

**18STATE OF INDIANA – COUNTY OF WHITE
IN THE WHITE CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed New Rule or Amendment(s) to Local Court Rules
August 11, 2025**

In accordance with Trial Rule 81 of the Indiana Court Rules, the White Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend LR91-AR02-00, LR91-AR02-01, LR91-AR15-08, LR91-AR00-10, LR91-CR13-12, LR91-CR00-13, LR91-AR00-14, LR91-CR00-15, LR91-CR4-01, LR91-FL00-23 and APPENDIX A for the courts of record of White County, effective January 1, 2026.

All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning caseload allocation, court reporter services, and appointment of a special judge in criminal and civil cases and will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the White County Clerk and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the White County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of White County, 110 N. Main Street, 2nd Floor, Monticello, Indiana 47960, during normal business hours.

The time period for the bar and the public to comment shall begin on August 18, 2025, and shall close on September 17, 2025. The proposed amendments to the rule will be adopted, modified, or rejected before October 1, 2025, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval no later than October 1, 2025.

Comments by the bar and the public should be made in writing to: Hon. Jason A. Thompson, Judge of the White Circuit Court, Attn: Public Comment on Local Rules, White County Courthouse, 110 N. Main Street, P.O. Box 230, Monticello, Indiana, or jason.thompson@whitecounty.in.gov.

DATED this 11th day of August 2025 on behalf of the Judges of White County.

Jason A. Thompson /s/
Hon. Jason A. Thompson,
Judge, White Circuit Court

LOCAL COURT RULES FOR WHITE CIRCUIT COURT AND WHITE SUPERIOR COURT

(Effective January 1, 2026)

The White Circuit Court and the White Superior Court hereby adopt, amend, and re-number all existing local rules for the Courts of White County, Indiana. Pursuant to Trial Rule 81, all Courts are to consolidate local rules into one document with an appropriate numbering system. The local rules to be applied and followed in the White County Courts are specified herein. These local rules may be amended from time to time as necessary and as determined by the Courts. All previous General Orders regarding local rules are hereby set aside and terminated, replaced by these White County Local Rules effective January 1, 2026.

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LR91-AR010-01 Decorum

(A) The ethics and the professionalism of the practice of law require that counsel rise when the Judge enters the Courtroom.

(B) The dignity of the Court shall be maintained and preserved at all times. The Court expects appropriate decorum and dress of all counsel and of all persons entering the courtroom.

(C) The State of Indiana, Plaintiffs, and Petitioners shall occupy the counsel table closest to the jury box. Defendants, Respondents, and Juveniles shall occupy the counsel table closest to the Bench.

(D) All counsel shall ask for leave of Court prior to approaching the bench or a witness.

(E) Cellular Telephones (cell phones) and other personal electronic devices are not permitted in the White Circuit or White Superior Courts, except by counsel or litigants for accessing calendars, communicating with office staff with court permission, and for any other purpose granted by the Court.

LR91-AR01-02 Case Allocation Plan

(A) Criminal Cases:

(1) All murder, felony, misdemeanor, infraction, ordinance violation, miscellaneous criminal, expungement, and post-conviction relief cases shall be filed in the Superior Court.

(B) Juvenile Cases:

(1) All juvenile cases shall be filed in the Circuit Court.

(C) Civil Cases:

(1) All adoption, domestic relations (DR, DC, DN), grandparent visitation (GV), commercial eligible (CE), estate (ES, EU, EM), guardianship, mental health, protective order, reciprocal support, and trust cases shall be filed in the Circuit Court.

(2) All small claim (SC), eviction (EV), and red flag (RF) cases shall be filed in the Superior Court.

(3) Civil plenary, mortgage foreclosure, civil collection, civil tort, and civil miscellaneous cases may be filed in either the Circuit Court or the Superior Court.

(4) Review of administrative decisions (RA) shall be filed in the Circuit Court.

LR91-AR01-03 Judges Sitting in Either Court

(A) The Judge of the White Circuit Court hereby consents and authorizes the Judge of the White Superior Court to sit as Judge of the White Circuit Court at any time, in any case, for purposes of judicial economy, expediency, or other good cause.

(B) The Judge of the White Superior Court hereby consents and authorizes the Judge of the White Circuit Court to sit as Judge of the White Superior Court at any time, in any case, for purposes of judicial economy, expediency, or other good cause.

LR91-AR02-00 PROBLEM SOLVING COURT RULES

LR91-AR02-01 Veterans Treatment Court

(A) Establishment: The White County Veterans Treatment Court shall be established pursuant to I.C. § 33-23-16-11(7). The objectives of the White County Veterans Treatment Court shall be in accordance with the definition of a Veterans Treatment Court as stated in I.C. § 33-23-16-10.

(B) Fees: Fees are assessed pursuant to Indiana Problem Solving Court Rules § 16 and I.C. § 33-23-16.

(C) Assignment: The day to day operation and management of the White County Veterans Treatment Court has been established in and assigned to White Circuit Court.

LR91-TR05-04 Submission of Proposed Orders

All motions, petitions, and requests for action by the Court must be accompanied by a proposed order. Proposed orders shall include a complete distribution list including all parties or, if represented, their counsel, the Guardian Ad Litem, if appointed in the case, and all other persons to whom the order should be distributed. All proposed orders shall identify the motion or petition to be ruled on and, if a hearing is requested, a description of the specific hearing to be set and a statement of the anticipated length of the hearing.

LR91-TR53.5-05 Continuances

(A) Written Motions: A motion for continuance, unless made on record during the hearing of the cause or otherwise specifically authorized by the Court, shall be in writing and signed. Such motion shall comply in all respects with T.R. 53.5 of the Indiana Rules of Trial Procedure.

(B) Scheduling Conflicts: A motion for continuance based on a scheduling conflict with another cause shall specify the Court, the case name, the cause number, the date the hearings or trials in both cases were set, and the type of conflicting hearing or trial.

(C) Duty to Confer: Before requesting a continuance, the moving party shall confer with counsel for all other parties and with any parties appearing *pro se* to determine any objections and to ascertain dates for rescheduling when all parties are available. Such objections and alternative dates shall be reported in the motion for continuance.

LR91-AR00-06 Withdrawal of Court-Appointed Counsel

The Appearances of Court-appointed counsel and public defenders appointed in any case shall be deemed “withdrawn” upon the final disposition of the cause unless otherwise ordered by the Court. Those Appearances deemed “withdrawn” pursuant to this Rule shall be withdrawn by the Clerk without further action.

LR91-JR04-07 Jury Selection

The White Circuit Court and the White Superior Court shall utilize a two-tier system for mailing Notice and Summons to prospective jurors as referenced in Indiana Jury Rule 4(b). Each year when names of prospective jurors are drawn from the jury pool for each quarter, the Jury Administrator shall send to those prospective jurors whose names have been drawn for the quarter notice of the period of their possible jury service and a jury qualification form. The Notice and qualification form shall be mailed not later than seven (7) days after the date the prospective jurors’ names were drawn from the jury pool.

The jury administrator shall send jury Summons, in accordance with Indiana Jury Rule 4, to prospective jurors no less than ~~at least~~ seven (7) days before the required jury service.

LR91-AR15-08 Court Reporters

Section One: Definitions.

For purposes of this local rule, the definitions contained in Administrative Rule 15 shall apply.

Section Two: Court Reporter; Salaries and Per Page Fees.

(A) 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 fixed work hours, gap hours, or overtime hours. Court Reporters shall be compensated for gap and overtime hours as set forth in the White County Human Resources Policies and Procedures as adopted and/or amended by the Court.

(B) Court Reporters may charge a per-page fee for preparation of transcripts if the transcripts are prepared on the Court Reporter’s own time outside of any regular work hours, gap hours, or overtime

hours and are prepared using the Court Reporter's own paper and the Court Reporter's own supplies. This would include the ability to assign the transcript to a third party to transcribe or assist in typing the transcript. The total combined per-page fee to be paid to the Court Reporter and/or third-party transcriber shall not exceed the maximum per-page fee set forth in this rule.

(C) The maximum per-page fee a Court Reporter may charge for the preparation of a county indigent transcript shall be Six Dollars and Fifty Cents (\$6.50)~~Six Dollars (\$6.00)~~; the Court Reporter shall submit a claim directly to the County for the preparation of any county indigent transcripts.

(D) The maximum per-page fee a Court Reporter may charge for the preparation of a state indigent transcript shall be Six Dollars and Fifty Cents (\$6.50)~~Six Dollars (\$6.00)~~.

(E) The maximum per-page fee a Court Reporter may charge for the preparation of a private transcript shall be Six Dollars and Fifty Cents (\$6.50)~~Six Dollars (\$6.00)~~ plus the actual cost of paper used at a per-page cost.

(F) The per-page fee for expedited transcripts shall be Eight Dollars and Fifty Cents (\$8.50)~~Eight Dollars (\$8.00)~~ with twenty-four (24) hours' notice and Seven Dollars and Fifty Cents (\$7.50)~~Seven Dollars (\$7.00)~~ with three (3) days' notice.

(G) Binding and Exhibit and Index Volume Fees.

An additional fee shall be added to the cost of the transcript for the time spent binding the transcript and preparing the exhibit and index volumes at an hourly rate based on one and one-half (1 ½) times the Court Reporter's hourly rate. This fee will only apply if the Court Reporter binds the transcript and prepares the exhibit and index volumes on the Court Reporter's own time outside of any regular work hours, gap hours, or overtime hours using the Court Reporter's own paper and the Court Reporter's own supplies.

(H) If a third party types the transcript for a per-page rate equal to the maximum approved in this Rule, the Court Reporter shall not be entitled to any additional per-page fee but, with the approval of the Judge, shall complete the review and proofing of the transcript either:

- (1) During normal work hours using court equipment, papers, and supplies without charging any additional fee whatsoever; or
- (2) On the Court Reporter's own time outside of any regular work hours, gap hours, or overtime hours using the Court Reporter's own paper and the Court Reporter's own supplies at an hourly rate based on one and one-half (1 ½) times the Court Reporter's hourly rate.

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

of the State Court Administration.

Section Three: Private Practice

(A) If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, 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:

- (1) the reasonable market rate for the use of equipment, work space, and supplies;
- (2) the method by which records are to be kept for the use of equipment, work space, and supplies; and
- (3) the method by which the Court Reporter is to reimburse the Court for the use of the equipment, work space, and supplies.

(B) 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.

LR91-AR00-09 Removal of Original Court Files or Law Library Items

(A) No person shall remove any original pleading, paper, record, model, or exhibit from the custody of the Clerk or other officer of the White Circuit or White Superior Court having custody thereof without first obtaining leave from either Court or the Clerk of the Court.

(B) No person shall remove any books from the White Circuit or White Superior Court, either Judge's chambers, or the Courthouse law library-without first notifying the Bailiff or other Court staff and leaving a proper receipt with the Bailiff or other Court staff.

LR91-AR00-10 Appointment of Special Judge in Criminal Cases

(A) In the event of a recusal or disqualification of the Judge of the White Superior Court in a criminal, infraction, or ordinance violation proceeding, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

(B) In the event of the granting of a Motion to Change Judge or a change of Judge pursuant to other Indiana Statute or Rule of Court in a criminal, infraction, ordinance violation, or post-conviction proceeding, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

(C) The Judge of the White Circuit Court shall be appointed as Special Judge for all cases originating in the White Superior Court. If the Judge of the White Circuit Court fails to qualify as Special Judge, then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

(D) In the event no Special Judge qualifies under sub-part C of this rule, the Clerk shall select a Special Judge from the following list of Judges who have agreed to serve as a Special Judge in the White Superior Court:

- The Judge of the Benton Circuit Court
- The Judge of the Carroll Circuit Court
- The Judge of the Carroll Superior Court
- The Judge of the Cass Circuit Court
- The Judge of the Cass Superior Court 1
- The Judge of the Cass Superior Court 2
- The Judge of the Jasper Circuit Court
- The Judge of the Jasper Superior Court
- The Judge of the Pulaski Circuit Court
- The Judge of the Pulaski Superior Court
- The Judge of the Tippecanoe Circuit Court
- The Judge of the Tippecanoe Superior Court No. 1
- The Judge of the Tippecanoe Superior Court No. 2
- The Judge of the Tippecanoe Superior Court No. 3
- Tippecanoe County Juvenile Magistrate
- The Judge of the Tippecanoe Superior Court No. 4
- The Judge of the Tippecanoe Superior Court No. 5
- The Judge of the Tippecanoe Superior Court No. 6
- The Judge of the Tippecanoe Superior Court No. 7
- Tippecanoe County Magistrate

(E) In the event that no Special Judge qualifies or is available for appointment or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court by written certification to appoint a Special Judge.

MISCELLANEOUS CIVIL RULES

LR91-TR79-10 Appointment of Special Judge in Civil Cases

(A) In the event of a recusal or disqualification of the Judge of the White Circuit Court or the White Superior Court under Indiana Trial Rule 79(C), if a Special Judge does not accept jurisdiction of

the case pursuant to Indiana Trial Rule 79(D), then the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

(B) In the event that a Motion for Change of Judge is granted pursuant to Indiana Trial Rule 76(B) and a Special Judge is not qualified pursuant to Indiana Trial Rule 79(D) of the Indiana Rules of Procedure, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

(C) Assignment of Special Judge

(1) The Judge of the White Circuit Court shall be appointed as Special Judge for all cases originating in White Superior Court. If the Judge of the White Circuit Court fails to qualify as Special Judge, then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

(2) The Judge of the White Superior Court shall be appointed as Special Judge for all cases originating in the White Circuit Court. If the judge of the White Superior Court fails to qualify as Special Judge, then the selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

(D) In the event no Special Judge qualifies under sub-part C of this rule, the Clerk shall select a Special Judge from the following list of Judges who have agreed to serve as a Special Judge in the White Circuit and White Superior Courts:

- The Judge of the Benton Circuit Court
- The Judge of the Carroll Circuit Court
- The Judge of the Carroll Superior Court
- The Judge of the Cass Circuit Court
- The Judge of the Cass Superior Court 1
- The Judge of the Cass Superior Court 2
- The Judge of the Jasper Circuit Court
- The Judge of the Jasper Superior Court
- The Judge of the Pulaski Circuit Court
- The Judge of the Pulaski Superior Court
- The Judge of the Tippecanoe Circuit Court
- The Judge of the Tippecanoe Superior Court No. 1
- The Judge of the Tippecanoe Superior Court No. 2
- The Judge of the Tippecanoe Superior Court No. 3
- The Judge of the Tippecanoe Superior Court No. 4

- The Judge of the Tippecanoe Superior Court No. 5
- The Judge of the Tippecanoe Superior Court No. 6
- The Judge of the Tippecanoe Superior Court No. 7

(E) In the event that no Special Judge qualifies or is available for appointment or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court pursuant to Indiana Trial Rule 79(H)(3) by written certification to appoint a Special Judge.

LR91-TR00-11 Procedure for Proceedings Supplemental

Unless the participation of the judge or magistrate in the hearing is specifically requested by the judgment holder or judgment debtor, the hearing on a proceeding supplemental will be conducted informally by the parties without the presence of the Judge. Proceeding supplemental hearings shall be conducted in the Courtroom or any available ancillary room, but, unless record is requested by any party, the proceeding supplemental hearing will not be on the record. The hearings will be scheduled by the Court. Counsel shall provide the Court with a written summary of the result of the proceeding supplemental if the same is not conducted on the record.

MISCELLANEOUS CRIMINAL RULES

~~LR91-CR13-12~~ Appointment of Special Judge in Criminal Cases

~~(F) — In the event of a recusal or disqualification of the Judge of the White Superior Court in a criminal, infraction, or ordinance violation proceeding, the assignment and selection of a Special Judge shall proceed according to the provisions of sub part C of this local rule.~~

~~(G) — In the event of the granting of a Motion to Change Judge or a change of Judge pursuant to other Indiana Statute or Rule of Court in a criminal, infraction, ordinance violation, or post-conviction proceeding, the assignment and selection of a Special Judge shall proceed according to the provisions of sub part C of this local rule.~~

~~(H) — The Judge of the White Circuit Court shall be appointed as Special Judge for all cases originating in the White Superior Court. If the Judge of the White Circuit Court fails to qualify as Special Judge, then selection of the Special Judge shall proceed pursuant to sub part D of this local rule.~~

~~(I) — In the event no Special Judge qualifies under sub part C of this rule, the Clerk shall select a Special Judge from the following list of Judges who have agreed to serve as a Special Judge in the White Superior Court:~~

- ~~• The Judge of the Benton Circuit Court~~
- ~~• The Judge of the Carroll Circuit Court~~
- ~~• The Judge of the Carroll Superior Court~~
- ~~• The Judge of the Cass Circuit Court~~
- ~~• The Judge of the Cass Superior Court 1~~
- ~~• The Judge of the Cass Superior Court 2~~
- ~~• The Judge of the Jasper Circuit Court~~
- ~~• The Judge of the Jasper Superior Court~~
- ~~• The Judge of the Pulaski Circuit Court~~
- ~~• The Judge of the Pulaski Superior Court~~
- ~~• The Judge of the Tippecanoe Circuit Court~~
- ~~• The Judge of the Tippecanoe Superior Court No. 1~~
- ~~• The Judge of the Tippecanoe Superior Court No. 2~~
- ~~• The Judge of the Tippecanoe Superior Court No. 3~~
- ~~• Tippecanoe County Juvenile Magistrate~~
- ~~• The Judge of the Tippecanoe Superior Court No. 4~~
- ~~• The Judge of the Tippecanoe Superior Court No. 5~~
- ~~• The Judge of the Tippecanoe Superior Court No. 6~~

- ~~The Judge of the Tippecanoe Superior Court No. 7~~
- ~~Tippecanoe County Magistrate~~

~~The Clerk shall consider the prospective Special Judge's Case Allocation Plan when making the selection.~~

~~(J) — In the event that no Special Judge qualifies or is available for appointment or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court by written certification to appoint a Special Judge.~~

LR91-CR00-13 Pre-Trial Conferences in Criminal Cases

At the initial hearing, unless a guilty plea is entered or unless otherwise ordered by the Court, all criminal cases will be set for a pre-trial conference, omnibus date, and trial date. Matters to be addressed at the pre-trial conference include, but are not limited to, a consideration of outstanding discovery issues, the exchange of witness identification and exhibit lists, addressing any scheduling issues, and discussing possible case dispositions.

The parties shall prepare and submit to the Court for approval an Order on Pre-Trial Conference, and a Final Pre-Trial Conference shall be set for the following purposes:

- (A) If there is to be a plea of guilty pursuant to a plea agreement, it shall be submitted and entered, and heard at the FPTC time.
- (B) If the case, at that time, remains set for trial before the bench, the Conference shall be held for the purpose of considering the anticipated court time needed, any stipulations of evidence, and any anticipated procedural issues.
- (C) If the case, at that time, remains set for trial by jury, the Conference shall be held for the purpose of considering confirmation of the trial date, the length of the trial, and the number of jurors to be summoned; discussing reasonably anticipated and proposed instructions; and considering any other pending or relevant matters.

LR91-AR00-14 Alcohol and Drug Program Fees

The Superior and Circuit Courts of White County, Indiana adopt the following schedule of fees for participants in the Court's Alcohol and Drug Program:

Assessment and Case Management	\$100.00
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LR91-CR00-15 Bond Schedule

(A) The following amounts shall be the amounts set for bail bonds unless otherwise ordered by the Judge of the White Circuit Court or the Judge of the White Superior Court to comply with Criminal Rule 26.

<u>CLASS OF OFFENSES</u>	<u>BAIL AMOUNT</u>
1. <u>Murder</u>	<u>None</u>
2. <u>Level 1 Felony</u>	<u>\$75,000.00</u>
3. <u>Level 2 Felony</u>	<u>\$50,000.00</u>
4. <u>Level 3 Felony</u>	<u>\$40,000.00</u>
5. <u>Level 4 Felony</u>	<u>\$30,000.00</u>
6. <u>Level 5 Felony</u>	<u>\$20,000.00</u>
7. <u>Level 6 Felony</u>	<u>\$10,000.00</u>
8. <u>Class A Misdemeanor</u>	<u>\$8,000.00-\$5,000.00</u>
9. <u>Class B Misdemeanor</u>	<u>\$6,500.00-\$5,000.00</u>
10. <u>Class C Misdemeanor</u>	<u>\$5,000.00</u>

For Offenses allegedly committed on or prior to June 30, 2014	Bail Bond Amount	For Offenses allegedly committed on or after July 1, 2014
OFFENSE CLASS		OFFENSE CLASS
MURDER	NO BOND INITIALLY	MURDER
Class A Felony	\$50,000.00	Level 1 Felony
	\$40,000.00	Level 2 Felony
Class B Felony	\$30,000	Level 3 Felony
	\$20,000.00	Level 4 Felony
Class C Felony	\$10,000.00	Level 5 Felony
Class D Felony	\$5,000.00	Level 6 Felony

~~(B) ADDITIONAL BOND - HABITUAL OFFENDERS~~ Additional Bond Amounts to be Imposed

1. Habitual Offenders

- a. For any person charged with Murder or a Class A, B, or C felony or a Level 1, 2, 3, or 4 felony offense, and charged with being an Habitual Offender, bail is to be set at an additional Fifty Thousand Dollars (\$50,000).
- b. For any person charged with a class D felony or Level 5 or 6 felony offense, and charged with being an Habitual Offender, bail is to be set at an additional Ten Thousand Dollars (\$10,000).

2. Doubling of Bond Schedule: The amounts listed in the bond schedule above shall double if any of the following circumstances apply:

- a. The person has been arrested for, or charged with, an offense that alleges the use of a deadly weapon or serious bodily injury as an element of the offense.
- b. The offense is alleged to have been committed against a family or household member as defined by I.C. § 31-9-2-44.5.
- c. The person has been arrested for an offense while on probation, parole, bond, or released on the person's own recognizance for another offense.

3. Multiple Charges: In the event of multiple charges as a result of the same incident, the bail shall be the amount scheduled for the highest single offense, plus any additional amount required in 1 or 2 above.

(C) No Bond Until Seen by a Judicial Officer: This bail schedule shall not be used for any person arrested for committing an offense, attempting to commit an offense, or conspiracy to commit an offense, listed below:

- 1. All crimes of violence as defined by I.C. § 35-33-8-3.4
- 2. Child seduction
- 3. Child sexual trafficking
- 4. Child solicitation
- 5. Criminal confinement of a minor
- 6. Incest
- 7. Possession of child pornography
- 8. Promoting prostitution
- 9. Promotion of child sexual trafficking
- 10. Sexual battery
- 11. Sexual conduct in the presence of a minor
- 12. Vicarious sexual gratification

In these cases, the amount and conditions of bond will be set by a judicial officer following a bond hearing in open court not more than forty-eight (48) hours after the person has been arrested, except if the person is arrested when the courthouse is closed, then the bond hearing will be held in conjunction with the initial hearing or hearing on a seventy-two (72) hour hold request. The Sheriff's Office shall notify the Superior Court and the Prosecuting Attorney's Office of any persons held without bond pursuant to this provision.

~~Exception for certain Sex Offenses: A person charged with CHILD MOLESTING (I.C. 35-42-4-3); a person charged with CHILD SOLICITATION (I.C. 35-42-4-6); or a person who is a SEXUALLY VIOLENT OFFENDER under I.C. 35-38-1-7.5 and is arrested for or charged with the commission of an offense that would classify the person as a sex or violent offender (as defined in I.C. 11-8-8-5) shall not be admitted to bail until the Court has conducted a bail hearing in open court. That hearing shall be held within forty-eight (48) hours of the person's arrest unless exigent circumstances prevent holding the hearing within forty-eight (48) hours. It shall be the responsibility of the White County Sheriff to promptly notify the Court of the arrest of such a person in order that such a hearing may be held in a timely manner.~~

Class A Misdemeanor	\$1,500.00	Class A Misdemeanor
Class B Misdemeanor	\$1,000.00	Class B Misdemeanor
Class C Misdemeanor	\$500.00	Class C Misdemeanor

(D) ADDITIONAL BONDING TERMS:

(1) Persons shall be held without bond until the Pre-Charge Initial Hearing who are arrested and in which:

- a. The true identity of a defendant is unknown; or
- b. There is good cause to believe the defendant is on probation, home detention/house arrest, parole, on bond, on pre-trial release to probation or White County Community Corrections.
- c. In this situation, the amount and conditions of bail will be set by a judicial officer following a bond hearing in open court not more than forty-eight (48) hours after the person has been arrested, except if the person is arrested when the courthouse is closed, then the bond hearing will be held in conjunction with the initial hearing or hearing on a seventy-two (72) hour hold request. The Sherriff's Office shall notify the Superior Court and the Prosecuting Attorney's Office of any persons held without bond pursuant to this provision.

(2) A person charged with a “violent crime” (as defined in I.C. § 5-2-6.1-8) shall have no contact, directly or indirectly, with the alleged victim(s), and the person shall sign a TEN (10) DAY NO CONTACT ORDER AS A CONDITION OF RELEASE, as to the alleged victim(s), as set forth in Appendix A below. The person shall not be released without their signature, even if, they post the monetary bond. When the person is released, the Sheriff’s Office shall provide notification to any alleged victim(s) if so requested. ~~as a condition of being released on bail.~~

(3) Certain Domestic Violence Crimes: A person arrested for certain domestic violence crimes may not be released on bail for at least twenty-four (24) hours from the time of the person’s arrest if the person is arrested for one (1) or more of the following offenses against a family or household member:

- a. A crime of domestic violence (I.C. § 35-31.5-2-78).
- b. Battery (I.C. § 35-42-2-1).
- c. Domestic battery (I.C. § 35-42-2-1.3).
- d. Aggravated battery (I.C. § 35-42-2-1.5).
- e. Strangulation (I.C. § 35-42-2-9).
- f. Rape (I.C. § 35-42-4-1).
- g. Sexual battery (I.C. § 35-42-4-8).
- h. Invasion ~~Invasion~~ of privacy (I.C. § 35-46-1-15.1).
- i. Criminal stalking (I.C. § 35-45-10-5).
- j. Criminal recklessness (I.C. § 35-42-2-2).
- k. Criminal Confinement (I.C. § 35-42-3-3).
- l. Burglary (I.C. § 35-43-2-1).
- m. Residential entry (I.C. § 35-43-2-1.5).

After the expiration of twenty-four (24) hours, the person may be released upon the posting of bond in the amount set forth in the bond schedule above, and by signing and agreeing to follow a TEN (10) DAY NO-CONTACT ORDER AS A CONDITION OF RELEASE as set for in Appendix A below.

(4) No Bond For Fifteen (15) Days For any person who, at the time of arrest, is on probation in White County, Indiana, or is out on bond for another offense pending in White County, Indiana, or is on parole anywhere, NO BAIL is to be set except by the Court at a hearing to be held the next available Court day. There shall be a Fifteen (15) Day hold placed on any person that is on probation in White County, Indiana or is on parole anywhere at the time of the arrest. If there is no Petition for Revocation of Probation or Parole Violation filed within the Fifteen (15) Day period, the hold shall expire.

- ~~(0) For any felony case, where the person charged shall have been previously convicted of a felony offense but is not on parole or probation or where the person charged is accused of possessing a firearm or other deadly weapon, the bail bond amount shall be doubled.~~
- ~~(0) In the event of multiple charges as a result of the same incident, the bail shall be the amount scheduled for the highest single offense.~~
- (5) Under the Influence: No person shall be released on bond that appears to be under the influence of alcohol, drugs, or a combination of alcohol or drugs until the person has a breath alcohol level of .00% and until the person is sufficiently capable of completing the booking process and can safely be released because of such condition. The White County Sheriff's Department may use the chart set out in I.C. § 35-33-1-6 to determine the minimum number of hours an impaired person should be detained prior to release pending trial.
- ~~(0) In any case, the bail may be posted by any of the following methods:~~
- ~~(1) — Corporate Surety; or~~
 - ~~(2) — Cash in full (except for a misdemeanor offense, cash in an amount equal to fifty percent (50%) of the applicable bail bond amount or five hundred dollars (\$500.00) cash, whichever is greater); or~~
 - ~~(3) — Defendant, in Felony cases only, may post a ten percent (10%) cash deposit of the bond in lieu of bond in defendant's name only and the court approved bond form must be used; or~~
 - ~~(4) — Real Estate Property Bond with prior approval of the Court.~~
- ~~(6) If the White county Prosecuting Attorney believes a higher bond is necessary for the safety of witnesses and/or protection of the community, the Prosecutor may request a deviation from the scheduled bond amount.~~
- ~~(0) A judge may impose any or all of the following Conditions of Release:~~
- ~~(1) Report to the Probation Officer Supervising the Pre-Trial Release Release Program.~~
 - ~~(2) Remain in the supervisory custody of a named responsible person.~~
 - ~~(3) Live and stay at a specific address.~~
 - ~~(4) Remain in the State of Indiana.~~
 - ~~(5) Have no contact with the victim/complaining witness.~~
 - ~~(6) Not use or possess alcohol.~~
 - ~~(7) Not use or possess any controlled substances unless on order of a physician.~~
 - ~~(8) Submit to drug/alcohol testing at your expense.~~
 - ~~(9) Remain at residence other than at specified hours for specified purposes.~~

- ~~(10) — Not Possess a firearm or other dangerous weapon.~~
 - ~~(11) — Seek and maintain full time employment/student status.~~
 - ~~(12) — Undergo necessary medical or psychiatric treatment, including drug or alcohol abuse treatment.~~
 - ~~(13) — Commit no criminal offense.~~
 - ~~(14) — Comply with any other condition reasonably calculated to assure appearance in court as required or to assure the safety of any other person and the community.~~
 - ~~(15) — Defendant specifically agrees to waive extradition from any jurisdiction inside or outside the United States, wherever he/she may be found, and also agrees not to contest any effort to return him/her to the State of Indiana.~~
- ~~(0) All bail bonds are subject to being adjusted by the Court at a hearing pursuant to statute and application by counsel of record. If there is a difference between the amount of bond posted prior to the issuance of a probable cause order, the order shall govern the amount of bond. However, overpayments may not result in refunds to the defendant. If a defendant is arrested for a separate criminal offense while released on a prior posted bond, the release on the prior posted bond may be revoked by the Court. Any bail bond posted shall be in addition to any administrative fees required to be paid under Indiana law.~~
- (0) ~~Exceptions to the Bond Schedule. All persons living outside White County or its adjacent counties (including Benton, Carroll, Cass, Jasper, Pulaski, and Tippecanoe) must post bond pursuant to the bail schedule above. However, the following exceptions apply to persons living in White County and its adjacent counties:~~
- ~~a. — *Public Intoxication*: Hold twelve (12) hours, then release on own recognizance if not impaired.~~
 - ~~b. — *Minor consuming (Class C Misdemeanor), Possession of Marijuana (Class A and Class B Misdemeanor), and Possession of Paraphernalia (Class A and Class B Misdemeanor):* If not impaired at time of arrest, book in immediately release on own recognizance. If impaired or actively using at time of arrest, book in, hold a minimum of four (4) hours (and longer if still impaired after four (4) hours), and then release on own recognizance.~~
 - ~~c. — *Operating While Suspended (Class A Misdemeanor) or Operating While Never Receiving a License (Class C Misdemeanor):* Release on own recognizance.~~
- (7) ~~Deviations from Bond Schedule: All bail bonds are subject to being adjusted by the Court at a hearing pursuant to statute and application by counsel of record.~~

- a. Before Initial Hearing: A judicial officer may deviate from the Bond Schedule, or order that the arrested person be held without bail until seen by a judicial officer, upon reviewing a verified motion concerning safety or flight.
 - b. At Initial Hearing: A judicial officer may deviate from the Bond Schedule, and may order other conditions of pre-trial release, after considering evidence at the Initial Hearing.
 - c. After Initial Hearing: Once a judicial officer has set the amount of bail or other conditions of pre-trial release after the Initial Hearing, motions to modify the order shall be presented to the respective court in writing, and proper notice of the hearing shall be given to the parties and attorneys of record.
- (8) If a defendant is arrested for a separate criminal offense while released on a prior posted bond, the release on the prior posted bond may be revoked by the Court.
- (9) Waiver from Juvenile Court: When a child is waived to adult court, the bond ~~initial bail~~ amount set shall be no less than the bond schedule amount after taking into account the factors set forth above. ~~in the juvenile court shall remain in effect unless and until it is modified in the adult court.~~
- (E) Posting Bond: In any case, the bond may be posted by any of the following methods:
 - (1) Corporate Surety; or
 - (2) Cash in full; or
 - (3) Defendant may post a ten percent (10%) cash deposit of the bond in defendant's name only and the court approved bond form must be used; or
 - (4) Real Estate Property Bond with prior approval of the Court.Any bond posted shall be in addition to any administrative fees required to be paid under Indiana Law.
- (F) Conditions of Pre-Trial Release on Own Recognizance or Bond. Whether released after posting bond, or released on their own recognizance, the arrested person's pretrial release is conditioned upon their:
 - (1) Maintaining good and lawful behavior;
 - (2) Appearing in court for all court ~~appearances~~ dates as ordered;
 - (3) Maintaining or obtaining full-time employment;
 - (4) Advising the Court in writing of any change of address within twenty-four (24) hours of the change;

- (5) Not leaving the State of Indiana without prior approval of the Court, if charged with a Level 5 Felony offense or greater;
- (6) Maintaining contact with their attorney
- (0) ~~Informing the respective court in writing of any change of address within forty-eight (48) hours.~~
- (7) Not using or possessing ~~any illegal drugs or~~ alcohol, alcoholic beverages, or illegal controlled substances, including Marijuana and THC.
- (8) Submitting to and paying for random drug and alcohol screens as ordered by this Court;
- (9) Not using or possessing firearms or other deadly weapons.
- (10) Complying with any no contact order issued pursuant to LR91-CR00-15(D) (2) and/or (3);
- (11) Complying with all other conditions imposed by the Court after a hearing and ~~of pre-trial release set by a judicial officer~~
- (12) Defendant specifically agrees to waive extradition from any jurisdiction inside or outside the United States, wherever he/she may be found, and also agrees not to contest any effort to return him/her to the State of Indiana

For all Class A, B, and C Felony and Level 1, 2, 3, 4, and 5 offenses, the arrested person may not leave the State of Indiana without prior approval of the court.

(G) A violation of any condition of pre-trial release may result in the Court revoking the arrested person's bond and the issuing a warrant for arrest.

(H) No Admittance to Bond for DNA Collection Refusal: No felony arrestee may be released on recognizance or admitted to bond upon a refusal to cooperate with the DNA collection procedures required by I.C. §10-13-6-10. Upon cooperating with DNA collection procedures, the arrestee may be released on recognizance or admitted to bond as per the bond schedule.

LR91-CR4-01 Speedy Trial Requests

All requests for an early trial pursuant to Rule Four (4) of the Indiana Rules of Criminal Procedure must be made in writing and, if defendant is represented by counsel, must be made in writing by counsel of record. Oral motions requesting an early trial pursuant to Rule Four (4) of the Indiana Rules of Criminal Procedure shall be denied, if not also accompanied with an appropriate written motion as required here in.

MISCELLANEOUS PROBATE AND FAMILY RULES

LR91-PR00-16 Notice

Whenever notice by publication and/or written notice by U.S. Mail is required to be given, the attorney shall prepare such notice and ensure that the notice is properly published and/or served as required by statute or Supreme Court Rule. It shall be the attorney's responsibility to ascertain and provide adequate proof of notice prior to bringing a matter to the Court.

LR91-PR00-17 Bond

To facilitate the Court's determination of the amount of bond to be required in any estate or guardianship, all petitions to open an estate or guardianship shall set forth the probable assets of the estate and the value of such assets, including the value of all personal property plus the estimated annual rents and profits to be derived from the property in the estate or guardianship.

LR91-PR00-18 Accountings

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

- (A) State facts showing why the estate cannot be closed and an estimated date of closing; and
- (B) Propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants.

LR91-PR00-19 Fees of Attorneys and Fiduciaries

No fees for fiduciaries or attorneys shall be paid out of any supervised estate or guardianship without prior written order of the Court. Absent exceptional circumstances, no attorney or fiduciary fees will be determined and authorized for payment by the Court in any unsupervised estate.

LR91-FL00-20**Scope, Citation and Definition: Cooperative Approach and Liberal Construction****(A) Scope.**

These rules shall apply to family cases in the White Circuit and Superior Court.

(B) Citation.

These rules may be cited as the White Rules of Family Law and abbreviated as F.L.R.

(C) Definition.

Family cases shall include all cases involving claims for or related to marital dissolution or separation, paternity, child custody, parenting time or visitation with a child, and support of a child or spouse.

LR91-FL00-21 Statement of Policy and Purpose

The White Circuit and White Superior Courts are committed to a cooperative model for the handling of family cases by parents, attorneys, and judges. These rules shall be liberally construed and applied to serve the healthy and child-sensitive functioning of families. In all family cases with children, the goal will be protecting the best interests of those children.

LR91-FL00-22 General Obligations of Cooperation of Attorneys and Parties

(A) Attorneys and parties in family cases are expected to act with the courts as co-problem solvers, not mere problem-reporters. Attorneys shall both inform and remind their clients about the judicial expectations of cooperation in family cases, assist their clients to understand and observe these standards, and encourage clients to participate in co-parenting classes, counseling, mediation, and other appropriate problem-solving processes.

(B) To establish and maintain an atmosphere which fosters cooperative problem-solving, all parties and attorneys shall:

- (1) Explore resources which may reduce conflict, build cooperation, and protect children;
- (2) Attempt reasonable cooperative measures before resorting to the court;
- (3) Avoid disrespectful language and behavior; and
- (4) Avoid unnecessary motions or petitions, hearings, and arguments.

LR91-FL00-23 Self-Represented Litigants

- (A) The same court rules apply to parties who are represented by attorneys and parties who represent themselves, and all parties, whether represented by an attorney or not, shall comply with these rules, any other applicable rules including the Indiana Rules of Trial Procedure, the Indiana Rules of Evidence, the Indiana Rules of Alternative Dispute Resolution, the Indiana Child Support Rules and Guidelines, the Indiana Parenting time guidelines, the Indiana Administrative Rules, or any other rules promulgated by the Indiana Supreme Court, and procedures required by Indiana Law.
- (B) Self-represented parties shall file appropriate pleadings to request court action and shall include with each pleading a “certificate of service” that states that the document was:
- (1) provided to the other party/parties or the attorney(s) for the other party/parties;
 - (2) the method of serving the document; and
 - (3) the date that it was sent.
- (C) The court has the discretion to reject the incomplete pleadings or pleadings that do not comply with Indiana law.

LR91-FL00-24 Initial and Provisional Hearings

Unless considerations of safety or other good cause make it unreasonable, before the date and time set for an initial or provisional hearing, counsel shall meet with each other (or any unrepresented party) in a good-faith attempt to resolve all matters.

LR91-FL00-25 Mandatory Website Work for Parents

- (A) Dissolution of Marriage. In all dissolution cases where the parties have any children together under the age of eighteen (18) years, both parties shall complete the work on www.UpToParents.org within thirty (30) days of initial filing.
- (B) Paternity. In all paternity cases, both parents shall complete the work on www.UpToParents.org within thirty (30) days of the court’s finding of paternity.

LR91-FL00-26 Proof of Compliance

(A) Dissolution of Marriage and Legal Separation. To monitor compliance, within thirty (30) days of the initial filing of an action for dissolution or separation, each party shall file a verified certification of their completion of the mandatory website work as required under FLR. ~~25~~24, above. A sample form of which can be found at www.in.gov/counties/white/ under the Clerk tab.

(B) Paternity. To monitor compliance, within thirty (30) days of the Court's finding of paternity, each party shall file a verified certification of completion of the mandatory website work as required under FLR ~~25~~ 24 above. A sample form of which can be found at www.in.gov/counties/white/ under the Clerk tab.

(C) Any party failing to timely file such a certification may be subject to a hearing on such a failure.

LR91-FL00-27 Parenting Plan Proposals

(A) The Indiana Parenting Time Guidelines provide useful outlines of the minimum time each parent should have with the children to maintain frequent, meaningful, and continuing contact with them. Any parenting time plan submitted by agreement that provides for less than the minimum time allowed under the Indiana Parenting Time Guidelines must contain a written explanation for deviating from those guidelines. Agreed parenting plans that exceed the minimum time allowed under the Guidelines will not require a written explanation.

(B) Unless they have already executed an agreed parenting plan, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing the form which can be found at www.in.gov/counties/white/ under the Clerk tab. Parents, personally and with the help of counsel and all useful counseling, mediation, and other problem-solving resources, shall continue to attempt to reach an agreed parenting plan. Parents shall bring their respective Parenting Plan Proposals to all hearings, mediation sessions, and settlement discussions.

LR91-FL00-28 Protocols After Initial Filing

(A) Duties Regarding Consultation. Except in emergencies or when it might create a danger or substantial prejudice or is otherwise unreasonable to do so, counsel and *pro se* parties shall have a personal or telephonic consultation to resolve any issue before filing or seeking any other relief through the court. Counsel and *pro se* parties contacted for a consultation shall make themselves reasonably available for consultation. The duty of consultation shall be continuing.

(B) Substance of Consultation. In the consultation, counsel and *pro se* parties shall:

- (1) Attempt to resolve all matters at issue;
- (2) Confirm the parties' compliance with FLR 24, 25, and 26; and
- (3) Discuss the resources they believe the parents could use to resolve current and future issues and to build cooperation.

(C) Cooperation Update – Mandatory. All motions and pleadings other than the initial filings shall include a statement confirming compliance with items (1) through (3) above, including the date of the required personal or telephonic consultation; or shall recite the specific reasons for the lack of a consultation.

LR91-FL00-29 Requirements Before Custody Evaluations

All requests for custody evaluations must be in writing and certify that both parties and their counsel, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or mediation.

The Court will not grant a request for or otherwise order a custody evaluation except following a Status Conference in the presence of both parties and their attorneys, if any, during which the Court has been satisfied that:

- (A) Both parties have completed the mandatory website work pursuant to FLR ~~25~~24 above;
- (B) Both parties and their attorneys, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or consultation pursuant to FLR ~~24~~23 above; and
- (C) The court has carefully considered and reviewed with both parties and their attorneys, if any, the use of other resources.

LR91-FL00-30 Indiana Child Support Guidelines

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

(B) Support Settlement Agreements. If an agreement concerning support provides any deviation from the amount calculated under the Indiana Child Support Guidelines, the parents shall present the Court with a written explanation justifying the deviation.

LR91-FL00-31 Sanctions

If a party or counsel fails to timely prepare, exchange, or file a Child Support Worksheet or to cooperate in providing information therefore in a timely manner, both persons are subject to sanctions under Trial Rule 37.

LR91-FL00-32 Agreed Matters – Submission

No agreed matter shall be submitted unless accompanied with a signed agreement and other appropriate documents such as the decree, a wage withholding order, or a qualified domestic relations order. However, if the parties reach a settlement on the Courthouse steps, then the Court shall accept evidence of that settlement on the record and enter the appropriate Order upon preparation and filing by counsel within twenty-one (21) days after submission or such additional time as the Court may allow.

APPENDIX A

TEN (10) DAY NO-CONTACT ORDER
AS A CONDITION OF PRE-TRIAL RELEASE

The Arrested Person listed above has been arrested for committing a violent crime resulting in bodily injury to another person, a crime of domestic violence, or other crime concerning the safety of another person. As a condition of their release from jail, the Arrested Person shall have no contact with the Protected Person listed below, effective immediately, and lasting for ten (10) days **after being released from jail**. This order is issued in accordance with the White County Local Rule 91-Cr00-15(D) (2) and (3) and Indiana Code 35-3-8-3.6. The protected person is _____.

To be read and initialed by the Arrested Person:

_____ For ten (10) days **after my release from jail**, I cannot have any contact with the Protected Person, directly or indirectly, even if they contact me first, and even if they tell me that it is okay.

_____ “No contact” means that I cannot be within the eyesight of the Protected Person, their home, or any other place where I know they will likely be located. It also means that I cannot contact the Protected Person by telephone, text correspondence, fax, Facebook, or any other means, even while I am in jail.

_____ I cannot use or possess alcohol or illegal controlled substances while this matter is pending.

_____ I cannot possess any firearms, ammunition, or other dangerous weapons while this matter is pending, and I will surrender any such items to law enforcement for safekeeping until this matter is resolved.

_____ If I intentionally violate this Ten (10) Day No-Contact Order as a Condition of Pre-Trial Release, my bond may be revoked (meaning I may be held in jail until my case is resolved) and/or I may be charged with a separate crime of Invasion of Privacy.

I understand and agree to the above conditions.

DATE

INMATE SIGNATURE

PRINTED NAME