Monroe Circuit Court

Rules and Procedures Manual

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MISSION STATEMENT

The mission of the Monroe Circuit Court is to fairly and promptly resolve justifiable issues in a manner consistent with the mandates, directive and guidelines of the laws of the State of Indiana and of the United States of America.

PRIORITY OF POLICIES

1. COMPLIANCE WITH THE LAW. The primary consideration in the operation of the Court is faithful adherence to the law.

2. COMPLIANCE WITH THE CODE OF JUDICIAL ETHICS. The judges of the Court, and its staff and employees acting within the scope of their employment or in an official capacity, will faithfully adhere to the Code of Judicial Ethics.

3. SERVICE TO THE PUBLIC. The Court will constantly strive to be accessible, efficient, and considerate to all members of society; to foster a spirit of cooperation and partnership with governmental and public agencies; and to cultivate understanding, respect and confidence for judicial process by informing the public of this mission and operation.

4. RESPONSIBLE AND PROGRESSIVE MANAGEMENT. The Court will maximize available resources and aggressively seek new resources and methods to perform its mission and achieve its stated goals with fiscal responsibility.

5. COURT PERSONNEL. Personnel will be provided with the resources, and with a positive, equitable, and secure environment within which to fulfill their partnership of responsibility in the mission of the Court.

ORDER OF ADOPTION

The judges of the Monroe Circuit Court, pursuant to Indiana Code 33-33-53, hereby amend the Rules and Procedures of the Monroe Circuit Court, originally adopted on January 1, 1991, this 1st day of July, 2020.

MONROE COUNTY BOARD OF JUDGES

Elizabeth A. Cure, Judge
Monroe Circuit Court, Division I

Valeri Haughton, Judge
Monroe Circuit Court, Division II

Christine Talley Haseman, Judge
Monroe Circuit Court, Division III

Catherine B. Stafford
Monroe Circuit Court, Division IV

MaryEllen Diekhoff Judge
Monroe Circuit Court, Division V

Holly M. Harvey, Judge
Monroe Circuit Court, Division VI

Stephen R. Galvin, Judge
Monroe Circuit Court, Division VII

Judith C. Benckart, Judge
Monroe Circuit Court, Division VIII

Darcie L. Fawcett, Judge
Monroe Circuit Court, Division IX

RULES OF ADMINISTRATION

LR53-AR00-0100 EXECUTIVE ORGANIZATION

A. Board of Judges. The nine (9) judges of the Monroe Circuit Court shall constitute the Board of Judges.

B. Presiding Judge and Vice Presiding Judge of Board of Judges. The Board of Judges at the November meeting shall select from amongst them a Presiding Judge whose two-year term shall begin January 1st and a Vice Presiding Judge who shall serve a two year term beginning January 1st. Regardless of these provisions for terms of office, the Presiding Judge and the Vice Presiding Judge shall serve at the pleasure of the majority of the Board of Judges. The Presiding Judge shall:

1. Provide general administrative direction and supervision of the operation of the court consistent with the policies, priorities and goals of the Court;

2. Preside over the Board of Judges meetings and direct the preparation of the agenda and minutes of the meetings;

3. Provide liaison between the Court, government, and civic agencies;

4. Submit a proposed annual budget for the court system to the Board of Judges for approval;

5. Insure efficient operation of the court system and compliance with local rules;

6. Allocate courtrooms and ancillary space for efficient administration of court business;

7. Prepare proposed local rules to expedite and facilitate the court business;

8. Review annually the bail schedule, caseload allocation plan, juror policies and other issues bearing on the operation of the court system and present any proposed changes to the Board of Judges;

9. Recommend appointments as specified in IC 33-4-10-5(1) and by local ordinance for approval by the Board of Judges;

10. Develop and implement an orientation program for new judges and magistrates;

11. Establish and maintain a plan for continuity of operations.

12. Perform other duties as directed by the Board of Judges, or as set out in these Rules.

C. Vice Presiding Judge. When the Presiding Judge is unavailable the Vice Presiding Judge, if available, will serve as the acting Presiding Judge. If Vice Presiding Judge is unavailable, the Presiding Judge shall designate one of the other judges as acting Presiding Judge;

D. Executive Management Team. The Executive Management Team shall consist of the Presiding Judge, the Vice Presiding Judge, Director of Court Services, Chief Probation Officer, Youth Services Bureau Executive Director and designees of the Presiding Judge. The Executive Management Team directed by the Presiding Judge shall be responsible for implementing the policies, priorities and goals of the Board of Judges. Members of the Board of Judges shall be advised of the time and place of meetings and may attend.

E. Proposed programs, projects, and services utilizing system resources shall be presented to the Executive Management Team and be consistent with the established priorities and goals of the Board of Judges.

LR53-AR00-0101 PROCEDURE FOR LOCAL RULES

A. The Presiding Judge shall submit proposed rules to the Monroe County Bar for consideration and recommendation.

B. After adoption by the Board of Judges the rules shall be published and distributed to:

1. The Board of Judges of the Monroe Circuit Court;
2. The Clerk of the Supreme Court and the Court of Appeals of Indiana;
3. The Indiana State Court Administrator;
4. The Clerk of the Monroe Circuit Court;
5. Members of the Monroe County Bar Association.

LR53-AR00-0102 EXPENDITURES

The Presiding Judge may approve capital expenditures up to $1,500 without further consideration by the Board of Judges.

LR53-AR00-0103 MEETINGS

Updated 01/02/2014

A. Monthly Meeting. The Board of Judges shall meet at least monthly to make policy decisions, provide education reports, and review operations of the court system. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall be required to attend these meetings and participate in discussions.

B. February Meeting. In February the Board of Judges, the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall attend a meeting to discuss:

1. Budget requests for the next annual budget;

2. Allocation of caseload;

3. An assessment of the Monroe Circuit Court prepared by the Presiding Judge, identifying the issues and opportunities which the Court will confront during the year and proposing priorities and goals for the year.

C. September Meeting. In September the Board of Judges and the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall attend an extended meeting to discuss:

1. The Annual Report;

2. Performance of the Office of Court Services, the Probation Department, the Youth Services Bureau and Division updates including Specialty Courts;

3. Decisions: Decisions on all court system issues and these rules but for the selection of the Presiding Judge and Vice Presiding Judge shall be made by a vote of the majority of the Board of Judges then in attendance.

LR53-AR00-0104 ATTENDANCE AT MEETINGS

The Presiding Judge shall be responsible for attending meetings of the Monroe County Council and the Monroe County Commissioners.

LR53-AR00-0105 BOARD OF JUDGES MEETING PROCEDURES

Updated 01/02/2014

A. The Board of Judges will follow the Robert's Rules of Order during their meetings.

B. Issues will be tabled after first discussion and voted upon at the next meeting. This procedure may be suspended by a vote of the Board.

C. The Presiding Judge and the Court Administrator will determine agenda items. Any member of the Board of Judges can place an item on the agenda. The agenda should be distributed to the members no later than two days prior to the meeting.

D. Any policies established by external committees of which Judges are members and which may affect or concern court procedures, should be reported to the Board of Judges.

E. The minutes will reflect an ongoing list of unresolved issues or a method to track projects/issues.

F. Meetings will be held on the first and third Wednesday of each month and at such other times as the Board may agree.

G. There will be at least 2 in-service meetings scheduled per year.

LR53-AR00-0106 EMERGENCY CLOSING

A. The Presiding Judge, after consultation with the Board of Judges, if practical may determine that the Courts are closed due to a temporary emergency (i.e. snow, breakdown in facility utilities, etc.) Any judge, notwithstanding that authority, may require his or her court reporters to work.

B. The County Commissioners have the authority to close the Justice Building.

LR53-AR00-0107 CRIMINAL DUTY JUDGE RESPONSIBILITIES

Updated 7/1/2019

A. The Criminal Duty Judge shall review affidavits for probable cause submitted by the duty prosecutor each Saturday evening and submit an order no later than 10:30 PM, by electronic or written means, to the Monroe County Correctional Center, and others on an approved distribution list, finding probable cause and setting bail for those "affected persons" arrested from Thursday night at midnight until Saturday at 2:00PM, and the arrest was made without a warrant. A signed written order shall be issued on Monday morning for each determination. The schedule is adjusted on holiday weekends so that no person is held longer than twenty-four hours without a finding of probable cause.

B. The Criminal Duty Judge shall be responsible for initial hearings, probable cause determinations, restraining orders, and other judicial issues requiring immediate action

LR53-AR00-0108 CASELOAD ALLOCATION

Updated 04/13/2020

A. Procedure. The Board of Judges shall:

1. Review and comply with current caseload allocation orders of the Indiana Supreme Court.

2. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.

3. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney, and the Public Defender.

4. Review and analyze the statistics on current workload and caseflow within the Monroe Circuit Court.

5. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time, and resources to effectuate change. Caseload allocation shall be determined by judicial seniority

B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the Presiding Judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of the Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation is as follows:

1. Case Assignment. The Clerk shall assign cases as from time to time directed by the Board of Judges.

   a. The Clerk shall randomly assign all murder, A, B, C, D, Level I, Level II, Level III, Level IV, Level V, Level VI felony and misdemeanor cases to Divisions II, III, V, and IX.

   b. Domestic relations cases shall be randomly assigned 50% to Division IV and 50% to Division VIII, *unless consolidated with an active protection order case as provided in paragraph c.*

   c. Protective Order cases shall be randomly assigned 50% to Division IV and 50% to Division VIII. If however; the parties to the Protection Order case have an active or closed Domestic Relations (DR) case or an active Child in Need of Services (CHINS) case, the Protection Order case will be assigned to the Division with the DR or CHINS case. Domestic Relations cases shall be assigned to the Division with an active Protection Order case involving the same parties

   d. Tort, Civil Plenary, Civil Collection and Mortgage Foreclosure cases shall be randomly assigned 50% to Division I and 50% to Division VI.

   e. Juvenile Delinquencies, Juvenile Status, Juvenile Miscellaneous resulting from delinquent acts, Juvenile Paternity, Adoptions and Mental Health cases shall be assigned to Division VII. Guardianship and Guardianship Miscellaneous cases shall be assigned to Division I.

   f. Juvenile CHINS, Juvenile Miscellaneous filed by the Office of Family and Children, and Juvenile Terminations shall be randomly assigned 50% to Division VII and 50% to Division VI.

   g. Estate and Trust cases shall be assigned to Division I

   h. Small Claims cases shall be randomly assigned 50% to Division IV and 50% to Division VIII.

   i. Infraction cases shall be assigned to Division VI.

   j. Reciprocal Support and Civil Miscellaneous cases shall be assigned to Divisions I, IV, VI, and VIII.

   k. A redocketed case bearing a 1992 or earlier cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.

l. A redocketed case bearing a 1993 or later cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.

m. The Clerk shall use the related case function in the Odyssey Case Management System in Protection Order (PO) and Juvenile Paternity (JP) cases involving the same parties to facilitate coordination, consistency, and efficiency within judicial orders.

n. The Clerk shall use the related case function in the Odyssey Case Management System if an active CHINS case pending in Division VII involves the same parties to a new or pending Domestic Relations, Reciprocal Support, or Protective Order cases.

o. Tax Sale (TS) and Tax Petition (TP) cases shall be assigned to Division I.

p. Juvenile Protective Order (JQ) cases shall be randomly assigned 50% to Division VI and 50% to Division VII.

q. Expungement (XP) cases shall be assigned to Divisions II, III, V and IX. If multiple cases are listed on the Expungement Petition, the XP case shall be filed in the Criminal Court with the oldest case listed in the petition (Divisions II, III, V, IX.) If only one case is listed on the Expungement Petition and that Court no longer hears criminal cases, the case will be randomly assigned to a practicing criminal court (II, III, V, IX); however, the original criminal files should not be transferred to that Court and will retain their original cause number.

2. Case Re-filed. If a case is dismissed without prejudice on a plaintiff's motion and the same case is subsequently re-filed by a plaintiff, the re-filed case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a re-filed case is not initially re-filed in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.

3. Change of Judge. When a special judge must be appointed in accordance with Trial Rule 79 (H), the case shall be randomly reassigned to another division of the court currently receiving new filings of that case type pursuant to Caseload Allocation Rule LR 53-AR00108. Juvenile CHINS, Juvenile Termination of Parental Rights and Adoption cases shall be reassigned to Division VI. Estate and Trust cases shall be reassigned to Division VII. Juvenile Status, Juvenile Miscellaneous, Juvenile Paternity, Mental Health and Guardianship cases shall be reassigned to Division IV. Juvenile Delinquency cases shall be reassigned to Division VIII.

   The Court Reporter shall notify the Clerk of the need for reassignment in accordance with District Rule DR 20-TR79-000.

C. Case Consolidation.

1. Civil cases. Civil cases filed against different defendants that arise out of the same occurrence, or multiple cases filed against the same defendant may be consolidated and assigned to the division with the oldest case number.

2. Criminal cases. All criminal cases against a defendant shall be consolidated in the Division with the oldest pending case number. A new case shall be filed in that Division, or transferred to that Division. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program.

C. Case Transfer.

1. Nothing in this Rule shall preclude the transfer of case from one Division of the Circuit Court to another Division to promote efficiency and provide for timely resolution of cases. Upon transfer, credit will be given to the new Division assigned by the Odyssey Case Management System.

LR53-AR00-0109 SPECIAL JUDGES IN CIVIL CASES PURSUANT TO TRIAL RULE 79(H) ***updated 8-15-2013***

When it is necessary to appoint a special judge pursuant to Trial Rule 79 (H), it shall be done in accordance with District 20 Rule on appointment of special judge in civil cases at **DR20-TR79-000**.

DR 20-TR79-000 APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES

A. Eligibility for Special Judge Service:

1. **Agreement to Serve.** Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that Judicial Officer's typical caseload, as determined by the Local County Caseload Allocation Plan.
2. **Prior Service Excluded.** The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

B. **Appointment of a Special Judge:** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, or should the appointment of a Special Judge through agreement by the Parties fail, the Special Judge appointment shall be made by the Administrative District 20 Facilitator:

1. **Priority Given to Local County Appointments.** Special Judge appointments shall be made within the Local County, on a rotating basis so long as a Judicial Officer within the County who has jurisdiction for the type of case remains eligible for Special Judge service. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, the case will be forwarded to the District 20 Facilitator who will appoint a Special Judge on a rotating basis, from the available Judicial Officers within the Administrative District who have jurisdiction for the type of case.

C. Acceptance of Appointment:

1. **Acceptance Mandatory.** Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

D. **Supreme Court Certification.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.

E. **Discontinuation of Special Judge Service**. The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.

F. **Method of Assignment and Related Records**. The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

LR53-AR00-0110 REQUIRED COMPLETION OF THE FAMILY LAW INFORMATION SHEET AND GUARDIANSHIP CHILD AND INCAPACITATED ADULT INFORMATION SHEET

Pursuant to Trial Rule 3.1 (A) (7), all parties are required to fully complete the Family Law Information Form and the Guardianship Child and Incapacitated Adult Information Sheet.

LR53-AR00-0111 ALLOCATION OF SMALL CLAIMS/EVICTIONS/ORDINANCE VIOLATIONS/PROCEEDINGS SUPPLEMENTAL/INFRACTIONS

Updated 07/01/2015

A. Small Claims: Small Claims are filed randomly between two of the court divisions. A maximum of 150 new Small Claims will be filed during a week. The Clerk will set hearings on the claims by filling the time slots as they appear on a calendar at the rate 25 cases per hour. These hearings are set on the first available date within 30-45 days of the filing date. The Clerk will enter the case electronically and issue the service before sending the file to the Court.

B. Bulk Filings: Bulk filings are limited to 25 a day and 50 a week.

C. Evictions: Eviction cases are randomly assigned by the Clerk to Division IV and Division VIII. The Clerk will set hearings on the claims by filling the time slots as they appear on a calendar at the rate 10 cases per hour for Division IV and 20 cases per hour for Division VIII. The Court sets the time within 15 to 45 days from the filing date. The Clerk will enter the case electronically and issue the service before sending the file to the Court.

D. Ordinance Violation: Ordinance Violation filings are limited to 25 a day and 50 a week. The City attorney will set their own hearing date and times in accordance with the Court docket.

E. Proceedings Supplemental: Proceedings Supplemental are filed at the maximum rate of 75 cases per week. The Clerk will set all proceedings supplemental complying with the 21 to 45 day service requirements. The Clerk will execute the order to appear, input data into Odyssey Case Management System, issue the service and send the file to the Court. Ordinance Violation Proceedings Supplementals are processed like small claims proceedings supplemental.

F. Infractions: Traffic tickets are filed in the Clerk's Office by law enforcement. Traffic violations will be randomly assigned.

G. At initial hearing, defendants either pay the citation, enroll in the Infraction Diversion Program, or are assigned a bench trial date. Jury trials are assigned to the Division of the initial case filing.

LR53-AR79 -0112 SPECIAL JUDGES IN CRIMINAL CASES

Updated 8-15-2013

When it is necessary to appoint a special judge pursuant to Criminal Rule 13, it shall be done in accordance with District 20 Rule on appointment of special judge in criminal cases at **DR20-CR13-000**.

DR 20-CR13-000 APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES

Each county within the Administrative District shall amend its local rules, pursuant to Criminal Rule 2.2 and 13, to allow for appointment of Special Judges utilizing the following elements.

A. **Eligibility for Special Judge Service.**
   1. **Available to Serve**. Pursuant to Criminal Rule 13(C), the Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.
   2. **Prior Service Excluded.** The appointment of Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

B. **Appointment within the Administrative District.** In order to improve the coordination within the Administrative District, and pursuant to Criminal Rule 13(C), appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.

C. **Appointment of a Special Judge.** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, Special Judge appointment shall be made by the Administrative District 20 Facilitator.
   1. **Priority Given to Local County Appointments.** Pursuant to Criminal Rule 2.2, appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County, so long as a Judicial Officer with criminal jurisdiction remains available within the Local County for appointment. Following the appointment of the Special Judge, the Special Judge may request that the case be forwarded to the court of the Special Judge.

2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available Judicial Officers within the Administrative District.

D. **Acceptance of Appointment.**

1. **Acceptance Mandatory.** Pursuant to Criminal Rule 13(C), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

LR53-AR01-0113 MONROE CIRCUIT COURT PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

A. Cases shall be assigned in accordance with LR53-AR00- 0108, Caseload Allocation, and related procedures of the Monroe Circuit Court.

B. The Presiding Judge shall:

1. Review and evaluate the caseload allocation data as reported by the Division of State Court Administration.

2. Submit the initial evaluation and report with necessary recommendations to the Board of Judges for review and analysis in accordance with the Monroe Circuit Court local rules.

C. The Board of Judges shall:

1. Review and analyze the report and other available data as enumerated in LR53-AR01-108, Caseload Allocation and implement any necessary actions to ensure the random and equal caseload allocation as established in the Monroe Circuit Court rules and procedures.

LR53-AR00-0114 FISCAL MANAGEMENT

A. <u>Board of Judges.</u>

1. <u>Budgets.</u> The Board of Judges shall direct the preparation of a unified budget for all divisions of the Court, the Probation Department, and the Office of Court Services to be funded from the county general fund upon approval of the County Council. The Board of Judges shall further direct the preparation of additional budgets for programs funded by user fee income and grants, including all Youth Services Bureau budgets, for approval by the County Council.

2. <u>Annual Procedure.</u> Each year the Board of Judges shall establish a schedule for budget preparation, review, and submission with the goal of providing for the effective functioning of the court as follows:

a. Each judge, the Chief Probation Officer, and the Director of Court Services shall submit written budget requests to the Financial Coordinator in the Office of Court Services. These requests shall be specific and well-justified in light of the past year's expenditures and the future needs of the offices.

b. The Board of Judges shall meet to review the budget requests and may request further discussion from the chief Probation Officer, the Director of Court Services, or any other employee.

c. The Board of Judges shall establish budget priorities and guidelines for allocation of individual line items in the budget and shall direct the Director of Court Services to prepare budget proposals for submission to the County Council.

B. Office of Court Services/Probation/Youth Services Bureau.

1. Budgets. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall prepare budget proposals established by the Board of Judges for submission to the County Council for approval.

2. Claims. All claims shall be submitted to the Financial Coordinators after review by the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director for compliance with the budgetary polices and guidelines of the Board of Judges. The Financial Coordinators shall forward all payroll claims and all purchase, travel, and training claims consistent with the Board's policies and guidelines as authorized by the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director to the Auditor's Office for payment. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director must submit any claim exceeding budgetary guidelines or otherwise inconsistent with the Board's policies to the Board for approval.

3. Transfers within Budget Categories. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director with the assistance of the Financial Coordinators may determine that a transfer is necessary within budget categories.

4. Transfers between Budget Categories. The Presiding Judge should approve transfers between budget categories as necessary. A written proposal shall be submitted to the County Council for approval.

5. Additional Appropriations. If the Director of Court Services, the Chief Probation Officer, or the Youth Services Bureau Executive Director with the assistance of the Financial Coordinators determines that an additional appropriation is necessary, a written proposal shall be submitted to the Presiding Judge prior to submission to the County Council.

6. Mandate. No individual judge shall exercise mandates for the adequate provision of court services, personnel, or other expenditures.

7. Compliance with laws. The Presiding Judge, the Director of Court Services, , the Chief Probation Officer, the Youth Services Bureau Executive Director and the Financial Coordinators

shall closely monitor all budget submissions, claims, expenditures, and other financial records to assure strict compliance with all laws, rules, and regulations.

LR53-AR00-0115 BOARD OF JUDGES CHECKING ACCOUNT

The Board of Judges will maintain a checking account administered by the Director of Court Services to be used for flowers, contributions, or cards on behalf of the Board of Judges as follows:

A. For court system staff, flowers or a contribution will be sent upon the death of a spouse, child, or parent.

B. For members of the Monroe County Bar Association, flowers or a contribution will be sent upon the death of a spouse or child, and a sympathy card will be sent upon the death of parents.

LR53-AR00-0116 PERSONNEL

A. General Organization. The Monroe Circuit Court employs personnel as follows:

1. Court Division:
   - Commissioner
   - Official Court Reporters
   - Associate Court Reporters
   - Law Clerks

2. Probation Department:
   - Chief Probation Officer
   - Deputy Chief Probation Officers
   - Probation Supervisor
   - Probation Officers
   - Program Staff
   - Field Officers
   - Clerical Staff

3. Office of Court Services:
   - Director of Court Services
   - Deputy Court Administrator
   - Case Management Coordinator
   - Financial Coordinator
   - Public Service Coordinator
   - Family Court Coordinator
   - Shared Court Reporters
   - Bailiffs

4. Youth Services Bureau:
   - Executive Director
   - Assistant Director

Shelter Care Coordinator
Residential Coordinators
Residential Specialists
Health and Wellness Specialists
Clinical Coordinator
Youth Support Specialist
Project Safe Place Coordinator
Clinicians
Financial Manager
Secretary/Receptionist

B. Court Divisions. The Monroe Circuit Court shall have 9 court divisions. The judge of each court division shall have the sole authority to employ an Official Court Reporter, two Associate Court Reporters, and a Law Clerk, to serve at the pleasure of the judge. The Official Court Reporter of a division shall supervise the Associate Court Reporters and Law Clerks if so directed by the division's presiding judge.

C. Probation Department. The Board of Judges shall have the sole authority to employ Probation Department personnel and to terminate their employment. All employees of the Probation Department serve at the pleasure of the Board of Judges. The Board of Judges shall advertise the position of Chief Probation Officer and interview and screen applicants for that position. The Chief Probation Officer shall advertise any other available probation position and interview and screen applicants as directed by the Board of Judges. The Board of Judges has authorized the Chief Probation Officer to make final hiring decisions regarding Probation Department positions. As directed by the Board of Judges, the Chief Probation Officer shall supervise employees of the Probation Department and may delegate certain supervisory responsibilities to the staff and other employees.

D. Office of Court Services. The Board of Judges shall have the sole authority to employ personnel for the Office of Court Services and to terminate their employment. All employees of the Office of Court Services serve at the pleasure of the Board of Judges. The Director of Court Services shall advertise an available position and interview and screen applicants as directed by the Board of Judges. The Board of Judges has authorized the Director of Court Services to make final hiring decisions regarding Office of Court Services positions. Employees of the Office of Court Services shall be supervised by the Director of Court Services.

E. Youth Services Bureau Executive Director. The Board of Judges shall have the sole authority to employ personnel for the Youth Services Bureau and to terminate their employment. All employees of the Youth Services Bureau serve at the pleasure of the Board of Judges. The Youth Services Bureau Executive Director shall advertise an available position and interview and screen applicants as directed by the Board of Judges. Employees of the Youth Shelter Bureau shall be supervised by the Youth Shelter Bureau Executive Director.

LR53-AR00-0117 STAFF INTRODUCTIONS

Updated 10/26/10

The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall introduce new staff to the Board of Judges and submit copies of their resumes to the Board upon request.

LR53-AR00-0118 EVALUATIONS

Updated 08/01/09

A. Staff of the Probation Department is evaluated on an annual basis. The evaluation includes a job performance development plan for each employee.

B. New probation department employees are on a probationary status for 6 months and are evaluated monthly. At the end of the probationary period, a formal job performance appraisal is conducted to determine employment, training needs, or other concerns.

C. The staff of the Office of Court Services will be evaluated in the spring of each year by the Director of Court Services.

D. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director will be evaluated annually by the Board of Judges.

LR53-AR00-0119 AUDIT OF PROBATION ACCOUNTS

An internal audit will be completed whenever a collections clerk terminates employment.

LR53-AR00-0120 STAFF HIRING

A. The Board of Judges has authorized the Chief Probation Officer to make final hiring decisions regarding Probation Department positions.

B. The Board of Judges has authorized the Director of Court Services to make final hiring decisions regarding Office of Court Services positions.

C. After the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director interview applicants and choose the final candidate for a position, they shall notify the Board of Judges in writing or by electronic mail of applicant's hiring, including a copy of the applicant's resume upon request.

LR53-AR00-0121 PERSONNEL RECORDS

A. The Director of Court Services shall maintain a personnel file on each court staff member and judges which would include, but not be limited, to hire date, pay rate, and emergency information.

B. The Judges, Director of Court Services, Chief Probation Officer, and the Youth Services Bureau Executive Director shall maintain personnel records.

LR53-AR00-0122 PROBATIONARY STATUS

New employees shall be on probationary status for a minimum of 3 months and a maximum of 6 months, the specific duration of which is at the discretion of the department head. The period may be extended at the discretion of the department head. An employee is not eligible for vacation while on probationary status.

LR53-AR00-0123 LONGEVITY FORMULA FOR COURT STAFF

Updated 1-1-15

The effective date for longevity is the date an individual began full-time employment with the County. People cannot go back and claim days that would be affected by interrupted service. All records must be verified by the Auditor's Office. Longevity pay is based on the following schedule of complete and uninterrupted years of service:

YEARS	AMOUNT
>1	$ 0
1	200
2	400
5	600
10	800
15	1,200
20	1,400
25	1,700
30	2,000
35	2,300

LR53-AR00-0124 AFTER HOURS SIGN-IN

All employees entering the Justice Building after work hours shall personally sign themselves in.

LR53-AR00-0125 LAW CLERKS

Each judge is allocated an average of 40 hours of Law Clerk work per pay period.

LR53-AR00-0126 TRAVEL POLICY

The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director may approve training requests not exceeding $500/person/training. Any request above $500 must be approved by the Presiding Judge.

LR53-AR00-0127 ADMINISTRATIVE PROCEDURES

Updated 10/26/10

A. Executive Management Team. The Director of Court Services, the Chief Probation Officer, the Youth Services Executive Director and the Presiding Judge, shall constitute a management team for administrative issues. The team shall coordinate personnel policy and fiscal issues, identify issues or procedures that may impact outside specific divisions, maintain consistency on administrative issues among the divisions, and addresses other issues and projects consistent with the policies, priorities and goals of the Board of Judges.

B. Purpose. The Executive Management Team shall advise the Board of Judges on administrative procedures and policy matters. The Executive Management Team is responsible for full communication between the Board of Judges and the employees of the Monroe Circuit Court on issues affecting the court system.

LR53-AR00-0128 CLERK FILES – ACCESS

Members of the public and attorneys shall not be permitted to remove court files from the Clerk's Office.

LR53-AR00-0129 COPYING OF COURT TAPES

Updated 7/1/2019

A. Audio copies of court proceedings will be provided to attorneys only. However, any person may listen to a tape or CD by scheduling a time with the Office of Court Services.

B. Copies for attorneys of taped court proceedings will be provided by the Office of Court Services. The court reporter from the originating court will index and deliver the tapes to the Office of Court Services. The Office of Court Services staff will duplicate the tapes for the requesting attorney. The requesting attorney must provide blank tapes (brand new, high quality). Requests from attorneys of court proceedings on disc will be provided by the court reporter. The requesting attorney must provide blank CD's and/or a new, unopened flash drive. The service is provided at no cost.

C. Attorneys shall not transfer possession of a tape or CD or make another coy of the tape or CD for another person except as necessary for transcription. This rule does not prohibit an attorney from playing a tape or CD for a client.

LR53-AR00-0130 EQUIPMENT USE

A. Use of county equipment for non-court related business in which actual expense is incurred by the County is prohibited unless the staff member has prior written judicial approval <u>and</u> any actual expense incurred by the County is reimbursed to the County.

B. With the exception of vehicles, laptop computers, and transcribers, County equipment may not be taken home.

LR53-AR00-0131 COURT RECORDS

Original court records shall not be removed from the Justice Building, except by written permission of the judge.

LR53-AR15-0132 TRANSCRIPTS

Updated 7-10-18

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 in a given case before the court.

2. ***Equipment*** means all physical items owned by the court or other governmental entity 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, 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 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 a division of the court is regularly scheduled to work during any given work week. Depending on the schedule of the court and its flex schedule for court reporters, these hours may vary from division to division of the court, within the county but remain the same for each work week.

7. ***Gap hours worked*** means those hours worked that are in excess of the regular hours worked but hours not in excess of 40 hours per work week.

8. ***Overtime hours*** means those hours worked in excess of 40 hours per work week.

9. ***Work week*** means a 7 consecutive day week defined by the County's payroll schedule which consistently begins and ends on the same day throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, or Friday through Thursday.

10. ***Court*** means the Monroe Circuit Court and Division means the particular division of the Court for which the court reporter performs services. Court may also mean all of the divisions of the Monroe Circuit Court.

11. ***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.

12. ***State indigent transcript*** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who is 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. A transcript required within 7 days of the request is a category 1 expedited private transcript. A transcript required within 14 days of the request is a category 2 expedited private transcript. A transcript required within 23 days of the request is a category 3 expedited private transcript.

14. ***Volume*** applies to Appellate Court transcripts. Each volume is to be limited to 250 pages. The table of contents is to be a separate volume and the exhibits are to be included in a separate volume (or volumes if more than 250 pages).

B. Section Two. Salaries and Per Page Fees.

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising Judge during any regular work hours, gap hours or overtime hours. The Monroe Circuit Court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

2. The maximum per page fee a court reporter may charge for the preparation of a routine county indigent transcript shall be $4.50. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. The court reporter shall not charge a fee for copies of an indigent transcript when the preparation of same has already been paid by the county. The court reporter shall not charge for copies of a prepared indigent transcript requested by a Court appointed entity (i.e. CASA, GAL) when the preparation of same has already been paid by the county.

3. The maximum per page fee a court reporter may charge for the preparation of a non-appellate state indigent transcript shall be $4.50.

4. The maximum per page fee a court reporter may charge for the preparation of a non-appellate private transcript shall be $5.50. The per page fee a court reporter may charge for a copy of a prepared transcript shall be $2.50. The maximum per page fee a court reporter may charge for the preparation of a category 1 expedited private transcript shall be $9.00. The maximum per page fee a court reporter may charge for the preparation of a category 2 expedited private transcript shall be $8.00. The maximum per page fee a court reporter may charge for the preparation of a category 3 expedited private transcript shall be $7.00. Category 1, category 2 and category 3 expedited private transcripts are defined in Section 1, definition #13.

5. The Court Reporter, may at their discretion, contract with an outside Court Reporter or Transcription Service to complete any requested transcript.

6. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of 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 the State Court Administration.

C. Section Three. Private Practice.

1. If a court reporter elects to engage in private practice by recording a deposition and/or preparing a deposition transcript, outside of and in addition to his or her official duties for the court, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

   a. The reasonable market rate for the use of equipment, work space and supplies;

   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 though 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.

D. Section Four. Appellate Court Transcripts.

1. The maximum per page a court reporter may charge for the preparation of an appellate indigent transcript is $5.00.

2. The maximum per page fee a court reporter may charge for the preparation of an appellate private transcript shall be $6.00.

3. A minimum fee of $40.00 per transcript may be charged for small transcripts but not in addition to the per page fee.

4. The Index and Table of Contents shall be charged at the same per page rate as the body of the transcript.

5. Labor charge may be assessed at the same rate as the Official Court Reporter's hourly salary rate for assembling the digital transcript and exhibits.

6. In addition, a reasonable market rate for office supplies may be charged for private appellate transcripts as designated in the Schedule of Supplies.

LR53-AR00-0133 DISCLOSURE OF PENDING CASE INFORMATION

The staff of the Probation Department shall not disclose any information regarding a pending case to the media. The media shall have access to information through court personnel in compliance with both the Indiana Rules of Court: Administrative Rule #9-Confidentiality of Court Records and the Code of Judicial Conduct, CANON 3, B. #10.

LR53-AR00-0134 OFFICE OF COURT SERVICES

A. Establishment and Purpose. The Board of Judges has established an Office of Court Services to coordinate jury management, automation, statistics, system analysis, court security, fiscal management, caseflow management, and public service for the Monroe Circuit Court.

B. Director of Court Services. As directed by the Board of Judges, the Director of Court Services shall implement, supervise and evaluate the administrative functions and court staff; prepare and monitor the court's budgets; coordinate training for court personnel; assist in the hiring and discharge of personnel; research, develop and implement efficient programs and procedures; attend and coordinate Board of Judges meetings; and perform other duties as required.

C. Other Personnel. The Board of Judges, through the Director of Court Services, shall hire administrative, clerical staff, and bailiffs as needed to provide services to the Court.

D. Financial Planning and Budget Management. The Office of Court Services shall be responsible for the preparation, monitoring, and analysis of all budgets of the Monroe Circuit Court. All required fiscal reports are prepared for review by the Board of Judges. This office serves as primary liaison with the Auditor's Office, and prepares and submits payroll, claims, and employee information as required. This office orders supplies and equipment and oversees maintenance and service of equipment.

E. Jury Management. The Office of Court Services is responsible for the summoning, impaneling, orientation, and payment of jurors needed for the Court.

F. Statistical Analysis. The Office of Court Services is responsible for compiling, analyzing, and reporting statistical case data in the divisions of the Court.

G. Court Security. The Office of Court Services provides security for the judges, court staff, attorneys, and the public in the courtrooms and court offices.

H. Caseflow Management. The Office of Court Services is responsible for assessing caseflow in the divisions of the Court and recommending improvements to the Board of Judges.

I. Court Support Programs. The Office of Court Services coordinates and provides statistical information on court support programs, coordinates referrals and communications to the Mental Health Center, and insures compliance with the American with Disabilities Act.

J. Public Service. The Office of Court Services provides public service to the citizens of Monroe County by providing case information, public use of courtrooms, and educational tours.

LR53-AR00-0135 ACCESS TO SECURE HALLWAY

Access to the Secure Hallway will be provided by the Office of Court Services. Staff will allow entry to the following individuals:

A. Court Staff.

B. Members of the Bar and Bench.

C. The public with prior permission of a judge's staff.

LR53-AR00-0136 COPY OF DOCUMENT CHARGES

The cost for copies of court documents to the public is set by statute and payable in the Clerk's Office.

LR53-AR00-0137 NON-JUDICIAL COURTROOM USE

The use of courtrooms for rehearsals by attorneys during working hours may be coordinated through the Office of Court Services.

LR53-AR00-0138 LAW LIBRARY

Updated 01/02/2014

The library resources may be used by the judges, court staff, and bar members.

LR53-AR00-0139 POSTING OF NON-COURT RELATED ANNOUNCEMENTS

Public announcements may not be posted on walls and windows. They may be placed in attorney mailboxes.

LR53-AR00-0140 BAILIFF DUTIES

A. The bailiffs shall deliver transport orders and commitment orders to the booking division of the Jail, and warrants and writs to the records division of the Sheriff's Office.

B. All bailiffs shall carry a radio for emergency situations.

C. The bailiffs shall unlock and check the courtrooms that will be in use at the time indicated on the court calendar. At the completion of courtroom proceedings, the bailiffs should lock the courtrooms. If a bailiff is not present, the court reporter should lock the courtroom.

LR53-AR00-0141 QUARTERLY STATISTICS

The office of Court Services staff is responsible for preparing and reporting required case statistics to the State Court Administrator's office quarterly.

LR53-AR00-0142 PROBATION DEPARTMENT

Updated 08/01/09

A. Establishment and Purpose. As required by Indiana law, the Board of Judges has established a Probation Department to serve all divisions of the Monroe Circuit Court. The Probation Department shall comply with all laws of the State of Indiana and all standards put forth by the Judicial Conference of Indiana. The Probation Department staff conducts interviews and investigations, prepares pre-sentence and juvenile reports, and oversees probationers and juveniles for compliance with court orders. These activities are conducted with the goals of rehabilitating offenders and protecting society. Further, the Probation Department develops and maintains community-based alternative correction programs.

B. Chief Probation Officer. As directed by the Board of Judges, the Chief Probation Officer shall oversee the efficient operation of the department; assist in the hiring and discharge of personnel; ensure the proper evaluation and training of department employees; compile statistics and create required reports; monitor budget expenditures and outline budget requests; maintain written policies and procedures for the department; and perform other duties as required.

C. Probation Department Management Team. The Chief Probation Officer, Assistant Chief Probation Officers, and the Division Supervisors shall constitute the Probation Department Management Team. This team shall meet frequently to oversee operation of the Department and to formulate proposed changes to department policy and operation. Each Division Supervisor shall meet regularly with division staff and shall communicate staff concerns to the Probation Management Team.

D. Procedures. The Probation Department shall maintain a written policy, procedure, and training manual which sets forth the manner of operation of the Department and the duties of each officer or staff member.

E. Caseload Allocation. The Chief Probation Officer, with the assistance of the Probation Department Management Team, shall maintain a written caseload allocation policy for probation officers. This policy shall reflect a plan for equitable distribution of cases to officers based on workload, staff expertise, and training.

F. Statistics and Reports. The Probation Department shall maintain all statistical reports and records required by law and necessary for compliance with grant or program authorities. A written report summarizing the activity and operation of the Probation Department shall be delivered to the Board of Judges by March 31st of each year.

G. Fees and Costs. Court-ordered supervision fees shall be collected by designated staff pursuant to an established system of financial records management. This system, subject to a State Board of Accounts audit, shall delineate special funds accounts, maintenance of daily collections and ledgers, and proper deposit and disbursement of funds. An internal audit will be conducted any time the collection clerk or staff responsible for the collection of fees terminates employment.

LR53-AR00-0143 COMMUNITY ALTERNATIVE SUPERVISION PROGRAM (CASP) VIOLATIONS

Updated 01/01/10

A. The CASP case manager (probation officer) will file a Notice of Noncompliance/Petition to Revoke Suspended Sentence for technical and/or new offense violation(s) that occur while participating on CASP and are specific to that program. The officer will provide probable cause information for the issuance of a warrant to the Sentencing Court, Duty Court, or Duty Judge if requested after hours. The CASP officer will continue to supervise the offender until the offender's CASP obligations are terminated or completed.

B. A probable cause hearing and a request for warrant should be pursued on PTRs that allege serious or multiple home detention or CASP violations.

LR53-AR00-0144 ADMINISTRATIVE PROBATION MODIFICATION MEETINGS

Updated 01/02/2014

A. The Board of Judges has authorized the Probation Department to conduct Administrative Probation Modification (APM) meetings to address minor technical violations of probation in accordance with I.C. 11-13-1-8. During the APM meeting, the supervising Probation Officer is authorized to resolve minor technical violations of probation via agreement with the probationer. Upon agreement with probationer, during this APM meeting, a Probation Officer may impose violation sanctions for said technical violations. Written judicial approval and an order are necessary prior to implementation of the agreed-upon violation sanctions only when conditions of probation have been modified that restrict a probationer's liberty, such as the use of electronic monitoring, imposition of Home Detention, and/or a commitment to the Monroe County Jail. If a specific condition is not modified, a Judge's signature is not required. Examples of violation sanctions that may be imposed without a requirement of a court order include, but are not limited to: imposition of community service hours (Road Crew/Public Restitution); increased or modified treatment or counseling requirements; imposition of Day Reporting requirements.

B. Probationers shall be provided a notice of rights prior to entering into an agreement regarding a violation sanction. Participation shall be voluntary and persons shall, upon request, be given up to five (5) days to consult with an attorney prior to entering into the agreement and/or the opportunity to request the matter be set for a hearing. Probationers do not have a right to an attorney for an Administrative Probation Modification meeting and may refuse to participate.

LR53-AR00-0145 RECOMMENDATION TO THE COURT FOR DISMISSAL

Probation Officers can file "Recommendation to the Court for Dismissal" but may not file motions.

LR53-AR00-0146 PETITION TO REVOKE AND NOTICE OF NON-COMPLIANCE

Updated 7/10/2018

A. Probation Officers may file a Petition to Revoke (PTR) and/or a Notice of Non-compliance (NNC) when the preponderance of evidence shows a new offense has been committed even if charges are not filed.

B. A PTR and/or NNC may be filed if violators fail to complete Public Restitution by deadline.

C. Probation officers shall provide a copy of substance testing results, upon request, to defense counsel and the Prosecutor for any test alleged in a PTR, NNC, or memo filed with the Court.

LR53-AR00-0147 COMMUNITY CORRECTIONS PROGRAM POLICY

The Monroe County Community Corrections Program will not compete with not-for-profit organizations for remuneration which could be fund-raising events for those agencies.

LR53-AR00-0148 ROAD CREW AND PUBLIC RESTITUTION AGENCY APPROVAL

A. Any governmental or not-for-profit agency wishing to receive Road Crew services and/or Public Restitution workers from the Monroe Circuit Court Probation Department shall make application for "Approved Provider" status through the Community Corrections Director. The agency shall complete the "Monroe County Community Corrections Agency Agreement for Community Service Workers" form and submit this form to the Community Corrections Director. The agency shall also provide any additional information requested by the Community Corrections Director.

B. Upon receipt of this completed form, the Community Corrections Director will present this application for "Approved Agency" status to the Chief Probation Officer.

C. The Chief Probation Officer, or designee, will inform the applicant agency of the decision regarding approval status.

LR53-AR00-0149 PROBATION FEES

Updated 01/01/10

A. The Board of Judges shall set/approve a schedule of fees for the Probation Department. This fee schedule will be updated annually or as needed.

B The Probation Department Fee Schedule will be recorded on an Order, to be filed with the Clerk in the General Order Book under "Establishing Fees For The Monroe County Probation Department."

LR53-AR00-0150 UNSUPERVISED PROBATION

Updated 01/02/2014

A. Unsupervised probation does not prohibit probation from responding to allegations of criminal activity by scheduling an appointment, conducting a home contact, or conducting a drug test. The sentencing judge will indicate on the sentencing order those terms of probation expected to be enforced and/or those terms not applicable if allegations are made. The Probation Department will advise the sentencing court if the unsupervised "probationer" has been arrested on another charge.

B. Persons placed on unsupervised probation with no term of supervised probation shall be assessed an

administrative fee and an initial Probation user fee as set by the current Probation Department Fee Schedule. Persons placed on any term of supervised probation with an allowance for unsupervised probation shall be responsible for all fees imposed including monthly fees during any unsupervised period.

LR53-AR00-0151 WORK RELEASE PROGRAM

Updated 01/01/10

A. The local Work Release Program which operated out of the Monroe County Jail officially terminated on April 3, 2009.

B. Defendants to be considered for placement in a work release facility (local or out-of-county) must be referred to the Community Corrections Program for program eligibility determination.

C. Defendants must meet eligibility for the local Community Alternative Supervision Program (CASP) before being considered for work release placement (local or out-of-county), including the requirement that delinquent local Community Corrections fees must be paid in full.

D. Offenders must have an actual 30 days to serve to qualify for the Work Release Program but exceptional cases will receive consideration.

LR53-AR00-0152 ALCOHOL EDUCATION SCHOOL ATTENDANCE

All persons charged with an alcohol related offense may be required to attend alcohol education classes or to complete substance abuse treatment. Persons referred to Alcohol Education School (AES) by the Pre-trial Diversion Program (PDP) who fail to attend AES should be reported by the Probation Department to PDP and at that time have their case re-instated as determined by the Monroe County Prosecutor.

LR53-AR00-0153 COURT ALCOHOL AND DRUG PROGRAM USER FEES

Updated 01/01/10

A. The Criminal Division of the Monroe Circuit Court has set the following schedule of fees pursuant to the authority granted by IC 12-23-14.

B. Court Alcohol and Drug Program Schedule of Fees:

1. Assessment, Referral, and Monitoring: $300 for misdemeanor conviction; $400 for felony conviction.

2. Assessment, Referral, and Monitoring for other jurisdictions: $300 for misdemeanor conviction; $300 for felony conviction.

3. Transfer out fee: $100.

4. Alcohol Education School fee: $75.

5. Prime for Life Course: $12 Hour -$170.00, 16 Hour- $220.00.

C. All Court Alcohol and Drug Program Fees are payable to Clerk of the Court.

LR53-AR00-0154 PROBLEM SOLVING COURT USER FEES

Updated 10/20/17

A. The Criminal Division of the Monroe Circuit Court has set the following schedule of fees pursuant to the authority granted by IC 33-23-16-23 and in accordance with the rules adopted by the Judicial Conference of Indiana. This fee schedule is updated annually or as needed and is recorded on an Order filed with the Clerk in the General Order Book under "Establishing Fees for The Monroe County Probation Department." Problem-solving court fees are collected and utilized in accordance with IC 33-23-16-23. The cost of all services combined that are provided to program participants under any one (1) cause number may not exceed the amount permitted under IC 33-23-16-23. Program participants may be assessed an administration fee and monthly program service fees. Participants may also be required to pay for services provided by the Probation Department such as chemical drug testing, house arrest, community service work and other ancillary program fees. Participants must pay any assessed fees in full prior to successful completion (graduation/commencement) from the program.

B. Drug Treatment Court Administration Fee: Not more than $100.00 per admission

C. Drug Treatment Court User Fee: Fifty dollars ($50) or less will be collected monthly beginning with the second month of participation and continuing for each month thereafter for the duration of participation in the problem-solving court.

D. Problem Solving Court User Fees are payable in the Probation Department, Curry Building Office.

LR53-AR00-0155 YOUTH SERVICES BUREAU

Added 1-1-10

A. Establishment. The Monroe County Youth Services Bureau was established in compliance with IC 31-31-8.

B. Transfer of Authority. The Monroe County Board of Commissioners transferred its authority regarding the Youth Services Bureau to the Monroe County Board of Judges effective July 5, 2010. Monroe County Code 420-1.

C. Youth Services Bureau Executive Director. The Executive Director for the Youth Services Bureau is responsible for implementing the policy directions and goals of the Youth Services Bureau, including securing and administering department funds, supervising development and operations of programs and services, and supervising personnel.

D. Citizen Advisory Board. A Citizen Advisory Board representing the needs of children and youth will meet with the Judge of the Monroe Circuit Court and/or the Youth Services Bureau Executive

Director on a regular basis in accordance with IC 31-31-8-6. This Board shall be advisory in nature and have no legal authority or responsibility for the operation of the Bureau.

LR53-AR00-0156 THE TAKING OF PICTURES, AUDIO OR VIDEO OF COURT PROCEEDINGS

Updated 01/02/2014

A. Pursuant to Indiana's Code of Judicial Conduct Rule 2.17, and the inherent authority of the Court to prevent the disruption of court proceedings, cell phones shall be turned off in the courtroom and the recording of audio and taking of video or photographs in the courtroom is prohibited, without prior permission from the court.

B. Pursuant to Indiana Supreme Court rule, the broadcasting or televising of court proceedings distribution of audio and video recordings of court proceedings is prohibited, without the explicit permission of the court.

C. The court may order the seizure of any suspected photographic, recording, or transmitting device and may order the removal of any unauthorized picture/audio/video prohibited by this rule.

D. The taking of pictures or of audio and/or video recordings of court proceedings and/or distribution of such materials constitutes contempt of court and will subject the violator to court ordered sanctions.

E. Court staff, including probation officers, attorneys, and security personnel are authorized to use cell phones for business purposes but shall put their cell phones on silent or vibrate while in the courtroom.

LR53-TR00-0200 SCOPE OF LOCAL RULES OF TRIAL PROCEDURE

These rules shall apply in all cases in the Monroe Circuit Court. If there is a conflict between a Local Rules of Trial Procedure and another, more specific Monroe County Local Rule, that more specific rule shall control.

LR53-TR00-0201 SERVICE TO ATTORNEY'S JUSTICE BUILDING MAILBOX.

An attorney who has a mailbox in the Justice Building Court Services office consents to service of pleadings to that mailbox. Such service shall be deemed equivalent to service by United States mail.

LR53-TR00-0202 SERVICE OF EMERGENCY MOTIONS.

A motion seeking judicial action in three days or less shall be served on opposing parties by FAX, email, or personal service. The attorney or party filing of such a motion shall also inform the other parties of the filing by telephone at the time the motion is delivered to the court.

LR53-TR05-0203 PREPARATION OF PLEADINGS AND ORDERS

Updated 1/1/17

A. Proposed Orders. A party or attorney filing a motion shall, at the time of filing, provide the court with an original proposed order and sufficient copies for each party. Proposed orders shall include a full distribution list of attorneys or parties to whom the order should be sent. Orders shall not contain extraneous language, such as a notification that the preparer is a debt collector. Bar coding of orders is permitted.

B Filing by Electronic Facsimile Transmission. Pleadings not exceeding ten (10) pages in length, may be filed by facsimile (FAX) as provided in Administrative Rule 12. Facsimile filing does not require follow up filing of duplicate original documents.

LR53-TR00-0204 MOTIONS

A. Enlargement of Time to Answer. An initial written motion for enlargement of time to file an answer or other responsive pleadings shall be automatically allowed for an additional 30 days from the original due date without order of the court. Said motion shall state the original date when the response was due and the date to which that time is enlarged. For this rule to be applicable, the motion must be filed on or before the original due date.

B. Accompanying Legal Memorandum. A separate legal memorandum shall be filed with any motion to dismiss a TR 12(b)(6) motion for judgment on the pleadings, a motion for more definite statement, or a motion to strike. A party opposing such a motion shall file a response memorandum within 20 days of

the filing of the motion or the motion shall be subject to summary ruling without further notice and without a hearing.

LR53-TR00-0205 INTERROGATORIES

A. Number of Interrogatories. The number of interrogatories which may be served pursuant to Rule 33 shall be limited so as to require the answering party to make no more than 50 answers. Waiver of this limitation by order of the court will be granted in cases in which such limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case.

B. Form of Answers or Objections. Answers or objections to interrogatories shall set forth in full the interrogatory being answered or objected to immediately preceding the answer or objection.

LR53-TR00-0206 DEPOSITIONS

A. This rule shall not apply in criminal or juvenile delinquency cases.

B. Video Recordings of Depositions. A transcript of a video recording of deposition testimony shall be tendered to the court when the deposition is offered into evidence.

C. Depositions of Experts. Depositions of experts shall be admissible at trial regardless of the availability of the witness or other limitations in Trial Rule 32(A), unless objection to the admissibility is made in writing 5 days prior to the taking of said deposition or within 10 days subsequent to notice of the deposition, whichever deadline occurs first. A copy of the notice shall be tendered to the reporter at the time of taking the deposition for inclusion with the deposition. In the absence of such written objection, the deposition of an expert may be admitted by stipulation.

D. Copy of Deposition. Any party or counsel to an action may obtain a photocopy of a deposition on file with the Clerk of the Court upon tender of a receipt showing payment to the deposing party of 50% of the cost of said deposition. In addition, the requesting party of counsel shall tender to the Clerk the present statutory rate per page for the copying service.

LR53-TR53-0207 CONTINUANCES

A. Information in Motion. A motion to continue a hearing or trial shall contain the following:

1. The date and time of the hearing or trial for which a continuance is sought;

2. The reason for the continuance;

3. A motion for continuance shall not contain any other requests;

4. A good-faith estimate of the time needed for such hearing or trial when rescheduled;

5. The date and time opposing counsel/party was notified that the party would seek a continuance;

6. Whether opposing counsel /party agrees with or objects to the continuance; and

7. Contact information, including at least one telephone number, for any unrepresented opposing party, or an explanation of why that information is not available on diligent inquiry.

B Continuances Sought for Conflicts:

1. Scheduling Conflicts. A motion for continuance based on a conflict with a previously scheduled vacation shall state the date the vacation was set. A motion for continuance based upon a scheduling conflict with another case shall specify the other case name and number, the date on which the conflicting hearing or trial date was set by the other court, and the type of hearing or trial. Any such motion for continuance shall be filed within 7 days of the scheduling conflict becoming apparent.

C. Objections:

1. If there is an objection to a continuance, the objecting party may ask the court to set a telephone conference to consider the objection.

LR53-TR53-0208 EVIDENCE HANDLING, RETENTION AND DESTRUCTION.

Updated 7/1/2019

A. Preamble. The retention and maintenance of exhibits shall proceed pursuant to these rules, Administrative Rule 6 and Trial Rule 77(J), unless the Court directs a longer retention period on its own motion or after motion by any party. These procedures will become effective immediately and will be applied to any cases previously disposed which meet the criteria set forth fully below.

B. Provisions Applicable to All Cases.

1. The Court Reporter will photograph as many non-documentary or oversized exhibits as practical.
2. All Child Support Obligation Worksheets and Financial Declarations admitted into evidence shall be permanently archived with the case file.
3. After the lapse of time described below, the Court Reporter may dispose of the exhibits (i.e., diagrams, models, depositions, and documents) and / or trial material without further notice to the parties.
4. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand, stenographic, or electronic notes as provided in Indiana Administrative Rule 7.
5. The Court Reporter shall maintain a log of retained evidence and scheduled disposition date and evidence shall be held in a secure area.
6. Parties and Counsel are reminded of the requirements of Appellate Rule 29(B).

   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.
7. At the time of removal, the party shall present a signed receipt to the Court Reporter, which shall be filed in the case.

C. Civil Cases.

1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed by

the party offering them in evidence, except as otherwise ordered by the Court, four (4) months after entry of a final, appealable order, unless an appeal is taken.

2. Following Appeal. If an appeal is taken, original exhibits shall be retained by the Court Reporter for a period of two (2) years from the termination of the appeal, retrial, or subsequent appeal and termination, whichever is later.

D. Post-Conviction Relief, Criminal Misdemeanors, Class D Felonies, Class C Felonies, Level 6 Felonies & Level 5 Felonies.

1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed by the party offering them in evidence, except as otherwise ordered by the Court two (2) years after the entry of a final, appealable order, unless an appeal is taken.
2. Following Appeal. 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, unless an action challenging the conviction or sentence, or post conviction action, is pending. If exhibits are not removed, the Court Reporter may dispose of all exhibits without notice.

E. Class B Felonies, Class A Felonies, Level 4 Felonies, Level 3 Felonies, Level 2 Felonies, Level 1 Felonies and Murder.

1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed 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.
2. Following Appeal. 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.

F. Biologically Contaminated Evidence.

1. A party who intends to offer 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.
2. 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 unless specifically ordered by the Court.

LR53-CR00-0300 STATEMENT OF PRINCIPLES

The Criminal Rules of the Monroe Circuit Court are intended:

A. To promote a fair and expeditious determination of the charges, whether by plea or trial;

B. To provide the defendant with sufficient information to make an informed plea;

C. To permit thorough preparation for trial and minimize surprise at trial;

D. To avoid unnecessary and repetitious trials by identifying any latent procedural or constitutional issues and affording remedies therefore prior to trial;

E. To reduce interruptions and complications of trials by identifying collateral issues and determining them prior to trial; and

F. To effect economies of time, money, and judicial and professional talents by minimizing paperwork, repetitious asserts of issues, and the number of separate hearings.

LR53-CR00-0301 DISCLOSURE BY THE PROSECUTING ATTORNEY

A. Scope. The prosecuting attorney shall, except as otherwise provided by these rules, disclose and provide to the defendant the following information:

1. The names, addresses, and telephone numbers of all persons who may be called as witnesses in the case, together with copies of their written or recorded statements and any record of their prior criminal convictions;

2. Copies of any written or recorded statements and a written summary of any oral statements, related to the case, made by the defendant or made by a co-defendant;

3. A copy of the grand jury minutes containing testimony of any person from whom testimony was taken in the case;

4. Copies of any reports or statements of expert or skilled witnesses related to the case, including results of physical or mental examinations, scientific tests, experiments, or comparisons;

5. The terms of any agreements made with co-defendants or other witnesses to secure their testimony, including any written documentation thereof;

6. Identification of any books, papers, documents, photographs, or other tangible objects which may be offered as evidence in the case or which were obtained from or belong to the defendant;

7. Copies of affidavits for search warrants, search warrants, and returns made on search warrants;

8. Whether any relevant grand jury testimony has not been transcribed;

9. Whether any existing material or information subject to these rules is not then available to the prosecuting attorney for disclosure to the defendant;

10. Whether any material or information related to the case has been provided by an informant;

11. If there has been any electronic surveillance or wiretapping of the defendant's premises or conversations to which the defendant was a party; and

12. If requested by the defendant, any relationship of specified persons to the prosecuting attorney.

B. Exculpatory or Mitigating Information. The prosecuting attorney shall disclose to the defendant any material or information known to the prosecuting attorney which would tend to negate the guilt of the defendant as to the offense charged or which would tend to mitigate any sentence imposed in the event of a conviction.

C. Examination of Evidence. The prosecuting attorney's duties to disclose information and evidence under this rule include material and information in the possession and control of the prosecuting attorney's staff and employees, of any other persons who have participated in the investigation and evaluation of the case, of any other persons who regularly report to the prosecuting attorney, and of any other persons who have reported to the prosecuting attorney with reference to the charge filed.

LR53-CR00-0302 DISCLOSURE BY THE DEFENDANT

A. Scope. The defendant shall, subject to constitutional limitations and except as otherwise provided by these rules, disclose to the prosecuting attorney:

1. The names, addresses and telephone numbers of all persons who may be called as witnesses in the case, together with copies of their written or recorded statements;

2. Copies of any reports or statements of expert or skilled witnesses related to the case, including results of physical or mental examinations, scientific tests, experiments, or comparisons, intended to be offered as evidence in the case;

3. Identification of any books, papers, documents, photographs, or other tangible objects which may be offered as evidence in the case; and

4. Identification of any affirmative defenses upon which the defendant intends to rely in the case.

B. Examination of Evidence. The defendant shall permit inspection, copying, photographing, and testing of all evidence disclosed under these rules at reasonable times and places and under reasonable terms and conditions to insure against loss of, damage to, or alteration of the character or integrity of the evidence.

C. Additional Disclosure upon Order of Court. The Court may, subject to constitutional limitations, require a defendant or a suspect in an investigation:

1. To appear in a line-up;

2. To speak, and to speak specific words, within the hearing of witnesses to an alleged offense;

3. To pose for photographs not involving the reenactment of alleged events;

4. To provide handwriting specimens;

5. To be fingerprinted;

6. To don specified articles of clothing;

7. To submit to reasonable physical or medical inspections;

8. To submit to the taking of specimens of material from under fingernails and toenails; and

9. To submit to the taking of sample of blood, hair, and other bodily substances and materials.

D. Reasonable Cause and Notice. A suspect not charged with an offense shall be required to appear pursuant to Section (C) only after a determination by the Court that there is reasonable cause to require the person to appear for the specified purpose. A defendant or suspect ordered to appear for a purpose specified in Section (C) shall be given reasonable advance written notice specifying the purpose of the appearance, the place at which the person must appear, and the date, time, and length of time required for the appearance. Such notice shall be provided to the person and the person's attorney, if any, and the attorney shall have the right to the present.

LR53-CR00-0303 GENERAL RULES PERTAINING TO DISCOVERY

A. Requirement of Court Order. No written motion to, or order of, the Court shall be required to obtain discovery pursuant to these rules, except:

1. For additional discovery or disclosure not specifically required by these rules;

2. For an extension of time within which to comply with these rules, specifying the reasons for the extension;

3. For a protective order; or

4. To complete compliance with these rules.

B. Time of Disclosure. The prosecuting attorney shall provide full discovery to the defendant:

1. Within 21 days after the initial hearing in a felony case, or

2. Within 15 days:

    a. After an attorney's appearance for the defendant; or

    b. After a pro se defendant's request in a misdemeanor case.

The defendant shall provide full discovery to prosecuting attorney:

1. Within 21 days after disclosure by the prosecuting attorney in a felony case; and

2. Within 15 days after disclosure by the prosecuting attorney in a misdemeanor case.

C. Continuing Duty. The duty of disclosure pursuant to these rules continues until dismissal, acquittal, or conviction and a party shall disclose all information and material subject to these rules or other order of the Court promptly after discovery thereof, notwithstanding any prior compliance with these rules.

D. Manner of Disclosure. All disclosures required by these rules shall be made in writing or, if first discovered during hearing or trial, on the record in open court.

E. Work Product. Neither party shall be required to disclose work product.

F. Excision. Tangible items which are in part subject to these rules and in part beyond the scope of these rules shall be excised and produced to the extent required by these rules, with notice to the other party that portions thereof have been excised.

G. Protective Orders. Disclosure required by these rules may be denied or subjected to reasonable limitations if the Court, after motion by either party determines that any benefit of the disclosure is outweighed by a substantial risk to any person of physical harm, non-physical injury or damage, undue embarrassment, or other compelling factor.

H. In Camera Examination. Any tangible item or information which becomes the subject of a motion for protective order may be examined, inspected, or otherwise evaluated, by the Court in camera. Upon order of the Court granting such relief, a summary of the protected information, shall be sealed and preserved in the record of the case.

I. Impeding Investigation Prohibited. Neither party shall, directly or indirectly, advise any person to refuse to discuss the case with the other party, advise any person to refuse to disclose any relevant information or material to the other party, or otherwise impede the other party's investigation of the case, except as may be authorized by constitutional provision, the statues of this State, or common law privilege.

J. Sanctions. Upon failure or refusal of either party to comply with these rules or other discovery orders of the Court, the Court may impose sanctions.

LR53-CR16-0304 PRETRIAL CONFERENCES

Updated 01/02/2014

A. Number; Orders and Reports. One or more pretrial conferences may be required at the discretion of the Court. All attorneys of record are required to appear at and participate in all required pretrial

conferences. The Court shall make or require an appropriate order or report after a required pretrial conference.

B. Presence of Defendant. The defendant is required to attend pretrial conferences unless excused by the Court.

C. Scope. All pretrial conferences shall address with specificity:

1. The names of all persons, including addresses and telephone numbers upon request of the opposing party, intended to be called to testify at pretrial hearings or at trial;

2. The identification of all tangible items intended to be offered as exhibits at pretrial hearings or at trial;

3. All stipulations of testimony and fact concerning matters not in material dispute which may aid in expediting pretrial hearings or the trial;

4. The identification of all motions to dismiss, motions to suppress evidence, questions of law, and procedural issues which can and should be resolved prior to trial to expedite the trial of the case;

5. The anticipated necessity of further discovery by either party and the reasonable length of time required to complete it; and

6. The tender of any proposed plea and/or sentencing agreement by the prosecuting attorney and the response of the defendant thereto.

D. Waiver of Issues. All motions to dismiss, motions to suppress evidence, question of law, and procedural issues known to the parties on the basis of the information then available and not specifically identified for pretrial resolution in the pretrial order are waived.

LR53-CR00-0305 TRIAL SCHEDULE

Except as may be required for compliance with Criminal Rule 4 of the Indiana Rules of Criminal Procedure or other just cause determined by the Court, cases will be scheduled and called for trial according to the earliest date of filing. However, all cases scheduled for trial remain on the trial docket, unless continued on order of the Court.

LR53-CR53-0306 CHANGE OF PLEA DATES / CONTINUANCE

Updated 01/02/2014

Requested change of plea hearings will only be scheduled upon submission of a signed plea and sentencing agreement with the court subject to the court's discretion.

A. Requirement of Motions. All motions for continuance shall be requested, and will be granted by the Court only for good cause.

B. Conflicting Settings. All motions for continuance based on conflicting case settings shall be filed within 14 days after notice of the conflict and shall specify:

1. The court in which the conflicting case is pending;

2. The name and cause number of the case;

3. The nature of the conflicting hearing or trial; and

4. The date upon which the other court scheduled the conflicting setting.

C. Further Discovery. Continuances for the purpose of conducting further discovery may be granted for good cause shown. However, no continuances for the purpose of discovery filed more than 6 months after the initial hearing will be granted by the Court, absent demonstration by the moving party that need for the additional discovery could not have been anticipated, or that the discovery could not have been completed by the exercise of due diligence.

D. Unavailability of Witnesses. Any motion for continuance based on the unavailability of a witness shall be filed at least 7 days before the scheduled trial date. Any such motion filed more than 6 months after the initial hearing, or any such motion to which an objection is filed, must comply with IC 35-36-7-1 or IC 35-36-7-2.

LR53-CR00-0307 APPEARANCE OF DEFENSE COUNSEL

A. Written Appearance. An attorney must file a written appearance for the defendant at the earliest possible time after being retained by the defendant or appointed by the Court to represent the defendant.

B. Withdrawal of Appearance. An attorney's appearance on behalf of a defendant may be vacated or withdrawn only after a hearing in the presence of the defendant. The defendant's presence will not be required upon the attorney's demonstration at the hearing of the inability to locate the defendant.

C. Waiver of Hearing. The hearing required in Section (B) is waived if another attorney has entered a written appearance on behalf of the defendant.

D. Withdrawal Based on Nonpayment of Fees. An attorney's motion to vacate or withdraw his appearance on behalf of a defendant based solely upon the defendant's failure to pay the attorney's fee, will not be granted:

1. If filed more than 6 months after the initial hearing; or

2. If filed more than 30 days before a trial date scheduled within the first 6 months after the initial hearing.

E. Duration of Appearance. An attorney's appearance on behalf of a defendant is deemed to be vacated or withdrawn after the time permitted to file a Notice of Appeal for the purposes of appealing a disposition on the merits has elapsed and an appeal has not been initiated. If an appeal is initiated, the attorney remains of record for the defendant until the appeal is concluded or the appearance is otherwise vacated pursuant to this rule.

LR53-CR00-0308 PRE-SENTENCE INVESTIGATIONS

Court Reporters are to return Pre-Sentence Investigations to the Probation Department at the conclusion of the case.

LR53-CR00-0309 BONDS

All bonds shall be delivered by the Monroe County Sheriff's Office to the Clerk for posting. The Clerk shall deliver the bonds to the appropriate court division prior to the time of Initial Hearing.

LR53-CR00-0310 BAIL BOND SCHEDULE

Updated 1/1/17

IN THE CIRCUIT COURT
FOR THE COUNTY OF MONROE AND STATE OF INDIANA

ORDER ESTABLISHING BAIL SCHEDULE

Pursuant to the provisions of IC 35-33-8-4, the Circuit Court of Monroe County, Indiana, enters the following order establishing the amount and conditions of bail for those persons charged with the commission of criminal offenses by information; arrest on probable cause, or indictment.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that effective immediately and until further order of the Court, bail shall be as follows for all individuals charged with the commission of criminal offenses in the Monroe Circuit Court:

SECTION 1.

FELONIES (Offenses committed prior to July 1, 2014)

A. For a person charged with murder or attempted murder, a person who is a sexually violent predator under IC 35-38-1-7.5, and who is arrested or charged with the commission of an offense that would classify the person as a sex or violent offender as defined by IC 11-8-8-5, or for a person charged with Child Molesting or Child Solicitation, no bail shall be set except by a judge at a preliminary hearing;

B. For a person charged with being a habitual offender; bail shall be $50,000 surety and $500 cash, or a habitual substance offender; bail shall be $25,000 surety and $500 cash;

C. For any Class A felony offense, bail shall be $50,000 surety and $500 cash;

D. For any Class B felony offense, bail shall be $20,000 surety and $500 cash;

E. For any Class C felony offense, bail shall be $5,000 surety and $500 cash;

F. For any Class D felony offense, bail shall be $2,000 surety and $500 cash.

FELONIES (Offenses committed after June 30th, 2014)

A. For a person charged with murder or attempted murder, a person who is a sexually violent predator under IC 35-38-1-7.5, and who is arrested or charged with the commission of an offense that would classify the person as a sex or violent offender as defined by IC 11-8-8-5, or for a person charged with Child Molesting or Child Solicitation, no bail shall be set except by a judge at a preliminary hearing;
B. For a person charged with being a habitual offender in Levels 1 through 4, bail shall be $20,000 surety, in addition to the bail amount for the highest level of felony charged; and for Levels 5 & 6 bail shall be $10,000 surety, in addition to the bail amount for Levels 5 or 6.

C. For any Level 1 felony offense, bail shall be $50,000 surety and $500 cash;

D. For any Level 2 felony offense, bail shall be $30,000 surety and $500 cash;

E. For any Level 3 felony offense, bail shall be $15,000 surety and $500 cash,

F. For any Level 4 felony offense, bail shall be $10,000 surety and $500 cash;

G. For any Level 5 felony offense, bail shall be $5,000 surety and $500 cash,

H. For any Level 6 felony offense, bail shall be $2,000 surety and $500 cash.

SECTION II. MISDEMEANORS

A. Any person arrested for a misdemeanor offense other than battery, domestic battery, invasion of privacy, resisting law enforcement, possession of a handgun without a license, operating a vehicle while intoxicated operating with either a .08 or .15 ACE or dealing marijuana or hashish, shall be released from jail to appear in the probation department and court on that person's own recognizance, subject to the following conditions:

1. At the time such a person is released on recognizance, the person shall be required to furnish a present residential and mailing address, telephone number, social security number, and employer's name and address. The identifying data of any full-time or part-time student at Indiana University – Bloomington shall include a student's permanent address and telephone number as well as the student's local address and telephone number.

2. If the person arrested is under 21 years of age, the information shall also include parents' names, addresses, and telephone numbers.

3. If the person agrees to provide the data required in Section II, A (1), but is unable to provide a social security number, driver's license, photo identification card, or employer information, the person may be released to the custody of a resident of Monroe County over 18 years of age who can provide such data on themselves.

4. Upon the inability or refusal to provide the information required under this Section, the person shall be held until brought before a judge.

B. A person shall not be released on recognizance and shall be held until brought before a judge if the person:

1. Has any conviction within the last 5 years;

2. Has failed to appear in any court within the last 5 years;

3. Has pending criminal charges; or

4. Is on probation or parole at the time of arrest.

C. If the provisions of this Section do not authorize the release of the person on recognizance, bail shall be as follows:

1. For any Class A misdemeanor, bail shall be $1,000 surety and $500 cash;

2. For any Class B misdemeanor, bail shall be $500 surety and $500 cash;

3. For any Class C misdemeanor, bail shall be $500 surety and $500 cash.

SECTION III. MISCELLANEOUS PROVISIONS

A. Promise to Appear.

1. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall be required to execute a written Promise to Appear in the probation department and the appropriate at the designated date and time. The Promise to Appear form shall be immediately forwarded to the appropriate court by the Sheriff.

B. Pretrial Assessment. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall be required to meet with representatives of the probation department to be evaluated for pretrial services and additional bail conditions prior to being brought or appearing before a judge.

C. Conditions of Release. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall be subject to pretrial supervision by the probation department, which may include, but is not limited to, electronic monitoring of whereabouts; daily reporting requirements; drug and alcohol testing; and/or regular meetings with an authorized representative of the probation department until released from these conditions by a judge.

D. Intoxication. No person shall be released by the Sheriff of Monroe County, regardless of the provisions of this Order, unless such person clearly manifests a state of sobriety at the time the provisions of this Order would otherwise permit release.

1. The Sheriff shall hold in custody any person who is under the influence of alcohol or controlled substances until such time it is determined, at the Sheriff's discretion, that the individual may be safely released without danger to self or others.

2. When information is available concerning the blood-alcohol content of an intoxicated person due to

the administration of blood tests, breath tests, or other chemical tests, no intoxicated person shall be released by the Sheriff except as provided by IC 35-33-1-6.

3. When no information is available concerning the blood-alcohol content of a person charged with operating while intoxicated, such person shall not be released for a period of 24 hours, unless ordered by a judge.

4. When no information is available concerning the blood-alcohol content of a person charged with public intoxication, such person shall not be released for a period of 4 hours, unless ordered by a judge.

E. No Contact Agreement. A person arrested for an offense resulting in bodily injury to a person shall not be released until 24 hours have elapsed, unless ordered by a judge. The person may then post bail:

1. Pursuant to other sections of this Bail Order; and
2. If the person agrees in writing to have no direct or indirect contact with the victim for ten (10) days after release or until the initial hearing, whichever occurs first. At the initial hearing, a judge may reinstate or modify the condition that the defendant refrain from direct or indirect contact with the victim.

Upon refusal to sign a No Contact Agreement, the person shall be held without bail until brought before a judge.

F. Extradition. Any person extradited to Monroe County shall be held without bail until brought before a judge.

G. Overweight Trucking Violations. The bail schedule as set out in this Order shall not apply to trucking violations. Bail for such offenses shall be determined pursuant to the provisions of IC 9-20-18-1, et seq.

H. Combination of Charges. If a person is charged with the commission of more than one offense arising out of a single incident, whether the offenses are felonies or misdemeanors, bail shall be in one amount for all charges, and shall be in the amount established for the most serious offense charged.

I. Double Bond. The specified surety bond for felonies or misdemeanors shall be doubled in the event the person has a pending case, has been convicted of a felony within the last 5 years, or is a habitual substance offender.

J. Cash Bond. After normal business hours the Sheriff shall accept a bond made in cash or by certified check and shall issue a receipt. A cash bond must be posted in the name of the Defendant and the Defendant and each person who makes the deposit on behalf of the Defendant shall agree in writing that the court may retain all or a part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution that the court may order the Defendant to pay if convicted. Thereafter, as soon as is practicable, the Sheriff shall deposit the cash or certified check with the Monroe County Clerk.

K. 10% Cash Deposit or Full Cash Bond. The Clerk or Sheriff may not accept 10% cash deposit or full cash bond in lieu of the bond otherwise required herein except upon express written order of a judge. In the event a 10% cash bond is approved by a Court, the Clerk may retain as a service fee 10% of the amount deposited when the bond is released at the conclusion of the case.

L. Probation/Parole Hold. A person charged with the commission of a crime while on probation or parole shall be held without bail until brought before a judge.

M. Release of Bond. No cash bond may be released by the Monroe County Clerk except upon written order of a judge after judgment has been entered and any costs, fines, fees, ~~and costs~~ and restitution imposed by the Court have been paid and satisfied.

N. Amount of Bail on Warrant. If bail is set at a probable cause hearing, the amount of bail set by the judge shall be endorsed upon the arrest warrant and shall supersede conflicting provisions of this order.

LR53-CR00-0311 PUBLIC DEFENDER APPOINTMENT

Updated 10/3/2016

Public Defender appointments continue for 30 days beyond conviction in criminal cases or disposition in Juvenile Delinquency cases.

The Public Defender shall represent all defendants, who have not retained private counsel and who have been arrested for a misdemeanor or felony offense for the purposes of bail at initial hearings as implemented by the Monroe County Pretrial Pilot Project.

LR53-CR00-0316 WAIVER OF INITIAL HEARING

Added 10/3/2016

Initial hearings may only be waived in cases where the defendant is represented by an attorney. The attorney shall file a written appearance and notice waiving the initial hearing. If the defendant waives the initial hearing, the defendant agrees to accept the recommendations for pretrial supervision made by the Probation Department and written in the *Order and Conditions of Pretrial Release*.

LR53-CR00-00317 COMMUNITY ALTERNATIVE SUPERVISION PROGRAM (CASP) PROCEDURES

Updated 7/10/18

The Court, noting that participation in the Community Alternative Supervision Program (CASP), including the Home Detention Program component, is contingent upon offender compliance with program rules and regulations, finds:

Pursuant to I.C. 35-38-2.5-5, program participants must have a working telephone, cellular telephone, or other wireless or cellular communications device in their home to be eligible for Home Detention. If the participant does not have a working telephone and/or a long distance carrier, cellular telephone, or other wireless or cellular communications device, the Court ORDERS that the participant shall be placed on CASP Day Reporting *without credit time* until working telephone service, cellular telephone, or other wireless or cellular communications device can be verified; or until an electronic monitoring cellular or GPS unit can be utilized for a non-violent offender with the participant paying the additional enhanced electronic monitoring daily fee.

A maximum of two (2) weeks from CASP/Home Detention Intake will be allowed for offenders to meet program guidelines for acceptance in CASP (including securing a working telephone**,** long distance carrier, cellular telephone, or other wireless or cellular communications device). Upon program staff verification of offender meeting program guidelines for acceptance in CASP (including securing a working telephone, cellular telephone, or other wireless or cellular communications device), the participant will begin Home Detention by the next business day if possible.

FAILURE TO MEET ELIGIBILITY GUIDELINES FOR CASP/HOME DETENTION PROGRAM

Program eligibility shall be determined by program staff prior to admitting participants to any level of CASP. If the participant is not eligible per prohibition by statute (excluding telephone cellular telephone, or other wireless or cellular communications device provision), the Court shall be notified immediately via e-filed memorandum by the supervising probation officer and the participant will not to be placed on the program until or unless statutory prohibitions are remedied.

If offender does not meet program guidelines for CASP/Home Detention (including telephone service, cellular telephone, or other wireless or cellular communications device, and suitable housing) within two weeks (14 days) of the CASP/Home Detention Intake appointment, program staff shall file a memorandum with the Court, advising the Court of the participant's status. If the offender in question cannot be located by program staff, the supervising probation officer shall file a Notice of Noncompliance with the Court requesting a warrant. If the offender in question is on the Day Reporting Program, program staff may bring the offender to the Duty Judge/Court to advise the Court of the offender's failure to meet program guidelines for CASP within 14 days of the CASP/Home Detention Intake.

Once advised of the offender's failure to meet program eligibility guidelines for CASP/Home Detention, the Court may:
(1) Order the defendant to be taken into custody to serve the executed portion of sentence;
(2) Order the defendant to be taken into custody with a status hearing to be held; or
(3) Order the defendant to have 14 additional days on Day Reporting in order to attain eligibility.

EMPLOYMENT ASSISTANCE

CASP, including the Home Detention component, is designed to provide immediate employment assistance for unemployed offenders/participants, therefore being unemployed will not delay the commencement of program participation. Unemployed participants shall be placed on CASP Home Detention with Day Reporting which requires clients to report to the Community Corrections office daily, Monday through Friday. Program staff shall verify participants' active job search. Participants who remain unemployed within two weeks (14 days) of commencement of CASP Home Detention may be required to report for Road Crew, five (5) hours per day as directed, until employment is secured. If participant remains unemployed for one month, an Administrative Probation Meeting (APM) will occur or a petition will be filed with the Court to further determine the participant's status.

CASP AS CONDITION OF BOND OR PRETRIAL RELEASE

If the defendant is being referred to CASP as a condition of bond and/or pretrial release, the Court should retain the defendant in the Monroe County Jail until notified that program staff has completed screening and that the defendant meets program eligibility. This initial screening process will be conducted by program staff within 2 to 4 business days of request by the Court.

SEX OFFENDERS AND VIOLENT OFFENDERS

Pursuant to IC 35-38-2.5 a person placed on Home Detention who is deemed as a violent offender or sex offender shall be placed on GPS electronic monitoring. If the participant is a violent offender or sex offender, the supervising probation officer shall identify the participant as such in the Probation Department case management databases. The violent offender or sex offender shall also be specifically identified on the Community Corrections field officer's log sheet and also on the report sent to law enforcement agencies, which lists all Monroe County Home Detention participants.

Notification on possible GPS violations from the electronic monitoring equipment vendor will be investigated by Community Corrections staff. If a violation is verified, the supervising probation officer will take corrective action up to a request for issuance of a warrant either in writing during office hours or telephonically after hours. If probable cause is found by the Court that the defendant has violated conditions of CASP Home Detention, the Monroe County Sheriff's Department and/or Monroe County Central Dispatch will be initially advised of the verified program violation.

The Monroe Circuit Court Board of Judges has delegated authority to CASP probation officers to authorize Home Detention participants to earn errand time, to be scheduled for personal errands (grocery shopping, haircuts, etc.). CASP probation officers may also grant Home Detention participants, except for persons with pending violation(s) of community supervision, earned pro-social time as an incentive after achieving at least 30 days of program compliance, including adhering to payment schedule, for approved pro-social activities at a specified location (such as attending a child's school/athletic event, family event or exercising at a fitness center) at the discretion of the Probation Department. The combined earned errand time and earned pro-social time may not exceed six (6) hours per week unless specifically approved in advance by the Court.

The Board of Judges delegates the terms of placement in Community Corrections to the Community Corrections Director, and permits the director to change the terms of placement or reassign a person in CASP. Participants may be placed on GPS, alcohol-detect electronic monitoring enhancements or other conditions with the director's approval. Participants will be responsible for paying applicable adjustments to user fees for added services.

This Order applies to persons sentenced to, or released as a condition of bond to CASP Home Detention.

LR53-CR00-0318 PROBLEM SOLVING COURT CASE TRANSFERS

Updated 7/10/18

The Monroe County Problem Solving Court Program may initiate and/or accept transfers of individuals between other Monroe Circuit Court divisions. The Monroe County Problem Solving Court Program may initiate and/or accept transfers of individuals from Problem Solving Courts in other Indiana jurisdictions as stated in Section (b)(1)(2)(3) of the Indiana's Problem Solving Court Rules. The following policy and procedures shall be observed for the consideration of transfer to a Problem Solving Court:

A. An individual does not have a right to Problem Solving Court transfer. The sending and receiving Problem Solving Courts have the discretion to approve or deny a transfer application.

B. Any Monroe Circuit Court Judge may initiate a transfer request for a defendant to be evaluated for admission to a Problem Solving Court Program component.

C. A transfer is deemed approved only if both the sending and receiving Courts approve the transfer request by the issuance of a Court Order.

D. Monroe County Problem Solving Courts will abide by rules as stated in Section 26 (c) of Indiana's Problem Solving Court Rules.

E. Any of the Monroe Circuit Court Problem Solving Court Teams may initiate a transfer request to transfer a participant from one Monroe County Problem Solving Court Program component to another program component when a determination had been made by the Team that a participant may be more appropriate for another problem-solving court model. A transfer is deemed approved only if both the sending and receiving Problem Solving Courts approve the transfer request by the issuance of a Court Order.

F. Monroe County may initiate or accept transfers of individuals between other Indiana Problem Solving Court (PSC) Programs. Transfers from a Monroe County Problem Solving Court Program component to another Indiana Problem Solving Court Program will be made in writing if the individual is found to be formally eligible for PSC by the respective PSC Team. Likewise, only individuals who have been found eligible for the referring county PSC will be considered by Monroe County's PSC Program.

G. A PSC transfer-in received from another county shall be for the purposes of supervision and PSC participation only, including intermittent sanctioning authority. Transfers in and out of the county must be accompanied by the respective county's eligibility determination, accompanying assessment, and other collateral information. Incoming transfers must be reviewed by the respective Monroe County PSC Team to ensure the individual meets all program requirements, which includes county residency.

H. Upon receipt of a request to Transfer-in to a Monroe County Problem Solving Court Program, the Clerk of the Court shall assign a miscellaneous criminal (MC) case number (random assignment) to a Monroe Circuit Court Division. The respective court division will then transfer the case (if necessary) to the appropriate Problem Solving Court Division that will assume jurisdiction of the case. Monroe County PSC shall send the individual's court case back to the sending county when the PSC participant has completed all of the Monroe County PSC's participation requirements or has been terminated from the program.

I. A $25 transfer fee may be charged to individuals transferring into or out of a Problem Solving Court Program.

LR53-CR00-0319 PROBLEM SOLVING COURT CASE PROCESSING PROCEDURES

A. PROSECUTOR - Screens all new felony cases/filings for Problem Solving Court Program eligibility. Cases deemed Problem Solving Court Eligible are flagged by the Prosecutor on the charging information.

B. CLERK - Assigns a random cause number to the case.

C. INITIAL HEARING HELD WITH DUTY JUDGE - At Initial Hearing (IH), Prosecutor and/or Court Reporter notifies Duty Judge that case is Problem Solving Court eligible. Duty Judge orders Defendant when to appear for Problem Solving Court observation.

D. ENTRY IN COURT RECORD - Court Reporter makes IH Chronological Case Summary (CCS) entry

which states: "Defendant is to appear before Presiding Judge of Problem Solving Court on the date/time of the next Problem Solving Court session, for Problem Solving Court observation."

E. PROBLEM SOLVING COURT OBSERVATION AND ELIGIBILITY DETERMINATION STEPS:

1. Problem Solving Court (PSC) Observation - The Defendant appears for Problem Solving Court (PSC) observation the week following the Initial Hearing. At this first PSC observation, the Defendant observes a full session of PSC.

2. Problem Solving Orientation Session - After the observation, the PSC Director directs the Defendant to appear in the Probation Department for a Problem Solving Orientation Session and directs the Defendant to attend the weekly Problem Solving Court session until the Defendant is accepted/opts out/rejected from further consideration for the program.

   If the Defendant is in jail, the Director notifies the Defendant a video conference will be scheduled for the PSC Orientation and that the Defendant will be brought to court down to observe weekly PSC sessions until the Defendant is accepted/opts out/rejected from further consideration for the program.

   Problem Solving Court Program staff members conduct the PSC Orientation, explaining all of the rules and expectations of the PSC Program. The Defendant is told that he/she will need to be prepared to tell the Court whether or not he/she is willing to proceed with a PSC evaluation when he/she appears for the next PSC observation.

   The Defendant is given a PSC come-back date to observe PSC the week following the Orientation.

3. Ineligible and Opt Out - At any time following the PSC observation, if the Defendant either chooses to not participate in the PSC or the Defendant is found to be ineligible for participation, the Defendant will be referred back to the originally assigned Court for the scheduled Pre-trial Conference.

4. Next PSC Observation – At the next week's PSC observation, the PSC Director asks the Defendant if he/she is willing to proceed with a PSC evaluation. If the Defendant is not willing to proceed further, the PSC Director directs the Defendant to appear at the scheduled Pre-trial Conference in the originally assigned court. If the Defendant is willing to continue with the PSC assessment process, he/she is given an appointment/video conference time to meet with a PSC Case Manager for a PSC evaluation at a later date. Also, Defendants with private attorneys are directed to meet with their attorneys and discuss the option of PSC participation. The Defendant is then given a PSC come-back date for approximately two (2) – three (3) weeks later for the Change of Plea Hearing in the PSC.

5. Assessment and Evaluation - The PSC PO conducts the PSC assessment within 1-2 weeks following the PSC initial observation. At this assessment, the PSC PO schedules an evaluation appointment for the Defendant with the treatment provider, typically within 1 – 2 weeks following the PSC assessment. The PSC PO conducts a record/background check and prepares a report that closely resembles a Presentence Investigation Report with added emphasis on the substance use evaluation section.

6. Reports - Prior to the Change of Plea Hearing, the PSC PO completes an evaluation report

(*Problem Solving Court Recommendation Report*) and provides this report to the Judge and the PSC Team. Additionally, the treatment provider completes the treatment report, with recommended course of treatment outlined, and provides this report to the PSC PO.

7. PSC Change of Plea Hearing – Defendant appears for PSC Change of Plea Hearing. If Defendant is not admitted to the PSC, he/she is directed to report for the scheduled Pre-trial Conference in the originally assigned Court. If Defendant is found to be eligible and is willing to participate in the PSC Program, a Change of Plea hearing is held.

   The offender enters into a Problem Solving Court Agreement, agreeing to plead guilty to the offense. The State agrees to allow the Court to defer sentencing based on the offender's successful completion of the PSC Program.

   The PSC Court Reporter will notify the originally assigned Court of the Defendant's acceptance into the PSC Program through the issuance of an Entry of a Plea of Guilty, and the PSC Court Reporter sends a copy to the Clerk.

   The Court Reporter of the originally assigned Court records the transfer in the CSS. The originally assigned Court will vacate any upcoming hearings and transfer all pending criminal cases on that Defendant to the PSC.

8. Completion of Program - If the offender successfully completes the PSC Program, the case is dismissed with no conviction or adjudication entered.

   If the offender is terminated unsuccessfully from the PSC Program, the PSC PO files a Petition to Terminate and the Court sets up an IH for the Petition to Terminate. If the Defendant admits to the petition, the Court proceeds directly to sentencing. If the Defendant denies petition, the Court sets it for an evidentiary hearing.

LR53-FL00-0400 FAMILY LAW RULES SCOPE AND TITLE

Updated 7-1-2019

A. Scope. These Rules shall apply in the Monroe Circuit Court in all domestic relations, paternity, and child support cases in the Monroe Circuit Court unless otherwise ordered by a judicial officer presiding in a specific case. These Rules are in addition to, and are not intended to replace, the Local Rules of Practice and Procedure for the Monroe Circuit Court or the Indiana Rules of Trial Procedure. In the event of a conflict of rules in a family law matter in Monroe County, these Rules shall apply. These Family Law Rules shall be effective on July 1, 2019.

B. Title. These Rules shall be known as the "Monroe County Family Law Rules" and shall be referred to as LR53-FL00-04**.

C. Duties of Pro se Parties and Attorneys.

1. The Monroe Circuit Court expects and requires good faith cooperation and communication between parties. This is especially important in cases involving minor children.

2. Parents shall make every reasonable effort, through discussion and communication, to reach agreements that serve the best interests of children before seeking court intervention.

3. Attorneys shall help their clients reach just agreements and shall use all available means of communication to fairly resolve disputes and misunderstandings between the parties.

4. Whenever possible opposing attorneys in a family law case should communicate with each other and with any self-represented litigant to resolve pending matters and avoid unnecessary court action.

5. Attorneys shall at all times observe the obligation of a lawyer to maintain a professional, courteous, and civil attitude toward all persons involved in the legal system.

6. This rule is not intended to impede the obligation of an attorney to act as an advocate, or to affect a lawyer's duty to act promptly and diligently in the representation of a family law client.

LR53-FL00-0401 SELF-REPRESENTED LITIGANTS

Updated 7-1-2019

A. The same court rules apply to parties who are represented by lawyers and parties who represent themselves. Applicable rules include not only these rules, but also rules such as the Indiana Rules of Trial Procedure, Indiana Rules of Alternative Dispute Resolution, Indiana Administrative Rules, and others. The court is required to hold all parties to the same standards.

B. Self-Represented parties are required to file appropriate pleadings to initiate court action. The court will

accept pleadings on forms approved by the Monroe County Courts and by the Indiana Supreme Court. The court has the discretion to reject incomplete pleadings and other pleadings that do not satisfy Indiana law.

C. Any document filed with the court shall at a minimum, contain a "certificate of service" that states that the document was provided to the other party(ies); the method of sending the document to the other party(ies); and the date it was sent.

LR53-FL00-0402 ALTERNATIVE DISPUTE RESOLUTION:

Updated 7-1-19

A. Mediation is a preferred way to resolve family law issues. Parties shall attend mediation before any of the following contested court hearings, unless excused by the court:

1. final hearings;

2. post-decree hearings about child custody or parenting time..

B. Parties may either select a mediator by agreement or ask the court to appoint a panel of mediators.

C. Parties of limited means may request the service of the Family Court Mediation Program. Nominal charges for this program are assessed on a sliding fee scale, based upon income.

D. This rule does not require mediation of contempt motions that allege an emergency regarding safety of children, the failure to pay child support, or interference with court ordered parenting time.

E. A party may request to be excused from mediation for good cause shown, but a good cause does not include an assessment by the party or the attorney that the case is viewed as unlikely to settle at mediation.

F. Any mediation shall comply with the provisions of the Indiana Rules of Alternative Dispute Resolution, as they may be amended from time to time.

LR53-FL00-0403 CONFERENCES

Updated 7-1-2019

*A c*onference *with the court* may be set at any stage of the litigation. The court will not take testimony or admit exhibits at conferences. The conference may be used to assess and clarify the issues, advise the parties of required documentation (i.e. child support worksheets, financial declaration, etc.), to refer the case to mediation, to assign a hearing date, address case management deadlines, set deadlines for exchange of witness and exhibit lists, and/or other matters.

A. Party Attendance. If a party is represented by an attorney, the party is not required to attend with counsel unless the court directs otherwise. Parties (or their Counsel) may request that conferences be conducted telephonically.

B. Expedited Conferences. The court may set an expedited conference at any time to address a motion to continue or other motion that requires a prompt response.

C. Other Conferences. The court may, on its own motion, order the parties to comply with the terms of Trial Rule 16 (pretrial conferences).

LR53-FL00-0404 PRELIMINARY HEARINGS

Updated 7-1-2019

At or after the filing of a Petition for Dissolution of Marriage, a party may request a hearing on temporary maintenance, child support, child custody, possession of marital property, or counseling. The motion shall follow the requirements of the statute (IC 31-15-4) and be accompanied by an affidavit setting forth the factual basis for the relief requested.

*LR53-FL00-0*405 *ADMINISTRATIVE PROCEDURES*

Updated 7-1-2019

A. Exhibits –Form.
   1. Number of Copies: Parties shall bring sufficient copies of all exhibits to court such that each party (including, if applicable, the child support division, any Guardian ad Litem, etc.) and the Court receive a copy. In a case with two spouses that would be three copies (one for each party and one for the Court.)
   2. Nature of Exhibits: Any digital picture, movie, or recording must be submitted on a DVD, CD, USB drive, or printed such that the Court can maintain the evidence.
   3. Fasteners: Parties shall use removable fasteners such as binder clips or paperclips for exhibits and shall not use staples.
   4. Page Numbering: Parties are encouraged to number pages of all printed exhibits but must number pages of any printed exhibit containing more than ten pages.

B. Exhibits – Required. In every contested final hearing, each party shall bring as exhibits at least the following:
   1. A proposed Child Support Worksheet (if there are minor children in the case); and
   2. A completed Financial Declaration or Inventory with all supporting documents.

C. Motions to Shorten Time to Respond to Discovery: Motions to Shorten Time shall be held by the court for two business days, to give the other side opportunity to make objection.

D. Request for Hearing: Every request for a hearing shall include a brief statement of the issues to be decided at the hearing; whether ~~or not~~ an emergency exists that requires immediate court action; and an estimate of the time the court should allow for the hearing.

E. Summary Presentation: By agreement of the parties, all issues and evidence relevant to a domestic relations case may be presented in summary fashion by counsel.

F. Appointment of a Panel. If a court orders the parties to work with a professional such as a Mediator, a Custody Evaluator, a Guardian ad Litem, or a Commissioner, the court shall give the parties seven (7) days to agree to the professional. If the parties do not timely file an agreement the

Court shall issue a panel of three professionals and Petitioner shall strike first, within seven (7) days, and Respondent shall strike second, within seven (7) days of Petitioner's striking.

LR53-FL00-0406 CONTINUANCES

Updated 7-1-2019

A. Information in Motion. A motion to continue a hearing or trial shall contain the following:

1. The date and time of the hearing or trial for which a continuance is sought;

2. The reason for the continuance;

3. A good-faith estimate of the time needed for such hearing or trial when rescheduled;

4. The date and time opposing counsel/party was notified that the party would be seeking a continuance;

5. Whether opposing counsel /party agrees with or objects to the continuance; and

6. Contact information, including at least one telephone number, for any unrepresented opposing party, or an explanation of why that information is not available on diligent inquiry.

B. Continuances Sought for Conflicts:

2. Scheduling Conflicts. A motion for continuance based upon a scheduling conflict with a previously scheduled vacation shall state the date the vacation was set. A motion for continuance based upon a scheduling conflict with another case shall specify the other case name and number, the date on which the conflicting hearing or trial date was set by the other court, and the type of hearing or trial. Any such motion for continuance shall be filed within 7 days of the scheduling conflict becoming apparent.

3. Objections: If there is an objection to a continuance, the objecting party may ask the court to set a telephone conference to consider the objection.

C. Time for Ruling

1. If the Motion states that it is unknown whether there is an objection, or that the other party does object, then the court shall hold the Motion for four business days before ruling, to give the other parties a chance to file any objections.

2. If the Motion is made on an emergency basis, such as illness or unforeseen other emergency of the party, counsel, or a witness, the Court need not wait four business days to rule.

LR53-FL00-0407 SUBMISSION OF AGREEMENTS

Updated 7-1-2019

Written Agreements and Orders Required. No agreed matter shall be submitted unless accompanied with an agreement signed by both parties and a proposed order or decree.

LR53-FL00-0408 CHILD SUPPORT

Updated 7-1-2019

A. Worksheet Required. In all proceedings involving child support, each party shall include at least one Indiana Child Support Obligation Worksheet with every agreed order, and shall bring such as an exhibit at every hearing or trial. Child support rules are available at: https://www.in.gov/judiciary/rules/child_support and a Child Support Calculator is available at http://mycourts.in.gov/CSC/Parents/Defalt.aspx.

B. Deviations from Child Support Guidelines If an agreed amount of child support deviates from the amount shown on the Worksheet, the agreement shall set out the reasons for the deviation.

C. Income Withholding Order Required. In all proceedings involving child support, the Income Withholding Order required by IC 31-16-15-0.5 shall be submitted to the court with any agreement or proposed order. A blank order may be completed and printed at: https://www.acf.hhs.gov/sites/default/files/ocse/omb_0970_0154.pdf. The Family Court Mediation Project and IU Family & Children Mediation Clinic are exempt from the requirements to file Income Withholding Orders with the cases they mediate.

D. Child Support Arrearage Calculation Form. In all hearings involving a child support arrearage, including contempt hearings, the party alleging the child support arrearage shall file a completed Child Support Arrearage Calculation Form with the court at the hearing. A sample form is located at Appendix D to these Rules. Parties submitting an agreement need not complete the arrearage calculation form but should include information about the arrearage calculation in their agreement.

LR53-FL00-0409 CHILDREN IN FAMILY LAW CASES

Updated 7-1-2019

A. The best interest of children of divorcing parents and parents involved in paternity proceedings will be served by requiring parental participation in either an online education seminar called "Up to Parents" or an in-person seminar called "Children Cope with Divorce." Parties may select another program only with prior approval of the Court.
   1. Up to Parents may be reached at https://uptoparents.org/
   2. Children Cope with Divorce may be reached at https://www.franciscanhealth.org/health-care-services/children-cope-with-divorce-102

B. Required Participation: Both parents in initial dissolution cases and initial juvenile paternity cases involving children under the age 18 years shall participate in either Up to Parents or Children Cope with Divorce prior to final hearing.

C. Fees: Each parent is responsible for that parent's fee, although an allowance for indigent fee waiver may be available.

D. Resources in Cases Involving Risk to Child Safety. If either party alleges parenting time presents a risk to the physical safety or emotional endangerment of the child, the parties may request appointment of , or the Court may on its own motion appoint, a Guardian Ad Litem or Custody Evaluator. The request

shall contain the availability, name, address, and phone number of the recommended professional and the cost of services, and how the party proposes that costs will be divided. Parties of limited means may request a Civil Investigation to be conducted by a juvenile probation officer.

LR53-FL00-0410 FINANCIAL INVENTORY & DECLARATION

Updated 7-1-2020

A. Required Exchange: In a dissolution of marriage or legal separation case, both parties must complete the Financial Inventory or Financial Declaration attached at Appendix E and shall exchange at least seven (7) days prior to any mediation or final hearing. Additionally, either party may request completion through discovery and discovery deadlines would apply. The State of Indiana, when it is a party for child support purposes, is exempted from this requirement. No court order for such exchange shall be required.

B. Waiver: The parties may waive exchange of the Inventory or Declaration as part of an agreement. If the parties have a final hearing, they may not waive the exchange.

C. Required Exhibit: The parties shall each bring their Inventory or Declaration as an exhibit to final hearing.

D. Supporting Documents. For the purpose of providing a full and complete verification of assets, liabilities and values, at the time of the initial exchange, each party shall attach the supporting information that is reasonably available. "Reasonably available" means material which may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed, or is in the possession of the other party. Appraisals of real estate and pensions, or of personal property such as jewelry, antiques or special collections (i.e. stamps, coins, or guns), are not required. However, once an appraisal is obtained, it must be exchanged. Any language in these rules referring to the Inventory or Declaration means the form itself AND all supporting documents.

E. Updates: If, after a party has exchanged a verified Inventory or Declaration, that party discovers information not previously exchanged, that party shall A) informally provide such updates to the other party as quickly as feasible and B) provide an updated and verified form as soon thereafter as practical to the other party.

F. Admissibility:

a. An exchange of the Inventory or Declaration between the parties prior to filing the document in court represents negotiations.

b. Unless a party makes a specific objection to the admission of the other party's completed Financial Inventory or Declaration, it shall be admitted into evidence. Any objection shall be made only to that part of the other party's completed Financial Inventory or Declaration that is deemed objectionable and not to the entire completed Inventory or Declaration. A party does not waive the right to challenge the accuracy of the other party's completed Inventory or Declaration by failing to object to its admissibility.

G. Mandatory Discovery: The exchange of the Inventory constitutes mandatory discovery; thus, Indiana Trial Rule 37 sanctions may apply. Additionally, pursuant to Indiana Trial Rule 26(E)(2) and (3), the form bust be supplemented if additional material becomes available.

H. Confidentiality: Financial Inventories and Declarations may be withdrawn by the parties at the conclusion of the case with the agreement of all parties and the approval for the judge presiding in the case. Financial Inventories and Declarations and any supporting documents shall be maintained as confidential documents pursuant to Access to Court Records 5.

LR53-FL00-0411 TEMPORARY RESTRAINING ORDERS

Temporary restraining orders will be issued only in strict compliance with Trial Rule 65 (B).

LR53-FL00-0412 CONTEMPT ACTIONS

Updated 7-1-2019

All petitions for contempt shall state the date of each order and the specific provisions thereof that are violated. The petition for contempt must be signed, state whether incarceration is a requested remedy and must be in compliance with IC 34-47-3-5.

LR53-FL00-0413 ATTORNEY FEES

Attorney fees may be awarded based on evidence presented by way of Affidavit (or oral testimony if the Court shall allow) at the final or other hearing.

LR53-FL00-0414 ORDER FOR LAW ENFORCEMENT ASSISTANCE

Updated 7/1/19

An order directing the Bloomington Police Department, Monroe County Sheriff's Office, or other appropriate law enforcement agency, to accompany a party to his or her residence to obtain possession of property should read substantially as follows:

The _____ (name of agency) is hereby ordered to assist _____ (name) in taking possession of his/her personal property specified above at _____(address) on _____ (date) at _____a.m./p.m. for _____(duration)

LR53-FL00-0415 WITHDRAWAL OF COUNSEL

Updated 7-1-2019

Upon conclusion of a matter, the appearance of an attorney may be withdrawn by motion of that attorney. Such Motion to Withdraw must comport with TR 3.1(H). There is no automatic withdrawal of representation in Family Law matters.

LR53-FL00-0416 COLLABORATIVE LAW

Updated 7-1-2019

If the parties are both represented by attorneys trained in Collaborative Law, and have signed Collaborative Participation agreements with those attorneys to participate in a Collaborative Law family law matter, they

may file a Joint Petition for Dissolution, and may file a stipulation asking among other things that the case not be set for conference or hearing. If either party violates the agreement to proceed in the Collaborative Law process, the court must allow withdrawal of representation of both attorneys if so requested. Any "cooling off" period before a Motion to Withdraw Appearance may be granted must be noted in the Motion and a Hearing cannot be set within such a period except for emergencies.

APPENDIX A

STATE OF INDIANA
MONROE CIRCUIT COURT
301 North College Avenue, PO Box 547
Bloomington, Indiana 47402
(812) 349-2601

IN RE THE MARRIAGE OF CASE NO. 53C0__ _____DR_____

_____,
Petitioner

and

_____,
Respondent

SUMMONS
Dissolution of Marriage or Legal Separation

To: _____
_____
_____

The Petitioner has filed an action to dissolve your marriage or for legal separation. The issues raised in this action are stated in the petition which is attached to this summons. The petition also states the relief sought by the Petitioner.

You may file a counter petition if you wish to raise any issues not raised in the petition.

You will be notified by first-class mail of the date and time of the final hearing and any preliminary hearing(s). **If you do not file any response, or appear in court at the scheduled hearings, the issues raised in the petition will be heard and decided by the court in your absence without any further notice to you.** You must inform the court in writing if your mailing address on this Summons is not correct, or if you change your mailing address before a final order is entered in this case.

A final hearing may not be conducted earlier than 60 days after the filing of the petition.

_____ _____
Date Clerk, Monroe Circuit Court

A copy of the above summons and a copy of the complaint attached thereto were received by me this _____ day of _____, 2_____.

_____
Signature of Respondent

PRAECIPE: I designate the following mode of service to be used by the clerk:

_____ By **Certified or Registered Mail** with return receipt to above address.

_____ By **Sheriff** delivering a copy of summons and complaint personally to Respondent or by leaving a copy of the summons and complaint at his/her dwelling house or usual place of abode.

_____ By **Personal Service** delivering a copy of summons and complaint personally to Respondent.

_____ By **Serving an Agent** as provided by rule, statute, or valid agreement.

Signed: _____ Attorney/Petitioner
Printed: _____ Attorney# _____
Address: _____
_____
Telephone:

RETURN OF SUMMONS

This Summons came to hand on the _____ day of _____, 2_____ and I served the same on the _____ day of _____, 2_____.

1. By delivering a copy of summons and complaint personally to _____ on this _____ day of _____, 2_____.

2. By leaving a copy of summons and complaint personally with _____ on this _____ day of _____, 2_____.

3. By mailing by first-class a copy of summons and complaint on this _____ day of _____, 2_____ to _____ respondent's last known address.

4. Respondent cannot be found in my bailiwick and summons was not served.

And I now return this writ this _____ day of _____, 2_____.

_____ Sheriff

_____ Deputy

APPENDIX B

STATE OF INDIANA
MONROE CIRCUIT COURT
301 North College Avenue, PO Box 547
Bloomington, Indiana 47402
(812) 349-2601

IN THE MATTER OF
THE PATERNITY OF:

CASE NO. 53C0__ _____JP_____

_____,

_____,
Petitioner

SUMMONS
Paternity Action

To: _____
_____
_____

The Petitioner has filed a petition to establish paternity. The issues raised in this action for paternity are stated in the petition which is attached to this summons. The petition also states the relief sought by the Petitioner.

You may file a counter petition if you wish to raise any issues not raised in the petition.

You will be notified by first-class mail of the date and time of any hearings. **If you do not appear in court at the scheduled hearings, the issues raised in the petition will be heard and decided by the court in your absence without any further notice to you.** You must inform the court in writing if your mailing address on this Summons is not correct, or if you change your mailing address before a final order is entered in this case.

_____ _____
Date Clerk, Monroe Circuit Court

A copy of the above summons and a copy of the complaint attached thereto were received by me this _____ day of _____, 2_____.

_____
Signature of Respondent

PRAECIPE: I designate the following mode of service to be used by the clerk:

_____ By **Certified or Registered Mail** with return receipt to above address.

_____ By **Sheriff** delivering a copy of summons and complaint personally to Respondent or by leaving a copy of the summons and complaint at his/her dwelling house or usual place of abode.

_____ By **Personal Service** delivering a copy of summons and complaint personally to Respondent.

_____ By **Serving an Agent** as provided by rule, statute, or valid agreement.

Signed: _____ Attorney/Petitioner
Printed: _____ Attorney# _____
Address: _____
_____
Telephone:

RETURN OF SUMMONS

This Summons came to hand on the _____ day of _____, 2_____ and I served the same on the _____ day of _____, 2_____.

1. By delivering a copy of summons and complaint personally to _____ on this _____ day of _____, 2_____.

2. By leaving a copy of summons and complaint personally with _____ on this _____ day of _____, 2_____.

3. By mailing by first-class a copy of summons and complaint on this _____ day of _____, 2_____ to _____ respondent's last known address.

4. Respondent cannot be found in my bailiwick and summons was not served.

And I now return this writ this _____ day of _____, 2_____.

_____ Sheriff

_____ Deputy

APPENDIX C

Suggested acknowledgment for use under LR53-FL00-0410

[Caption]

ACKNOWLEGMENT OF RECEIPT OF
INDIANA PARENTING TIME GUIDELINES

The Petitioner and the Respondent acknowledge that they have received a copy of the Indiana Parenting Time Guidelines consisting of 24 typewritten pages as adopted by the Indiana Supreme Court on with an effective date of August 26, 2013.

Acknowledged this _____ day of _____, 2_____.

Petitioner	Respondent
Attorney for Petitioner	Attorney for Respondent

ACKNOWLEDGMENT OF USE

The parties further acknowledge that they have made reference to these Parenting Time Guidelines in the entry submitted in this cause and that these Guidelines will be used by the parties for the purpose of parenting time and in the resolution of any disputes on parenting time issues until further order of the Court.

Acknowledged this _____ day of _____, 2_____.

Petitioner	Respondent
Attorney for Petitioner	Attorney for Respondent

APPENDIX D

STATE OF INDIANA)
)SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

CAUSE NO. 53C0_____

IN RE THE MARRIAGE/PATERNITY
SUPPORT OF

_____

and

_____

CHILD SUPPORT ARREARAGE CALCULATION

Weekly child support amount _____

Date of child support order _____

Prior findings of arrearage and date of finding _____

Support owed [number of weeks X weekly amount] _____

LESS

Support paid through the Clerk's Office _____

Support paid directly _____

TOTAL ARREARAGE _____

DATE _____

I affirm under the penalties for perjury that the foregoing information is true and accurate to the best of my knowledge and belief.

_____ _____
Date Signature

APPENDIX E

MONROE CIRCUIT COURT FAMILY LAW RULES
FINANCIAL DECLARATION FORM

ALL PARTIES, INCLUDING PARTIES NOT REPRESENTED BY COUNSEL, ARE REQUIRED TO COMPLY WITH THE FAMILY LAW RULES AND TO COMPLETE AND EXCHANGE THIS FORM.

THIS DECLARATION IS MANDATORY DISCOVERY AND MUST BE COMPLETED AND PROVIDED TO THE OTHER PARTY WITHIN THE TIME PRESCRIBED BY MONROE COUNTY FAMILY LAW RULE LR53-FL00-0410.

FAILURE BY A PARTY TO COMPLETE, EXCHANGE, AND FILE THIS FORM AS REQUIRED MAY RESULT IN THE IMPOSITION OF COSTS, ATTORNEY FEES, AND OTHER SANCTIONS DETERMINED BY THE COURT.

A "LIVE" VERSION OF THE FINANCIAL DECLARATION FORM IS AVAILABLE AT: www.co.monroe.in.us Choose the Justice tab, Monroe Circuit Court, and select Divorce/Child Support. **A password is not required- click the "read only" box.**

APPENDIX F

INCOME WITHHOLDING FOR SUPPORT

☐ ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)
☐ AMENDED IWO
☐ ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT
☐ TERMINATION of IWO Date: _____

☐ Child Support Enforcement (CSE) Agency ☐ Court ☐ Attorney ☐ Private Individual/Entity (Check One)

NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions http://www.acf.hhs.gov/programs/cse/newhire/employer/publication/publication.htm#forms). If you receive this document from someone other than a State or Tribal CSE agency or a Court, a copy of the underlying order must be attached.

State/Tribe/Territory _____ Remittance Identifier (include w/payment) _____
City/County/Dist./Tribe_____ Order Identifier _____
Private Individual/Entity _____ CSE Agency Case Identifier _____

_____ RE: _____
Employer/Income Withholder's Name Employee/Obligor's Name (Last, First, Middle)

_____ _____
Employer/Income Withholder's Address Employee/Obligor's Social Security Number

_____ _____
Custodial Party/Obligee's Name (Last, First, Middle)

_____

Employer/Income Withholder's FEIN_____

Child(ren)'s Name(s) (Last, First, Middle)	Child(ren)'s Birth Date(s)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

***ORDER INFORMATION**:* This document is based on the support or withholding order from (State/Tribe).
You are required by law to deduct these amounts from the employee/obligor's income until further notice.

$ _____ Per_____ current child support
$ _____ Per_____ past-due child support - **Arrears greater than 12 weeks?** ☐ Yes ☐No
$ _____ Per_____ current cash medical support
$ _____ Per_____ past-due cash medical support

$ _____ Per_____ current spousal support
$ _____ Per_____ past-due spousal support
$ _____ Per_____ other (must specify) _____.
for a **Total Amount to Withhold** of **$** _____per _____.

AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:
$ _____ per weekly pay period
$ _____ per semimonthly pay period (twice a month)
$ _____ per biweekly pay period (every two weeks) ___
$ _____ per monthly pay period
$ _____ **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

REMITTANCE INFORMATION*:* If the employee/obligor's principal place of employment is (State/Tribe), you must begin withholding no later than the first pay period that occurs_____days after the date of_____. Send payment within_____working days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to_____% of disposable income for all orders. If the employee/obligor's principal place of employment is not_____(State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees at http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact for the employee/obligor's principal place of employment.

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit [SDU]), see http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_

Include the ***Remittance Identifier*** **with the payment** and if necessary this FIPS code: _____.

Remit payment to _____ (SDU/Tribal Order Payee)
at _____ (SDU/Tribal Payee Address)

☐ **Return to Sender [Completed by Employer/Income Withholder].** Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if required by State or Tribal law): _____
Print Name of Judge/Issuing Official: _____
Title of Judge/Issuing Official: _____
Date of Signature: _____

If the employee/obligor works in a State or for a Tribe that is different from the State or Tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.
☐ If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at:
http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm

Priority: Withholding for support has priority over any other legal process under State law against the same income (USC 42 §666(b)(7)). If a Federal tax levy is in effect, please notify the sender.

Combining Payments: When remitting payments to an SDU or Tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments To SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a Tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a Court, Attorney, or Private Individual/Entity and the initial order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the State (or Tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to Federal, State, or Tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the State or Tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

Lump Sum Payments: You may be required to notify a State or Tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by State or Tribal law/procedure.

Anti-discrimination: You are subject to a fine determined under State or Tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO.

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the State or Tribe of the employee/obligor's principal place of employment (see *REMITTANCE*

INFORMATION). Disposable income is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The Federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the State or Tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For Tribal orders, you may not withhold more than the amounts allowed under the law of the issuing Tribe. For Tribal employers/income withholders who receive a State IWO, you may not withhold more than the lesser of the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303(d) of the CCPA (15 U.S.C. 1673 (b)).

Depending upon applicable State or Tribal law, you may need to also consider the amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears greater than 12 weeks? If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the Employer should calculate the CCPA limit using the lower percentage.

Additional Information:_____

_____

_____

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS: If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, an employer must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the Contact Information below:

□ This person has never worked for this employer nor received periodic income.

□ This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: _____ Last known phone number: _____

Last known address: _____

_____

Final payment date to SDU/ Tribal Payee: _____ Final payment amount: _____

New employer's name: _____

New employer's address: _____

_____

CONTACT INFORMATION:

To Employer/Income Withholder: If you have any questions, contact _____ (Issuer name) by phone at_____, by fax at_____, by email or website at: _____.

Send termination/income status notice and other correspondence to: _____
_____(Issuer address).

To Employee/Obligor: If the employee/obligor has questions, contact _____ (Issuer name) by phone at_____, by fax at_____, by email or website at _____.

LR53-JR00-0500 JURY MANAGEMENT

A. The Judge or Court Reporter in each division will inform the Jury Coordinator of the status of scheduled jury trials.

B. The Jury Coordinator will use the jury message line on a daily basis to indicate to jurors the status of trials. Jurors are instructed to call the jury message line after 7 pm during their scheduled weeks of service.

C. If a jury is canceled after work hours (including a weekend or holiday), the Judge or Court Reporter will call the Office of Court Services staff at home in order to change the jury message line.

D. Meals for jurors will be provided on the last day of trial immediately prior to or during deliberations.

E. Miscellaneous civil files will be opened for individuals who fail to comply with jury service.

F. The Office of Court Services staff will provide the Judge with the names and addresses of those individuals who fail to comply. A 15 minute rule to show cause hearing will be set. The Office of Court Services staff will prepare the rule to show cause order and file it in the Clerk's Office with a judge's cause number which will be recorded in the Miscellaneous Civil Book. The caseload will not be affected.

LR53-FC00-0600 DEFINITIONS

A. Family Court. "Family Court" is the court, or courts, before which cases involving a family or household are linked together for purposes of case coordination. The individual cases maintain their separate integrity and separate docket number, but may be given a common family court designation. The individual cases may all be transferred to one judge, or may remain in the separate courts in which they were originally filed.

B. Family Court Proceeding. A "Family Court Proceeding" is comprised of the individual cases of the family or household which have been assigned to Family Court.

LR53-FC00-0601 EXERCISE OF JURISDICTION

The Family Court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case (Child in Need of Services, Delinquency, Status, and Paternity) involving the family.

LR53-FC00-0603 DESIGNATION OF FAMILY COURT CASE AND CHANGE OF JUDGE

A. Once notice is sent to the parties that a case has been selected for Family Court, no motion for change of venue from the judge may be granted except to the extent permitted by Indiana Trial Rule 76.

B. Within 10 days after notice is sent that a case has been selected for Family Court, a party may object for cause to the Family Court designation.

C. A motion for change of venue from the judge in any matters arising in the Family Court proceeding or any future cases joined in the Family Court proceeding after the initial selection of cases, shall be granted only for cause.

D. If a special judge is appointed, all current and future cases in the Family Court proceeding may be assigned to the special judge.

LR53-FC00-0604 JUDICIAL NOTICE AND ACCESS TO RECORDS

A. Notice of Case Assignment. Within a reasonable time after a case is assigned to Family Court, the court shall provide to all parties in the Family Court proceeding a list of all cases that have been assigned to that Family Court proceeding.

B. Judicial Notice. Any court having jurisdiction over a case assigned to Family Court may take judicial notice of any relevant orders or Chronological Case Summary (CCS) entry issued by any Indiana Circuit, Superior, County, or Probate Court.

1. If a court takes judicial notice of:

   a. A court order, the court shall provide a copy of that court order; or

   b. A CCS or CCS entry(s), the court shall provide a copy of the entire CCS.

2. The court shall provide copies of the order or CCS to the parties to the case at or before the time judicial notice is taken.

C. Access to Records. Parties to a Family Court proceeding shall have access to all cases within the Family Court proceeding, with the exception of confidential cases or records to which they are not a party. Parties may seek access to the confidential cases or records in another case within the Family Court proceeding in which they are not a party, by written petition based on relevancy and need. Confidential records shall retain their confidential status and the Family Court shall direct that confidential records not be included in the public record of the proceedings.

SMALL CLAIMS PROCEDURES

LR53-SC00-0700 SCOPE

A. Scope. These rules shall govern the procedure and practice of the Small Claims Division, Monroe Circuit Court.

B. Citation. These rules may be cited as LR53-SC00-07 **-

LR53-SC00-0701 COMMUNICATIONS WITH THE COURT

A. Written Communications. Any matter communicated to the court, outside of the courtroom, must be in writing and signed by the communicating party.

B. Case Identification and Duty to Serve. The communication shall contain the cause number of the case. The person filing the communication shall certify in writing that he or she has sent a copy of the communication to all parties.

LR53-SC00-0702 SCHEDULING

A. Initial Hearing. Upon the filing of a complaint, an initial hearing shall be scheduled by the Clerk of the court. Parties are not expected to be fully prepared for trial at the initial hearing, but must be prepared to present a prima facie case through direct testimony or affidavit in the event an opposing party fails to appear, in accordance with Indiana Small Claims Rule 10(b). The failure to appear at an initial hearing shall result in a judgment being entered upon the presentation of a prima facie case by the claimant present. If the plaintiff fails to appear at the time and place specified for the trial, or for any continuance thereof, the court may dismiss the action without prejudice.

B. Contested Hearing. If both parties appear at the initial hearing, the judge shall encourage the parties to resolve their dispute. If the parties are unable to achieve a resolution, they shall inform the judge of the need to schedule a trial and indicate the amount of time needed to present their respective cases.

C. Waiver of Initial Hearing. If the parties know prior to the initial hearing that the matter will be contested, a motion may be filed to vacate the initial hearing and schedule a contested hearing. The motion shall estimate the time needed to present the petitioner's case-in-chief and the time needed to present the case in opposition if that can be reasonably ascertained.

LR53-SC00-0703 CONTINUANCES

A. Written Motion Required. Continuances may be granted only upon good cause shown in a written motion signed by the moving party. A copy of motion must be mailed or delivered to the opposing party by the party requesting the continuance.

B. Advance Notice. A continuance will not be granted within 72 hours of the trial unless the opposing party agrees to the continuance or the judge determines a continuance is necessary

LR53-SC00-0704 DISCOVERY

A. Prior Informal Discovery Required. The parties must pursue informal discovery prior to petitioning the court for an order compelling discovery.

B. Relevant Formal Discovery. Upon a showing that informal discovery has failed and that the discovery requested is relevant and not unduly burdensome, the court may grant an order compelling discovery.

LR53-SC00-0705 DISMISSAL OF ACTIONS

A. Motion Required. A claim, counterclaim or cross-claim may be dismissed by filing a written pleading at any time before judgment.

B. Dismissals. If a counterclaim or cross-claim has been filed, the dismissal of the original claim will not result in the cancellation of the hearing unless the counterclaim or cross-claim has been dismissed.

LR53-SC00-0706 PROCEEDINGS SUPPLEMENTAL/WRITS OF ATTACHMENT

Updated 7/1/2019

A. Timing. A prevailing party may file a motion for proceedings supplemental after entry of the judgment in the Clerk's Record of Judgments and Orders. The judgment creditor must be present to enforce a monetary judgment.

B. Change of Circumstances. After a determination by the court that there is no income or property which may be applied to the judgment, the case will be redocketed for proceeding supplemental only if the judgment creditor can show that income or property has been discovered which may be applied to the judgment.

C. Service of Process.
   1. The filer shall send an order to appear for supplemental proceeding hearing to a judgment defendant by first class mail, postage prepaid, pursuant to Indiana Trial Rules 5 and 69(E).

   2. If a judgment defendant fails to appear at the supplemental proceeding hearing, the court may issue a garnishment order.

3. If a judgment defendant fails to appear at the supplemental proceeding hearing, the court shall, upon request of the judgment plaintiff, set the case for a rule to show cause hearing.

4. An order to appear for a rule to show cause hearing shall be served upon a judgment defendant by the Sheriff. If a Sheriff service fee has not been previously paid, the judgment plaintiff shall pay the Sheriff service fee within thirty (30) days.

5. If a judgment defendant fails to appear at a rule to show cause hearing after having been served with an order to appear, the court may issue a writ of attachment.

LR53-SC00-0707 BANKRUPTCY STAY

Any party seeking a stay of the proceedings as a result of a bankruptcy proceeding shall petition the court, attaching to the petition a copy of the Bankruptcy Cover Petition and the Schedule of Creditors.

LR53-PR00-0801 EFFECT ON OTHER LOCAL RULES

These Rules apply in estate cases in the Monroe Circuit Court. They are in addition to the Local Rules of Trial Procedure. If there is a conflict between these rules and the Local Rules of Trial Procedure, these rules shall prevail.

LR53-PR00-0802 FILING OF PLEADINGS

Updated 7/1/20

A. Mail Copies. When pleadings are filed by mail or left with the court for filing by attorneys who do not have distribution boxes in the Office of Court Services, a stamped self-addressed envelope shall be included for return of the pleadings to the party or attorney.

B. Preparation of Orders. A party filing a motion or petition shall provide the court with an appropriate proposed order at the time of the filing

C. Initial Petition. The initial petition opening the estate shall be accompanied by a completed Fiduciary Information Form that contains identifying information for the proposed personal representative, or other fiduciary. The Form will be available in the Clerk's office and on the court's website. The court will maintain the Fiduciary Information Form as a confidential court record pursuant to Access to Court Records 5.

LR53-PR00-0803 BOND

Updated 1/1/17

A. Corporate Surety Bond in Estates. In every estate, the fiduciary, prior to the issuance of letters, shall file a corporate surety bond in such amount as shall be set by the court, except as hereafter provided:

1. Where, under the terms of a will, the testator expresses an intention that the bond be waived, the court shall set a bond in an amount adequate to protect creditors, tax authorities, and devisees. This bond shall be a minimum of Twenty-Five Thousand Dollars ($25,000.00), Fifteen Thousand Dollars ($15,000.00) unless otherwise ordered.

2. Where the fiduciary is an heir or legatee of the estate, the court may reduce the bond by the amount of the fiduciary's share of the estate.

3. Where the heirs or legatees have filed a written request that the fiduciary serve without bond, the bond may be set in an amount adequate to protect the rights of the creditors and tax authorities only.

4. In an unsupervised estate, bond may be set at the discretion of the Court, and, unless otherwise ordered, shall be in the amount of Fifteen Thousand Dollars ($15,000.00).

5. No bond shall be required in any supervised estate in which a corporate fiduciary, qualified by law to serve as such, is a personal representative.

6. No bond shall ordinarily be required in an estate when the surviving spouse is the personal representative and is also the only heir or legatee, and the estate is solvent.

B. Inclusion of Agency Identification. The name, address, and telephone number of the insurance agency providing the corporate surety shall be typed or printed on all corporate bonds in any estate.

LR53-PR00-0804 INVENTORY AND DOCUMENTS SHOWING VALUE

Updated 7/1/20

A. SUPERVISED ESTATES. The court will maintain any inventory or accounting filed as a confidential court record pursuant to Access to Court Records 5.

B. UNSUPERVISED ESTATES. The court may require an inventory to be filed in unsupervised estates as a condition of continuing that status. If an inventory is filed with the court, it shall be maintained by the court as a confidential court record pursuant to Access to Court Records 5.

LR53-PR00-0805 REAL ESTATE

Updated 7/1/20

A. Filing of Appraisal. Any real estate appraisal filed with the court shall be maintained by the court as a confidential court record pursuant to Access to Court Records 5.

B. Time of Appraisal. All appraisals shall be made within one year of the date of the filing of the petition for sale of the real estate.

C. Deeds. Deed~~s~~ submitted to the court for approval in estate proceedings shall be signed by the fiduciary before a notary public prior to its submission.

D. Recording of Final Decree. Whenever a final decree reflects vesting of real estate in heirs or beneficiaries, the decree shall be recorded with the Recorder of the county where the real estate is located, and evidence of such recording shall be provided to the court with the supplemental report.

LR53-PR00-0806 SALE OF PROPERTY

Updated 7/1/20

A. Appraisal of Personal Property. In all supervised estates, no petition for sale of personal property shall be granted unless a written appraisal, prepared by a person competent to appraise such property and setting forth the fair market value of the property to be sold is filed with the court, either at the time of filing of the petition to sell or at the time the inventory is filed. This rule shall not apply if the property is sold at a public auction by written approval of the court. Upon request, the written appraisal shall be maintained by the court as a confidential court record pursuant to Access to Court Records 5.

B. Time of Appraisal. All appraisals shall be made within one year preceding the date of the petition to sell personal property.

C. Sale of Property at Market Value. No written appraisal shall be required for the sale of property traded in an open market when the value of that property is readily ascertainable. Such assets include, but are not limited to, stocks, bonds, mutual funds, commodities, precious metals and motor vehicles.

D. Unsupervised Administration. The court will not authorize or approve the sale of property in an unsupervised estate.

LR53-PR00-0807 CLAIMS

A. Examination of Claim Docket. Three months and fifteen days after the date of the first published notice to creditors, the fiduciary or the fiduciary's attorney, shall examine the Claim Docket and shall allow or disallow each claim filed against the estate, and file a notice with the court stating the action taken.

LR53-PR00-0808 ACCOUNTINGS

Updated 1/1/17

A. Intermediate Accounting. Whenever supervised estate cannot be closed within one year, an intermediate account shall be filed with the court within thirty days after the expiration of one year and each succeeding year thereafter. Such accounting shall comply with the provisions of Indiana Code Sections 29-1-16-4 and 29-1-16-6, and

1. Shall state facts showing to the court the reasons the estate cannot be closed and providing the court with an estimated date of closing;

2. Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees, claimants, and taxing authorities.

B. Vouchers and Cancelled Checks. In all supervised estate accountings, vouchers or cancelled checks for the expenditures claimed shall be filed with the accounting. An affidavit~~s~~ in lieu of vouchers or cancelled checks may be accepted from the fiduciary-provided the fiduciary retains the vouchers or cancelled checks on file or by a digital image, and is able to, and will

C. Expenditure Notation. In all supervised estate accountings, a notation shall be placed by each reported expenditure indicating the check number, date, payee, and reason for, or nature of the expenditure. Missing checks shall be accounted for

D. Itemized Statement of Assets. All accountings to the court shall contain an itemized statement of all assets on hand.

E. Payment of Costs and Claims. All court costs shall be paid and all claims satisfied and released before the hearing on the final account, and a Clerk's Certification (attached form at Appendix A) shall be filed with the Court before the final account will be approved.

F. Tax Closing Letters. If required, the Federal Estate Tax Closing letter showing payment of all Federal estate tax liability in the estate shall be attached to the final report at the time of filing, unless previously filed.

LR53-PR00-0809 FEES OF ATTORNEYS AND FIDUCIARY

A. Order Approving Fees. No fees for attorneys or fiduciaries shall be paid out of any supervised estate without prior written order of the court. Appropriate proposed orders should be submitted to the court at the time a petition to approve fees is filed. All proposed orders for approval of fees for attorneys or fiduciaries shall provide that such fees are not to be paid until the interim account or the final account has been approved by the court. Fees based on the value of the estate will not ordinarily be approved by the court.

B. Unsupervised Administration. The court will not decide, authorize or approve the payment of attorney fees or fiduciary fees in an unsupervised estate.

LR53-PR00-0810 UNSUPERVISED ADMINISTRATION

A. Statutory Requirements. A petition for administration without court supervision may be granted if the requirements of Indiana Code 29-1-7.5-2(a)(4) are met, and there is compliance of all other requirements of Indiana Code 29-1-7.5-2(a).

B. Costs and Claims Paid. All court costs shall be paid and all claims satisfied and released on or before the date of the filing of the closing affidavit, and a Clerk's certification thereof (see Appendix A) shall be filed with the court at the time such closing affidavit is filed with the court evidencing payment of court costs and all claims have been filed.

APPENDIX A

STATE OF INDIANA)
)
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

CAUSE NO._____

IN THE MATTER OF
THE ESTATE OF

CLERK'S CERTIFICATE AS TO COSTS/CLAIMS

_____This is to certify that all costs have been paid in this proceeding through _____
(Date)

In addition, all claims filed in this proceeding have been satisfied and shown

released. _____
Yes/No

If no, list the claims that remain pending: _____

_____

_____

Date: _____

Clerk, _____ County

LR53-GU00-0800 GUARDIANSHIPS

A. Presence of Incapacitated Person. In all guardianship proceedings seeking to declare an adult incapacitated for any reason, the incapacitated person shall be present at the hearing or there shall be sufficient evidence presented showing that the alleged incapacitated person is unable to appear.

B. Appointment of Guardian Ad Litem or Attorney. The Court may in its discretion determine that the alleged incapacitated person should have a guardian ad litem or attorney appointed to represent his or her interests, and the hearing for appointment of a guardian for the alleged incapacitated person may be continued by the Court for that purpose.

C. Physician's Report. In all guardianship proceedings seeking to declare an adult incapacitated, a physician's report by the doctor treating the alleged incapacitated person, or such additional evidence as the Court may require, shall be presented to the Court at the time the petition is filed or on the date of the hearing. No determination will be made without a supporting medical report or testimony at hearing. (See Appendix B.)

D. Current Reports. Current reports filed by a guardian of the person shall state the present residence of the incapacitated person and a statement of the incapacitated person's current condition and general welfare. If the incapacitated person is an adult, a report of 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.

E. Biennial reports and bond Premium Payment. The guardian of the incapacitated person shall file current reports biennially or at such other times as ordered by the Court. If a guardian's bond is required, the guardian of the incapacitated person shall submit to the Court proof of payment of current premiums due on said bond. Failure to comply with this section may result in removal of the guardian.

F. Petition for Guardianship of a Minor. In every petition for the appointment of a guardian of the person of a minor child, the following information shall be contained in the petition:

1. The present address of the child.

2. The places where the child has resided during the past two years, and the names and present addresses of the persons with whom the child has lived during that period. If such information is not available, the petition should state the reason for such unavailability.

3. Whether, to petitioner's knowledge, any other litigation is pending in this state or in any other state concerning the custody of the child.

4. 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.

G. Hearings. Hearing shall be scheduled by the Court on any petition seeking guardianship over an adult alleged to be an incapacitated person. Hearings shall be held on any petition seeking a guardianship over a child unless the guardianship is being established for school purposes only. If the guardianship is being established for school purposes only, the Court may waive the necessity of hearing.

H. Rules of the Veteran's Administration. Nothing contained in these rules shall amend or supersede the Probate Rules and Regulations promulgated by the Veteran's Administration of the United States, and every guardian appointed by the Court or the attorney for such guardian shall comply with those Rules and Regulations, if applicable

LR53-GU00-0801 EMERGENCY DETENTION PROCEDURE

A. In order to hospitalize a person on an emergency detention order, staff of the health care facility shall:

1. Complete the necessary commitment forms with the signatures of the petitioner and the physician.

2. During working hours call Circuit Judge, Division VII, to obtain verbal authorization. Fax a judicial endorsement form to the Judge for signature.

3. After working hours, call the duty judge to obtain verbal authorization. On the signature line of the judicial endorsement for write: *per verbal order, date and time.*

4. The next business day, fax a judicial endorsement form to the court reporter, Division VII, for judge's signature. The completed form shall be faxed back to the health care facility.

B. The court reporter, Division VII, shall file the original signed judicial endorsement form in the RJO and a copy of the form in the case file.

APPENDIX A

CERTIFICATION BY FINANCIAL INSTITUTION

TO: _____

FROM: _____
(Guardian's Name)

RE: Guardianship of _____

In order to comply with the rule of the Monroe Circuit Probate Court, I am required to file a certification of Account Balances. Please certify the balances and names on the accounts I have listed below.

DATED: _____ _____
Guardian's Signature

For Bank Use Only:

I certify that on the _____ day of _____, 20__, the last day of the period covered by this accounting, there was on deposit in this institution to the credit of the Guardian, the following balance:

Name on Account	Account Number	Balance	Date

Name and Address of Institution:

_____
_____
_____

Signature of Certifying Officer: _____
Printed: _____
Title: _____
Date: _____

APPENDIX B

STATE OF INDIANA)
)
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

CAUSE NO._____

IN THE MATTER OF THE
GUARDIANSHIP OF
_____

PHYSICIAN'S REPORT

_____, a physician licensed to practice medicine in all its branches in the State of Indiana, submits the following report on _____ _____, alleged incapacitated person, based on an examination of said person on the _____ day of _____, 20___.

1. Describe the nature and type of the incapacitated person's disability:

_____

_____

2. Describe the incapacitated person's mental and physical condition; and, when it is appropriate, describe educational condition, adaptive behavior and social skills:

_____

_____

3. State whether, in your opinion, the incapacitated person is totally or only partially incapable of making personal and financial decisions; and, if the latter, the kinds of decisions which the incapacitated person can and cannot make. Include the reason or reasons for this opinion.

_____

_____

_____

4. What in your opinion is the most appropriate living arrangement for the incapacitated person; and, if applicable, describe the most appropriate treatment or rehabilitation plan. Include the reason or reasons for your opinion. _____

_____

_____

5. Can the incapacitated person appear in court without injury to his/her health? _____. If the answer is no, explain the medical reasons for your answer.

_____

_____

I affirm, under the penalties for perjury, that the foregoing representations are true.

Signature: _____
Printed: _____
Address: _____

City/State/Zip: _____
Telephone: _____

This report must be signed by a physician. If the description of the incapacitated person's mental, physical and education condition, adaptive behavior or social skills is based on evaluations by the professionals, all professionals preparing evaluations must sign the report. Evaluations on which the report is based must have been performed within three (3) months of the date of the filing of the petition.

Names and signatures of other persons who performed evaluations upon which this report is based:

Name: _____
Address: _____
Signature: _____
Date: _____

Name: _____
Address: _____
Signature: _____
Date: _____

DR20-AR03-0001 ADMINISTRATIVE DISTRICT LEADERSHIP

A. Executive Committee. The Administrative District Executive Committee shall serve as the governing authority of the Administrative District.

B. Selection of Executive Committee.
   1. Local County Representatives. Each county shall select a Judicial Officer to represent that County on the Administrative District Committee. However, should a judge serve on the Board of Directors of the Indiana Judicial Conference as at-large appointee by the Indiana Supreme Court, that judge shall serve as the county representative.
   2. Term of Service.
      a. Each County Representative shall serve on the Executive Committee for a term of three (3) years and for a maximum of no more than two (2) complete terms, without a break in service.
      b. Each County Representative's term of service shall begin on January 1, and shall continue until her/his successor has been selected.
   3. Initial Term of Service. In order to ensure that terms of service on the Executive Committee are staggered, the initial terms of service are hereby established as follows:
      a. Greene County. The Greene County Representative shall serve an initial term of one (3) year, which initial term shall terminate on or about December 31, 2015. At the discretion of the Executive Committee, the term of service for the Greene County Representative need not include the initial term of service.
      b. Lawrence County. The Lawrence County Representative shall serve an initial term of two (2) years, which initial term shall terminate on or about December 31, 2014. At the discretion of the Executive Committee, the term of service for the Lawrence County Representative need not include the initial term of service.
      c. Monroe County. The Monroe County Representative shall serve an initial term of two (2) years, which initial term shall terminate on or about December 31, 2014.
      d. Owen County. The Owen County Representative shall serve an initial term of three (3) years, which initial term shall terminate on or about December 31, 2015.

C. Chair of the Executive Committee.
   1. No later than February 1 of each year, the Members of the Executive Committee shall select one (1) of their number to serve as the Chair.
   2. The Chair shall serve a term of one (1) year, which may be renewed.
   3. Chair of the Executive Committee shall schedule and preside over the meetings of the Executive Committee.
   4. The Chair of the Executive Committee shall serve as the Representative to the Indiana Judicial Conference Board of Directors. The Chair is responsible for the distribution of materials from the Indiana Judicial Conference to the Executive Committee and for the compilation of comments and concerns of the District's judges. This provision shall initially take effect at the conclusion of the Annual Meeting of the Indiana Judicial Conference/Board of Directors meeting on or about September 20, 2014, and shall continue thereafter in compliance with I.C. 33-38-9-4.

D. Meetings of the Executive Committee.
   1. The Executive Committee shall meet at least two (2) times per year.
   2. The meetings shall occur no later than April 30 and October 30 of each year.
   3. Attendance at meetings via electronic or telephonic means is acceptable.