

**WARRICK COUNTY  
CIRCUIT AND SUPERIOR COURTS  
LOCAL RULES OF PRACTICE AND PROCEDURE**

*(Updated November 1, 2016)*

**TABLE OF CONTENTS**

<b>LR87-CB-1</b>	<b>APPOINTMENT AND COMPENSATION OF APPOINTED PUBLIC DEFENDERS IN WARRICK COUNTY FOR 2006</b>
<b>LR87-ADR 1.6-2</b>	<b>ADMINISTRATION OF CERTAIN CIVIL CASES IN THE WARRICK SUPERIOR COURT NO. 1</b>
<b>LR87-ADR 1.6-3</b>	<b>MANDATORY MEDIATION OF CIVIL PLENARY, CIVIL TORT, DISSOLUTION CASES, LEGAL SEPARATION CASES, AND CUSTODY ISSUES PRIOR TO TRIAL</b>
<b>LR87-CR2.2-4</b>	<b>RESCINDED</b>
<b>LR87-JR-5</b>	<b>JURY RULES</b>
<b>LR87-AR-6</b>	<b>CONSENT TO SERVE AS JUDGE OF OTHER COURT</b>
<b>LR87-AR-7</b>	<b>COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES JOINT LOCAL RULE</b>
<b>LR87-AR15-8</b>	<b>COURT REPORTERS</b>
<b>LR87-CR 2.2-9</b>	<b>ASSIGNMENT AND REASSIGNMENT OF CRIMINAL CASES</b>
<b>LR87-AR00-10</b>	<b>DRUNK DRIVING AND DRUG COURT PROGRAM FEES</b>
<b>LR87-TR6-11</b>	<b>NOTICE OF EXTENSION OF TIME IN CIVIL CASES</b>
<b>LR87-CR00-12</b>	<b>LATE PAYMENTS – ADDITIONAL FEE</b>
<b>LR 87-TR79 (H)-13</b>	<b>SELECTION OF A SPECIAL JUDGE IN CIVIL AND CRIMIINAL CASES</b>
<b>LR87-FL00-14</b>	<b>ATTENDANCE AT PARENTING SEMINAR</b>

**LR87-CB-1 APPOINTMENT AND COMPENSATION OF APPOINTED PUBLIC DEFENDERS IN WARRICK COUNTY FOR 2006**

Comes now the Warrick Circuit Court by Judge David O. Kelley, comes now the Warrick Superior Court No. 1 by Judge Keith A. Meier, and comes now the Warrick Superior Court No. 2 by Judge Robert R. Aylsworth. As the Commissioners of Warrick County have terminated the health insurance benefits previously extended to and provided for the appointed public defenders in Warrick County, effective January 1, 2006, as the Warrick County Council has adjusted and increased the compensation, without benefits, available for payment to the appointed public defenders, as the judges met with a majority of the public defenders on October 10, 2005, to discuss compensation available for the appointed public defenders for 2006, and believe collectively the public defenders have and will accept the compensation available and proposed, the courts find and order as follows, to wit:

1. The following attorneys shall serve as the appointed public defenders for the three courts in Warrick County, Indiana, during 2006, absent resignation by counsel or termination of an appointee by order of the courts, to wit:

Frank Hahn	C. Richard Martin
S. Anthony Long	Mark K. Phillips
Warren Mathies	J. Zach Winsett
Charles L. Martin	Dawnya Taylor (civil appointments)

2. The \$240,000 appropriated by the council to the courts, \$80,000 per court, shall be divided into eight equal shares so that each of the eight appointed public defenders shall receive the gross amount of \$30,000 for all public defender services provided to Warrick County during 2006, except for jury trials, and for which counsel shall be compensated at the rate of \$450 per day that counsel appears in the courts for jury trial.

3. No benefits, health insurance or otherwise, shall be payable or paid by Warrick County to the public defenders, and the compensation paid to the public defenders shall cover all regular overhead incurred by the public defenders, including regular office overhead, staff or secretarial compensation, or otherwise.

4. Public defenders shall obtain the consent and authority of the court having jurisdiction over the case in which the public defender is serving before incurring expenses to third parties and for which the public defender will request payment by or reimbursement from the court.

5. Prior to submitting their budget requests in or about July, 2006, for the 2007 budget year, the courts shall arrange and meet with the public defenders to discuss the adequacy of the compensation paid to the public defenders for the 2006 budget year, and what if any adjustments or increases must reasonably be made for the 2007 budget for the public defenders to continue their service as such to the Warrick County Courts.

6. While the public defenders do not agree the amounts set forth above are adequate compensation for the services they will provide to Warrick County during 2006, they understand this is the money available to the courts as provided by the council and available for payment to them during the 2006 budget year.

7. Each of the public defenders appointed for the 2006 budget year shall sign to acknowledge and accept the terms and conditions for the compensation available and to be paid by the courts and county during 2006.

**IT IS THEREFORE ORDERED BY THE COURTS** that the findings of the courts as set forth above shall be and are hereby made the order of the courts appointing the public defenders and fixing their compensation for 2006.

1. Pursuant to Rule 1.6 of the Indiana Rules for Alternative Dispute Resolution and except as specifically provided in paragraph 2, before any issues in the following case types are tried before the Court on a contested basis, they shall first be submitted to mediation:

Civil Plenary	- CP & PL	Estates	- ES & EU
Civil tort	- CT	Guardianships	- GU
Mortgage Foreclosures	- MF	Trusts	- TR
Civil Collections	- CC		

Domestic Relations (including dissolutions; legal separations; grandparent visitation; actions to reduce the parenting time credit because of failure to exercise scheduled parenting time (mediation is required pursuant to Guideline 6 of the Indiana Child Support Guidelines.); and, any issues pertaining to child custody or parenting time (mediation is required pursuant to Section I.E. of the Indiana Parenting Time Guidelines.) - DR

2. The following shall not be required to be submitted to mediation in Domestic Relations (DR) cases:

- The determination or enforcement of: the amount of child support; health care including hospitalization and health insurance; or education costs for a child; however, if the action is to reduce the parenting time credit because of failure to exercise scheduled parenting time, the matter shall be submitted to mediation pursuant to Guideline 6 of the Indiana Child Support Guidelines.
- Transfer of Jurisdiction under I.C. 31-16-20.
- Award of dependency exemption for a child.
- Initial proceedings to determine jurisdiction under the Uniform Child Custody Jurisdiction Law - I.C. 31-17-3.
- Emancipation of a child.
- Appointment of a GAL or CASA or determination and payment of their fees.
- Attorney fees and expenses of litigation.
- Actions under I.C. 31-16-14 for support of dependent child or spouse.
- Actions under I.C. 31-16-17 for support of parents.
- Actions to enforce the payment of fees previously ordered,

3. Pursuant to Rule 2.5 and subject to approval of the Court, the parties may agree upon any person to serve as a mediator. Absent agreement by the parties to e a mediator who would not otherwise he qualified by rule to serve as such, the mediator shall have the qualifications as required by Rule 2.5 (A) for civil cases and Rule 2.5 (B) ~~fair~~ for domestic relations cases.

4. Pursuant to Rule 2.7 (E), within 10 days after the mediation, the mediator shall submit to the Court, without comment or recommendation, a report of mediation status. This report shall indicate that an agreement was or was not reached in whole or in part or that the mediation was extended by the parties. With the consent of the parties, the mediator's report may also identify any pending motions or outstanding legal issues, discovery process, or other action by any party which, if resolved or completed, would facilitate the possibility of a settlement. If an agreement is reached in whole or in part, it shall be reduced to writing and signed by the parties and their counsel. In domestic relations matters, the agreement shall then be filed with the Court. If the agreement is complete on all issues, a joint stipulation of disposition shall be filed with the Court. In all other matters, the agreement shall be filed with the Court only by agreement of the parties. In the event of any breach or failure to perform under the agreement, upon motion, and after hearing, the Court may impose sanctions, including entry of judgment on the agreement.

5. Should the mediator's report indicate that an agreement was not reached in whole or in part, the case or the part of the case upon which an agreement was not reached shall then be heard and determined by the Court.

6. For the parties to be excused from mediation in those cases when it is required, they must apply for and receive from the Court an order excusing them from mediation. Such orders shall not be sought as a matter of course by the parties or their counsel, and such orders shall be allowed by the Court only upon extraordinary circumstances and for good cause shown.

7. This order shall not apply to the following cases and proceedings: orders of protection; criminal; actions to enforce infractions or ordinance violations; juvenile; actions under I.C. 31-18 - Interstate Family Support Act; actions under I.C. 31-20 - Human Reproduction; mental health; reciprocal support; adoptions and adoption history; petitions for change of name; petitions for appointment of appraiser; petitions for marriage waiver; forfeitures of seized properties; habeas corpus or other extraordinary writs; such other matters as may from time to time be specified by order of the Indiana Supreme Court; matters in which there is very great public interest, and which must receive an immediate decision in the trial and appellate courts; and all claims proceedings.

8. In any case in which a claim or defense of funds to be paid or recipient of funds to be received, the adjuster or claims representative having authority to mediate and settle the issues involved shall personally appear and in good faith engage in the mediation process, unless excused from attending by order of the court, which such order shall be sought and granted only for good cause shown, and not routinely.

9. This order shall not be waived by agreement of the parties.

**MANDATORY MEDIATION OF CIVIL PLENARY,  
CIVIL TORT, DISSOLUTION CASES, LEGAL  
SEPARATION CASES,  
AND CUSTODY ISSUES PRIOR TO TRIAL IN THE  
WARRICK CIRCUIT & SUPERIOR COURT NO. 2**

1. Pursuant to Rule 1.6 of the Rules for Alternative Dispute Resolution, before any civil plenary, civil tort, domestic relations dissolution or legal separation final hearing, or custody issues are tried before the Court on a contested basis that these shall first be submitted to mediation pursuant to Rule 2 of the Indiana Rules for Alternative Dispute Resolution.
2. Pursuant to Rule 2.5, subject to approval by the Court, the parties may agree upon any person to serve as a mediator in either a civil or domestic relations case. Absent agreement by the parties to a mediator who would not otherwise be qualified by rule to serve as such in the civil or domestic relations case at issue, the mediator shall have the qualifications as required by Rule 2.5 (A) for civil cases and Rule 2.5 (B) for domestic relations cases.
3. Pursuant to Rule 2.7 (E), within 10 days after the mediation, the mediator shall submit to the Court, without comment or recommendation, a report of mediation status. This report shall indicate that an agreement was or was not reached in whole or in part or that the mediation was extended by the parties. If the parties do not reach any agreement as to any matter as a result of the mediation, the mediator shall report the lack of any agreement to the Court without comment or recommendation. With the consent of the parties, the mediator's report may identify any pending motions or outstanding legal issues, discovery process, or other action by any party which, if resolved or completed, would facilitate the possibility of a settlement. If an agreement is reached in whole or in part, it shall be reduced to writing and signed by the parties and their counsel. In domestic relations matters, the agreement shall then be filed with the Court. If the agreement is complete on all issues, a joint stipulation of disposition shall be filed with the Court. In all other matters, the agreement shall be filed with the Court only by agreement of the parties. In the event of any breach or failure to perform under the agreement, upon motion, and after hearing, the Court may impose sanctions, including entry of judgment on the agreement.
4. Should the mediator's report indicate that an agreement was not reached in whole or in part, the case or the part of the case upon which an agreement was not reached shall then be heard and determined by the Court.
5. This rule shall not be waived by agreement of the parties.

6. For the parties in either a civil or domestic relations case to be excused from attempting to settle their case issues through mediation, they must apply for and receive from the Court an order excusing the parties from mediation. Such orders shall not be sought as a matter of course by the parties or their counsel, and such orders shall be allowed by the Court only upon extraordinary circumstances and for good cause shown. In any case in which a claim or defense of funds to be paid or recipient of funds to be received, the adjuster or claims representative having authority to mediate and settle the issues involved shall personally appear and in good faith engage in the mediation process, unless excused from attending by order of the court, which such order shall be sought and granted only for good cause shown, and not routinely.

7. Pursuant to Rule 1.4 of the Indiana Rules for Alternative Dispute Resolution, this order shall not apply to the following cases and proceedings: criminal; actions to enforce infractions or ordinance violations; juvenile; forfeitures of seized properties; habeas corpus or other extraordinary writs; such other matters as may from time to time be specified by order of the Indiana Supreme Court; matters in which there is very great public interest, and which must receive an immediate decision in the trial and appellate courts; and small claims proceedings.

8. A current list of the civil mediators for this Court, which is continuously updated, may be obtained at IN.GOV.

**LR87-CR2.2-4**

**RESCINDED** (*February 11, 2016*)



**LR87-JR-5**

**JURY RULES**

Pursuant to Indiana Jury Rule 4, the courts of Warrick County select the following procedures for summoning jurors:

(a) Not later than seven (7) days after the date of the drawing of names from the jury pool, the jury administrator shall mail to each person whose name is drawn a juror qualification form, and notice of the period during which any service may be performed.

**(b) Two tier notice and summons.**

Thereafter, when a jury is to be called, the jury administrator shall summon prospective jurors at least one (1) week before service.

1. With the mutual consent of the elected judges of the Warrick County courts, each judge may, with the consent of the other judges, serve in all cases including cases filed in each of the three courts.
  
2. Each judge shall have and each judge consents to the other having the authority to sit as judge of ~~the~~ another Warrick County court in any matter as if elected as the judge of the other court, and without further consent by each being necessary or required.
  
3. This consent shall not authorize any judge to serve in any matter in which the judge would be disqualified from serving as such, whether by relationship to a party or otherwise, or in a case in which a judge previously presided until a motion for change of venue from that judge was filed and granted by the court, or in which the Judge recused with one or more special judges then serving thereafter, absent the agreement of the parties in this latter circumstance as such in a particular cause of action.

**COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES  
JOINT LOCAL RULE**

Pursuant to the Indiana Supreme Court's order for development of local caseload plans, the judges of the Warrick County Courts hereby adopt, subject to the approval of the Indiana Supreme Court, this joint local rule entitled Warrick County Plan for Allocation of Judicial Resources.

This joint rule has been adopted by the Warrick County Courts after reviewing and considering the weighted caseload results as determined by the Indiana Division of State Court Administration, local custom and practice in Warrick County, the preference of the local bar to maintain the current discretionary filing system, and other relevant factors.

1. The disparity between caseloads in the three courts of general jurisdiction in Warrick County indicates to the three local judges that substantial changes need to be made in the current civil filing system that permits discretionary filing of civil proceedings in any of the three courts having general jurisdiction in Warrick County.

2. The local judges believe that either a mandatory filing system for certain cases in one of the three courts, or a random filing system, such as a random draw or assignment system to be maintained by the clerk of the courts, would result in significant increases in motions requesting the appointment of a special judge, with resulting administrative burdens, delays and expenses should out of county special judges be selected to serve in these cases.

3. Although the Judges have reviewed the weighted caseload statistics from the previous years and have determined that disparity in caseloads exists between the three courts at this time, the present discretionary filing system should be maintained in Warrick County, subject to the following:

A. All JC, JT, JP, PO, RS, ES, EU, CC and GU cases and any other type of civil case (other than SC) filed by an attorney-at-law shall be assigned by the Clerk to the three Warrick County Courts in seriatim order, in the order of Circuit, Superior 1 and Superior 2, unless a specific court is requested by the filing party or the case is otherwise required to be filed in a specific court by statute. In the event multiple cases are being filed simultaneously which involve substantially the same parties or factual circumstances, those cases shall be filed in one court.

B. All civil cases (other than SC) filed by an unrepresented litigant shall be assigned by the Clerk to the three Warrick County Courts in seriatim order, in the order of Circuit, Superior 1 and Superior 2, unless a specific court is requested by the filing party or the case is otherwise required to be filed in a specific court by statute. In the event multiple cases are being filed simultaneously which involve substantially the same parties or factual circumstances, those cases shall be filed in one court.

4. On or before May 1 of each year, the judges in Warrick County shall review the weighted caseload statistics from the prior year as calculated by the Indiana Division of State Court Administration. Should, upon this review, the presiding judges of the Warrick County Courts determine that a disparity in caseloads between the courts then exists that requires a change in the current discretionary filing system for civil cases, the local judges shall agree upon a reasonable plan to address the disparity in caseload and, if no such agreement between the judges is possible, each of the judges may propose and submit a plan to the Indiana Supreme Court to reduce the caseload disparity at that time. Any such plan submitted by any presiding judge in Warrick County shall be served upon all other judges in Warrick County at the time it is sent to the Indiana Supreme Court, so the remaining judges will know the proposal made by the submitting judge.

5. Should the Indiana Supreme Court direct the Warrick County judges to address a disparity in caseloads between the Warrick County Courts, the local judges shall meet with one another to formulate a plan to reduce this disparity and, once again, if the judges are unable to agree to such a plan, each of the judges may submit his plan or proposal to the Indiana Supreme Court, and once again serve upon the other presiding judges a copy of the plan or proposal when the same is mailed to the Supreme Court for its review.

6. As part of the Warrick County Plan for Allocation of Judicial Resources, the judges, the magistrate and senior judges in the Warrick County Courts shall be reasonably available for the assignment of cases in District 26 consistent with the comparative utilization levels for the courts within the district as provided in the Administrative District 26 Plan for Allocation of Judicial Resources, when such plan is adopted.

7. This Plan for Allocation of Judicial Resources in Warrick County, Indiana, and this joint local rule shall become effective upon approval of the same by the Indiana Supreme Court.

The Warrick County Courts, in Warrick County, Indiana, hereby adopt the following local rule by which court reporter services shall be governed.

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

1. A **Court Reporter** is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of 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, storing and transcribing electronic data.
3. **Work Space** means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
4. **Page** means the page unit of transcript which results when a recording is transcribed in the form required by Indiana rule of Appellate Procedure 7.2.
5. **Recording** means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. **Regular Hours Worked** means those hours which the court is regularly scheduled to work during any given workweek. Depending on the particular court, these hours might vary from court to court within the county but remain the same for each workweek.
7. **Gap Hours Worked** means those hours worked that are in excess of the regular hours worked but hours not in excess of forty hours per week.
8. **Overtime Hours Worked** means those hours worked that are in excess of forty hours per workweek.
9. **Work Week** means a seven consecutive day week that consistently begins and ends on the same days throughout the year: i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

10. **Court** means the particular court for which the court reporter performs services. Court may also mean all of the courts in Warrick County.
11. **County Indigent Transcript** means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
12. **State Indigent Transcript** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
13. **Private Transcript** means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

## **Section Two - Salaries and per Page Fees**

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into an agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$3.50 (\$4.00 if marginal notes are included by the reporter); the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
3. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$3.50 (\$4.00 if marginal notes are included by the reporter).
4. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.50 (\$4.00 if marginal notes are included by the reporter). Notwithstanding the above, if a court reporter agrees to a private party's request for an expedited transcript, a court reporter may charge an additional \$2.00 per page. "Expedited transcript" shall mean prepared in less than 10 days.
5. Court reporters shall be allowed to charge a minimum fee of \$35.00 per transcript.
6. The maximum per page fee a court reporter may charge for any copies made, including exhibits, shall be \$1.00. This includes a copy of a transcript provided only in electronic format. A copy in electronic format will be provided with each paid transcript upon request.

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

### **Section Three - Private Practice**

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

## **LR87-CR 2.2-9 ASSIGNMENT AND REASSIGNMENT OF CRIMINAL CASES**

**1. INITIAL CASE ASSIGNMENT.** As used herein, the term *MONTH* for criminal case filing shall mean the following:

- |      |                      |                                       |
|------|----------------------|---------------------------------------|
| 1.1. | Circuit Court        | JANUARY, APRIL, JULY & OCTOBER        |
| 1.2. | Superior Court No. 1 | FEBRUARY, MAY, AUGUST, &<br>NOVEMBER  |
| 1.3. | Superior Court No. 2 | MARCH, JUNE, SEPTEMBER, &<br>DECEMBER |

The monthly rotation will be from 12:01 a.m. on the first day of the month until midnight on the last day of the month.

**2.** Except as otherwise provided in these rules, all misdemeanor and felony cases shall be assigned to a Court in the monthly rotation set forth in paragraph 1.0 above on the day on which the offense alleged in the charging document or Indictment occurred. In the event of multiple offenses, the date of the earliest offense alleged in the charging document or Indictment shall control the court assignment.

**3.** All criminal case filings which allege a range of offense dates, all of which are within the same calendar month, shall be assigned to a Court in the monthly rotation set forth in paragraph 1.0 above for the month during which the offense alleged in the charging document or Indictment occurred. For example, where the charging information or indictment states “On or about July 2 through July 30, 2015...” the case would be filed in the Circuit Court.

**4.** All criminal case filings that do not allege a specific offense date for each of the offenses charged or which allege a range of offense dates which span more than one calendar month shall be randomly assigned to the Warrick Circuit and Superior Courts. The Clerk of the Circuit and Superior Courts shall place three pieces marked “C”, “S-1”, or “S-2” in an opaque container. At the time a case is filed, the Clerk shall randomly remove one piece from the container. If the piece is marked “C”, the case shall be assigned to the Circuit Court. If the piece is marked “S-1”, the case shall be assigned to the Superior Court No. 1. If the piece is marked “S-2”, the case shall be assigned to the Superior Court No. 2. After each selection, the piece shall be returned to the container for use in the next random assignment.



5. Cases which are filed in which the offense occurred prior to January 10, 2010 shall be assigned according to this rule to a court.

6. **DISMISSAL, REILING AND SUBSEQUENT FILING:** When the State of Indiana dismisses a felony or misdemeanor case that has been assigned or reassigned under these local rules, and the State of Indiana chooses to re-file that case or file another case which is based upon the same facts as the dismissed case, the case shall be assigned to the court from which the dismissal was taken. Additional criminal charges filed against a defendant who has a one or more felony or misdemeanor charges pending shall be assigned to the court before whom charge(s) is pending. A case is “pending” if it has not been concluded or if any post-sentencing proceeding is pending, such as when any probation or Community Corrections revocation or modification, appeal or motion to correct error has been filed but not been concluded.

7. **CASE TRANSFERS.** The Prosecuting Attorney or the defendant may move to transfer a case to another court handling a companion case, provided the judge of the receiving court will accept the transfer. Granting of the motion is discretionary, not mandatory.

8. The judges of the Warrick Circuit and Superior Courts, pursuant to statute by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to another court in the county a pending felony or misdemeanor case, provided the receiving court has jurisdiction to hear such case and will accept transfer of such matter.

9. **CHANGES OF JUDGE.** In the event a motion for change of judge is filed and granted pursuant to Criminal Rule 12, the Clerk shall randomly select one of the other Warrick County courts with jurisdiction, based upon the procedure set forth in paragraph 4 above, and the case shall be reassigned to that Court.

**10. MISCELLANEOUS CRIMINAL MATTERS (MC).** All miscellaneous criminal matters (MC), including without limitation, applications for search and arrest warrants, probable cause findings, and extraditions, shall be assigned to and filed in a court based upon the date on which the matter is presented to the court and the monthly rotation set forth in paragraph 1.0 above.

However, if it is determined that a person against whom a finding of probable cause for arrest is sought or had been made has a felony or misdemeanor case then pending in a court, the affidavit and order for probable cause shall be filed in that court pursuant to paragraph 6 of this rule. A miscellaneous criminal matter filed by the State seeking probable cause finding against an individual currently in custody shall be filed in the court in which the criminal charges will be filed.

**11. UNAVAILABILITY OF JUDGE.** If the judge of a court to which a matter is to be presented is unavailable, then the matter may be heard by any other available judge of the Warrick Circuit or Superior Courts or the magistrate. However, that matter shall remain in the court to which the matter is presented.

**12. SPECIAL JUDGE ASSIGNMENT.** In the event a special judge is required under Criminal Rule 13 in criminal cases, the procedures set forth in the District 26 Rule on Special Judge Selection, as set forth in **LR 87-TR79 (H)-13**, shall be followed.

Effective November 1, 2016, the following programs may charge up to and including the following fees:

**WARRICK COUNTY  
DRUNK DRIVING/DRUG COURT AND COURT SUBSTANCE ABUSE  
PROGRAM FEES**

Assessment Fee.....	\$100.00
Program fee .....	\$50.00/Month
Monthly PBT alcohol testing.....	\$15.00/Month
Public Defender fee (DDDC only).....	\$100.00
Standard Panel Urinalysis or Oral Drug Test.....	\$20.00
Confirmation drug test per drug.....	\$30.00
ETG/ETS dip test.....	\$20.00
ETG/ETS lab test.....	\$45.00
Synthetic Substances dip test.....	\$20.00
Synthetic Substances lab test.....	\$60.00
Tramadol/Fentanyl dip test.....	\$15.00
Specialized testing at lab.....	\$60.00
11 Panel Drug test lab.....	\$60.00
Hair Follicle test.....	\$100.00
Prime for Life book fee (for persons who are not CSAP/DDDC participants) .....	\$25.00
BAC Portable Tester.....	\$4.00/per day
Set up fee.....	\$25.00
Equipment Security Deposit.....	\$100.00
CSAP program fee per referral.....	\$400.00
PBT alcohol test (CSAP).....	\$3.00/per test
Ignition interlock device.....	(Prices determined by device distributor)
PRI Course (for persons who are not CSAP/DDDC participants).....	\$250.00
PRI Course (for persons who are CSAP/DDDC participants).....	\$100.00
Thinking For A Change .....	\$250.00

**LR87-TR6-11 NOTICE OF EXTENSION OF TIME IN CIVIL CASES**

Each party required to make a response to a complaint, counterclaim or cross-claim, may obtain an automatic thirty (30) day extension of time to plead or otherwise respond to such claim by filing a Notice of Extension with the Court and serving a copy of the same upon all parties. Requests for additional extensions of time must be made by motion unless agreed to by the parties.

**LR87-CR00-12 LATE PAYMENTS –FEE**

1. Any defendant found to have:
  - (A) committed a crime (felony or misdemeanor);
  - (B) violated a statute defining an 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 or designates as the day for payment.
  - (B) The end of the period specified in a payment schedule set for the payment of court costs, fines and civil penalties under the 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.

**LR 87-TR79 (H)-13      SELECTION OF A SPECIAL JUDGE  
IN CIVIL AND CRIMINAL CASES**

In the event a special judge is required under Trial Rule 79(H) in civil cases or under Criminal Rule 13 in criminal cases, the procedures set forth in the District 26 Rule on Special Judge Selection, as set forth below, shall be followed.

**District 26 Rule on Special Judge Selection  
TR 79(H), CR 13**

In any District 26 circuit or superior court: 1) upon entry of an order granting a change of judge or entry of an order of recusal or disqualification in all civil or juvenile proceedings, if the parties shall fail to timely file an agreement in writing to an eligible special judge, or the judge so selected by the parties declines acceptance of the appointment as special judge (all as provided by TR 79 (D)); or 2) upon entry of an order granting a change of judge or entry of an order of recusal or disqualification in all criminal cases (see CR 12, 13); in all such cases (civil, juvenile and criminal) the appointment of an eligible special judge shall be made pursuant to this District 26 Rule:

1. The case shall be randomly assigned to one of the other judges or full-time judicial officers in the county of origin by the same process in which the case was initially assigned. This process shall be continued until qualification of a special judge or until each judge or full-time judicial officer in the county in which the case originated has been disqualified or been excused from service by the Indiana Supreme Court. If all judges or full-time judicial officers in the county in which the case originated shall disqualify or be excused from service by the Indiana Supreme Court, the judge exercising jurisdiction pending selection of a special judge shall refer the case to the Administrator of the Vanderburgh Superior Court (“Administrator”) for assignment of a special judge. The Administrator shall assign a civil case to a judge or full-time judicial officer eligible for such service pursuant to TR 79(J) and serving in a District 26 court outside the county in which the case originated, or are from a contiguous county outside District 26 and have agreed to serve as special judge in the court where the case is pending. The Administrator shall assign a criminal case to a judge or full-time judicial officer from contiguous counties and counties within District 26. The assignment shall be made as set forth in paragraph 2.

2. The Administrator shall maintain a current list of District 26 judges and full-time judicial officers eligible pursuant to TR 79(J) for appointment as special judge in civil cases, and a current list of judges and full-time judicial officers from contiguous counties and counties within District 26 for appointment as special judge in criminal cases (“Civil and Criminal Cases Special Judge Lists”). Upon referral of a case for assignment of a special judge, the Administrator shall immediately assign a judge or full-time judicial officer from either the civil or criminal Special Judge List seriatim and notify the court where the case is pending of the assignment.  
The judicial officer exercising jurisdiction shall enter an order of appointment and notify the judicial officer so selected of the order of appointment. As required by TR 79 (H) or CR 13, the judicial officer appointed to serve under this paragraph 2 must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under TR 79 or CR 13, or excused from service by the Indiana Supreme Court. If the appointed judicial officer is disqualified, ineligible, or excused from service, the Administrator shall again assign from the Special Judge List seriatim. This process shall continue until jurisdiction vests in a special judge so selected. If no judicial officer in District 26 shall qualify, the case shall be referred to the Indiana Supreme Court for appointment of a special judge.
3. As provided by TR 79(H) or CR 13, the order of appointment made pursuant to this District 26 rule by the court in which the case is pending shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required.
4. Any judicial officer assigned by the Administrator as special judge who is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under TR 79(J), or excused from service by the Indiana Supreme Court, shall remain on the list in the same numeric place from which assigned. The first such judicial officer assigned who does not serve shall accordingly be the first assigned to the next case referred to the Administrator for assignment of a special judge. Unless unavoidable, all District 26 judges and full-time judicial officers eligible for service as a special judge pursuant to TR 79(J) shall serve as a special judge before the Administrator may twice assign the same person from the Special Judge List as a special judge.

The Judges of the Warrick County Courts find that changes in the marital or life relationship of parents and the rearing of children born out of wedlock are often stressful episodes, especially for dependent children. It is in the best interest of the children of divorcing or separating parents and children born out of wedlock for the court to encourage appropriate cooperation between parents concerning child-related issues. A mandatory seminar for parents will: (A.) Aid the parents and children of divorcing and separating parents and in cases where children are born out of wedlock; (B.) Aid the Court in maximizing the use of the Court's time; (C.) Aid in reducing or eliminating instances of maltreatment of children; (D.) Increase positive parenting practices; (E.) Create an environment that facilitates the development of caring, competent, and healthy children; (F.) Focus parents on their respective parental roles, the child's health and behavior, responsible decision-making, and co-parenting relationships; and (G.) Encourage agreements between the parents concerning child related matters.

1. In all actions for Dissolution of Marriage, Legal Separation, and Paternity, in which there is one or more unemancipated children, each parent shall attend the class entitled "Families In Transition" conducted by the Warrick County Purdue Cooperative Extension Office at a time and location determined by the Warrick County Purdue Cooperative Extension Office. Parents who are unable to attend the class in person due to distance, health, or other reasons, shall make written application to the court in which their case is pending for permission to participate in a comparable class or course approved by the court.

2. Each parent shall complete the class prior to the date of the Final Hearing in Dissolution of Marriage actions, within ninety (90) calendar days after the date of the filing of the Legal Separation action, and within ninety (90) calendar days after the date paternity is established in paternity actions. The Court generally will not set a final hearing in Dissolution of Marriage actions until both parents have completed the class.

3. Each parent shall pay a class fee of \$30.00 prior to the beginning of the class. The fee shall be paid at the Warrick County Clerk's Office. The fee may be waived for persons who the court finds to be indigent if a written request is made to the court in which the case is pending in advance of attending the class. Waiver of the fee requires the parent to complete a fee waiver form which can be obtained from the Warrick County Clerk's Office and providing it to the court where the case is pending for review by a judicial officer in that court.

4. Both parents shall contact the Warrick County Purdue Cooperative Extension Office to make an appointment to attend the class. Information concerning the seminar can be obtained at the Warrick County Clerk's Office.

5. Failure to complete the class will result in that parent having to show cause why he/she should not be held in Contempt of Court.