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1000 SERIES PORTER COUNTY LOCAL SMALL CLAIMS RULES

LR64-SC00-1000 GENERAL PROCEDURE

1000.10 Conflict of Rules. All small claim proceedings in the Porter Superior Court, County Division shall be governed by the Small Claims Rules promulgated from time to time by the Indiana Supreme Court, and these published herein. In any instance where these rules conflict with the rules of the Indiana Supreme Court, the latter shall control.

1000.20 Tender of Completed Documents and Proper Costs. Parties or their attorneys are solely responsible for tender to the Court of any documents desired to be filed in complete and correct form, together with proper costs and the correct number of copies, as determined by the Clerk. Neither the Court nor the Clerk will be responsible for delays or deadlines missed due to the tender of incomplete or incorrect documents, improper costs, or insufficient number of copies.

1000.30 Appearance by Husband or Wife. Except for hearing on proceedings supplemental or by contrary order of the Court, appearances by a party's spouse shall be considered the appearance of the party upon said spouse's representation on the record that the party and the appearing spouse are currently married and cohabiting.

1000.40 Parties Current Addresses. Notices from the Court will be sent to the parties at the most recent address in the Court's possession. The parties are solely responsible to advise the Court in writing of any change of address. Failure of plaintiff to notify the Court of his/her current address may result in the dismissal of the claim.

LR64-SC2-1100 FORMS

1100.10 Court's Forms. The Court shall from time to time, and through consultation with the Clerk, draft forms for use of litigants, the Clerk, and the Court in small claims actions. All small claims shall be filed on forms furnished by the Clerk of the Court.

1100.20 No Other Forms. Originals or photocopies of the forms described in LR64-SC2-1100.10 shall be acceptable for filing. Any other form, photocopy or computer generated copy thereof presented to the Clerk shall be accepted for filing upon approval of the Judge to whom the case is assigned.

1100.30 Production and Form. All filings shall be placed on white, 8-1/2" x 11" paper, with printing or writing on one side only

LR64-SC00-1200 HEARING CALENDARS

1200.10 General Procedure. Upon the filing of a notice of claim, the Clerk shall schedule an initial hearing for the purpose of determining whether the matter is settled, contested, uncontested or to be dismissed. If uncontested, the Court or parties shall prepare Agreed Judgment forms. If contested, the Court shall set the matter for trial or mediation. The parties need not bring their exhibits or witnesses to the initial hearing, except in eviction hearings. In order to expedite the process, any County Division Judge may direct the Clerk to inform and instruct (in writing) the litigants that the bench trial shall proceed at Initial Hearing.

1200.20 Change of Calendar. Should any party file a motion to continue the initial hearing, the Court may grant or deny the motion, or strike the initial hearing and set the matter for bench trial at a later date. The moving party must notify the other party of the continuance motion and serve notice thereon.

1200.30 Alternative Dispute Resolution in SC Cases. The Court may order Alternative Dispute Resolution (ADR) in the form of mediation at the request of either party or in the discretion of the Court.

LR64-SC9-1300 CONTINUANCES

1300.10 General Rule. With appropriate verified written motion and for good cause only, any party may file a motion to continue the initial hearing, eviction hearing, bench trial, motions hearing or proceedings supplemental to judgment, stating cause for such continuance. Continuances are highly disfavored and interfere with the general principle of quick and speedy justice in the Small Claims Rules. A continuance under this subsection may not be granted within 24 hours of the trial, unless approved by a Judge. All motions for continuance must be made in person or by the party's attorney who has filed a written appearance on behalf of said party. The party or attorney obtaining the continuance shall notify any opposing party in a timely fashion.

1300.20 No Delay Beyond Nine (9) Months. No case shall be continued for trial beyond nine (9) months from the date the action is filed. Only extreme hardship or emergency shall serve as an exception. Any continuance shall be granted only by the Court upon due showing of extreme hardship or emergency by either party. Said hardship condition shall be reported to the Court immediately upon learning of the hardship. In the event such extreme hardship or emergency is shown, the Court will grant an additional continuance for a period not longer than necessary.

1300.30 Possession of Real Estate. No continuance shall be granted to a defendant where the action involves the issue of possession of real estate, except for good cause shown and upon approval by the Court.

1300.40 Sanctions for Failure to Notify. Where notice of continuance has not been timely given, the Court may assess sanctions which may include, but are not limited to, reasonable attorney's fees, lost wages and other costs for each party and necessary witness appearances due to lack of notice. Motions for sanctions shall be heard as a part of the trial on the merits.

LR64-SC10-1400 DISMISSAL OF ACTIONS

1400.10 Dismissal by Plaintiff. Any claim may be dismissed by the plaintiff at any time before judgment has been entered unless a counterclaim has been filed by a defendant. The Court may dismiss any Notice of Claim, subject to amendment, which is so vague or ambiguous as not to state a proper cause of action.

1400.20 Dismissal by Stipulation. Any claim may be dismissed by filing a stipulation of dismissal signed by all parties to the claim.

1400.30 Conversion of Action from Small Claims to Plenary Docket. Should any party seek to have a small claims case converted to the plenary docket, the party shall first pay the difference in filing fee between small claims and the plenary docket. Should a case be filed on the plenary docket seeking less than the statutory maximum damages of small claims court, the plenary court may have the matter transferred to small claims court without reimbursement of any difference in filing fees. The Clerk shall then assign an SC designation to the caption and file. If any pending case having an SC designation is converted or transferred to the plenary docket and is given a PL, CT, or CC case designation, the Clerk shall affix the appropriate new designation to the caption and file and the case shall remain in the same court as the original SC designation. A party plaintiff may not file consecutive cases against the same defendant to bypass a plenary designation or to avoid Small Claims Rule 8 requiring an attorney appearing for a corporate party.

1400.40 Request for Jury Trial. No request for a jury trial by Plaintiff shall be granted. Upon request by Defendant, a verified statement of the factual issues to be determined must be made contemporaneously with the request for jury trial.

LR64-SC10-1500 DEFAULT

1500.10 Grace Period. The Court shall permit each party a ten (10) minute grace period to appear for any proceeding.

1500.20 Default of Defendant. Upon the failure of a defendant to appear at any hearing, or trial, judgment may be entered against said defendant on the merits.

1500.30 Default of Plaintiff. Upon the failure of a plaintiff to appear at any hearing or at a trial on the merits, the cause may be dismissed without prejudice. Further, default judgment may be entered for the defendant against the plaintiff on any timely-filed counterclaim. Upon plaintiff's failure to appear at the initial hearing or at a trial on the merits in a subsequent cause based on the same facts as the cause earlier dismissed without prejudice, the cause may be dismissed with prejudice and a default judgment may be entered for the defendant against the plaintiff on any timely-filed counterclaim.

1500.40 Notice in the Event of Inadequate Service. Where the Court has received return of service which discloses less than ten (10) days notice to any defendant of a hearing set pursuant to LR64-SC00-1200, and the defendant fails to appear for said hearing, the plaintiff shall not be entitled to entry of default. If the plaintiff wishes to proceed, the Clerk shall notify the defendant of a new calendar setting by first class mail to the address at which service was obtained. Such notice is sufficient if said notice is sent and the hearing set so as to comply with T.R. 6 and S.C. 2.

1500.50 Setting Aside Default Judgment. A default judgment may be set aside according to the procedure set forth in S.C. 10(C).

(1)Expedited Hearing. An expedited hearing on such a motion to set aside default judgment shall be set on the Judge's calendar.

(2)Stay of Collection Proceedings. In any cause in which a motion to set aside default judgment has been filed, collection proceedings as to the judgment debtor filing the motion will not be stayed unless a motion to stay such proceedings is filed and granted.

1500.60 Default on Proceedings Supplemental. The Court may permit the parties a ten (10) minute grace period to appear for any proceeding supplemental hearing. After the ten (10) minute grace period has elapsed the court may issue appropriate orders including dismissal of the hearing, or default orders against a judgment debtor.

LR64-SC00-1600 ATTORNEY FEES

Evidence Required to Support Award. The amount of attorney fees awarded shall be within the sound discretion of the Court. No attorney fees shall be requested unless provided for by written agreement between the parties, applicable statute or common law. In the event attorney fees are requested pursuant to a written agreement a copy of said agreement shall be filed with the Court.

Absent the filing of an appropriate fee affidavit, attorney fees for an NSF check shall be based upon the actual amount of the check.

LR64-SC00-1700 JUDGMENTS FOR

POSSESSION OF REAL ESTATE

1700.10 Bifurcated Hearing and Expedited Hearing on Possession. Hearings in actions involving the issue of possession of real estate shall be bifurcated. The possession hearing shall be set in an expedited setting as an initial hearing to determine whether a breach of any lease term has occurred. A final judgment for the possession of the real estate shall be entered at the initial hearing and a judgment for back rent and/or other damages, if any, shall be entered at a separate damages hearing. Prior to or at the damages hearing, the landlord shall have completed for tender to the Court the Landlord Computation of Damages Form (See Appendix). At the damages hearing, the parties shall be required to advise the Court of any subsequent change of address during the pendency of the action.

1700.20 Notice to Tenant. Unless the landlord shall file the pleading and bond set forth in I.C. ··32-6-1.5-1, et seq., notice of the possession hearing shall be served on a tenant not less than ten (10) days prior to the possession hearing. Should a landlord request a continuance of the possession hearing, the landlord must serve new notice to the tenant of the possession hearing. A landlord may not utilize the damage hearing to seek ejectment, unless tenant is aware of the issue and possibility of ejectment and has received proper notice.

1700.30 Disposition of Tenant's Remaining Personal Property. If a tenant leaves personal property of value in or about the demised premises under circumstances which reasonably show abandonment of said personal property, the landlord shall follow the provisions of I.C. 32-31-4-3 et. seq. for removal of same.

1700.40 Landlord Computation of Damages Form. Prior to the calling of the case by the Court, the Landlord shall tender to the Tenant a copy of the Landlord Computation of Damages Form, so that the Tenant may review the form and appropriately respond to the Court's inquiry whether the Damages Hearing is contested or uncontested. Also, it is expected that the parties meet in civil and orderly fashion prior to the hearing to determine whether an agreement or stipulation can be made on any damages. The Landlord need not tender the form to a tardy or non-appearing Tenant.

LR64-SC12-1800 VENUE

Local Small Claims Venue. When Porter County is the proper venue for a small claims action under S.C. 12, said action shall be filed as follows:

A. Small claims from Washington, Boone, Pleasant, Center, and Morgan Townships shall be filed in Porter Superior Court #4, sitting in Valparaiso, Indiana.

B. Small claims from Jackson, Liberty, Pine, Portage, Porter, Union and Westchester Townships shall be filed in Porter Superior Court #3, sitting in Portage, Indiana. However, Porter Superior Court #6 shall receive small claims filings if proper venue would lie in Porter Superior Court #3 and the last digit of the assigned cause number is 1,3,5,7,or 9. Where proper venue for small claims cases would lie in either Porter Superior Court #3 or Porter Superior Court #6, uncontested collection cases filed in volume by an individual plaintiff or an attorney representing several plaintiffs may be filed in a group in the court that would be next available by cause number. The Clerk shall at all times keep the next available cause number confidential.

Upon the implementation of I.C. 33-4-3-7 (effective 07/05), and in the event the filing of cases pursuant to this Rule shall result in a disparity of small claims filings reflected by the Quarterly Case Status Report (QCSR), the judges of the Superior Court County Division may jointly direct the Clerk of the Court to assign case filings in the County Division, so as to eliminate the disparity. Small Claims cases involving jurisdictional amounts between $3000 and $6000 may be transferred to a different venue within Porter County upon agreement of the courts involved.

LR64-TR69-1900 PROCEEDINGS SUPPLEMENTAL

1900.10 General Procedure. Proceedings supplemental to execution shall be governed by T.R. 69(E) and applicable statutes, and subject to the approval of the Court which entered judgment.

1900.20 Thirty Day Rule. A motion for proceedings supplemental may not be filed until thirty (30) calendar days have elapsed since the date of judgment except by order of the Court for good cause shown.

1900.30 Hearing. Unless a party specifically requests otherwise and sets the hearing accordingly, all hearing on proceedings supplemental will be set on the uncontested calendar.

1900.40 Conduct of Hearings. Unless the judgment creditor is represented by an attorney at the proceeding supplemental hearing, said hearing may be conducted by an officer of the Court. However, an officer of the Court shall advise the judgment debtor from the outset that he/she has a right to a hearing in the presence of the judge.

LR64-SC00-1010 COURT ORDERS TO APPEAR (COTA)

1010.10 General Rule. A judgment creditor may request that the Court issue an order to appear (COTA) to a judgment debtor when an active proceeding supplemental is pending against the judgment debtor. The first hearing date set for a COTA shall be set within sixty (60) days of the date on which the COTA is issued.

1010.20 Failure to Appear on a COTA. Upon a judgment debtor's failure to appear on the date and time set by the COTA, the Court may order any appropriate remedy including the issuance of a contempt citation to the judgment debtor.

1010.30 Status Compliance Hearings. Unless good cause shown, a judgment creditor may not schedule a Status Hearing for Compliance and Order to Appear (COTA) within 100 days of any previous setting.

LR64-SC00-1020 CONTEMPT/RULE TO SHOW CAUSE/ BODY ATTACHMENT

1020.10 Contempt. Upon failure of a judgment debtor or garnishee defendant to appear as ordered for a scheduled hearing, the Court may issue a contempt citation to said person.

1020.20 Body Attachment. Body attachment shall be requested and issued only when:

(1) any party contemptuously fails to comply with a court order, or;

(2) the judgment debtor or garnishee defendant previously ordered to appear for a scheduled hearing was served with a contempt citation and failed to appear for the contempt hearing, and;

(3) the judgment creditor or attorney for judgment creditor has filed a form entitled “Affidavit in Support of Bench Warrant” which affirmatively shows the Court that notice and service has been obtained upon the judgment debtor, that the address being utilized is current and good, and that sufficient assets exist upon which a levy can be made; and

(4) counsel has filed an accounting of all payments on judgments received exclusive of payments made through the Clerk, together with a balance due on the account; and

(5) the judgment creditor or attorney has supplied the Clerk of Court with sufficient identifiers to allow the civil sheriff to proceed with body attachment.

1020.30 Procedure for Contacting Judgment Creditor When Attached Person is in Custody. Whenever a judgment defendant has been arrested on a Writ of Body Attachment, a hearing shall be conducted at the earliest convenience of the court. When creditor/plaintiff is unrepresented, the Court shall conduct hearing without notice to all parties. If creditor is represented, counsel for creditor shall be given the opportunity to appear and conduct proceedings supplemental to judgment. Should counsel waive appearance or fail to appear, the Court shall set bond, if appropriate, and issue an order for debtor to appear at future court hearings.

1020.40 Judgment Debtor in Jail. No bench warrant or body attachment shall issue for a judgment debtor already incarcerated on an unrelated matter. A Judgment Debtor shall check the Department of Correction Locator Website to determine whether the debtor is incarcerated in Indiana. If incarcerated in the Porter County Jail, the judgment creditor or attorney shall proceed to the jail to conduct proceedings supplemental to judgment.

1020.50 Setting of Cash Bond. The Court shall set an appropriate bond for the release of the judgment defendant from incarceration and upon promise to appear for future court proceedings. The Courts shall agree upon the appropriate cash bond to guarantee future appearance, which shall not be in the amount of the judgment due.

1020.60 Recall of Body Attachments. A judgment creditor or attorney must timely seek to have a bench warrant or body attachment recalled, when appropriate. Upon timely filing of a Motion to Recall Warrant or Body Attachment, the Court shall notify the Civil Bureau of the Sheriff to recall the warrant.

LR64-SC00-1030 GARNISHMENT

1030.10 General Procedure. All garnishment proceedings shall be subject to the approval of the Court.

1030.20 Requirements for Garnishment Order to Issue. A garnishment order shall not issue with respect to a judgment debtor's wages or other property without:

(1) an active proceeding supplemental as to the judgment debtor;
(2) service on the garnishee-defendant of the proceeding supplemental by:
  (a) first-class mail, certified mail, or refusal thereof,
  (b) Sheriff's service, or;
  (c) private process server; and
(3) return of answered interrogatories, other verification of employment by the garnishee-defendant, or failure to answer interrogatories after notice.

1030.30 Voluntary Garnishments. In instances where a judgment debtor has entered a voluntary agreement for periodic payments to satisfy the judgment and has further consented to garnishment upon default, notwithstanding the terms of the agreement, no garnishment order shall issue unless an active proceeding supplemental is pending against the judgment debtor and the garnishee-defendant.

1030.40 Release. Upon receipt by the judgment creditor, or by the Clerk on the judgment creditor's behalf, of monies sufficient to fully satisfy the judgment, and any accrued interest and costs, the judgment creditor shall immediately obtain a Court order releasing the applicable garnishment order and shall forward a copy to the garnishee-defendant.

LR64-SC00-1040 BANKRUPTCY OF JUDGMENT DEBTOR

1040.10 Motion to Stay Proceedings Per Bankruptcy Filing. All actions, including pending collection proceedings, shall be stayed as to any judgment debtor who files with the Court in each relevant action one (1) copy of the Bankruptcy Court's notice of relief (or Bankruptcy Cover sheet showing date of filing, cause number, applicable bankruptcy chapter) or who files with the Court in each relevant action a Motion to Stay reciting the filing of bankruptcy by the judgment debtor and resultant stay of all proceedings by the Bankruptcy Court, including the cause number, date of filing, bankruptcy chapter, and attaching a copy of the applicable address matrix or schedule showing the listing of the creditor, and the name of the Bankruptcy Court. Debtor's counsel shall file a Proposed Order of Stay with the Court which shall include a provision to recall any and all outstanding bench warrants.

1040.20 Notice of Dismissal of Chapter 7 or 13 Bankruptcy. A Motion to Dissolve Bankruptcy Stay on account of dismissal of a bankruptcy must include the Order from the United States Bankruptcy Court showing dismissal.

LR64-SC11-1050 RELEASE OF JUDGMENT

Upon Defendant's payment of the judgment together with interest and costs in full the plaintiff shall, upon receipt of said funds, promptly release the judgment. Should the plaintiff fail to release the judgment the Court may order the judgment released.

(Amended effective October 1, 2012)

SMALL CLAIMS RULES APPENDIX 1

STATE OF INDIANA	)	IN THE PORTER SUPERIOR COURT
	) SS:	
COUNTY OF PORTER	)	_____, INDIANA
	)	
_____	)	
PLAINTIFF	)	
	)	
vs.	)	CAUSE NO. 64D0 ___-_____
	)	
_____	)	
DEFENDANT	)	

COMPUTATION OF DAMAGES/UNPAID RENT BY LANDLORD

The Plaintiff(s)/Landlord, under the penalties for perjury states that the following computations represent the damages incurred as a result of a breach of the lease agreement and/or tenancy by the Defendant/Tenant:
[*Ordinary wear and tear is not a compensable damage and will be subtracted by the Court in many instances. Also, labor costs for cleanup by the Landlord are normally disfavored*]

I. UNPAID RENT: _____MONTHS @ $_____PER MONTH=$_____
LESS SECURITY DEPOSIT (if applicable) -$_____
Sub-Total Due $_____

II. DAMAGES TO PREMISES

1. Paint, cleaning products $_
2. Physical damage to walls, etc. $_____
3. Removal of personal property $_____
4. OTHER $_
5. OTHER $_____

Total Physical Damages $_____

GRAND TOTAL OF DAMAGES DUE $_____

This form can be utilized when requesting a default judgment for damages, post-eviction, or as a summary exhibit at a contested trial or damages hearing. Plaintiff must return this form personally or by first class mail to the Clerk's Office on or before seven (7) calendar days before the scheduled trial. Failure to timely return this claim form to the Clerk's Office may result in the granting of a continuance to the Defendant.

PLEASE SIGN: _____

2000 SERIES
PORTER COUNTY
LOCAL FAMILY LAW RULES

LR64-TR16-2000 ALTERNATIVE DISPUTE RESOLUTION (ADR) AND CASE MANAGEMENT

2000.1 ADR. In all contested family law matters, including dissolutions, separations, custody disputes, post-decree and support proceedings, the parties may be required to comply with the requirements of ADR.

2000.2 Case Management

(1) The Domestic Relations Case Management Order (see Appendix A) shall apply to the following contested causes of action:

(a) Petition for Dissolution of Marriage;
(b) Petition for Legal Separation.

(2) The Domestic Relations Case Management Order may, at the Court's discretion, apply to the following contested causes of action:

(a) Petition for Modification of an existing court order;
(b) Petition for Rule to Show Cause;
(c) Any other cause of action the Court deems appropriate.

LR64-TR35-2100 FINANCIAL DECLARATION FORM

2100.1 Requirement. In all family law matters, including dissolutions, separations, post-decree and support proceedings, each party shall prepare and exchange, respectively, within 45 days of the initial filing of the action or within 30 days of the filing of any post-decree matters, a Financial Declaration Form (see Appendix B and C). These time limits may be extended or shortened by court order for good cause shown. In those cases where there is service, but no appearance by counsel, it is the responsibility of the moving party to serve the completed Form on the other party and to notify that party of the duty to prepare and serve one as well.

2100.2 Exceptions. The Form need not be exchanged if:

(1) the parties agree in writing within 30 days of the initial filing to waive exchange, **and**;

(2) the parties have executed a written agreement which settles all financial issues, or;

(3) the proceeding is merely at a provisional or emergency relief stage, or;

(4) the proceeding is one in which the service is by publication and there is no response, or;

(5) the proceeding is post-decree and concerns issues without financial implications. Provided, however, when the proceeding is post-decree and concerns an arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely that portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation).

2100.3 Use at Trial. The Form is intended primarily as discovery although, subject to appropriate objection, it shall be admissible at the request of any party. Therefore, particularly in view of the presumptive nature of the Support Guidelines, direct examination on Form data shall address only unusual factors which require explanation, or corrections, and shall not, particularly with respect to issues of support, be routinely permitted. For evidentiary purposes, the pages of the Form shall be deemed severable.

2100.4 Supporting Documents. For the purposes of providing a full and complete verification of assets, liabilities and values, each party shall attach to the Form all information reasonably required and reasonably available. This shall include recent bills, wage and tax records, and bank, pension and year-end mortgage statements. "Reasonably available" means that material which may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed or is in possession of the other party. Appraisals of real estate and pensions, or of personal property such as jewelry, antiques or special collections (stamps, coins or guns, for example), are not required. However, once an appraisal is obtained, it must be exchanged. Moreover, the Court may direct that an appraisal be obtained, and may designate the appraiser.

2100.5 Privacy - Sealing of Forms. Whenever the interest of privacy so requires, the Court may, upon motion, direct the admitted Forms sealed until further order. However, such requests shall not be made as a matter of course. When ordered sealed, the court reporter shall take custody of the Forms and place them in a flat manner in an envelope of sufficient size, seal the envelope and affix a copy of the order. Forms may be withdrawn at the conclusion of the case on such terms as the Court allows.

2100.6 Final Declaration - Mandatory Discovery. The exchange of Forms constitutes mandatory discovery. Thus, Indiana Rules of Trial Procedure, Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26(E)(2) and (3), the Form shall be supplemented if additional material becomes available. Further, any additional discovery such as a motion to produce, interrogatories, or depositions of the parties shall not commence until the Forms are exchanged.

LR64-FL00-2200 CHILD SUPPORT GUIDELINES

2200.1 Worksheet Required. In all proceedings involving child support, each party shall file with any settlement, or enter into evidence during any trial, Indiana Child Support Guidelines worksheets - one or more depending on the facts. Further, the worksheet(s) shall, when reasonably possible, be delivered to the other party simultaneously with the Financial Declaration Form, but, in any event, within ten (10) days of receiving the other party's Form. The worksheet(s) shall be promptly supplemented if any changes occur prior to resolution.

2200.2 Support Settlement Agreements. If an agreement concerning support contains deviation ten percent (10%) or more from the Guidelines, the parties shall present to the Court a written explanation, with supporting documents, justifying the deviation.

LR64-FL00-2300 CHILD CUSTODY

In all proceedings regarding custody of minor children which remain contested after ADR, the Court may appoint a qualified family therapist to make a recommendation as to custody, and the Court may allocate the cost thereof as it deems reasonable.

LR64-TR17-2400 GUARDIANS AD LITEM

2400.1 Definition. An individual appointed by the Court under I.C. 31-1-11.5-28(b); I.C. 31-15-6-1; I.C. 31-17-6-1 or by Order of Court.

2400.2 When appointed. Whenever the Court is required to do so by statute, and whenever the Court finds, in its discretion, that it is appropriate to appoint a guardian ad litem. The guardian ad litem then becomes a party and anything to be served on the opposing party shall also be served on the guardian ad litem.

2400.3 Duties. Guardian Ad Litem shall:

(1) Perform all duties required by law which includes to protect the best interests of the child(ren); and

(2) Submit a written report of his or her finding to the Court prior to the matter being heard by the Court. The attorneys and pro-se litigants shall receive notice of the filing of the report and may inspect same upon notice to the Court.

2400.4 How appointed.

(1) Where the parties or either of them request and/or where the Court had determined a guardian ad litem should be appointed to protect the best interest of the child, the parties shall within the time set by the Court, select a guardian ad litem.

(2) In the event the parties fail to select a guardian ad litem within the time determined by the Court, the Court shall name a three-person panel.

(3) After the Court has named the panel, the party listed on the case caption as Petitioner, shall within three (3) days, strike first. Respondent shall, within three (3) days thereafter, strike from the remaining two (2) persons. The remaining person is the court appointed guardian ad litem, subject to that person's acceptance.

(a) in the event either party should fail to strike within the time frame provided, they have waived their opportunity to strike and the other party may strike in their place.

(b) Should both parties fail to strike, then the first named person on the list is appointed guardian ad litem, subject to acceptance.

2400.5 Fees.

(1) When a guardian ad litem is selected, the Court shall order each party to pay a lump sum, in an amount not less than $350.00, into the Clerk of the Porter Superior Court to be held for payment of guardian ad litem fees. The guardian ad litem shall periodically file a fee affidavit with the Court and request that the Clerk be ordered to release sums in an appropriate amount to pay fees current to date. To insure payment to the guardian ad litem, the Court may Order additional monies to be paid into the Court as it becomes necessary. The Court may reapportion the total costs at the time of disposition.

2400.6 Term of Service.

(1) The guardian ad litem shall serve in such capacity until such time as discharged by the Court.

(2) The guardian ad litem may, at anytime, request that he or she be relieved of their duties.

(3) The parties may request that a guardian ad litem be removed and it will be within the Court's discretion whether just cause exists for such removal.

2400.7 Form of Order.

(1) Whenever a guardian ad litem is appointed, the Appointment of Guardian Ad Litem Order (See Appendix D) shall be prepared and submitted for approval of the Court.

LR64-FL00-2500 VISITATION ORDERS

2500.1 Visitation. Visitation shall be governed by the Indiana Parenting Time Guidelines.

LR64-TR52-2600 PREPARATION OF ORDERS

2600.1 Exchange. It shall be the duty of the parties' attorneys to prepare decrees and other orders as directed by the Court. The attorney so directed shall first submit them to all other attorneys of record, within fourteen (14) days, to enable them to challenge any provision thereof before submission to the Court for entry.

2600.2 Additions. If the preparing attorney believes the receiving attorney is unreasonably withholding approval as to the form of order, or if either attorney believes the other is attempting to make additions not addressed by the Court, either may submit a proposed form of order to the Court, and shall attach thereto a written explanation of the dispute. Either attorney shall have seven (7) days to respond before the Court enters any order. The Court may enter sanctions against a party who has unreasonably withheld approval or attempted to make additions not addressed by the Court.

2600.3 Required Number of Copies. In all cases that been assigned to the Porter County Family Court, it shall be the responsibility of the parties to make sure that Family Court receives a copy of all Orders. Therefore, all orders submitted to the Court shall be accompanied by a sufficient number of copies and the same number of postage paid addressed envelopes, so that a copy may be mailed to each party or counsel of record and a copy to the Family Court. The original and one copy of all orders shall be retained by the Clerk.

LR64-TR37-2700 SANCTIONS

If a party or counsel fails to timely prepare, exchange or file a Financial Declaration Form or Child Support Worksheet(s), or fails to cooperate in providing information relevant thereto in a timely manner, either is subject to sanctions under Trial Rule 37.

LR64-FL00-2800 ATTORNEY FEE REQUESTS

2800.1 Affidavits. When attorney fees, except those sought provisionally, are requested from the opposing party, the requesting attorney shall submit an appropriate affidavit, which the Court may admit as an exhibit.

2800.2 Written Requirements. The affidavit shall indicate the:

(1)requested fee and the basis thereof;

(2)amount counsel has billed, contracted for or been promised, and;

(3)amount counsel has received from all sources.

A copy of the written fee contract, if any, shall be attached to the affidavit and be deemed as part thereof.

Opposing counsel may cross-examine the requesting attorney as to any of the submitted material.

LR64-FL00-2900 AGREED MATTERS - SUBMISSION

No agreed matter shall be submitted unless accompanied by a signed agreement, and other appropriate documents, such as a decree, a wage-withholding order, or a Qualified Domestic Relations Order. However, if the parties reach an agreement "on the courthouse steps", then the Court will accept evidence of that settlement on the record.

LR64-TR65-2910 RESTRAINING ORDERS

2910.1 Restraining Orders. Temporary Restraining Orders Without Notice will only be issued upon a showing of **strict** compliance with T.R. 65(B)(1) & (2). In Re: Anonymous, 729 N.E. 2nd 566 (Ind. 2000).

LR64-FL00-2911 CHILD COUNSELING SESSION

2911.1 General Requirements. In all proceedings involving minor children, attendance at a four (4) hour educational seminar, hereinafter referred to as *Trans*Parenting, is required of all parties in all dissolution of marriage and legal separation proceedings and shall be successfully completed within sixty (60) days of service of the original petition. Administration of the program shall be by agencies appointed by the Court using qualified counselors, trainers and educators. Participants shall pay a fee to cover the total cost of the seminar. A copy of the *Trans*Parenting certificate shall be filed with the Court prior to the final hearing or shall be attached to the final decree as an exhibit thereto. For good cause shown, the Court may waive the requirement of completion of this program in individual cases.

2911.2 Attendance. Attendance at the seminar shall be required of all parties to a case where the interests of children under the age of 18 years are involved. The Court's action on a petition shall not be delayed by a non-moving party or responding party's failure to complete or delay in completing the seminar. An equivalent counseling program may be substituted for the seminar if satisfactory written verification is provided to the Court by a third party indicating that the specific issues covered in the *Trans*Parenting program have been addressed in another forum through professional or pastoral counseling, mediation or other similar educational program.

2911.3 Fees. A fee determined annually and payable per party is required and is used to cover all costs of the program including the presenter's fees, handouts, applications and program administration. The fee may be waived if a party presents a verified affidavit of poverty and it appears upon investigation that the party is indigent.

2911.4 Application Process. Notification to the parties of their responsibility to complete the seminar or provide alternative verification shall be provided at the time of the filing of the pleadings. Applications may be obtained from the court administrator or from the Clerk of the Court. The application and fee must be returned to the agency conducting the seminar.

LR64-TR16-2912 AGREEMENT WITH COURT DATE PENDING

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

SUPPLEMENT TO THE PORTER COUNT LOCAL FAMILY LAW RULES

APPENDICES A-F

APPENDIX A

STATE OF INDIANA)
PORTER SUPERIOR COURT) SS:
SITTING IN VALPARAISO, INDIANA)
COUNTY OF PORTER)

CONTINUOUS TERM 200_

IN RE THE MARRIAGE/PATERNITY OF:)
)
, Petitioner) CAUSE #_____
v,)
)
, Respondent)

DOMESTIC RELATIONS CASE MANAGEMENT ORDER

The Court, in the exercise of its discretion under Trial Rule 16 (A), now orders the parties, including pro se litigants, and their respective attorneys to comply with the following orders:

A. Financial Declaration Forms, complete with supporting exhibits, shall be exchanged between the parties within forty five (45) days from the date the Petition for Dissolution of Marriage or Petition for Legal Separation is filed, and within thirty (30) days from the date that a Petition for Modification or Petition for Rule to Show Cause is filed, provided said petitions address the financial obligations of the parties, i.e. child support, including but not limited to, educational expenses or the payment of marital debt.

B. Within forty-five (45) days from the date either party filed their petition, the parties shall be required to appear in person, if they are proceeding pro se, or by their respective attorneys, for an Initial Pre-Trial Conference. Said conference is hereby scheduled before this court on the ___day of _____, 200__, at ___m.

Each party shall be prepared to address the following issues:

i. Identification of the issues pending before the court;

ii. Identification of issues which have been amicably resolved between the parties, together with the terms of said resolution;

iii. Identification of the remaining contested issues;

iv. Estimated time required to complete discovery relative to the contested issues;

v. If not addressed at the Provisional Hearing, the identification or appointment of experts who shall assist the parties or the court in the resolution of the contested issues, including the appointment of a Guardian-ad-Litem, custodial evaluator or a property evaluator;

vi. The possibility of settlement on all or a portion of the contested issues through mediation, settlement conference or the implementation of another Alternative Dispute Resolution method;

vii. The estimated time required to present the contested issues before the court, including the possibility of disposing of all or a portion of the contested issues in summary fashion;

viii. The parties' attendance and completion of the Trans-Parenting Class as required by Local Rule ___;

ix. AT THE CONCLUSION OF THE INITIAL PRE-TRIAL CONFERENCE, THE COURT SHALL SCHEDULE THE CASE FOR A FINAL PRE-TRIAL CONFERENCE. **NO FINAL HEARINGS SHALL BE SCHEDULED UNTIL THE CONCLUSION OF THE FINAL PRE-TRIAL CONFERENCE.**

C. Within ninety (90) days from the conclusion of the Initial Pre-Trial Conference, the parties shall be required to appear in person, if they are proceeding pro se, or by their respective attorneys, for a Final Pre-Trial Conference. Said conference is hereby scheduled before this court on the ____day of _____, 200__, at ____m. Provided, however, the court shall be permitted schedule the Final Pre-Trial Conference later than ninety (90) days from the date of the Initial Pre-Trial Conference if it determines that additional time is required by the parties to complete the discovery identified at the Initial Pre-Trial Conference or if additional time is required to complete the Guardian-ad-Litem's investigation and report, the custodial evaluations, the real and personal property evaluations and/or mediation, or if the parties intend to attempt counseling and/or reconciliation.

D. That counsel, or party/parties, if pro-se, shall confer in person at a Preliminary Conference at least ten (10) days before the scheduled Final Pre-Trial Conference. The moving party shall undertake the responsibility of arranging the aforementioned conference at a time and location which is mutually agreeable between the parties. In preparation for the Final Pre-Trial Conference, the parties shall address the following issues at their Preliminary Conference:

i. The possibility of reaching an agreement regarding the contested issues;
ii. The possibility of disposing of the cause in summary fashion as to some or all of the issues;
iii. The identification and exchange of exhibits which the parties intend to introduce into evidence at the Final Hearing;
iv. The possibility of stipulating to the authenticity or admissibility of each parties' exhibits to avoid unnecessary delays at the Final Hearing;
v. The exchange of each parties' witness lists, including expert witnesses, and the nature of the testimony that each witness shall be expected to testify to at the Final Hearing;
vi. The preparation of a master list of the parties' real and personal property, which list shall be submitted by the parties to the court as a joint exhibit at the Final Pre-Trial Conference. Said exhibit shall be presented to the court in the following form and shall include all assets of the parties subject to division by the court:

EXAMPLE ASSET FORM

ASSET NUMBER	ASSET NAME	WIFE'S VALUE AGREED VALUE	HUSBAND'S VALUE COURT'S VALUE
1	Marital Residence 11 River Drive Valparaiso, IN Titled: Jointly	$150,000.00	$175,000.00
2	2002 Jeep Cherokee Titled: Jointly	$ 12,500.00	
3	Joint Checking Acct. Bank One Account # 1234	$ 1,500.00	$ 2,500.00
4	Antique Rocker	$ 500.00	$ 750.00

vii. The preparation of a master debt list, which shall be submitted by the parties to the court as a joint exhibit at the Final Pre-Trial Conference. Said exhibit shall be presented to the court in the following form:

EXAMPLE DEBT FORM

DEBT NUMBER	ACCOUNT NAME AND NUMBER	DATE OF SEPARATION BALANCE	CURRENT BALANCE
1	SEARS MASTERCARD ACCOUNT # 1234 5678-9876 TITLED: JOINTLY	$5,250.00	$5,210.00
2	MBNA VISA ACCOUNT # 9876 5432-0987 TITLED: HUSBAND	$500.00	$475.00

E. The parties shall be prepared to address the following issues at their Final Pre-Trial Conference:

vi. The status of discovery;
vii. The results of mediation or settlement conference;
viii. Identification of the issues resolved by agreement, together with the terms of said agreement;
ix. Identification of the remaining contested issues;
x. The parties' final witness and exhibit lists, together with stipulations regarding the admissibility of any exhibits;

xi. A brief summary regarding the parties' contentions relative to the contested issues;
xii. The presentation of the parties' joint asset list;
xiii. The presentation of the parties' joint debt list; and
xiv. Anticipated time required to litigate the contested issues.

F. At the conclusion of the Final Pre-Trial Conference, the court shall schedule the cause of action for final hearing, and shall enter additional orders, if required, regarding Pre-Trial motions presented by the parties.

G. Pursuant to Trial Rule 16(K) and Trial Rule 41(E), failure to attend the Initial Pre-Trial Conference or the Final Pre-Trial Conference, may result in the entry of an order of dismissal or default against the party or parties who fail to appear. In addition, the court may impose sanctions against any party or attorney of record who fails to attend the preliminary conference; is unprepared to participate in either the Initial Pre-Trial Conference or Final Pre-Trial Conference, or who refuses, in bad faith, to enter into stipulations regarding the facts, the law, or the exhibits. Said sanctions may include costs associated with rescheduling any of the three conferences identified herein, and attorney fees.

No continuances of the Provisional Hearing, Initial Pre-Trial Conference, Final Pre-Trial Conference, or Final Hearing may be obtained without strict compliance with the provisions outlined in Trial Rule 53.5 and Local Rule 3500 . If a continuance is requested and granted, said continuance shall be charged against the party requesting same. The existence of charged continuances, whether or not in good faith, may be considered by the court in its ruling regarding the payment of attorney fees or other costs of the action.

ALL OF WHICH IS FOUND AND RECOMMENDED THIS ___DAY OF _____, 20__.

_____
MAGISTRATE, PORTER SUPERIOR COURT

ALL OF WHICH IS ORDERED, ADJUDGED AND DECREED THIS ___DAY OF _____, 20__.

_____
JUDGE, PORTER SUPERIOR COURT

APPENDIX B

FINANCIAL DECLARATION FORM
STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS OF PORTER COUNTY

IN RE: THE MARRIAGE OF: Cause No: _____

_____
Petitioner
and

_____
Respondent

In accordance with Local Rule 2200.1 of the Porter Superior Court and Indiana Trial Rules 26, 33, 34, 35 and 37, the undersigned, Petitioner or Respondent, hereby submits the following VERIFIED FINANCIAL DISCLOSURE STATEMENT:

FINANCIAL DECLARATION OF _____

I. PRELIMINARY INFORMATION

Husband* _____ Wife* _____
Address: _____ Address: _____
_____ _____
Soc. Sec. No. _____ Soc. Sec. No. _____

Badge/Payroll No: _____ Badge/Payroll No: _____

Occupation: _____ Occupation: _____

Employer _____ Employer: _____
_____ _____
_____ _____

Birth Date: _____ Birth Date: _____

Date of Marriage: _____
Date of Physical Separation: _____
Date of Filing: _____

Children:

Name _____Age _____Dob: _____SS#: _____
Name _____Age _____Dob: _____SS#: _____
Name _____Age _____Dob: _____SS#: _____
Name _____Age _____Dob: _____SS#: _____

II. HEALTH INSURANCE INFORMATION

Name and Address of health care insurance company:_____

_____

_____.

Name all persons covered under Plan(s): _____

_____

Weekly cost of total health insurance premium: _____

Weekly cost of health insurance premium for children only: _____

Name of the children's' health care providers: _____

_____

The names of the schools and grade level for each child are: _____

_____

List any extraordinary health care concerns of any family member: _____

_____

List any educational concerns of any family member: _____

_____

III. INCOME INFORMATION

A. EMPLOYMENT HISTORY

Current employer _____

Address _____

Telephone No: _____ Length of Employment _____

Job Description _____

Gross Income	_____	_____	_____	_____
	Per week	bi-weekly	per month	yearly
Net Income	_____	_____	_____	_____
	Per week	bi-weekly	per month	yearly

B. EMPLOYMENT HISTORY FOR LAST 5 YEARS

Employer	Dates of employment	Compensation (per wk/mo/yr)

C. INCOME SUMMARY

1. GROSS WEEKLY INCOME from: Salary and wages, including commissions, bonuses, allowances and over-time $_____

Note: If paid monthly, determine weekly income by dividing monthly income by 4.3 _____

Pensions & Retirement _____

Social Security _____

Disability and unemployment insurance _____

Public Assistance (welfare, AFDC payments, etc.) _____

Food stamps _____

Child support received for any child(ren) not born of the parties to this marriage _____

Dividends and Interest _____

Rents received _____

All other sources (specify) _____

TOTAL GROSS WEEKLY INCOME $_____

2. ITEMIZED WEEKLY DEDUCTIONS
from gross income:

State and Federal Income taxes: _____

Social Security _____

Medical Insurance
Coverage: Health (__)
Dental (__)
Eye Care (__)
Psychiatric (__) _____

Union or other dues: _____

Retirement:
Pension fund: Mandatory ( ) Optional ( ) _____
Profit Sharing: Mandatory ( ) Optional ( ) _____
401(k): Mandatory ( ) Optional ( ) _____
SEP: Mandatory ( ) Optional ( ) _____
ESOP: Mandatory ( ) Optional ( ) _____
IRA: Mandatory ( ) Optional ( ) _____

Child support withheld from pay
(not including this case) _____

Garnishments (itemize on separate sheet) _____

Credit Union debts _____

Direct Withdrawals Out of Paychecks: _____
Car payments _____
Life insurance _____
Disability insurance _____
Thrift plans _____
Credit union savings _____
Bonds _____
Donations _____

Other (specify) _____

Other (Specify): _____

TOTAL WEEKLY DEDUCTIONS _____

3. WEEKLY DISPOSABLE INCOME
(A minus B: Subtract Total Weekly Deductions
from Total Weekly Gross Income) _____

IN ALL CASES INVOLVING CHILD SUPPORT: Prepare and attach an Indiana Child Support Guideline Worksheet (with documentation verifying your income); or, supplement with such a Worksheet within ten (10) days of the exchange of this Form.

IV. MONTHLY LIVING EXPENSES:

House

1. Rent(Mortgage) _____
2. 2nd Mortgage _____
3. Line of credit _____
4. Gas/Electric _____
5. Telephone _____
6. Water _____
7. Sewer _____
8. Sanitation (garbage) _____
9. Cable _____
10. Satellite _____
11. Internet _____
12. Taxes (Real Estate) (If not part of mortgage payment) _____
13. Insurance(House) (If not part of mortgage payment) _____
14. Lawn Care/Snow Removal _____

Groceries

1. Food _____
2. Toiletries _____
3. Cleaning Products _____
4. Paper Products _____

Clothing

1. Clothes _____
2. Shoes _____
3. Uniforms _____

Health Care

1. Health insurance not deducted from pay _____

2. Dental insurance not deducted from pay _____
3. Doctor Visits (non insurance covered) _____
4. Dental Visits (non insurance covered) _____
5. Prescription Pharmaceutical (non insurance covered) _____
6. Over the counter medicine _____
7. Glasses/contact lenses _____
8. Other non-insurance covered health care* _____

Car & Travel

1. Car Payment _____
2. Gasoline _____
3. Oil/Maintenance _____
4. Insurance (Car) _____
5. Car Wash _____
6. Tolls _____
7. Train/Bus _____
8. Parking Lot Fees _____
9. License plates _____

Beauty Care

1. Hair Dresser/Barber _____
2. Cosmetics _____

School Needs

1. Lunches _____
2. Book _____
3. Tuition/Registration _____
4. Uniforms _____
5. School Supplies _____
6. Extra curricular activities _____

Infant Care

1. Diapers _____
2. Baby Food _____

Miscellaneous

1. Church Donations _____
2. Charitable Donations _____
3. Life Insurance _____
4. Babysitter _____
5. Newspapers & Magazines _____
6. Cigarettes _____
7. Dry Cleaning _____
8. Entertainment _____

9. Cell phone _____
10. Dues/subscriptions _____
14. Charge Cards _____
15. Other * _____

Sub-Total of Expenses _____

* Itemize at bottom of page

Average Weekly Expenses (multiply monthly expenses by 12 and divide by 52) _____

V. PROVISIONAL ARREARAGE COMPUTATIONS.

If you allege the existence of a child support, maintenance, or other arrearage, attach all records or other exhibits regarding the payment history and compute the child support arrearages.

You must attach a Child Support Guideline Worksheet to your Financial Declaration Form or one must be exchanged with the opposing party/counsel within 10 days of receipt of the other parties' Financial Declaration Form.

ASSETS

All property is to be listed regardless of whether it is titled in your name only or jointly or if property you own is being held for you in the name of a third party.

VI. PROPERTY

A. MARITAL RESIDENCE

Description:
_____
_____
_____

Location:_____

Date Acquired: _____

Purchase Price: _____ Down Payment: _____

Source of Down Payment:

_____

Current Indebtedness: _____
_____

Monthly
Payment:_____

Current Fair Market Value:_____

B. **OTHER REAL PROPERTY** (Complete B, on a separate sheet of paper for each additional parcel of real estate owned, etc).

Description: _____
_____
_____

Location: _____

Date Acquired: _____

Purchase Price: _____ Down Payment:
_____

Source of Down Payment:
_____

Current Indebtedness: _____

Monthly Payment: _____

Current Fair Market Value:
_____

C. PERSONAL PROPERTY (motor vehicles, boats, motorcycles, furnishings, household goods, jewelry, firearms, etc. Household furnishings and household goods such as pots and pans need not be itemized.)

Description	Titled	Current Value	Indebtedness	Payment	Present User

VII. BANK ACCOUNTS

Name	Type of Account (Checking, Savings, CDs, etc.)	Owner	Account No.	Balance on Date of Filing

VIII NON-RETIREMENT SECURITIES (stocks, bonds, mutual funds, etc.)

Name	Type of account (Money mkt, Stocks, Bonds, Mutual Funds etc.)	Account	Owner	No.	Value on date of filing

IX. LIFE INSURANCE POLICIES (whole life, variable life, annuities, term)

Company	Owner	Policy #	Beneficiary	Face Value	Loan Amount	Cash Value

X. RETIREMENT ACCOUNTS (Pension, Profit Sharing, 401(k), SEP, IRA, KEOGH, ESOP, etc).

Company	Type of Plan	Owner	Account #	Vested (Yes/No)	Value as of Date of Filing Divorce

XI. OTHER PROFESSIONAL OR BUSINESS INTERESTS

Name of Business	Type (Corp., Part., Sole Owner)	% Owned	Estimated Value

XII. MARITAL BILLS, DEBTS, AND OBLIGATIONS (list every single bill, debt and obligation regardless of whether the bill is titled in your name, your spouse's name, or jointly. Please include all mortgages, 2nd mortgages, home equity loans, charge cards, other loans, credit union loans, car payments, and unpaid medical bills, etc. Do not include monthly expenses such as utilities that are paid in full every month.)

Creditor	Description	Acct #	Monthly Payment	Balance - Date of Filing	Current Balance
Example(s):					
1st National Bank	Mortgage	87612368459	$1,530.00	$145,680.00	$145,100.00
Visa	Misc household expenses	14567865349	$300.00	$3,500.00	$3,250.00

XIII. RECAPITULATION. A summary of the marital estate is as follows:

Asset	In Name of Husband	In Name of Wife	Jointly Held	Total
Family Dwelling	_____	_____	_____	_____
Other Real Estate	_____	_____	_____	_____
Personal Property	_____	_____	_____	_____
Bank Accounts	_____	_____	_____	_____
Non-Retirement Securities	_____	_____	_____	_____
Life Insurance Policies	_____	_____	_____	_____
Retirement Accounts	_____	_____	_____	_____
Other Professional/Business Interests	_____	_____	_____	_____
Total Assets	_____	_____	_____	_____
Liabilities				
General Creditors	_____	_____	_____	_____
Mortgage on Family Dwelling	_____	_____	_____	_____
Mortgages on other real estate	_____	_____	_____	_____
Notes to Banks and Others	_____	_____	_____	_____
Loans on Insurance Policies	_____	_____	_____	_____
Other Liabilities	_____	_____	_____	_____
Total Liabilities	_____	_____	_____	_____
ASSETS MINUS LIABILITIES	_____	_____	_____	_____

XIV. PERSONAL STATEMENT REGARDING DIVISION OF PROPERTY

Indiana law presumes that the marital property be split on a 50/50 basis. However, the Judge may order a division which may differ from an exact 50/50 division of your property. Please provide a brief statement as to your reasons, if there be any, why the Court should divide your property on anything other than a 50/50 basis.

_____
_____
_____
_____
_____

XV. MANDATORY EXHIBITS

The following exhibits must be attached to your Financial Declaration Form:

1. The last three years of Individual State and Federal income tax returns together with all W-2 forms, 1099 forms and K-1 forms.
2. The immediate preceding six paycheck stubs showing year-to-date earnings.
3. Documents showing the amount of income received from any other source in the past three years including irregular income in an amount greater than $500 per year plus any expenses relating thereto.
4. Child support worksheet, if applicable.
5. Arrearage calculation, if applicable under V of this Financial Declaration Form.
6. With regard to all real estate listed under VI (A) and (B):
   a. The title insurance policy, if available,
   b. The deed,
   c. An amortization schedule from the lending institution, if available,
   d. Documents showing the mortgage balance as of the date of the filing of the Petition for Dissolution of Marriage,
7. As to all bank accounts identified in VII of this Financial Declaration Form:
   a. Copy of the bank statement closest to the date of the filing of the petition for Dissolution of Marriage, and
   b. Copies of the bank statements for the five months immediately preceding the filing of the Petition for Dissolution of Marriage.
8. As to all Non-retirement Securities identified in VIII of this Financial Declaration Form:
   a. Copy of the statement closest to the date of the filing of the petition for Dissolution of Marriage, and
   b. Copies of the statements for the five months immediately preceding the filing of the Petition for Dissolution of Marriage.
9. As to all Life Insurance policies identified in IX of this Financial Declaration Form attach statements as of cash value as of the date of the filing of the Petition

for Dissolution of Marriage.

10. As to all Retirement Accounts identified in X of this Financial Declaration Form attach statements showing the value of the account as of the date of the filing of the Petition for Dissolution of Marriage and for the preceding five months, if such statements are available, except for pension accounts and other defined benefit plans, in which event attach a statement from the employer describing the benefits.
11. As to all marital bills, debts and obligations identified in XII of this Financial Declaration Form, attach a statement showing the amount of each bill, debt and obligation as of the date of the filing of the divorce and for the immediately preceding five months.

XV. VERIFICATION

I declare, under the pains and penalty of perjury, that the foregoing, including statements of my income, expenses, assets and liabilities, are true and correct to the best of my knowledge and that I have made a complete and absolute disclosure of all sources of income, all assets, and all liabilities. If it is proven to the Court that I have intentionally failed to disclose all of my income, any asset, or liability, I may lose the asset and may be required to pay the liability.

Further, this Financial Declaration Form is considered as a Request for Admissions to the recipient under Trial Rule 35 and should the recipient fail to fully prepare and exchange this statement then the Court may prohibit the party who did not properly complete the Financial Declaration Form from introducing any evidence at any hearing to contradict the evidence of the other party on the issues of income, expenses, assets and liabilities.

Date: _____ _____

Signature

XVI. ATTORNEY'S CERTIFICATION

I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligation under Trial Rule 11 of the Indiana Rules of Procedure.

Date: _____ _____

Attorney for the _____
15 N. Washington Street
Valparaiso, IN 46383
219/464-3246

APPENDIX C

FINANCIAL DECLARATION FORM
STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS
OF PORTER COUNTY
(PATERNITY SHORT FORM)

IN RE: THE PATERNITY OF: CAUSE NO: _____

_____
Petitioner

and

_____
Respondent

In accordance with Local Rule 2200.1 of the Porter Superior Court and Indiana Trial Rules 26, 33, 34, 35 and 37, the undersigned, Petitioner or Respondent, hereby submits the following VERIFIED FINANCIAL DISCLOSURE STATEMENT:

FINANCIAL DECLARATION OF _____

I. PRELIMINARY INFORMATION

Mother_____ Father _____

Address: _____ Address: _____
_____ _____

Soc. Sec. No. _____ Soc. Sec. No. _____

Occupation: _____ Occupation: _____

Employer: _____ Employer: _____
_____ _____
_____ _____

Birth Date: _____ Birth Date: _____

Children of this action:

Name _____Age _____DOB:_____SSN: _____
Name _____Age _____DOB:_____SSN: _____
Name _____Age _____DOB:_____SSN: _____

Name _____Age _____DOB:_____SSN: _____

For each child:

Attached copy of birth certificate: Yes No
Attached copy of signed paternity affidavit Yes No

Date of filing Petition: _____

Your other children not subject to this proceeding:

Name _____Date of Birth _____SSN: _____
Lives with you: Yes No Receives Support: Yes No Amount of Support _____
Pays Support: Yes No Amount of Support _____
Name _____Date of Birth _____SSN: _____
Lives with you: Yes No Receives Support: Yes No Amount of Support _____
Pays Support: Yes No Amount of Support _____
Name _____Date of Birth _____SSN: _____
Lives with you: Yes No Receives Support: Yes No Amount of Support _____
Pays Support: Yes No Amount of Support _____
Name _____Date of Birth _____SSN: _____
Lives with you: Yes No Receives Support: Yes No Amount of Support _____
Pays Support: Yes No Amount of Support _____

II. INCOME INFORMATION

A. EMPLOYMENT HISTORY

Current employer: _____

Address: _____

Telephone No: _____Length of employment: _____

Job description: _____

Gross Income _____ _____ _____ _____
Per week Bi-weekly Per month Yearly

B. EMPLOYMENT HISTORY FOR LAST 5 YEARS

(Attach additional sheet if necessary)

Employer	Dates of employment	Compensation (per wk/mo/yr)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. INCOME SUMMARY

L. GROSS WEEKLY INCOME FROM: Salary and wages, including commissions, bonuses, allowances and over-time $ _____

Note: If paid monthly, determine weekly income by dividing monthly income by 4.3 _____

Pensions & Retirement _____

Social Security _____

Disability and unemployment insurance _____

Public Assistance (welfare, AFDC payments etc.) _____

Food stamps _____

Child support received for any child(ren) not subject to this action _____

Dividends and Interest _____

Rents received _____

Income from present spouse/relationship _____

All other sources (specify) _____

TOTAL GROSS WEEKLY INCOME $ _____

ATTACH COPIES OF:

Last two Federal and State Income Tax Returns

Five of your most recent payroll stubs

III. HEALTH INSURANCE INFORMATION

Name and address of health care insurance company:

_____

_____

Name all persons covered under Plan(s): _____

Weekly cost of total health insurance premium: _____ Weekly cost of health insurance premium for children only: _____

IV. MONTHLY BUDGET OF EXPENSES

A. HOUSING	**Yourself**	**Children**
1. Rent	_____	_____
2. Mortgage-principal & interest	_____	_____
3. Second Mortgage	_____	_____
4. Lot rent	_____	_____
5. Home insurance	_____	_____
6. Other (itemize) _____	_____	_____
Sub-total	_____	_____

B. UTILITIES		
A. Electricity	_____	_____
B. Gas/heating Oil	_____	_____
C. Telephone	_____	_____
D. Water	_____	_____
E. Other (itemize) _____	_____	_____
Sub-total	_____	_____

C. HOUSEHOLD MAINTENANCE		
1. Repairs (normal/on-going)	_____	_____
2. Cable TV	_____	_____
3. Child Support withheld from pay	_____	_____
4. Garnishments	_____	_____
5. Credit cards	_____	_____
6. Legal fines/costs	_____	_____
7. Other (itemize) _____	_____	_____
Sub-total	_____	_____

D. OTHER EXPENSES

1.	Food	_____	_____
2.	Clothing	_____	_____
3.	Transportation	_____	_____
4.	Health/medical/dental	_____	_____
5.	Childcare/daycare	_____	_____
6.	Personal/entertainment	_____	_____

E. ALL OTHER EXPENSES _____ _____

_____ _____

_____ _____

V. PROVISIONAL ARREARAGE COMPUTATIONS. If you allege the existence of a child support, birthing expenses, past medical bills, daycare expenses, maintenance, or other arrearage, attach all records or other exhibits regarding the payment history and compute the child support arrearages.

You must attach a Child Support guideline Worksheet to your Financial Declaration From or one must be exchanged with the opposing party/counsel within 10 days of receipt of the other parties' Financial Declaration Form.

VI. VERIFICATION

I declare, under the penalties of perjury, that the foregoing, including any valuations and attachments, is true and correct and that I have made a complete and absolute disclosure of all my assets and liabilities. Furthermore, I understand that if, in the future, it is proved to this Court that I have intentionally failed to disclose any asset or liability, I may lose the asset and be required to pay the liability. Finally, I acknowledge that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose assets or liabilities.

Date: _____ _____

PARTY'S SIGNATURE

VII. ATTORNEY CERTIFICATION

I have reviewed with my client, the foregoing information, including any valuations and attachments, and have signed this certification with my obligation under Trial Rule Eleven (11) of the Indiana Rules of Procedure.

Date: _____ _____

ATTORNEY'S SIGNATURE

APPENDIX D

STATE OF INDIANA	)		PORTER SUPERIOR COURT
	)	SS:	Sitting in Valparaiso, Indiana
COUNTY OF PORTER	)		CONTINUOUS TERM 20____

IN RE THE MARRIAGE/PATERNITY OF:	)	
	)	
, Petitioner	)	CAUSE # _____
v	)	
, Respondent	)	

APPOINTMENT OF GUARDIAN AD LITEM

The Court now appoints _____as Guardian ad Litem for the minor child(ren) of the parties, and Finds, Recommends, and Orders as follows:

1. That the GAL is appointed, pursuant to I.C. 31-15-6-1, et seq., and/or other appropriate section(s) of the Indiana Code and/or Local Rules, for the following minor children of the parties:

_____	_____
name	date of birth
_____	_____
name	date of birth
_____	_____
name	date of birth

2. That this appointment of the GAL shall become effective upon payment to the GAL of the required monetary retainer and the GAL's acceptance of the same. The issue of the retainer payment to the GAL shall be set for a review hearing within _____days. Attorney for _____shall coordinate such hearing date and assure that the same occurs if the GAL has not been paid in a timely manner.

Said monetary retainer shall be in the amount of $_____. The GAL is hereby authorized to bill the parties for services rendered at the GAL's usual rate, with the understanding that said usual rate may be reduced to the county's service rate if any remainder of the GAL's bill is later submitted to Porter County for payment.

The Petitioner shall pay $_____toward such retainer.
The Respondent shall pay $_____toward such retainer.

The retainer payments shall be made within _____days of this Order.

Further, as to future billings by the GAL, the parties will divide obligations for the same with Petitioner paying _____% and Respondent paying _____% of such obligations. Payment of such obligations shall be timely made. All retainer and obligations and/or payments to the GAL are subject to reallocation and/or further order of the Court.

3. That the GAL is appointed to provide the following services in this cause, with the understanding that the Court, GAL, or the parties may reasonably expand the scope of such services upon further motion, order, and/or inquiry:

{check all that apply)

_____Parenting Time/Visitation Issues
_____Child's health issues
_____Custodial Recommendation
_____Elicit child's opinion relevant to pending litigation
_____Review of home environment(s)
_____Other: _____

4. That the parties are hereby directed to provide to the GAL, within ten (10) days of the payment of the retainer, a written summary of their position on the issues pending before this court, and their requests of the GAL.

The GAL shall conduct a timely investigation of the issues the GAL deems relevant to the best interests of the child(ren).

5. That the Parties shall advise the GAL of their current residence and telephone number, as well as the residence and school (if any) of the child(ren).

6. That upon the presentation of this Order to any agency, hospital, organization, school, person, or office, including the Department of Public Welfare and mental health agencies, physicians, psychiatrists, or police departments, the aforementioned shall permit the Guardian Ad Litem to inspect and/or copy any records, reports, x-rays, photographs or other matters relevant to this case and the child that is the subject of this dissolution, custody and/or visitation proceeding. Further, the aforementioned Guardian Ad Litem may obtain any reports or examine said reports without the consent of the child(ren), his/her parents, or any other person responsible for the child's (children's) welfare;
The custodial parent(s) shall assure that the GAL is granted access to all such persons and entities and, as needed, shall sign any release necessary to facilitate the same.

7. That the Parties do hereby acknowledge that, although the GAL-child relationship is not technically an attorney-client relationship under the statute, the parties do wish to encourage the child to have open and complete discourse with the GAL. Therefore, the Guardian ad Litem assigned to this case may, at the GAL's discretion, maintain any and all information received from the child as confidential and choose not disclose same except in reports to the Court, as ordered by the Court, and/or to any party in this case;

If the GAL believes that an attorney-client relationship has been created between the child and the GAL at any time, the GAL shall promptly notify the court and the parties and set a status hearing relevant to the same;

8. That the Guardian ad Litem shall appear at all Hearings or proceedings scheduled in this case and assure proper representation for the child(ren) at said Hearings;

9. That the Guardian Ad Litem is now considered a party to this action and shall therefore be notified of any hearings, staffings, investigations, depositions, and/or other proceedings in this cause and shall be notified properly as to any action taken on behalf of the child(ren) by any party.

The scheduling of hearings requiring the GAL to be present shall be coordinated with the GAL.

Although the GAL shall be notified of all hearings, the appearance of the GAL may be waived if the issues relevant to such hearing do not reasonably involve the children.

10. That the GAL shall submit a written report to the Court no later than ten (10) days prior to any final hearing on issues, as set forth above, relevant to the children.

If such report is not submitted timely, the parties do hereby agree that there shall not be an automatic continuance of a hearing granted to either party relevant to such late report, and any party requesting such continuance shall provide notice thereof to the Court and the GAL and allow the GAL two business days to complete and submit such report. Ultimately, the Court shall have discretion to rule on the reasonableness of any continuance request.

ALL OF WHICH IS FOUND AND RECOMMENDED this ___day of _____, 20_
_____.

_____

Magistrate, Porter Superior Court

The Court having reviewed the findings and recommendations of Its Magistrate now approves and ratifies the same and adopts the same as the Order of this Court on this, the _____
day of
_____, 20____.

SO ORDERED.

_____
Judge, Porter Superior Court

APPENDIX E

IN THE PORTER CIRCUIT COURT IN

THE PORTER SUPERIOR COURT

A P P E A R A N C E F O R M (C I V I L)

Initiating Party

	)	
(Caption)	)	
	)	**CAUSE NUMBER: _____**

1. _____Name of first initiating party (must include date of birth and social security number in **DR, PO, AD, GU cases)**
(Supply names of additional initiating parties on continuation page.)

2. Attorney information (as applicable for service of process):

Name:_____ Atty. Number:
Address:_____Phone:_____
_____Fax:_____
_____Computer Add:_____
(Supply information for additional attorneys on continuation page.)

3. Case Type requested:_____4. Will accept Fax service Yes____No____
5. For all occupants of the initiating party's residence as well as any child/ren of either the petitioner or the respondent, supply the names, dates of birth and social security numbers in proceedings involving **dissolution of marriage, child custody, child support, child visitation, juvenile delinquency, CHINS, paternity, termination of parental rights, adoptions, guardianship, mental health issues, and protective orders.**

Name:_____D.O.B._____SS#:_____Name:
_____D.O.B._____SS#:_____
Name:_____D.O.B._____SS#:_____Name:
_____D.O.B._____SS#:_____

(SUPPLY ABOVE INFORMATION FOR ADDITIONAL PERSONS ON A CONTINUATION PAGE)

6. Are there now or have there been within the last twelve months pending related cases? Yes____No____If yes, list case and cause number below:

IF THE ANSWER IS YES, FILE AN ADDITIONAL COPY OF THE APPEARANCE FORM

(The Court has determined that the following types of matters constitute cases that are related when a named party and family or household member(s) have matters pending of the following types: **CM, or DF filings involving domestic violence or family violence related charges and/or substance abuse charges, and all cases of the following types: JM, JS, JP, JT, JD, JC, DR, GU, MH, PO and AD)**.

If the caption has a name other than that of the petitioner, please describe the relationship.

Caption_____Cause Number_____
Relationship _____

Caption_____Cause Number_____
Relationship _____

Caption _____ Cause Number _____
Relationship _____

(Supply information for additional related cases on continuation page.)

7. Additional information required by state or local rule: _____
_____

_____
Attorney at Law
Attorney Information

PURSUANT TO TRIAL RULE 3(E), THIS APPEARANCE FORM SHALL BE UPDATED PROMPTLY SHOULD THERE BE ANY CHANGE IN OR SUPPLEMENT TO THE INFORMATION PREVIOUSLY SUPPLIED TO THE COURT

APPEARANCE FORM (CIVIL) - INTERVENING PARTY
Continuation Page

Cause Number_____

Continuation of Item 1 (Names, addresses and phone numbers of intervening parties):

Name:_____Phone:_____
Address:_____
_____

Name:_____Phone:_____
Address:_____
_____

Supply information for additional intervening parties.
Continuation of Item 2 (Attorney information, as applicable for service of process)

Name:_____Atty. No:_____
Address:_____Phone:_____
_____Fax:_____
_____Computer Add:_____

Authority: Pursuant to Trial Rule 3.1(C), this form shall be filed upon the first appearance in the case. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of change in information previously provided to the court. This format is approved by the Division of State Court Administration. Use additional continuation pages if needed.

APPENDIX F

IN THE PORTER CIRCUIT COURT IN

THE PORTER SUPERIOR COURT

A P P E A R A N C E F O R M (C I V I L)

Responding Party

(Caption)))) **CAUSE NUMBER: _____**

1. _____Name of first responding party (must include date of birth and social security number in **DR, PO, AD, GU cases)**
(Supply names of additional responding parties on continuation page.)

2. Attorney information (as applicable for service of process):

Name:_____ Atty. Number:
Address:_____Phone:_____
_____Fax:_____
_____Computer Add:_____
(Supply information for additional attorneys on continuation page.)

3. Case Type requested:_____4. Will accept Fax service Yes____No____
5. For all occupants of the responding party's residence as well as any child/ren of either the petitioner or the respondent, supply the names, dates of birth and social security numbers in proceedings involving **dissolution of marriage, child custody, child support, child visitation, juvenile delinquency, CHINS, paternity, termination of parental rights, adoptions, guardianship, mental health issues, and protective orders.**

Name:_____D.O.B._____SS#:
Name:_____D.O.B._____SS#:_____
Name:_____D.O.B._____SS#:
Name:_____D.O.B._____SS#:_____

(SUPPLY ABOVE INFORMATION FOR ADDITIONAL PERSONS ON A CONTINUATION PAGE)

6. Are there now or have there been within the last twelve months pending related cases? Yes___No___If yes, list case and cause number below:

IF THE ANSWER IS YES, FILE AN <u>ADDITIONAL</u> COPY OF THE APPEARANCE FORM

(The Court has determined that the following types of matters constitute cases that are related when a named party and family or household member(s) have matters pending of the following types: **CM, or DF filings involving domestic violence or family violence related charges and/or substance abuse charges, and all cases of the following types: JM, JS, JP, JT, JD, JC, DR, GU, MH, PO and AD)**.

If the caption has a name other than that of the respondent, please describe the relationship.

Caption_____Cause Number_____
Relationship _____

Caption_____Cause Number_____
Relationship _____

Caption _____Cause Number _____
Relationship _____

<u>(Supply information for additional related cases on continuation page.)</u>

7. Additional information required by state or local rule: _____
_____

_____
Attorney at Law
Attorney Information

PURSUANT TO TRIAL RULE 3(E), THIS APPEARANCE FORM SHALL BE UPDATED PROMPTLY SHOULD THERE BE ANY CHANGE IN OR SUPPLEMENT TO THE INFORMATION PREVIOUSLY SUPPLIED TO THE COURT.

APPEARANCE FORM (CIVIL) - INTERVENING PARTY
Continuation Page

Cause Number_____

Continuation of Item 1 (Names, addresses and phone numbers of intervening parties):

Name:_____Phone:_____
Address:_____
_____

Name:_____Phone:_____
Address:_____
_____

Supply information for additional intervening parties.
Continuation of Item 2 (Attorney information, as applicable for service of process)

Name:_____Atty. No:_____
Address:_____Phone:_____
_____Fax:_____
_____Computer Add:_____

Authority: Pursuant to Trial Rule 3.1(C), this form shall be filed upon the first appearance in the case. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of change in information previously provided to the court. This format is approved by the Division of State Court Administration. Use additional continuation pages if needed.

3000 SERIES
PORTER COUNTY LOCAL CIVIL RULES

LR64-ARO1-3000 CASE ASSIGNMENT

3000.10 Case Type Categories PL, CT, and MF. The Clerk of the Court shall maintain an opaque container in which three black marbles, three white marbles, and three green marbles shall be placed. When a party wishes to file a new action of the case type category PL, CT , or MF, the deputy clerk receiving the filing after the costs have been paid, shall as the last function to complete the case filing, remove one marble from the opaque container without being able to see into said container. If the marble chosen is black, the case shall be filed and assigned to Superior Court #1 and shall be given a cause number beginning with 64D01. If the marble chosen is white, the case shall be filed and assigned to Superior Court #2 and shall be given a cause number beginning with 64D02. If the marble chosen is green, the case shall be filed and assigned to Circuit Court acting as Superior Court #5 and shall be given a cause number beginning with 64D05.

3000.20 The marble chosen shall be placed in an opaque container separate from the one from which it was drawn. Subsequent cases to be filed shall be assigned by the same process. Once all nine (9) marbles have been removed from the original opaque container, they shall again be placed in the original container and the same process repeated for assignment of subsequent cases.

3000.30 Case Type Category CC filings are to be assigned in increments of twenty (20) cases per Superior Division Courtroom beginning with filings for 64D01, thereafter 64D02, thereafter 64D05 and subsequently reverting to the same order.

3000.40 Case Type Categories DR, RS, ES, EU, GU, and TR. The Clerk shall maintain a second opaque container containing three marbles of one color (black) and three of a different color (white), for a total of six marbles. When a party files a new action in case type categories DR, RS, ES, EU, GU and TR in the Superior Division of the Court, the deputy clerk receiving the filing, after costs have been paid, shall as the last function to complete the case filing, remove one marble from the second opaque container without being able to see in the container. If the marble chosen is black, the case shall be assigned to Magistrate - Court I and shall be given a cause number beginning with 64D01. If the marble pulled is white, the case shall be assigned to Magistrate - Court II and shall be given a cause number beginning with 64D02. Marbles pulled for case assignment, once pulled, shall be set aside until the jar is emptied of the six marbles. The six marbles shall then be returned to the jar to start again.

3000.50 In the event the filing of cases pursuant to paragraphs 3000.10 and 3000.4 of this rule shall result in a disparity of civil filings reflected by the Quarterly Case Status Report (QCSR), the judges of the Superior Division may jointly direct the Clerk of the Court to assign case filings so as to eliminate the disparity.

3000.60 Case Type Categories MH, AD, PO, or MI. When a party wishes to file a new action of the case type categories MH, AD PO, or MI: (non-domestic relations matters), they may file it with any judge of the Court who is available. Petitions for the Issuance of a Hardship License must be filed in the Court that ordered the driver's license suspension entered if that Court is located in Porter County. A petition for relief filed pursuant to IC 35-38-9 must be filed in the Court that entered the conviction or conviction being addressed. Should a petition for relief filed pursuant to IC 35-38-9 address criminal convictions entered in more than one court, the petition shall be filed in the court in which the most serious conviction or convictions were entered; however, if multiple courts have entered convictions at the most serious level, the petition for relief shall be filed in the court in which the more recent conviction at the most serious level was entered. *(Amended effective December 18, 2014).*

3000.70 Any domestic relations related matter that is required to be filed with the MI
case designation is governed by Local Rule 3000.40.

3000.80 Venue Cases and Filings by Mail. For cases venued into Porter County and cases filed by mail, the Clerk shall act on behalf of the parties for purposes of case assignment procedure.

3000.90 Judicial Action before Filing. If a case being filed requires some action by a judge before filing, e.g., waiver of filing fees, the party filing the action must go to the Clerk's Office to determine case assignment before taking the case to the Judge. In such cases, no cause number will be assigned until the parties return to the Clerk after action by the Judge.

3000.100 Selection of Special Judges under Trial Rule 79(H)–Superior Division
For case type categories CT, MH, PO, MI, PL, CC and MF, and any other civil case type designations as may hereafter be required to be reported on the Quarterly Case Status Report (QCSR), the Court Administrator shall maintain an opaque container in which shall be placed one black marble, one white marble and one green marble. In the event that any judge of the Superior Division of the Porter Superior Court grants a motion for change of venue from the judge or recuses him or herself and the parties do not timely agree to an eligible special judge under Indiana Trial Rule 79(D) or, if the special judge selected does not timely qualify, the Court Administrator shall select a marble from the above mentioned opaque container. The special judge shall be assigned based on the color of the marble chosen by applying LR64-AR01-3000.40. However, if applying this rule would result in the same judge who granted the change of venue being named as special judge, the Court Administrator shall draw another marble from the two remaining and the special judge shall be assigned based on the color of that marble.

If the receiving court , as mentioned above, likewise disqualifies himself or herself from hearing the case under the Rules of Judicial Conduct, and no Superior Court Judges, Superior Division, are selected and the parties have not timely agreed upon an eligible special judge under Indiana Trial Rule 79(D), the clerk of court shall select a special judge from a list of full-time judicial officers from counties within the administrative district of the court as set forth in Administrative Rule 3(A) and senior judges who have agreed and are eligible to serve. This list includes:

1. The Judge of the Porter Superior Court Division 3
2. The Judge of the Porter Superior Court Division 4
3. The Judge of the Porter Superior Court Division 6
4. Any Porter County Magistrate or Commissioner
5. The Judge of the Jasper Superior Court
6. The Judge of the Jasper Circuit Court
7. The Judge of the Newton Circuit Court
8. The Judge of the Newton Superior Court
9. The Judge of the Benton Circuit Court
10. Any qualified Senior Judge utilized by the Judges of Porter County

A trial court may request the Indiana Supreme Court to appoint a special judge in the following circumstances:

1. No judge under the local rule is available for appointment; or
2. The particular circumstance warrants selection of a special judge by the Indiana Supreme Court.

(Amended Effective April 23, 2014)

3000.110 In case type categories DR, RS, ES, EU, GU, TR, JP AND JC, and any other domestic relations or estate related civil case designations as may hereafter be required to be reported on the Quarterly Case Status Report (QCSR), if the cause number of the case in which a special judge needs to be appointed begins with 64D01, 64D03, 64D05 or 64C01, Porter County Magistrate #2 shall be appointed as special judge. If the cause number of the case begins with 64D02, 64D04 or 64D06, then Porter County Magistrate #1 shall be appointed as special judge.

(Amended Effective April 23, 2014)

3000.120 If the above procedures do not result in the selection of a special judge, the clerk of the court shall select a special judge from the following list of full-time judicial officers from counties within the administrative district of the court as set forth in Administrative Rule 3(A) and senior judges who have agreed and are eligible to serve:

1. The Judge of the Jasper Circuit Court
2. The Judge of the Jasper Superior Court
3. The Judge of the Newton Circuit Court
4. The Judge of the Newton Superior Court
5. The Judge of the Benton Circuit Court
6. Any Senior Judge listed by the Porter County Superior Courts, as approved.

(Amended Effective April 23, 2014)

LR64-TR03-3100 WITHDRAWAL OF APPEARANCE

3100.10 Procedure. All withdrawals of appearances shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given the attorney's client ten (10) days written notice of the attorney's intention to withdraw and has filed a copy of such with the Court. The Court will not grant a request for withdrawal of appearance unless the same has been filed with the Court not less than 30 days prior to any scheduled hearing, except for good cause shown as determined by the Court.

(1) A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of the requirements of this Rule.

(2) All withdrawals of appearance shall comply fully with the provisions of Rules of Professional Conduct, Rule 1.16.

3100.20 Contents of Notice. The letter of withdrawal shall explain to the client that failure to secure new counsel may result in dismissal of the client's case or a default judgment may be entered against the client, whichever is appropriate, and other pertinent information such as any scheduled hearing date or trial date.

LR64-TR03-3200 PREPARATION OF FILINGS

3200.10 As used in these rules, the word “filing” shall mean and include pleadings, motions, and any other papers filed with the Court by any party to any cause. All filings shall be prepared in accordance with the provisions of the Indiana Rules of Trial Procedure. For the purpose of uniformity and convenience, the following requirements shall also be observed.

3200.20 Production and Form. Filings may be either printed or typewritten on white, 8-1/2" x 11" paper, with lines double spaced except for quotations, which shall be indented and single spaced and printed on one side only. Copies of filings shall likewise be printed on white paper. Legal-size paper is not permitted. Legible handwritten filings may be accepted in the discretion of the Court.

3200.30 Caption. Every filing shall contain a caption setting forth the name of the Court, the title of the action and the file or cause number. A space two inches (2") square shall be left open for purposes of file marking each filing.

3200.40 Title. Titles on all filings shall delineate each topic included in the filing, e.g. where a filing contains an Answer, a Motion to Strike or Dismiss, and a Jury Request each shall be set forth in the title.

3200.50 Margins and Bindings. Margins shall be one inch (1") on all four sides of the printed document. Binding or stapling shall be at the top left hand side and at no other place. Covers or backing shall not be used.

3200.60 Signature. All filings shall contain the signature of the attorney in written and typed form, the attorney's address, attorney number, telephone number, FAX number, computer address, and a designation of the party for whom the attorney appears. The following form is recommended:

_____
Jamie Doe
Indiana Attorney Number: 1234-56
Doe, Roe and Poe
Suite 1000, Blackacre Building
Valparaiso, IN 46383
Telephone #:(219) 464-1000
Fax number#: (219) 464-1001
Computer address
Attorney for Plaintiff

3200.70 Neither typewritten signatures nor facsimile signatures shall be accepted on original documents. Facsimile signatures are permitted on copies.

LR64-TR05-3300 MOTIONS

3300.10 Notice. When a motion requires notice, the serving of the copy of the motion upon the other parties in the cause shall constitute notice of filing same. If the motion requires a hearing or oral argument, the Court shall set the time and place of hearing or argument on the motion.

3300.20 Setting Motions for Hearing. Except for motions to correct error or those described in section D of this Rule, all motions shall be set for hearing at the time of their filing. It shall be the responsibility of the movant or the movant's attorney to secure the date of such hearing from the Court personnel who maintain the calendar for each of the Judges or Magistrates. It shall also be the responsibility of the movant to coordinate the hearing date with all opposing counsel.

3300.30 Motions to Correct Error. Any party may request a hearing upon a motion to correct error by filing a written request therefore by separate instrument at any time before the Court has ruled upon such motion. It shall be discretionary with the Judge before whom the cause is pending whether a hearing shall be held on such motion to correct error.

3300.40 Motions Not Likely to Require Hearing. At the time of filing, a moving party shall bring the following motions to the attention of the Judge assigned:

(1) Motion for Enlargement of Time;
(2) Motion to Reconsider;
(3) Motion for Change of Venue from County;
(4) Motion for Change of Judge;
(5) Motion to Dismiss Complaint by Plaintiff when no Answer has been filed;
(6) Motion to Dismiss Counterclaim by Defendant when no reply has been filed;
(7) Trial Rule 37 (A) Motions to Compel Responses to Interrogatories (pursuant to T.R. 33), or to Requests for Production (pursuant to T.R. 34).

3300.50 Such motions shall be summarily granted or denied ex parte unless the Judge, in the Judge's discretion, determines that a hearing should be scheduled on any such motion and schedules a hearing.

3300.60 Oral Arguments on Motions and Other Pleadings. When an oral argument is requested, the request shall be made by separate instrument and filed with the pleading to be argued. Any such oral argument requested may be heard only at the discretion of the Court, except on Motions for Summary Judgment or Motions to Dismiss pursuant to T.R. 41(E), which cannot be granted without hearing.

3300.70 Enlargement of Time. An initial written motion for enlargement of time pursuant to T.R. 6(B)(1) to respond to a claim shall be automatically allowed for an additional thirty (30) days from the original due date with a written order of the Court. Any motion filed pursuant to this Rule shall state the date when such response is due and the date to which time is enlarged. The motion must be filed on or before the original due date or this Rule shall be inapplicable. All subsequent motions shall be so designated and will be granted only for good cause shown.

3300.80 Briefs and Memoranda Regarding Motions. Any brief or memorandum in support of any motion shall accompany or be filed simultaneous with the motion, and a copy shall be promptly served upon the opposing party. If the opposing party desires to file a brief or memorandum, that party must do so within ten (10) days of service of the movant's brief or memorandum. If the moving party desires to file a reply brief or memorandum, that party must do so within five (5) days of service of the response, brief or memorandum.

3300.90 Motions to Strike or to Insert New Matter. Subject to T.R. 12(F) every motion to insert new matter or to strike out any part of any pleading in a cause shall be made in writing and shall set forth verbatim each set of words to be inserted or stricken. Each set of words to be inserted or stricken shall be designated in a separate specification, numbered consecutively.

3300.100 Motion to Reconsider Rulings. A motion to reconsider a ruling of the Court on any motion must be in writing and must be served personally upon the ruling Judge. A motion to reconsider must be filed within fifteen (15) days of the ruling said motion addresses.

3300.110 Motions to Compel Discovery. Upon application of any party who has served a request for discovery pursuant to T.R. 33 or T.R. 34, the Court shall, if it finds that the party to whom the interrogatories or request were directed has not responded within the time allowed, and that the moving party has complied with Trial Rule 26(F), order the non-responding party to respond within a period of time not less than ten (10) days after entry of the Court's order. The Court may, upon written request and for good cause shown, shorten or extend such time as it deems appropriate.

3300.120 Responsibility for Notice. It shall be the responsibility of the movant to give notice to opposing parties of all hearings scheduled on motions.

3300.130 Telephone Argument. The Court, on its own motion or at a party's request, may direct argument of any motion by telephone conference. At the conclusion thereof, the Court may announce its order orally or may take the matter under advisement; but in either event, any order issued thereon shall be reduced to writing and a copy sent to the parties. The Court may further direct which party shall arrange and pay for the cost of the telephone calls.

LR64-AR00-3400 FILING PROCEDURE

3400.10 Required Number of Orders and Briefs. All orders submitted to the Court shall be accompanied by a sufficient number of copies and the same number of postage paid addressed envelopes, so that a copy may be mailed to each party or counsel of record. The original and one copy of all orders shall be retained by the Clerk.

3400.20 Flat Filing. The files of the Court shall be kept under the "flat-filing" system. All pleadings, documents and papers presented for filing to the Clerk shall be flat, unfolded, arranged in chronological order and affixed in flat file folders by standard prong fasteners.

3400.30 Court Files. No court file nor any part thereof may be removed from the custody of the Court or Clerk by any person, including any attorney, except upon authorization by a Judge of the Court and then only upon such terms and conditions as may be provided by the Judge, one unalterable and invariable condition to be the written acknowledgment of such person that they have such file in their personal possession.

3400.40 Entry Form. Every filing subsequent to the original complaint, shall be accompanied by an entry form, in duplicate, which shall contain the title and number of the case, the date, and the exact entry to appear on the Chronological Case Summary. The entry form shall be typewritten or legibly printed, and shall be signed by counsel. Hearing dates on filings requiring Court action shall be obtained from the Judge's staff. Hearing dates shall be inserted on the entry at the time of filing. All entries will be examined and approved by the Judge to whom the case is assigned, or by any other sitting Judge, if the Judge to whom the case is assigned is unavailable, prior to inclusion in the Court's entries.

3400.50 Service of Copies on Counsel and Unrepresented Parties. Every filing required to be served by T.R. 5 shall be served on all counsel of record either before it is filed or on the day it is filed with the Court. A copy of the entry form of the filing shall also be served on all counsel of record whenever the entry is the appearance of counsel or contains a setting for a Court hearing date. All proposed forms of order shall be submitted in sufficient number that distribution may be made to all parties.

3400.60 Routine Entries. Entries, either routine in nature or uncontested including, for example, those setting or continuing a hearing, shall be set out on an entry form only, which shall contain the concise substance of the entry.

3400.70 Electronic Facsimile Filing. Only parties who have agreed to accept service by electronic facsimile transmission (FAX) are permitted to file by FAX. Any filing by FAX shall not exceed ten (10) pages. FAX filings should be made to the Court in which the case is pending.

LR64-AR00-3500 CONTINUANCES AND SETTLEMENTS

3500.10 Motions for Continuance are discouraged. Neither side is entitled to an automatic continuance as a matter of right.

3500.20 Motion for Continuance. Unless made during a hearing or trial, a Motion for Continuance shall be made in writing, stating with particularity the grounds therefore and be verified, and shall state whether opposing counsel objects to the motion, and whether prior continuances have been requested by the moving party.

(1) The Court may require any written Motion for Continuance to be signed by the party requesting the continuance in addition to the signature of the attorney so moving.
(2) The Court may require the stipulation to continue the hearing of any pending matter to state with particularity the grounds for the continuance and be signed by all attorneys of record.

3500.30 Time for Filing. Motions or Stipulations for Continuance must be filed as soon after the cause for continuance or delay is discovered by the movant, and no later than fourteen (14) days before the date assigned for trial or hearing, unless good cause therefor is shown by affidavit to have occurred within the fourteen (14) day period.

3500.40 Court's Discretion. The Court in its discretion may grant or deny a continuance.

3500.50 Rescheduling. Unless the Court directs otherwise, all matters continued shall be rescheduled on the Court's calendar when all attorneys will be available. If all attorneys of record are not present in the Court when a matter is continued, the attorney(s) who requested such continuance shall, within ten (10) days following the granting of the continuance, reschedule the matter continued after ascertaining the availability of all attorneys of record for the rescheduled date and time.

3500.60 Costs of Delay or Continuance. Any cost or reasonable expense incurred by the Court or non-moving party as a result of the continuance or delay may be assessed against the moving party at the discretion of the Court.

3500.70 (JURY TRIALS) Costs For Late Settlement of Cause and/or Failure to Notify Court of Settlement. Any cost or reasonable expense incurred by the Court as a result of a late settlement of the cause and/or any cost or reasonable expense incurred by the Court as a result of any failure to notify the Court of any settlement of the cause may be assessed against either party or parties or all parties, as determined by the Court in its discretion.

(1) Reasonable costs shall include, but are not limited to: costs of juror notification; and, juror per diem and mileage.
(2) All parties have the duty to notify the Court of any settlement of their cause.
(3) Late settlement of the cause means any settlement which is made within fourteen (14) calendar days of the date set for trial.
(4) Late settlement of the cause shall also mean any settlement which is made from the commencement of the trial to and including the return of a verdict by the jury.
(5) Failure to notify the Court of any settlement within five (5) calendar days of the date set for trial shall constitute failure to notify the Court of settlement.

LR64-TR35-3600 DISCOVERY

3600.10 Time Limit. Counsel are expected to begin discovery promptly. In all cases, discovery shall be completed prior to the pre-trial conference unless otherwise ordered by the Court. For good cause shown, the physical or mental examination of a party, as provided for in T.R. 35 may be ordered at any time prior to the trial.

3600.20 Extensions of Time. For good cause shown and prior to the expiration of the time within which discovery is required to be completed, time may be extended for completion of discovery. Motions and stipulations for additional time for completion of discovery must set forth reasons justifying the additional time. Stipulations extending the discovery period must be approved by the Court.

3600.30 Interrogatories.

(1) Preparation. Interrogatories shall be tailored specifically to each cause in which they are filed, and shall be consecutively numbered to facilitate response. All interrogatories to parties propounded pursuant to T.R. 33 shall be prepared as follows:

(a)An original and two duplicates of all interrogatories to parties shall be prepared and served on the party required to answer. Counsel for the propounder shall date and sign the interrogatories as of the date of service.

(b)After each interrogatory and every subpart requiring a separate answer, sufficient blank space shall be left by the propounder as is reasonably anticipated may be required for the responder's typewritten answer. If additional space is required for an answer, the responder shall attach supplemental pages, incorporated by reference, to comply with the spirit of T.R. 33.

(c)Additional space shall be left by the propounder at the close of the interrogatories so that a typewritten signature line and appropriate typed oath or affirmation may be inserted by the responder.

(2) Number Limited. Interrogatories shall be kept to a reasonable limit not to exceed a total of twenty-five (25) including subparts and shall be used solely for the purpose of discovery and shall not be used as a substitute for the taking of a deposition. For good cause shown and upon leave of Court additional interrogatories may be propounded.

(3) Answers and Objections. Answers or objections to interrogatories under T.R. 31 or T.R. 33 shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objections. The responding party shall type the requested answers in the space provided, as required by this Rule, shall supply the oath or affirmation, and shall serve the original and one copy upon propounding counsel.

(4) Duplicated Forms. No duplicated forms containing interrogatories shall be filed or served upon a party unless all interrogatories on such forms are consecutively numbered and applicable to the cause in which the same are filed and served.

(5) Filing. No interrogatories shall be filed with the Court except as provided in T.R. 5 E(2).

3600.40 Depositions. Depositions shall be governed by T.R. 30. Video tape or other mechanically reproduced tapes as allowed by T.R. 74, shall be admissible to the same degree as any other depositions. A transcript of the testimony elicited in the video tape shall accompany all video taped depositions filed with the Court.

LR64-AR00-3700 CASE MANAGEMENT

3700.10 Case Management Conferences. No sooner than 120 days after the filing of any complaint in a civil plenary (PL), civil tort (CT), civil collection (CC), or mortgage foreclosure (MF) case, a case management conference may be scheduled upon motion of any party or the Court. Each party shall be represented at this conference by an attorney familiar with the case, who shall be prepared to discuss and enter into stipulations concerning:

(1) the exchange of lists of witnesses known to have knowledge of the facts supporting the pleadings. The parties thereafter shall be under a continuing obligation to advise opposing parties of other witnesses as they become known;
(2) the exchange of all documents, and any other evidence reasonably available, contemplated for use in support of the pleadings;
(3) a discovery schedule;
(4) the necessity for additional conferences in complex litigation;
(5) the necessity for amendments to the pleadings and the filing or hearing of dispositive motions. Absent agreement, the Court shall schedule the filing, briefing, and hearing thereof; and
(6) settlement and the feasibility of Alternative Dispute Resolution.

3700.20 Case Management Order. At the conclusion of the case management conference, or if the Court chooses not to hold a case management conference, no sooner than 120 days after the filing of the complaint, the Court shall enter a case management order setting forth:

(1) a time limit for completion of discovery;
(2) a time limit for filing all pre-trial dispositive motions;
(3) the scheduling of a pre-trial conference;
(4) time limits for filing, and the format of proposed preliminary and final jury instructions and objections thereto;(5) time limit(s) for filing Motions in Limine;
(6) time limit(s) for completion of Alternative Dispute Resolution (ADR) and filing of any report required by the ADR rules; and
(7) any other matters which the parties or the Court have seen fit to address.

LR64-AR00-3800 PRE-TRIAL CONFERENCES

3800.10 Mandatory Pre-trial Conferences. A pre-trial conference shall be held in every civil plenary and civil tort action, at which each party shall be represented by the attorney who will conduct the trial.

3800.20 The parties shall exchange written lists of witnesses and photocopies of exhibits, together with contentions and statements of issues of fact and law, at least thirty (30) days prior to the pre-trial conference. Counsel for the first named defendant shall prepare a pre-trial order, which shall be executed by counsel for all parties and filed not later than five (5) days prior to the pre-trial conference. The pre-trial order shall set forth in the following sequence:

(1) the jurisdiction of the Court;
(2) the pleadings raising the issues;
(3) a list of motions or other matters requiring action by the Court;
(4) a concise statement of stipulated facts, with reservations, if any;
(5) a concise statement of issues of fact which remain to be litigated;
(6) a concise statement of issues of law which remain for determination by the Court;
(7) the plaintiff's contentions;
(8) the defendant's contentions;
(9) the plaintiff's numbered list of trial exhibits;
(10) the defendant's numbered list of trial exhibits;
(11) the plaintiff's numbered list of trial witnesses, with addresses. Expert witnesses shall be so designated;
(12) the defendant's numbered list of trial witnesses, with addresses. Expert witnesses shall be so designated; and
(13) the estimated length of trial.

When, for any reason, the pre-trial order is not executed by all counsel, each shall file not later than five (5) days prior to the pre-trial conference a written statement of the reason therefore accompanied by a proposed pre-trial order.

3800.30 Pre-Trial Order. At the conclusion of the pre-trial conference, the Court shall render a pre-trial order which, when entered, shall control the course of the trial and may not be amended except by order of the Court to prevent manifest injustice.

3800.40 Memoranda of Law. Memoranda of law, addressing any unusual questions of law, shall be filed and served no later than seven (7) days prior to trial.

3800.50 Trial Setting. At the conclusion of the pre-trial conference, the cause shall be set for trial, if a trial setting has not already been made.

3800.60 Sanctions. Failure of the parties or their attorneys to be prepared for the case management conference, for the pre-trial conference, or to otherwise comply with this Rule, shall subject them to sanctions under Trial Rule 16(K).

LR64-AR00-3900 EXHIBITS

3900.10 Marking in Advance. Exhibits which are not marked at, or prior to the pre-trial conference shall be presented to the court reporter for marking prior to the beginning of the trial, where possible, or during recesses in the trial, so that the trial is not delayed for the marking of exhibits.

3900.20 Custody. After being marked for identification, models, diagrams, exhibits, and material offered or admitted into evidence in any cause pending or tried before the Court or jury shall be placed in the custody of the court reporter unless otherwise ordered by the Judge.

3900.30 Removal. After a case has been decided, unless an appeal has been taken, all models, diagrams, exhibits, or material placed in the custody of the court reporter shall be taken by the parties offering them within six (6) months after the conclusion of the case. At the time of removal, a detailed receipt shall be left with the court reporter and filed with the cause.

3900.40 Destruction of Exhibits. The court reporter shall retain the exhibits from any case for six (6) months after the conclusion of the case, including appeals. After a case is decided and no appeal taken, or after all appeals are completed, the court reporter may give notice in writing to the party introducing the exhibit giving a time within which the exhibit shall be removed from the custody of the court reporter. If the party does not recover the exhibit within the time indicated, the court reporter may dispose of same and the party shall be charged with any expenses of such disposition.

4000 SERIES
PORTER COUNTY LOCAL CRIMINAL RULES

LR64-CR2.2- 4000 CASE ASSIGNMENT AND ALLOCATIONS

4000.10 Superior Division.

The Administrator of this Court shall maintain two opaque containers. In each shall be placed four (4) black marbles, four (4) white marbles and four (4) green marbles. One container shall be designated for use in Class D felony charges to be filed in the Superior Division and the other container shall be used for all other criminal charges filed in the Superior Division. Whenever the Prosecuting Attorney of Porter County wishes to initiate a criminal action in the Superior Division of the Court, the Prosecutor shall first go to the Office of the Court Administrator for purposes of determining before which judge the case shall be filed.

The Court Administrator shall remove one (1) marble from the appropriate opaque container. If the marble chosen is black, the Prosecutor shall be directed to take the probable cause affidavit and the charging information to Porter Superior Court #1 for approval and filing. If the marble chosen is white, the Prosecutor shall be directed to Superior Court #2, and if the marble is chosen green, the Prosecutor shall be directed to Circuit Court acting as Superior Court #5. After the Prosecutor is directed to the designated court, the marble chosen shall be placed in an opaque container separate from the original container. Subsequent criminal cases shall be assigned by this same process. Once all twelve (12) marbles have been removed from the original opaque container, they shall be replaced in the original container and the same process will be followed for assignment of subsequent cases. In addition, the Court Administrator shall remove a number of marbles of the same color which corresponds with the number of multiple defendants when the case assigned has multiple defendants.

Class D felony charges filed in the Clerk's Office shall be assigned to Superior Courts 1, 2 and 5 on a rotating basis.

Any criminal case accepted into the Porter County Adult Drug Court Program in accordance with the Drug Court's policies and procedures will be assigned to the designated Porter County Adult Drug Court for further management.

4000.20 COUNTY DIVISION CASE ASSIGNMENT AND ALLOCATION

The County Division of the Court shall maintain a felony docket, a misdemeanor docket and a traffic infractions docket. Filings on the dockets shall be done in accordance with this Rule as follows:

((1)<u>Porter Superior Court #3</u>: Porter Superior Court #3 shall receive misdemeanor, felony and infraction filings from the following police departments: Indiana Department of Natural Resources; Indiana State Police Toll Road (District #11); Beverly Shores Police Department; the Department of Transportation, Northern Indiana Commuter Transit

Department; Porter County Sheriff's Police; and traffic misdemeanors filed by the Porter County Sheriff. Porter Superior Court #3 shall receive filings from the first five in-custody felony case filings in each month that would have been filed in Porter Superior Court #6 pursuant to this rule.

Porter Superior Court #4: Porter Superior Court #4 shall receive filings from the following police departments: City of Valparaiso; Town of Kouts; Town of Hebron; and Valparaiso University Police Department.
Porter Superior Court #6: Porter Superior Court #6 shall receive misdemeanor, felony and infraction filings from the following police departments: Indiana State Police (District #13); Lowell Post; Portage Police Department; Chesterton Police Department; Ogden Dunes Police Department; Burns Harbor Police Department; and Porter Police Department.
(2)This Rule shall also govern the filing of ordinance violation cases.
(3)The County Division of the Court will not accept the filing of Class A, B, C or D Felonies except:
(A) Class D Felony for Battery and Class D Felony for Domestic Battery and accompanying charges resulting from the same arrest where the most serious charge is a Class D felony.
(B) Class D felony cases which include a charge under Title 9.
These shall be filed in the County Division.
(4) Narcotics Unit filings are treated as being filed by the Porter County Sheriff.
Nothing in this section shall prevent the County Division Courts from directing filings between the Courts in order to equalize work loads of the several respective courts.

4000.30 Transfers.

(1) It shall be the policy of the Porter Superior Courts, that whenever possible consistent with good case management principles, cases involving the same defendant shall be transferred into one court for resolution of all of the pending cases.

(2) **MISDEMEANORS:** Any subsequent Misdemeanor case filed against a defendant may be transferred to the Court where the defendant's oldest existing misdemeanor case is pending. In the event the defendant has an open probation case pending in any Misdemeanor Court and is subsequently charged with a new Misdemeanor case, the new Misdemeanor case shall be transferred to the probation case, unless the new Misdemeanor case can be resolved without the resolution of the probation case. Pending as defined herein means any existing Misdemeanor case which is in pre-disposition status.

(3) **D FELONY CASES:** Any subsequent Misdemeanor or Class D Felony case may be transferred to the Court where the defendant's oldest existing Class D Felony case is pending. In the event the defendant has an open probation case pending in any court and is subsequently charged with a D Felony case, the D Felony case may be transferred to the open probation case, unless the D Felony case can be resolved without the resolution of the probation case.

(4) MURDER, A, B, and C FELONY CASES: Any subsequently filed Misdemeanor or D Felony case may be transferred to the court where the defendant's oldest Major Felony case is pending. However, no new Misdemeanor case involving Title 9 (traffic) may be transferred without prior agreement of both the sending and receiving court.

(5) Any Court may choose to "opt out" of transferring or receiving transferred cases by notifying the other Superior Courts of their election to not transfer or accept transferred cases.

(6) DRUG COURT: If accepted into the Porter County Adult Drug Court Program, qualifying criminal cases shall be transferred in accordance with the Drug Court's policies and procedures to the Superior Court designated as the Drug Court.

4000.40 Traffic Tickets.

(1) Tickets must contain specific court dates and times. Citations must contain the court date and the court times.

(2) Tickets must be turned into the Clerk's Office before the court date. Tickets turned in on the court date or thereafter will be dismissed with an Order that shows the officer has not filed the ticket with the Court on time.

4000.50 Adult Drug Court Program.

(1) Porter County Adult Drug Court Program shall be established pursuant to IC 12-23-14.5-1 to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers, as determined by its written policy and procedures.

(2) Those persons directed to participate in the Porter County Adult Drug Court Program shall pay the program fee, not to exceed five hundred ($500) dollars, in accordance with IC 12-23-14.5-12, as well as any additional costs associated with recommended treatment. The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.

(3) The day-to-day operation and management of the Porter County Adult Drug Court Program has been established in and assigned to Porter County Superior Court # 3. The Drug Court Program shall be reviewed by the Porter County Superior Court judges when necessary, and upon review and agreement by all judges, the Drug Court Program may be established in additional courts as needed.

LR64-CR13-4100 CHANGE OF VENUE FROM THE JUDGE, DISQUALIFICATION AND RECUSAL

4100.10 SUPERIOR DIVISION. The Court Administrator shall maintain an opaque container in which shall be placed one black marble, one white marble and one green marble. In the event that any judge of the Superior Division of the Porter Superior Court grants a change of venue from the judge under Rule 12 of the Indiana Rules of Criminal Procedure, the Court Administrator shall select a marble from the above mentioned opaque container. The special judge shall be assigned based on the color of the marble chosen by applying LR64-CR2.2-4000.10. However, if applying LR64-CR2.2-4000.10 would result in the same judge who granted the change of venue being named as special judge,

then the judge of Porter Superior Court #4 shall be named special judge in the case.

4100.20 COUNTY DIVISION The staff of each of the judges of the County Division of the Porter Superior Court shall maintain an opaque container in which shall be placed one blue marble, one yellow marble and one red marble. In the event that any judge of the County Division of the Porter Superior Court grants a change of venue from the judge under Rule 12 of the Indiana Rules of Criminal procedure, a staff member of that judge shall select a marble from the opaque container maintained at that Court. If the marble drawn is red, the case shall be assigned to the judge of Porter Superior Court #3 as special judge. If the marble drawn is yellow, the case shall be assigned to the judge of Porter Superior Court #4 as special judge. If the marble drawn is blue, the case shall be assigned to the judge of Porter Superior Court #6 as special judge. However, if the color of the marble drawn would result in the same judge that granted the change of venue being named as special judge, then Porter Superior Court Magistrate #2 shall be named special judge in the case.

4100.30 In the event that a special judge selected under paragraph 1 or 2 is disqualified under the Code of Judicial Conduct or excused from service by the Indiana Supreme Court, another marble shall be selected and the special judge assigned accordingly.

4100.40 For felony, misdemeanor and infraction cases filed in the County Division of the Court, if the judge to whom a case is assigned under LR64-CR2.2-4000.20 of these rules is disqualified under the Code of Judicial Conduct or recuses himself/herself for any reason, the Court, based upon caseload and geographical considerations, sets out the following reassignment schedule:

Cases from 64D03 shall be reassigned to 64D06
Cases from 64D04 shall be reassigned to 64D03
Cases from 64D06 shall be reassigned to 64D04

LR64-CR00-4200 WITHDRAWAL OF APPEARANCE

Permission of the Court is required to withdraw the appearance of counsel for a defendant. Counsel desiring to withdraw appearance in any criminal action at any stage of the proceedings shall file a motion requesting leave to do so. Such motion shall fix a time (to be procured from the Judge's staff) when such motion shall be heard. Moving counsel shall also file with the Court satisfactory evidence of at least ten (10) days written notice of such hearing to the attorney's client. Further, the notice to the client shall also contain notice of the next scheduled calendar setting in the cause. A withdrawal of appearance, when accompanied by the appearance of other counsel, shall constitute a waiver of this requirement.

LR64-CR00-4300 BOND

4300.10 Arrest Warrants. At the time a probable cause affidavit is presented to a Judge of the Court, if the Judge orders an arrest warrant issued, the Judge shall also set the amount of bond. The amount of bond for all Murder, Class A, B, C and D felonies which are presented to the Court for a finding of probable cause and issuance of an arrest warrant shall be determined on a case by case basis.

4300.20 Bond Schedule A bond schedule applying to all Class D felonies not presented to a judge for finding of probable cause and all misdemeanors shall be adopted by the Court by general order. Said general order, when adopted or when modified shall be posted at the Porter County Jail and in each office of the Clerk of the Porter Circuit and Superior Court.

LR64-CR00-4400 AFFIDAVIT RELATING TO PRIOR CRIMINAL RECORD

In all criminal cases submitted for disposition by plea agreement the following affidavit form shall be used and affixed to the plea agreement.

I hereby disclose the following prior criminal record including arrests:

Charge any	Conviction/Sentence if County/State	Year

On Probation now?_____Yes _____No
On Parole now? _____Yes _____No

OTHER PENDING CHARGES:

_____
_____
_____

Full Name _____
Birth Date _____ Social Security Number _____

I AFFIRM, UNDER PENALTIES OF PERJURY, THAT THE ABOVE DISCLOSURE IS TRUE AND COMPLETE, LISTING ALL CRIMINAL ACTIVITY WITH WHICH I HAVE BEEN CHARGED, AND LISTING ALL CHARGES NOW PENDING AGAINST ME. I UNDERSTAND THAT IN THE EVENT THIS DISCLOSURE IS INACCURATE IN ANY RESPECT, THE STATE OF INDIANA SHALL BE PERMITTED TO REVOKE ANY PLEA OFFER, OR WITHDRAW FROM ANY PLEA AGREEMENT.

I UNDERSTAND THAT MY ATTORNEY IS IN NO MANNER RESPONSIBLE FOR THE ACCURACY OF THIS AFFIDAVIT.

_____ _____

Date Defendant

LR64-CR00-4500 PLEA AGREEMENT DEADLINE DATE

In all criminal prosecutions scheduled for trial by jury the plea agreement deadline date shall be not less than thirteen days before trial. The Court shall not accept any plea agreements filed after this date, except for just cause shown. Plea agreements must be in written form and signed by the defendant and counsel and the prosecuting attorney or his deputy. The Court may hold the plea hearing on the plea agreement deadline date or otherwise schedule the hearing to another date depending upon time available. In the event the parties have no plea agreement, the Court may hold a status conference with counsel and the defendant and prosecuting attorney on the deadline date, in order to narrow the issues, to discuss stipulations, and to otherwise streamline the trial.

LR64-CR00-4600 TRIAL

The Court shall control the trial calendar. The prosecuting attorney may advise the Court of facts relevant in determining the priority of cases on the trial calendar. Thirty (30) days prior to trial or such other dates as the Court may fix, the Court may order the defendant to appear and confirm his/her plea and desire for trial of the cause.

LR64-TR07-4700 MOTIONS

4700.10 Continuance. Upon motion of any party, the Court may grant a continuance only upon showing of good cause and only for so long as necessary, taking into account not only the request or consent of the prosecution or defendant, but also the public interest in the prompt disposition of the case. All orders granting continuances shall indicate on which party's motion the continuance is granted.

4700.20 Other Motions. Any application to the Court for an order shall be made by a written motion, unless made during the trial or the hearing, when the Court permits it to be made orally.

(1)(1) Unless otherwise provided by law or rule, only the original copy of a motion need be filed. The original shall state the grounds upon which the motion is made and set forth the relief or order sought. It may be supported by an affidavit. It shall be accompanied by a memorandum in support thereof.

(2)All motions shall be signed by an attorney of record, or the defendant personally, and shall clearly identify the attorney's printed name, their Indiana Attorney Registration Number, and the name, address and telephone number of the firm with which the attorney filing same is associated. A rubber stamp or facsimile signature on the original shall not be acceptable.

LR64-CR00-4800 WAIVERS

Whenever a defendant waives a right, the Court shall enter of record that the defendant is present, and after having been advised of such right, waives the same. The Court may also require that the waiver of a right be in writing, signed by the defendant personally and approved by the Court.

Any waiver may be set aside by the Court to prevent any injustice.

LR64-CR00-4900 FAILURE TO APPEAR

If a defendant fails to appear before the Court when summoned or otherwise ordered by the Court to appear, the Court may summarily issue a warrant for the defendant's immediate arrest and appearance before the Court.

LR64-TR26-4910 PRE-TRIAL DISCOVERY

In all criminal cases, reciprocal pre-trial discovery shall be available to both the State and the defendant, upon request of the opposing party, as follows:

4910.10 State. The State shall produce, upon request, the following:

(1) The names, last known addresses, dates of birth, and social security numbers of persons whom the State intends to call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements and a list of memoranda reporting or summarizing their oral statements.

(2) Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.

(3) A transcript of those portions of grand jury minutes containing testimony of the accused or a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.

(4)Any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons.

(5)Any books, papers, documents, photographs or tangible objects which the prosecuting attorney intends to use in the hearing or trial, or which were obtained from, or belong to, the accused.

(6)Any record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial.

4910.20 Defendant. The defendant shall produce, upon request, the following:

(1) The person of the accused. Subject to Constitutional limitations the accused shall:

(a) Appear in a line-up.
(b) Speak for identification by witnesses for an offense.
(c) Be finger printed.
(d) Pose for photographs not involving re-enactment of a scene.
(e) Try on articles of clothing.
(f) Permit the taking of specimens of material from under the defendant's fingernails.
(g) Permit the taking of samples of the defendant's blood, hair or other materials of the body which involve no unreasonable intrusion.
(h) Provide a sample of the defendant's handwriting.

(1) Submit to a reasonable physical or medical inspection of the defendant's body.
(2) Whenever the personal appearance of the accused is required for the foregoing purposes reasonable notice of the time and place of such appearance shall be given by the State to the accused and the accused's counsel, who shall have a right to be present.
(3) Subject to Constitutional limitations the State shall be informed of, and permitted to inspect and copy or photograph, any report or results, or any testimony relative thereto, of physical or mental examinations or of scientific tests, experiments or comparisons, or any other reports or statements of experts which defense counsel possesses or controls, except that those portions of reports containing statements made by the defendant may be withheld if defense counsel does not intend to use any of the material contained in the report at a hearing or trial.
(4) Subject to Constitutional limitations defense counsel shall inform the State of any defenses which defense counsel intends to make at a hearing or trial and shall furnish the State with the following material and information within defense counsel's possession and control.
(a) The names, last known addresses, dates of birth and social security numbers of persons defense counsel intends to call as witnesses, together with their relevant written or recorded statements, including memoranda, reporting or summarizing their oral statements, and record of prior criminal convictions known to the defense attorney.
(b) Any papers, books, documents, photographs or tangible objects defense counsel intends to use as evidence or for impeachment at a hearing or trial.

4910.30 All Parties.

(1) If, subsequent to compliance, a party discovers additional material or information which is subject to disclosure, that party's attorney shall promptly notify the other party or the other party's counsel of the existence of such additional material, and if the additional material or information is discovered during trial, the Court shall also be notified.

(2) Any materials furnished to an attorney pursuant to this Rule shall remain in that attorney's exclusive custody and shall be used only for the purpose of conducting that attorney's side of the case, and shall be subject to such other terms and conditions as the Court may provide.

(3) Upon a showing of cause the Court may, at any time, order that specified disclosures be restricted or deferred, or make such other order as is appropriate, providing that all material and information to which a party is entitled must be disclosed in time to permit that party's counsel to make beneficial use thereof.

4910.40 Failure to Comply. If at any time during the course of the proceedings it is brought to the attention of the Court that a party has failed to comply with this Rule or an order issued pursuant thereto, the Court may order such party to permit the discovery of material and information not previously disclosed, and the Court may order a continuance, or enter such other order as it deems just under the circumstances. Willful violation by counsel of this Rule or an order issued pursuant thereto may subject counsel to appropriate sanctions.

4910.50 Discretionary Protective Order. Either side may apply for a protective order for non-disclosure of requested discovery. The Court may deny disclosure if it finds that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure which outweighs any usefulness of the disclosure to counsel.

4910.60 Matters not subject to disclosure.

(1) Work product. Disclosure is not required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staffs, or of defense counsel or his/her staff.

(2) Informants. Disclosure of an informant's identity will not be required where there is a paramount interest in non-disclosure and a failure to disclose will not infringe upon the constitutional rights of the accused. Disclosure of the identity of witnesses to be produced at a hearing or trial will be required.

(3) Any matters protected by law.

LR64-CR00-4920 PRE-TRIAL CONFERENCE

At any time after the filing of the indictment or information, the Court upon motion of any party or upon its own motion, may order one or more conferences to consider such matters as will promote a fair and expeditious trial. In all felony cases the Court will schedule a final pre-trial conference. At the conclusion of the conference the Court may prepare and file a pre-trial conference order which documents all matters agreed upon. No admissions made by the defendant or his attorney at the conference may be used against the defendant unless the admissions are reduced to writing and signed by the defendant and his attorney.

The representative of the Prosecutor's Office having the authority to negotiate disposition of the cause and the representative of the Prosecutor's Office who will represent the State at trial of the cause shall appear at the pre-trial conference. The defense attorney and defendant shall appear for the pre-trial conference. Discovery shall be completed by the time of pre-trial. Any pre-trial motions must be submitted in writing seven (7) days prior to the pre-trial conference.

LR64-CR00-4930 LATE PAYMENTS

(1) Any defendant found to have;
- (A) committed a crime;
- (B) violated a statute defining and infraction;
- (C) violated an ordinance of a municipal corporation; or
- (D) committed a delinquent act; and

(2) The defendant is required to pay;
- (A) court costs, including fees;
- (B) a fine; or
- (C) a civil penalty; and

(3) The defendant is not determined by the Court imposing the court costs, fine, or civil penalty to be indigent; and

(4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following;

(A) The end of the business day on which the Court enters the conviction or judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the Court; then

The defendant shall pay an additional $25.00 fee pursuant to IC 33-37-5-22 and the Clerk of the Court shall collect the late payment fee.

5000 SERIES
PORTER COUNTY LOCAL PROBATE RULES

LR64-PR00-5000 NOTICE

5000.10 Whenever notice by publication and/or written notice by U.S. mail is required to be given, the attorney shall prepare such notice and shall ensure that such notice is properly published and/or served by certified mail, return receipt requested. The notice shall comply with all statutory requirements. It shall be the attorney's responsibility to provide proof of service prior to bringing a matter to the Court. Copies of petitions shall be sent with all notices where the hearing involved arises from the matters contained in the petition. Notice of the opening of an estate shall be sent by first class United States mail to all readily ascertainable creditors.

LR64-PR00-5100 PLEADINGS

5100.10 Filing. When pleadings are filed by mail, or left with the Court for filing, a self-addressed, stamped envelope shall be included for return of documents to the attorney. Routine pleadings, such as inventories, inheritance tax schedules, and final reports, may be filed with the Clerk for transmittal to the Court.

5100.20 Orders. All attorneys are required to prepare orders for all proceedings except when expressly directed otherwise by the Court.

5100.30 Signature and Information. Every pleading, including inventories, petitions, and accountings, filed in an estate or guardianship shall be signed and verified by the fiduciary and signed by the attorney for the fiduciary. The initial petition to open an estate or guardianship shall contain the name, address, social security number, and date of birth of the fiduciary, if a person.

LR64-PR00-5200 BOND

5200.10 Amount and Exceptions. In every estate and guardianship, the fiduciary, prior to the issuance of letters, shall file a corporate surety bond not less than the value of the personal property to be administered, plus the probable value of annual rents and profits of all property of the estate in such amount as shall be set by the Court, except as hereinafter provided:

(1) Where, under the terms of the Will, the testator expresses an intention that the bond be waived, the Court shall set a bond adequate to protect creditors and taxing authorities.

(2) Where the fiduciary is an heir or legatee of the estate, the bond may be reduced by said 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 the amount adequate to protect the rights of the creditors and taxing authorities only.

(4) In an unsupervised estate, bond may be set at the discretion of the Court.

(5) No bond shall be required in any supervised estate or guardianship in which a corporate banking fiduciary qualified by law to serve as such is either the fiduciary or one of several co-fiduciaries.

5200.20 Restriction in Lieu of Bond. In lieu of a bond as required by Section 5200.10 of this Rule, a fiduciary may restrict transfer of all or part of the liquid assets of the estate or guardianship by placing those assets in a federally-insured financial institution with the following restriction placed on the face of the account or document: NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF THE CIRCUIT OR SUPERIOR COURT OF PORTER COUNTY, INDIANA. The attorney for the estate or the fiduciary shall file with the Court written acknowledgment by the federally insured financial institution of the account's restriction.

5200.30 Value. All petitions to open an estate or guardianship shall set forth the probable value of the personal property plus the estimated annual rents and profits to be derived from the property in the estate or guardianship.

5200.40 Surety. The name and address of the insurance agency providing the corporate surety bond shall be typed or printed on all corporate bonds in any estate or guardianship.

LR64-PR00- 5300 INVENTORY

5300.10 No inventory shall be filed by the fiduciary in all estates and guardianships as follows: Estates (supervised and unsupervised), within sixty (60) days; Guardianships, within ninety (90) days for permanent guardians and within thirty (30) days for temporary guardians. All

times relate to the date of appointment of the fiduciary. In the event a partial inventory is filed, all subsequent inventories must contain a recapitulation of prior inventories.

LR64-PR00-5400 REAL ESTATE

5400.10 Appraisals. In all supervised estates and guardianships in which real estate is to be sold, a written professional appraisal shall be filed with the Court at the time of filing the Petition for Sale unless such appraisal was filed with the Inventory. Such written appraisal shall include as a minimum the following elements:

(1) A brief description of the property interest being appraised, including the full legal description thereof.
(2) Purpose or objective of the appraisal.
(3) Date for which fair market value is determined.
(4) Data and reasoning supporting the fair market value.
(5) Fair market value determined.
(6) Statement of assumptions and special or limiting conditions.
(7) Certification of disinterest in real estate.
(8) Signature of the appraiser.

All such appraisals shall be made within one year of the date of the Petition for Sale.

5400.20 Deeds. All deeds submitted to the Court for approval in either estate or guardianship proceedings shall be signed by the fiduciary and the signature notarized prior to its submission. All such deeds shall be submitted with the Report of Sale of Real Estate or at the time of the hearing on the Final Account. Copies of such deeds shall be filed with the Court for its records.

5400.30 Recording. Whenever a final decree reflects that real estate has vested in heirs or beneficiaries, the decree shall be recorded with the recorder of the county where any such real estate is located and evidence of said recording shall be provided to the Court with the Supplemental Report.

LR64-PR00-5500 SALE OF PERSONAL PROPERTY

5500.10 Appraisals. In all supervised estates and guardianships, no Petition to Sell 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 thereof, is filed with the Court at the time of the filing of the Petition to Sell, unless such appraisal was filed with the Inventory. All appraisals shall be made within one year of the date of the Petition to Sell. This rule shall not apply to personal property which is sold at public auction.

5500.20 When No Appraisal Required. No written appraisal shall be required for the sale of assets which are traded in a market and the value of which is readily ascertainable. Such assets include, but are not limited to, stocks, bonds, mutual funds, commodities, and precious metals.

LR64-PR00-5600 CLAIMS

5600.10 Five (5) months and fifteen (15) 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.

LR64-PR00-5700 ACCOUNTINGS

5700.10 Intermediate Accounting. Whenever an estate cannot be closed within one (l) year, an intermediate accounting shall be filed with the Court within thirty (30) days after the expiration of one year and each succeeding year thereafter. Such accounting shall comply with the provisions of I.C. 29-1-16-4 and 29-1-16-6 and:

(1) Shall state facts showing why the estate cannot be closed and 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 and claimants.

5700.20 Form and Content. All accountings shall include the following:

(1) All guardianships accountings shall contain a certification of an officer of any financial institution in which assets are held, verifying the account balance.

(2) All Social Security or Medicare benefits received on behalf of an incapacitated person shall be included and accounted for in the guardianship accountings unless Court approval has been previously granted to allow said funds to be paid directly to a residential or health care facility.

(3) In all supervised estate and guardianship accountings, vouchers or canceled checks for the expenditures claimed shall be filed with the accounting. No affidavits in lieu of vouchers or canceled checks will be accepted from individual fiduciaries. An affidavit in lieu of vouchers or canceled checks may be accepted from a state or federally chartered financial institution who serves as a fiduciary, provided the financial institution retains the vouchers or canceled checks on file or by electronic recording device and makes same available to interested parties upon court order. The Court may require such institution to provide a certification from its Internal Audit Department verifying the accuracy of the accounting.

(4) In all supervised estate and guardianship accountings, a notation shall be placed by each expenditure indicating the reason for or nature of the expenditure.

(5) All accountings to the Court shall contain an itemized statement of the assets on hand.

(6) Receipts or canceled checks for all final distributions shall be filed either in the final report, or a supplemental report, before discharge will be granted by the Court.

(7) All accountings shall follow the prescribed statutory format. Informal, handwritten, or transactional accountings will not be accepted.

5700.30 Court 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 thereof (see Appendix B) shall be filed with the Court before such Final Account shall be approved.

5700.40 Proof of Tax Payment. The Federal Estate Tax Closing Letter and the Indiana Inheritance Tax Closing Letter (or the counter-signed receipt) or a photocopy thereof, showing payment of all Federal Estate and/or Indiana Inheritance Tax liability in the estate, shall be attached to the Final Report at the time of filing.

LR64-PR00-5800 FEES OF ATTORNEYS AND FIDUCIARY

5800.10 Unsupervised Estates. No attorney or fiduciary fees will be determined or authorized for payment by the Court in any unsupervised administration of a decedent's estate.

5800.20 Supervised Estates and Guardianships. No fees for fiduciaries or attorneys shall be paid out of any supervised estate or guardianship without prior written order of the Court. A guardian or guardian's attorney may petition for fees at the time of filing an inventory. No further petition for fees may be filed until a biennial, annual, or final accounting has been filed.

(1) Where contracts for legal services have been entered into prior or subsequent to the opening of an estate or guardianship, the Court reserves the right to approve or disapprove the fee contracts consistent with the Court's fee guidelines.

(2) All petitions for fees for the attorney and/or fiduciary shall conform to the fee guideline set out in Appendix C and shall specifically set forth all services performed in detail as well as the amount of the fee requested and how it has been calculated.

(3) Unjustified delays in carrying out duties by the fiduciary and/or attorney will result in a reduction of fees.

LR64-PR00- 5900 UNSUPERVISED ADMINISTRATION

5900.10 Consent. No petition for administration without Court supervision shall be granted unless the consent requirement of I.C. 29-1-7.5-2(a)(4) is met, along with all of the other requirements of I.C. 29-1-7.5-2(a).

5900.20 Inventory. A complete inventory of estate assets shall be filed with the Court within sixty (60) days of the appointment of the fiduciary.

5900.30 Court Costs and Claims. All Court costs shall be paid and all claims satisfied and released on or before the date of the filing of the Closing Statement and a Clerk's Certification thereof (see Appendix B) shall be filed with the Court at the time such Closing Statement is filed with the Court.

5900.40 Taxes. Every Closing Statement shall comply with Local Rule 5700.40.

LR64-PR00-5950 GUARDIANSHIPS

5950.10 Physician's Report. In all guardianship matters seeking to declare an adult incapacitated by reason of physical or mental illness, a Physician's Report (See Appendix D) by the doctor treating the alleged incapacitated person or such additional evidence as the Court shall require, shall be presented to the Court at the time the petition is filed or on the hearing date. No determination will be made without a supporting medical report or testimony.

5950.20 Guardian's Report. Current reports filed by a guardian of the person shall state the present residence and the general welfare of the incapacitated person. If the incapacitated person is an adult and the incapacity is do to physical or mental illness, a Physician's Report by a treating physician shall be filed with the current report, verifying that the incapacity of the person remains unchanged since the date the guardianship was established or the date of the last current report and that the living arrangements for the incapacitated person are appropriate.

5950.30 Guardian of a Minor. In every petition for the appointment of a guardian of the person of a minor child, in addition to the information required by I.C. 29-3-5-1, the following information shall be included in the petition:

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

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

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

PROBATE - APPENDIX A

CERTIFICATION BY FINANCIAL INSTITUTION

TO: _____

FROM:_____
(Guardian's Name)

RE: Guardianship of_____CAUSE NO._____

In order to comply with the rules of the Porter Superior 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)

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 Balance Date	Account Number
_____	_____
_____	_____
_____	_____

Name and Address of Institution:

_____

_____

_____

Signature of Certifying Officer: _____ Date: _____

Printed: _____

Title: _____

PROBATE - APPENDIX B

STATE OF INDIANA)
)
COUNTY OF PORTER)SS:
) CAUSE NO._____
IN THE MATTER OF)
THE GUARDIANSHIP OF)
)
_____)

CLERK'S CERTIFICATE AS TO COSTS/CLAIMS

This is to certify that all costs have been paid in this proceeding through _____, 20___.

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 of _____

County

PROBATE - APPENDIX C

MAXIMUM
FEE GUIDELINES AND RULES
FOR
SUPERVISED ESTATES

P R E A M B L E

PURPOSE OF THE FEE SCHEDULE

The Probate Committee of the Indiana Judicial Conference has prepared Guidelines for Estate Fees in an effort to achieve the following objectives:

1. Establish uniformity throughout the State in determining a fair and reasonable fee for supervised estates;
2. Provide a guideline to assist the Court in determining fair and reasonable fees;
3. Furnish a guideline to attorneys so they can discuss fees that may be reasonably incurred with their clients at the onset of administration;
4. Assist the legal profession to arrive at a fair and reasonable fee for estate work.

The schedule is NOT a minimum fee schedule, but a maximum fee schedule. Every attorney and personal representative has an obligation to request a fee which is fair and reasonable for the work performed, taking into account that provisions of the Rules of Professional Conduct applicable to attorneys admitted to practice law in the State of Indiana. However, any request for fees should not exceed the guidelines set out in the schedule. In an uncomplicated estate, fees should be less than the maximum fees listed in this schedule, and fees should always bear a reasonable relationship to the services rendered.

PRINCIPLES APPLICABLE TO FEE DETERMINATIONS

Although fee guidelines have been promulgated by the Court for probate matters, it is important that your attention be directed to certain criteria as they pertain to these guideline. The existence of the guidelines does not assure that all fees allowed by the Court will adhere to them. Other factors must be considered by the attorney and his, or her, client. The same factors will also be considered by the Court in making its final determination.

The criteria to be considered including the following:

A. The time and labor required, the novelty, complexity, or difficulty of the questions involved, the skill required to perform the services properly, and shall include a determination as to how much of the attorney's time was devoted to legal matters and how much of it was devoted to ministerial functions;

B. The nature and extent of the responsibilities assumed by the attorney and the results obtained, and shall include the considerations of the identity of the personal representative and the character of the probate and non-probate transferred assets;

C. The sufficiency of assets properly available to pay for legal services, and shall consider whether the attorney's duties are expanded by the existence of non-probate assets because of their inclusion for tax purposes, both federal and state;

D. The timeliness with which the necessary services are performed consistent with statutory requirements, the Court's rules of procedure and the Rules of Professional Conduct applicable thereto.

In considering all of these factors, all attorneys are urged to discuss their fee and that of the personal representative at the time they are retained in all probate matters.

ATTORNEY FEES

I. Administration

Gross Estate services are considered to normally include: Opening of the estate, qualifying the personal representative, preparing and filing the Inventory, paying claims, collecting assets, preparing and filing non-extraordinary petitions, preparing and filing the Inheritance Tax Schedule, obtaining the Court order thereon and paying the taxes, preparing and filing the Final Report, obtaining order approving same, distributing assets, obtaining discharge of the personal representative, and preparing and serving all notices on interested parties and readily ascertainable creditors throughout the proceedings. This list shall not be considered to be exclusive.

A. Gross Estate:

Up to $100,000, not to exceed.....6%
Next $200,000, not to exceed.....4%
Next $700,000, not to exceed.....3%
Over $1,000,000, not to exceed.....1%

B. Miscellaneous - Extraordinary Services:

Sale of Real Estate.....$500.00
Federal Estate Tax Return:
Basic Fee.....$600.00
Assets exceeding those indicated
in Inheritance Tax Schedule.....1%

Inheritance Tax Schedule:

Cash, stock, bonds, other intangibles - non-probate assets.....l%

Other assets - non-probate assets.....1.5%

Petition - ex parte.....$175.00

Other Than as Provided Above.....$85.00 per hour

(Attorney's expertise in probate matters will be considered by the Court in determining the applicable hourly rate.)

II. Miscellaneous

A. Probate Will only.....$175.00

B. Small Estate settlement procedure.....$300.00

C. Inheritance Tax Schedule (see above)

D. Federal Estate Tax Return (see above)

III. Wrongful Death Administration

A. Fees not to exceed:

Settlement prior to filing.....25%

Settlement after filing and
prior to trial 33-1/3%
Trial.....40%
Appeal, or extra work.....50%

IV. General

Fees will be computed on an hourly basis only for extraordinary services or for services not specified above. Fee petitions requesting extraordinary fees must set forth services rendered with specificity. Extraordinary services, depending upon the circumstances prevailing in each individual matter, may include: sale of personal property, sale of real property, partial distribution, defending a Will, construing a Will, contesting claims, adjusting tax matters, any contested hearing, petition for instructions, heirship determination, generating additional income for the estate, federal estate tax return, etc. All fee petitions must specifically set forth the fee requested for both the personal representative and the attorney and will be set for hearing.

If all interested parties sign a waiver and consent stating that they have been advised the additional fee request exceeds the Court's guidelines and that the services as detailed are extraordinary, the Court may not require a hearing. A suggested form of acceptable waiver is attached. The Court will not determine and allow fees in an Unsupervised Administration. Fees determined on non-probate transferred assets should be charged against the transferees of these assets and not the estate.

PERSONAL REPRESENTATIVE FEES

I. Professional

Their applicable reasonable rate to be reviewed in light of all prevailing circumstances.

II. Non-Professional

An amount not in excess of one-half (1/2) of the attorney's fee.

III. Attorney

When the attorney also serves as the personal representative, an additional amount not in excess of one-third (1/3) of the attorney fee may be allowed, provided:

A. Additional services have been performed which are normally done by the personal representative; and

B. Assets of the estate warrant the allowance of additional fees.

LIMITATION ON FEES

In all instances, the combined total of the fees allowed to the personal representative and attorney for the administration of an estate shall not exceed ten percent (10%) of the decedent's gross estate.

WAIVER AND CONSENT TO ALLOWANCE OF FEES IN EXCESS OF GUIDELINES

When an attorney reasonably believes that extraordinary circumstances exist and requests fees that exceed the Guidelines, it is suggested that all affected parties either sign a waiver and consent, or the fees be determined only after notice to the affected parties and hearing on the petition. The waiver and consent should not be merely a pro forma waiver and consent, but should be in substantially the following form:

IMPORTANT: PLEASE READ BEFORE SIGNING!
WAIVER AND CONSENT

The undersigned, an interested party in the Estate of _____, understands that:

A. The maximum fee ordinarily allowed by the Court for legal services in this estate would amount to $_____.

B. The attorney has requested fees in the amount of $_____, alleging that extraordinary and unusual services have been performed.

The undersigned, being fully advised, now consents to the allowance of the requested fee, waives any notice of hearing on the Petition and requests that the Court allow fees in the amount of $_____.

Dated:_____ _____
Devisee/Heir

PROBATE - APPENDIX D

STATE OF INDIANA)
)
COUNTY OF PORTER)SS:
) CAUSE NO. _____
IN THE MATTER OF)
THE GUARDIANSHIP OF)
)
_____)

PHYSICIAN'S REPORT

_____, a physician licensed to practice medicine 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 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 reasons for your opinion. _____

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

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

Signature:_____
Printed:_____
Street Address:_____
City/State/Zip:_____
Telephones:_____

This report must be signed by a physician. If the description of the incapacitated person's mental, physical and educational 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: _____

Name: _____
Address: _____
Signature: _____

6000 SERIES
PORTER COUNTY
LOCAL FAMILY COURT RULES

LR64-FC00-6000 CITATION

These rules shall be known as Porter County Family Court Rules and shall be cited as follows:

"PORTER COUNTY LOCAL FAMILY COURT RULE ____"(OR "LR64-FC____-____");

LR64-FC00-6100 OBJECTIVE

The primary objective of the Porter County Family Court is to coordinate cases among family members throughout the judicial process and to ensure the delivery of appropriate services. This allows judges to review family issues in a comprehensive manner, consolidate hearings when appropriate, issue non conflicting orders, impose sanctions to best fit family needs and instill accountability. To implement this concept, new techniques and information management systems are needed to identify family members and link their cases as they enter the judicial system. These rules are implemented only for cases assigned to Family Court.

LR64-FC00-6200 DEFINITIONS

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.

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.

LR64-FC00-6300 JURISDICTION AND RELATED CASES

Porter County Family Court will have jurisdiction over cases in which a family with children or household with children has involvement in multiple cases, as indicated by the Family Court matrix, of the following types: CHINS, delinquency, juvenile status offense, child support, termination of parental rights, adoption, placement of children, paternity, dissolution of marriage, mental health, domestic violence, protective order, adult criminal (intra-family) and alcohol or drug charges.

The Court has determined that the following types of matters constitute cases that are related when a named party and family or household member(s) have matters pending of the following types: CM, or DF filings involving domestic and/or family violence related charges and/or substance abuse charges, and all cases of the following types: PO, JM, JS, JP, JT, JD, JC, DR, GU, AD and MH.

The Family Court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case involving the family.

The Family Court may, in the court's discretion, set hearings on related cases to be heard concurrently, take evidence on the related cases at these hearings, and rule on the admissibility of evidence for each cause separately as needed to adequately preserve the record for appeal. This rule applies only when the cases are pending before the same judicial officer.

LR64-FC00-6400 ASSIGNMENT OF CASES, CLERKS RESPONSIBILITIES

The supervising judge of the Porter County Family Court shall approve the assignment of cases to the Family Court. The transfer and consolidation of cases assigned to Family Court are subject to the provisions of these Family Court Rules.

Upon assignment of a case to Family Court, case management procedures shall be implemented, and all parties are to be notified. The Clerk is to enter the Family Court assignment on the chronological case summary.

The Clerk of the Court shall enter the answers contained in numerical paragraphs #1, #5 and #6 of the entry of Appearance Form in the information field of the Jalen Case Management System. In Protective Order cases, the date of birth and social security number of the petitioner shall be entered as confidential information.

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.

LR64-FC00-6500 CHANGE OF JUDGE

Change of Judge: 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. 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 proceedings after the initial selection of cases, shall be granted only for cause.

Special Judge: if a special judge is appointed, all current and future cases in the Family Court proceeding may be assigned to the special judge.

Objection to Family Court designation: within ten (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.

LR64-FC00-6600 CASE CONSOLIDATION AND TRANSFER

The supervising judge of the Porter Family Court may enter orders for the consolidation and transfer of cases assigned to Family Court when the judicial officers presiding over such cases do not object. No case shall be transferred or consolidated until the judicial officers to whom such cases have been assigned have been advised of the contemplated action. The consolidation and transfer of Family Court cases shall be accomplished by the entry of an order signed by the supervising judge.

LR64-FC00-6700 JUDICIAL NOTICE

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

Procedurally, if a court takes judicial notice of:

(1) a court order, the court shall provide a copy of that order; or
(2) a CCS or CCS entry(s), the court shall provide a copy of the entire CCS, 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.

LR64-FC00-6800 ACCESS TO RECORDS

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 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.

7000 SERIES
PORTER COUNTY ADMINISTRATIVE RULE

LR64-AR15-7000 COURT REPORTER SERVICES

The undersigned courts comprise all of the courts of record of Porter County, Indiana, and hereby adopt the following local rule by which court reporter services shall be governed.

7000.10 DEFINITIONS

(1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, 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) Regular Page means the page unit of transcript which results when prepared in non-appellate fashion.

(5) Appellate page means the page unit of transcript which results when prepared with marginal notes, footnotes, or headers, and Table of Contents in the form required by Indiana Rules of Appellate Procedure.

(6) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

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

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

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

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

(11) Court means the particular court for which the court reporter performs services. Court may also mean al of the courts in Porter County.

(12) 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.

(13) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(14) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

(15) Expedited transcript means any transcript requested to be delivered sooner than one week before the record is due to be filed with the Clerk of the Court of Appeals.

7000.20 SALARIES AND PER PAGE FEES

(1) Court reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into 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 or a county indigent transcript shall be a regular page rate of $3.50 per page; $3.75 per page, appellate pay rate; and an expedited rate of $6.50 per page for expedited transcripts. The court reporter shall submit directly to the county a claim for the preparation of the county indigent transcript. In setting this rate, we take into account the use of county equipment for transcription.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be a regular page rate of $4.00 per page, payable as follows: $3.50 per page directly to the court reporter and $ .50 per page paid directly to the county if county equipment is used for transcription; and $4.25 per page, appellate page rate, payable as follows: $3.75 per page payable directly to the court reporter and $ .50 per page paid directly to the county if county equipment is used for transcription; and an expedited rate of $6.50 per page for expedited transcripts, with $ .50 per page paid directly to the county if county equipment is used for transcription.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be a regular page rate of $5.00 per page, payable as follows: $4.50 per page payable directly to the court reporter and $ .50 per page paid directly to the county if county equipment is used for transcription; $5.25 per page, appellate page rate, payable as follows:

$4.75 per page payable directly to the court reporter and $ .50 per page payable directly to the county if county equipment is used for transcription; and an expedited rate of $8.50 per page for expedited transcripts, with $ .50 per page paid directly to the county if county equipment is used for transcription.

(5) The maximum fee that a court reporter may charge for copies shall be $2.00 per page.

(6) The minimum fee that a court reporter may charge for transcripts is $35.00.

(7) An additional labor charge of the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and exhibits.

(8) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

7000.30 PRIVATE PRACTICE.

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

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

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

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

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

LR64-JR04-7100 PROCEDURE FOR SUMMONING JURORS

The judges of the Porter Circuit and Superior Courts adopt the two tier notice and summons procedure for summoning jurors.

LR64-AR00-7200 PORTER COUNTY ADULT DRUG COURT PROGRAM

A Porter County Adult Drug Court Program shall be established pursuant to IC 12-23-14.5-1 and in accordance with Porter County Local Rules.

LR64-AR00-7300 ESTABLISHMENT OF FEE SCHEDULE FOR PORTER COUNTY ALCOHOL AND DRUG OFFENDERS SERVICE

Those persons directed to participate in the Porter County Alcohol and Drug Offenders Service (PCADOS) shall pay all applicable and necessary fees. Fees are to be determined at the time of the clinical evaluation or assessment. Fee deadlines are determined at the time of the evaluation or assessment.

Those persons directed to participate in the Porter County Alcohol and Drug Offenders Service (PCADOS) program shall pay fees in accordance with the following schedule:

LEVEL I

Basic Education Services (12 Hours)	**$400**

LEVEL II

Advanced Education Services (20 Hours)	**$400**

OTHER FEES

One Day Class Informational Session (8 Hours)	**$100**
Informational Session with Assessment	**$200**
Transfers	**$100**
Assessment Only	**$100**

The program fees for Porter County Alcohol and Drug Offenders Service (PCADOS) are payable at the Clerk's Office in the courthouse in which the sentencing Court is located. All payments must be made in cash or by money order. *(LR64-AR00-7300 effective August 30, 2009).*

8000 SERIES PORTER COUNTY LOCAL JUVENILE RULES

(As amended effective January 1, 2013)

LR64-JV00-8000 CITATION

These rules shall be known as Porter County Local Juvenile Rules and shall be cited as: "PORTER COUNTY LOCAL JUVENILE RULE "(OR "LR64-JV - "); AND

LR64-JV00-8010 ASSIGNMENT OF CASES

All cases which contain a cause number of the juvenile case type shall be filed on the juvenile docket.

LR64-JV00-8020
APPLICATION OF LOCAL CIVIL AND CRIMINAL RULES

The Porter County Local Civil Rules whether adopted by this Court on its own or in conjunction with the Porter Superior Court including any subsequent modifications or amendments thereto apply to all Paternity and Children in Need of Services cases, unless otherwise provided in these Porter County Local Juvenile Rules. The Porter County Local Criminal Rules whether adopted by this Court on its own or in conjunction with the Porter Superior Court including any subsequent modifications or amendments thereto apply to all Delinquency cases, unless otherwise provided in these Porter County Local Juvenile Rules. The Porter County Local Family Law Rules apply to all Juvenile cases unless there is a conflict, in which event the Porter County Local Juvenile Rules shall control.

LR64-JV00-8030
REPORTS

All reports required to be filed with the Court or are filed with the Court shall be filed at least 10 days prior to the hearing and shall promptly be given to the parents, foster parents, Special Advocate, caseworker, probation officer and attorneys. If the hearing was set with less than 10 days notice then the report shall be provided to the Court and the above individuals within 4 days of the date of the hearing but no later than 2 hours prior to the hearing. Reports include DCS 310's and DCS 311's. If the child is not with parents or relatives, all reports shall state what family members have requested custody and specifically why that relative is not being considered.

LR64-JV00-8040
SERVICE PROVIDER REPORT

All Individuals and agencies providing service for a child or family that is the subject of a Delinquency or CHINS Petition shall provide at least monthly reports. The monthly reports shall among other things state specifically why the service should continue and whether or not there are less costly services that can be provided by the service provider or some other service provider. The monthly reports are to be provided to the Department of Child Services, Probation Department, CASA, parents, foster parents, and attorneys. The caseworker or probation officer shall keep the service providers informed of the above individuals address so that the service providers can comply with this rule.

LR64-JV00-8050
CASE CONFERENCE

Case Conferences are to be set at least 2 weeks in advance and cleared on the parents and the child's attorney's calendar. Notice must be given immediately to the parent, foster parents, CASA and anyone else necessary for the conference to be a success. The approved case plan must be filed with the Court.

LR64-JV00-8060
NOTICE OF HEARING

Proof of Notice of any hearing required to be served by the caseworker or probation worker shall be filed with the Court as soon as practicable after service has been made.

LR64-JV00-8070
CHILD SUPPORT WORKSHEET

The probation officer or caseworker shall, not less than 3 days prior to an initial hearing, file a completed child support worksheet so that the Court may enter an order requiring the parents to pay for services as required by statute. The parents, under penalties for contempt, shall furnish the caseworker or officer with the necessary income information including the name and case number of any case where they are paying or receiving child support.

LR64-JV00-8080
SHARING OF INFORMATION

The Department of Child Services and the Probation Department shall freely share and exchange information, including documents, with each other concerning a child or family, upon request, regardless of the status of the case. Information deemed confidential shall be treated as such by the recipient.

LR64-JV00-8090
SPECIAL FINDINGS OF FACT

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

LR64-JV00-8100
CHANGE OF VENUE FROM THE JUDGE

No change of venue from a Magistrate shall be granted. A change of venue from the Judge of the Porter Circuit Court may be sought under applicable Indiana Rules of Trial Procedure.

LR64-JV00-8110
PARENTING TIME

Unless the Court enters specific orders to the contrary parenting time shall be in accordance with the Indiana Parenting Time Guidelines. For all settlement agreements in which parenting time is established, the parties shall certify in such agreement that they have received a copy of such guidelines and have read and understand the same.

LR64-JV00-8120
PLACEMENT ON HOUSE ARREST

Juveniles placed on House Arrest shall be subject to conditions based upon the level of House Arrest to which they are assigned.

LR64-JV00-8130
HOUSE ARREST LEVEL I

1. You will remain on House Arrest until you have been informed by the Juvenile Probation Department or the Court of your formal release from said conditions.

2. When at home you are to be supervised by a parent/guardian or an approved adult unless otherwise approved by the Probation Department.

3. You are to adhere to a curfew of 5:00 p.m. on weekdays and 7:00 p.m. on weekends unless otherwise approved by the Probation Department. While on House Arrest:

a. Only friends approved by your parent(s) and the Probation Department are permitted to visit you in your home and/or on your property.
b. Only one (1) approved friend is permitted to visit at any given time.
c. Visitation with said friend shall be supervised by your parent or guardian.
d. You are not allowed in anyone else's home unless accompanied by your parent and/or guardian or unless approved by your probation officer.
e. You will be allowed to participate in out of home and after school activities approved by your parent(s) and the Probation Department

4. **Internet use** is allowed only under your parent's direct supervision.

5. **At all times your parents/guardians are to know where you are**. You are not to be with any other adult without your parents and the Probation Department's permission.

6. **If you are absent from school, you must report your absence to the Probation Department by 9:00 a.m.** You may be required to provide a medical excuse to validate your illness.

7. **At any time submit to a drug screen**. Any confirmed controlled or illegal substance or substance metabolite is a violation of Court Ordered Restriction.
8. **At any time allow any Juvenile Court representative or Law Enforcement Officer to enter your residence without prior notice, and to make reasonable inquiry into your activities and others in the home, and you shall at anytime submit to the reasonable search of your home, person and/or vehicle which shall relate to your compliance with these conditions of house arrest. Further, a Juvenile Court representative may visit or telephone your home or require you to attend an appointment to verify your compliance to these rules.** Non-attendance will be viewed as a violation of House Arrest. You shall answer all reasonable inquires by any Juvenile Court Representatives.

9. **You are not allowed to operate any motorized vehicle for the duration of House Arrest unless otherwise approved by both your parent(s) and the Probation Department.**

10. Further specific conditions:

_____

_____

_____

LR64-JV00-8140
HOUSE ARREST LEVEL II

1. **When at home you are to be supervised by a parent/guardian or a Court appointed adult** unless otherwise approved by the Juvenile Probation Department.

2. **You are not allowed to leave your property** unless you are directly going to school, to work, or you are with your parents/guardians. If you are allowed to work, your hours must be approved by your Probation Officer. You must provide a written report of your work schedule each week to the Juvenile Probation Department.

3. **You are not permitted to have friends in your home, on your property, or on the telephone.** You are not allowed to use the Internet or a pager.

4. **At ALL times your parents/guardians are to know where you are.** You are not to be with any other adult without your parents' and the Probation Department's permission.

5. **Obey all laws.** Any tobacco products found in the possession of a child on home detention will be confiscated.

6. **If you are absent from school, you must report your absence to the Juvenile Probation Department by 9:00 a.m.** You may be required to provide a medical excuse to validate your illness.

7. **At any time a Juvenile Court representative may visit or telephone your home or require you to attend an appointment to verify your compliance with these rules.** Non-attendance will be viewed as a violation of home detention.

8. **At any time submit to a drug screen.** Any confirmed controlled or illegal substance or substance metabolites is a violation of home detention.

9. **At any time allow any Juvenile Court representative or law enforcement officer to enter your residence without prior notice, and to make reasonable inquiry into the activities of you and others in the home. At all times you shall be subject to reasonable searches of your home, vehicle and/or person which shall relate to your compliance with these conditions of House Arrest.** You shall answer all reasonable inquiries by any Juvenile Court representative.

10. **You are not allowed to operate any motorized vehicle while you are on home detention without prior approval of the Court.**

11. **Obey all laws.** Any tobacco products found in the possession of a child on home detention will be confiscated.

12. **Further specific conditions:**

_____

_____

_____

9000 SERIES PORTER COUNTY LOCAL ELECTRONIC FILING RULES (FOR JUVENILE COURT ONLY)

LR64-EF00-9000 CITATION

These rules shall be known as Porter Electronic Filing Rules and shall be cited as:

"PORTER COUNTY LOCAL ELECTRONIC FILING RULE ____"(OR "LR64-EF____-____");

LR64-EF00-9100 OBJECTIVE

The primary objective of the Porter County Electronic Filing Rules is to set forth these local rules of procedure to assist the public, the bar and the court in implementing electronic filing and computer case management for Juvenile Court.

LR64-EF00-9200 AUTHORITY

The following rules are hereby adopted and promulgated by the Porter County Juvenile Court pursuant to TR 81 of the Indiana Rules of Trial Procedure.

LR64-EF00-9300 JURISDICTION AND RELATED CASES

These rules shall apply to all new cases filed with the court and all existing cases on file with the court. Existing cases will not be required to convert to the computer system until some activity occurs in the case. Effective January 1, 2007, all documents (other than those specifically excepted by the Court) may be filed electronically in all cases, so long as the case was initiated electronically.

LR64-EF00-9400 ACCESS

In order to access court files electronically, a person must;

Obtain a unique password and user identification; and

Execute a user agreement with the Court.

Pay the required fee.

LR64-EF00-9500 ELECTRONIC FILING OF PLEADINGS

New Cases

Prior to creating a new case in the court computer system (AQuest@) a party must obtain a cause number from the Clerk of the Court. The cause number may be obtained upon submission of an appearance form and payment of the filing fee to the Clerk [or upon presentation to the Clerk of a court order waiving the filing fee]. Issuance of a cause number does not constitute a filing and will not toll any statute of limitations or other time limitation.

In order to create a new case in the court computer system (Quest), a person must have a password and user identification granting access to the system.

An action must be commenced in conformity with Trail Rule 3 and pursuant to Trial Rules 4 through 4.17 of the Indiana Rules of Trial Procedure.

Existing Cases

The CCS and pleadings of any existing case may be viewed on the QUEST system by use of a valid password. This does not apply to cases which are confidential by virtue of the law or court order.

To electronically file a pleading in QUEST, one must first complete an appearance form and file it with the clerk. Upon accepting the appearance form filing, the Clerk will make that case accessible for the filing of pleadings by the person who has made the appearance.

Whenever an attorney withdraws his appearance in a case, his accessibility to that case for the filing of pleadings will be removed.

Time of Filing

Documents may be filed through an E-filing system at any time that the Clerk's office is open to receive the filing or at such other times as may be designated by the Clerk and posted publicly. Documents filed through the E-filing system are deemed filed when received by the Clerk's office, except that Documents received at times that the Clerk's office is closed shall be deemed filed the next regular time when the Clerk's office is open for filing. The time stamp issued by the E-filing system shall be presumed to be the time the Document is received by the Clerk.

Notice of Filing Pleading (Manner of Service)

In addition to the usual ways of serving parties of record pursuant to TR 5, service may be made by QUEST e-mail on those parties of record or their attorneys who are current users of the QUEST system. Said notice shall indicate the name of the pleading filed, the date it was file, and any hearing date thereon, if applicable. The notified party or attorney may then access the pleading through the QUEST system. A list of current users of the QUEST system shall be maintained by the Court.

LR64-EF00-9600 PASSWORD

Access to the court case management system QUEST may occur by obtaining the password and user name through a user agreement with the QUEST Coordinator in the Porter County Juvenile Probation Office. Each person is responsible for the use of his password. No person shall knowingly utilize or cause another person to utilize the password of another without permission of the holder of the password or in violation of these rules. No attorney shall knowingly permit or cause to permit his user name and password to be utilized by anyone other than an employee of his law firm.

LR64-EF00-9700 SIGNING OF DOCUMENTS

Documents filed through the E-filing system by use of a valid user name and password are presumed to have been signed and authorized by the User to whom that user name and password have been issued.

LR64-EF00-9800 SATISFACTION OF SIGNATURE REQUIREMENTS

a. Where an attorney's signature is required on a pleading, the QUEST imprint of attorney's name on the pleading will satisfy said requirement.

b. Where a person's signature is required on a verified pleading or document, the QUEST imprint of the name will satisfy the requirement; however, the attorney is required to maintain an original, signed paper copy in his office.

c. A pro se litigant is required to file a signed copy with the clerk.

LR64-EF00-9900 SIGNATURE STAMPS FOR JUDICIAL OFFICERS

a. Each member of the Porter Circuit Court staff assigned to handle juvenile cases shall have their own user name and password.

b. The court staff, each using their own Quest user identification, is authorized to affix the judicial officers' electronically generated and replica signatures to all Orders approved by the appropriate judicial officer, and all CCS entries requiring a judicial officer's signature, and other documents and pleadings as directed by the judicial officer.

c. Bulk scheduling, when pre-approved by the court, can be scheduled by the agency authorized by the court to do so.

10000 SERIES
PORTER COUNTY LOCAL PROBLEM SOLVING COURT RULES

LR64-AR00-10000 PROBLEM SOLVING COURTS

10000.10 All Porter County "problem solving courts" shall be established pursuant to IC 33-23-16-11. A "problem solving court" is defined as it is at IC 33-23-16-8. Prior to being established as a problem solving court, a court will provide notice of intent to establish itself to the Indiana Judicial Center in accordance with IC 33-23-16-19(a). The court will submit a Petition for approval to the Indiana Judicial Center in accordance with the Rules adopted by the Board as required by 33-23-16-19(b).

10000.20 Problem Solving Court Fees

A problem solving court may require an eligible individual to pay a problem solving court administrator fee of not more than one hundred dollars ($100) per admission to a problem solving court for initial problem solving court services regardless of the length of participation in the problem solving court.

LR64-AR00-10100 ADULT DRUG COURT PROGRAM

10100.10 Establishment. The Porter County Adult Drug Court Program is established pursuant to IC 33-23-16-11(1). The objectives of the Porter County Adult Drug Court Program shall be in accordance with the definition of a "drug court" as stated at IC 33-23-16-5.

10100.20 Fees. In accordance with the Rules adopted by the Board under IC 33-23-16-23(c), those persons directed to participate in the Porter County Adult Drug Court Program shall pay a Problem-Solving Court services fee according to a schedule of fifty dollars ($50) per month for the duration of their Program participation. The Clerk of the Court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8. Pursuant to 33-23-16-23(e) court services fees must be used only to fund problem solving court services. 10100.30 Assignment. The day-to-day operation and management of the Porter County Adult Drug Court Program has been established in and assigned to Porter County Superior Court # 3. The Adult Drug Court Program shall be reviewed by the Porter County Superior Court judges when necessary and upon review and agreement by all the judges, the Adult Drug Court Program may be established in additional courts as needed, subject to approval in accordance with IC 33-23-16-19.

LR64-AR00-10200 JUVENILE AND FAMILY DRUG COURT PROGRAM

10200.10 Establishment. The Porter County Juvenile and Family Drug Court Program shall be established pursuant to IC 33-23-16-11(1). The objectives of the Porter County Juvenile and Family Drug Court Program shall be in accordance with the definition of a "drug court" as stated at IC 33-23-16-5.

10200.20 Fees. In accordance with the Rules adopted by the Board under IC 33-23-16-23(c), those persons directed to participate in the Porter County Juvenile and Family Drug Court Program shall pay a Problem-Solving Court services fee according to a schedule of fifty dollars ($50) per month for the duration of their Program participation. The program fees shall be collected and transmitted within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8. Pursuant to 33-23-16-23(e) court services fees must be used only to fund Problem-Solving Court services.

10200.30 Assignment. The day-to-day operation and management of the Porter County Juvenile and Family Drug Court Program has been established in and assigned to Porter Circuit Court. The Juvenile and Family Drug Court Program shall be reviewed by the Porter Circuit Court judge when necessary, and upon review and agreement by all the judges with appropriate jurisdiction, the Juvenile and Family Drug Court Program may be established in additional courts as needed, subject to approval in accordance with IC 33-23-16-19.

LR64-AR00-10300 VETERANS' COURT PROGRAM

10300.10 Establishment. The Porter County Veterans' Court Program shall be established pursuant to IC 33-23-16-11(7). The objectives of the Porter County Veterans' Court Program shall be in accordance with the definition of a "veterans' court" as stated at IC 33-23-16-10.

10300.20 Fees. In accordance with the Rules adopted by the Board under IC 33-23-16-23(c), those persons directed to participate in the Porter County Veterans' Court Program shall pay a problem solving court services fee according to a schedule of fifty dollars ($50) per month for the duration of their Program participation. The Clerk of the Court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8. Pursuant to 33-23-16-23(e) court services fees must be used only to fund Problem-Solving Court services.

10300.30 Assignment. The day-to-day operation and management of the Porter County Veterans' Court Program has been established in and assigned to Porter Superior Court #3. The Veterans' Court Program shall be reviewed by the Porter County Superior Court judges when necessary and upon review and agreement by all the judges, the Veterans' Court Program may be established in additional courts as needed, subject to approval in accordance with IC 33-23-16-19.

LR64-AR00-10400 REENTRY COURT PROGRAM

10300.10 Establishment. The Porter County Re-entry Court Program shall be established pursuant to IC 33-23-16-11(5). The objectives of the Porter County Re-entry Court Program shall be in accordance with the definition of a "re-entry court" as stated at 33-23-16-9.

10300.20 Fees. In accordance with the Rules adopted by the Board under IC 33-23-16-23(c), those persons directed to participate in the Porter County Re-entry Court Program shall pay a Problem-Solving Court services fee according to a schedule of fifty dollars ($50) per month for the duration of their Program participation. The Clerk of the Court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8. Pursuant to 33-23-16-23(e) court services fees must be used only to fund Problem-Solving Court services.

10300.30 Assignment. The day-to-day operation and management of the Porter County Re-entry Court Program has been established in and assigned to Porter Superior Court #3. The Re-entry Court Program shall be reviewed by the Porter County Superior Court judges when necessary and upon review and agreement by all the judges, the Reentry Court Program may be established in additional courts as needed, subject to approval in accordance with IC 33-23-16-19.