



Parke Circuit Court
116 W. High St., Rockville, IN 47872
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**Notice of Proposed Amended Bail Schedule and Repeal of Current Rule on
Required Transparenting Seminar
September 28, 2016**

In accordance with Trial Rule 81, the Parke Circuit Court hereby gives notice to the bar and the public that the Court proposes to amend **Local Rule 16** at **LR 61-CR00-CR-16** on **Minimum Bail Schedule** and to repeal the current rule **Local Rule 15** at **LR 61-FL00-CR-15** on **Required Transparenting Seminar**. The Judge of Parke County Circuit Court finds good cause under TR 81 (D) to deviate from the schedule for amending local court rules. Supreme Court approval is **not** required for these local rule changes. New language is indicated by underlining and deleted language by ~~striking through~~.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment will begin on **September 29, 2016** and will close on **October 29, 2016**.

The effective date of these changes will be **November 1, 2016**.

Comments by the bar and the public should be made in writing and mailed to:
Hon. Sam A. Swaim, Judge, Parke Circuit Court, Attn: Public Comment on Local Rules, Parke Circuit Court, 116 West High Street, Room 203, Rockville, IN 47872, or by email to:
Judge@parkecounty-in.gov.

A paper copy of the proposed new local rule will be made available for viewing in the office of the Clerk of Parke County, 116 West High Street, Room 204, Rockville, IN 47872 during normal business hours.

LOCAL RULE 15
(LR61-FL00-FL-15)
TRANSPARENTING SEMINAR REQUIRED

- ~~A. Mandatory Attendance. In any divorce, legal separation or paternity matter involving parenting time with children under the age of sixteen (16) years of age, both parents to the proceedings shall attend and complete the seminar "Transparenting". In any post-dissolution or post-paternity proceeding where parenting time is an issue, both parties shall attend and complete the seminar unless a party has attended the seminar within the prior two (2) years.~~
- ~~B. Failure to attend seminar. A failure to attend and complete the seminar may constitute cause for denial of the granting of a dissolution; or, if one party attends the seminar and the other party does not do so in a timely manner, the Court may proceed with a hearing on all pending matters and consider the non-compliance as evidence against said noncompliant party (which may result in a loss of parenting time) or the Court may order a continuance of the matter until attendance has been accomplished. A party, with leave of court, may attend a similar seminar or program in lieu of "Transparenting".~~
- ~~C. Exceptions. A party may request that the "Transparenting" seminar be waived by the Court under the following conditions: (i) if both parties have signed a written agreement on all pending matters concerning the children, (ii) an emergency exists and there is not adequate time to attend the seminar, or (iii) other good cause shown. A request for such a waiver must be filed with the Court consistent with the Indiana Rules of Trial Procedure and specifically state the reasons asserted for the waiver.~~
- ~~D. Notice Requirement. At the time of the filing of any motion/petition affecting parenting time, the moving party shall serve notice upon the opposing party of the requirement of attendance in the Transparenting seminar. The Court has prepared a notice form and it may be obtained from the Parke County Clerk's Office.~~
- ~~E. This Rule shall cover all matters filed on or after July 1, 2014.~~

LOCAL RULE ~~16-15~~
(LR 61-CR00-CR-16 15)
MINIMUM BAIL SCHEDULE
(Revised September 27, 2016)

A. **For crimes charged July 1, 2014 and after**, the standard minimum bail set in criminal cases shall be as follows:

<u>FELONY CLASSIFICATION</u>	<u>AMOUNT</u>
Murder	No Bond
Level 1	\$100,000
Level 2	75,000
Level 3	50,000
Level 4	35,000
Level 5	15,000
Level 6	10,000
Level 6 (Operating Vehicle While Intoxicated)	8,000
<u>MISDEMEANOR CLASSIFICATION</u>	<u>AMOUNT</u>
A (OVWI and BAC)	\$ 8,000
A	5,000
B	3,000
C	3,000
C (Operating with .08% or More BAC)	8,000

For crimes charged prior to July 1, 2014, the standard minimum bail set in criminal cases shall be as follows:

<u>FELONY CLASSIFICATION</u>	<u>AMOUNT</u>
A	\$100,000
B	50,000
C	15,000
D	10,000
D (Operating Vehicle While Intoxicated)	7,000
<u>MISDEMEANOR CLASSIFICATION</u>	<u>AMOUNT</u>
A (OVWI and BAC)	\$ 7,000
A	5,000
B	3,000
C	3,000
C (Operating with .08% or More BAC)	7,000

B. Violent Offenses. Any person charged with a violent offense against another person, including all forms of battery and invasion of privacy, or an attempt at such a crime, should not be released till after his/her initial hearing unless otherwise ordered by the Court.

C. Probation. Persons known to be on probation at the time of their arrest should not be released till after his/her initial hearing unless otherwise ordered by the Court.

D. The Court may fix a higher or lower bail upon the showing of appropriate circumstances. All bail fixed pursuant to this schedule shall be reviewed upon motion of any party.

E. Allowance of 10%

1. Any person charged with a Class D/Level 6 Felony or a Misdemeanor who are found:

- a.) To have close ties to the community;
- b.) Not to have been previously convicted of a felony or a misdemeanor; and
- c.) Not presently on bond, parole or probation for any other offense;

may be entitled to release upon posting 10% cash bond **in the defendant's name** with the Clerk of the Court or the Parke County Jail.

F. Special Circumstances. In Misdemeanor and Class D/Level 6 Felony offenses, The Sheriff of Parke County and/or the Parke County Prosecutor or his Deputies have the discretion, under circumstances they deem appropriate [for example, there is good reason to believe an offender has severe medical problems, is at risk regarding his or her own health or that of others at the jail] to release an offender and give him or her an appearance date for Court on his or her own recognizance or by posting 10%, and has the discretion upon the approval by the Judge of the Parke Circuit Court or the Parke County Prosecutor or his Deputies to release **ANY** defendant, but under no circumstances shall a defendant charged with an alcohol related offense be released before his blood alcohol level is less than .08% pursuant to I.C. 35-33-1-6.

G. Any person who is not a citizen of the United States of America is inherently a flight risk, and therefore, should not be released prior to his or her initial hearing unless otherwise ordered by the Court.

~~G.H.~~ The Parke County Clerk's Office and the Parke County Sheriff's Department are directed to follow any decision made by the Parke County Prosecutor or his Deputies with respect to any issue concerning the setting of bond, the posting of bond, and the release of any defendant being held in the Parke County Jail.

~~H.I.~~ No property bond shall be accepted or allowed. Surety bonds shall not be accepted or allowed unless prior approval is granted by the Court.

~~I.J.~~ Effective Date. This Schedule shall be effective for all charges filed on or after July 1, 2014.

LOCAL RULE ~~17~~ 16
FAILURE TO PAY SERVICE FEE
(LR61-AD00-AD-~~17~~ 16)

1. Per I.C. 33-32-2-10, the initial mailing of a document by registered or certified mail sent: **(1)** to each party who is required to receive the mailing; and **(2)** to only one (1) of the party's addresses; shall be paid out of court costs and fees collected under IC 33-37. If a person requests the clerk to send a mailing by registered or certified mail after the initial mailing, that person shall the cost of the mail.
2. The cost of additional mailing shall be \$4.50 per item (or the prevailing costs as determined by the clerk), or the attorney/party can provide the certified mailing materials with postage pre-paid.
3. If a person fails to comply with paragraph #2, then the clerk shall not issue the mailing(s) till compliance occurs. If the person requesting the mailing is also requesting that a hearing be set, no such hearing shall be set till compliance occurs. The clerk shall notify the person requesting the mailing of the non-compliance and note the same on the CCS.

(Adopted effective September 15, 2014)