Custody Evaluations, CASA/G.A.L. Intervention, Court-Ordered Counseling, and Mediation

A. Custody Evaluations: The use of custody evaluations should be reserved for cases in which cooperative measures [such as mediation, counseling and parenting education classes] have been exhausted or shown to be without promise, dangerous, or otherwise inappropriate. No requirement or presumption exists that custody evaluations should occur in any given case involving custody or parenting time dispute. If counsel or the parties agree that an evaluation shall occur, they should file that agreement, including a statement of the purpose of the evaluation, allocation of the costs of such evaluation, and the name of the evaluator selected by the parties and the stipulation that the custodial evaluation shall be admissible into evidence without need for authentication, foundation, without regard for hearsay information that may be contained therein. A hearing on the stipulation should be scheduled by the parties and the court, in its discretion, may accept, reject, or propose modifications to the stipulation and implement those modifications after providing notice and the opportunity to be heard by each party. A seventy-five (75) day time period shall be set for completion for the evaluation, absent good cause for a court order to the contrary.

The parties shall have an affirmative duty to timely execute any requests for releases, waivers and access to otherwise confidential records as reasonably necessary to accomplish the purposes of the evaluation.

B. A motion for a custodial evaluation, appointment of a guardian-ad-litem or a Court-Appointed Special Advocate may be made by either party or the court on its own motion. If the motion for a custodial evaluation is made by the court, *sua sponte*, it shall notify the parties of that fact and provide the parties with the opportunity to be heard by regarding the need for such evaluation, the identify of the evaluator, and the allocation of costs for the evaluation.

C. A custodial evaluation which the parties have stipulated will be admissible may be sent by the evaluator to the court and placed in the record of the proceeding. Absent such stipulation, the court should not be sent a copy of the evaluation by the evaluator or any other person and it should not be made part of the court record. The order directing that the evaluation should occur, shall include a directive as to whom should receive copies of the completed evaluation.

D. A motion for court-ordered counseling, either joint or individually, may be made by the parties or the court *sua sponte*. The court may, without notice to the parties, enter an order for counseling or other therapeutic family intervention as part of any order following an evidentiary hearing.

E. The parties may engage in mediation without the benefit of a court order.

LR 46-FL00-7 Rule 06: Mandatory Filings: Property

A. Not later than thirty (30) days prior to a contested final hearing date in which property issues are contested, each party shall complete, sign, and file a “Pretrial Statement of Facts and Issues” utilizing that form attached hereto as “Appendix B.”

B. If a party intends to seek a deviation from the statutory presumption that marital assets and liabilities are to be divided equally, a verified statement setting forth the specific factual and legal bases for the proposed deviation shall be filed at least thirty (30) days prior to a contested final hearing date.

LR 46-FL00-7 Rule 07: Mandatory Filings: Custody/Parenting Time

A. In any Petition to Modify Child Custody, the party filing such petition shall set forth the specific legal bases for such modification [31-2-17-8] and a general statement of the factual bases underlying each particular legal basis regarding any alleged substantial changes in statutory factors which bear on the petition.

B. At least twenty-one (21) days prior to any hearing in which a party intends to seek restricted parenting time [less than Parenting Time Guidelines] or supervised parenting time, that party shall file, and contemporaneously serve upon opposing counsel or, if subject parent, if that parent is not represented by counsel, a verified motion for restricted parenting time which sets forth the factual basis upon which the request is predicated.

The twenty-one (21) days advance notice may be waived by the court for good cause or where circumstances arising immediate to the hearing indicate that absent restrictions on parenting time, a minor child or children’s psychological and/or physical well being and/or development may be in significant peril.

C. At least twenty-one (21) days prior to any final hearing in which a party intends to seek an order for maintenance, that party shall file a verified motion setting forth that request for relief and the factual basis of bases upon which the request is predicated.

LR 46-FL00-7 Rule 08: Child Support Worksheets

A. Contemporaneous with any stipulations regarding child support orders, a child support worksheet shall be completed, verified, signed by the parties, and filed with the stipulation. If the parties have agreed to a weekly support amount that varies from that amount due per the guidelines, the reasons for that deviation shall be set forth in the parties’ agreement.

B. In all contested hearings regarding child support, the parties shall on or before the hearing:

1. Complete, verify, sign, and file a Child Support Obligation Worksheet, including, when appropriate, a Parenting Time credit Worksheet and/or a Post-Secondary Education Worksheet; and

2. Supporting documentation to establish proof of current income and income earned during the prior tax year.

LR 46-FL00-7 Rule 09: Termination of Representative Capacity

A. Upon entry of a final dispositional order or an order of modification of any custody, parenting time and/or child support order, the representative capacity of all attorneys appearing on behalf of any Party shall be deemed terminated upon:

1. An order of withdrawal granted by the presiding Court;
2. The expiration of time within which an appeal of such Order may be preserved or perfected pursuant to the Indiana Rules of Trial Procedure and/or the Indiana Rules of Appellate Procedure; or,
3. The conclusion of any appeal of such Order commenced pursuant to Indiana Rules of Trial Procedure and/or the Indiana Rules of Appellate Procedure.

B. The service of any post dissolution pleadings upon any Party not represented by counsel pursuant to paragraph A above, shall be made upon that person pursuant to the Indiana Rules of Trial Procedure.

C. Any copy served upon original counsel will be deemed to be a matter of professional courtesy only, without substantive legal effect.

D. Any withdrawal or appearance shall include the last known address of the Party.

E. All withdrawals of appearance shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given his client ten (10) days written notice of his intention to withdraw and has filed a copy of the notice with the court, except in the following cases:

- (1) when another attorney has already filed an appearance for the same party; or
- (2) when the withdrawing attorney files a pleading indicating that he or she has been terminated from the case by the client; or
- (3) when the appearance of an attorney is deemed withdrawn upon conclusion of an action or matter.

The court will not grant a request to withdraw an appearance unless the same has been filed with the court at least (10) days prior to trial date or date of hearing, except for good cause. A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of this requirement. All withdrawals of appearance shall comply fully with the provisions of Rules of Professional Conduct.

LR 46-FL00-7 Rule 10

These rules supersede and supplant all other prior standing local rules of the courts of LaPorte County, regarding family law whether issued by individual courts or as joint orders. All such prior local rules or orders are vacated with the exception of the "Family Court" Program rules and caseload distribution rules regarding dissolution actions.

LR 46 – AR00 – 8 Miscellaneous Administrative Rules

1. Filings by Fax

The LaPorte County Courts do not accept filings by fax, except by prior approval.

2. Noncompliant Filings

Filings which are submitted as informal CCS entries shall not be accepted as formal motions.

3. Special Findings of Fact

In all cases in which the court is required to enter special findings of fact or the parties request the Court to issue special findings of fact, counsel of record shall submit to the court in an electronic format and by hard copy filing Proposed Special Findings embracing all the facts which they allege to have been proved and relevant conclusions of law thereon. Such form of Proposed Special Findings shall be submitted to the court, pursuant to Trial Rule 52 (C), and shall be submitted within such time as the court shall direct.

4. Filing of Proposed Orders

All filings which contain proposed Orders for the Court shall include stamped and addressed envelopes for the dispersal of the proposed Order.

LR46 - AR00- 9 Security Cameras in the Courtroom

Pursuant to Ind. Judicial Conduct Rule 2.17, judges are prohibited from allowing the broadcast, televising, recording or taking of photographs in the courtroom and areas immediately adjacent to the courtroom without the prior approval of the Indiana Supreme Court or unless certain exceptions have been met. Security cameras in the courtroom and in areas immediately adjacent to the courtroom fall within an exception as an administrative function. In accordance with Indiana Administrative Rule 9(G)(2)(b), La Porte Circuit and Superior Courts declare the recordings from security cameras confidential and exclude public access to the recordings, unless a court order from the court respective to the recording allows access.

LR46-AR00-10 Felony Bond

1. Felony Bond Schedule

MURDER – a FELONY	\$1,000,000 Cash Only
Level 1 FELONY	\$100,000
Level 2 FELONY	\$50,000
Level 3 FELONY	\$25,000
Level 4 FELONY	\$20,000
Level 5 FELONY	\$15,000
Level 6 FELONY	\$7,500 cash with 10% cash option

2. Cases with Multiple Charges; Revocation, Fees

Bond is set for the highest charge only. Charges are not combined. Revocation will result in fees charged at 150% of the standard bond schedule.

3. Cash Option

Defendants facing felony charges of Levels 1-5 may file a request with the Court that Defendant be permitted to post a cash bond equivalent to ten percent (10%) of the scheduled bond amount. Unless otherwise ordered by the Court, the Felony Bond Schedule shall apply and no ten percent (10%) cash option shall apply. Murder Charges are not eligible for a ten percent (10%) cash option. Level 6 Felony bonds shall be permitted a 10% cash option, as set forth in the LaPorte County Felony Bond Schedule.

4. Bond Eligibility for While Out on Bond

A defendant arrested for a felony is not eligible for bond until the Defendant appears before the Court if he or she is out on bond or on probation with any LaPorte County Court.

5. Bond Conditions

Specific bond conditions may be set by the Court. Bond conditions may include, but may not be limited to: Pretrial Supervision, while being subject to the rules established therewith; Reporting to Probation; Weekly/Random Drug Screens; Travel Restrictions; No Contact Orders; Fines, Costs, and/or Fees assessed for bond conditions, extradition, probation supervision, or Public Defender costs; or any condition as the Court deems proper.

6. Habitual Traffic Violator Bond

Any form of Operating a Vehicle While Intoxicated AND Operating a Vehicle as a Habitual Traffic Violator will be \$2,500 cash only.

7. Ignition Interlock Device, Scram, Electronic Monitoring

Any felony of Operating a Vehicle While Intoxicated will be charged a deposit in the amount of \$200.00 for an Ignition Interlock Device, scam or some equivalent device. A condition of bond in those cases will be that the device be installed within 72 hours of posting bond, if it has been ordered by the court.

(Amended effective September 1, 2016.)

LR 46-AR 00-11 EVIDENCE HANDLING, RETENTION AND DISPOSITION

01. 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.

02. Retention Periods for Evidence introduced in Civil Proceedings

a) Civil Cases, Including Adoption, Paternity, and Juvenile 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.

b) Retention Periods for Evidence Introduced in Criminal Misdemeanor, Class D and Class C Felonies and Attempts.

Misdemeanor, Class D and C 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.

c) Retention Periods for Evidence Introduced in Criminal Class B and A Felonies and Murder Attempts

Class B and A Felonies and Murder 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.

Courts should be encouraged to photograph as much evidence as possible and courts and parties reminded of the requirements of Appellate Rule 29(B).

03. 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.

04. Notification and Disposition

In all cases, the court shall provide actual notice, by mail, 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.

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).

05. Biologically Contaminated Evidence

A party who offers biologically contaminated evidence must file a pretrial notice with the trial court and serve all the parties so that the court can consider the issue and rule appropriately before trial. A party can show contaminated evidence or pass photographs of it to jurors, but no such evidence, however, contained, shall be handled or passed to jurors or sent to the Jury Room.

(Adopted effective February 1, 2017)