HAMILTON COUNTY LOCAL RULES

ORDER OF ADOPTION

PURSUANT TO TRIAL RULE 81 OF THE INDIANA RULES OF PROCEDURE, THE HAMILTON COUNTY CIRCUIT AND SUPERIOR COURTS HEREBY ADOPT THE FOLLOWING RULES TO AID IN THE FAIR AND EFFICIENT RESOLUTION OF DISPUTES. THESE RULES APPLY TO ALL ATTORNEYS AND UNREPRESENTED LITIGANTS. THESE RULES (OR THEIR SUBPARAGRAPHS) SHALL BE CITED TO THE COURT AS:

"HAMILTON COUNTY LOCAL ADMINISTRATIVE RULE ____ " (OR "LR29-AR__- ___");
"HAMILTON COUNTY LOCAL TRIAL RULE ____ " (OR "LR29-TR_ _- ___");
"HAMILTON COUNTY LOCAL CRIMINAL RULE ___ " (OR "LR29-CR_ _- ___ ");
"HAMILTON COUNTY LOCAL FAMILY LAW RULE ____ " (OR "LR29-FL_ _- ___");
"HAMILTON COUNTY LOCAL JURY RULE ____ " (OR "LR29-JR_ _- ___");
"HAMILTON COUNTY LOCAL TRIAL DE NOVO RULE ____ " (OR "LR29-DN_ _- ___"),
"HAMILTON COUNTY LOCAL PROBATE RULE ___ " (OR "LR29-PR_ _- ___"); AND
"HAMILTON COUNTY LOCAL JUVENILE RULE ___ " (OR "LR29-JV_ _-___"),

AND SHALL BE SO CITED WHEN BEING RELIED UPON IN SUPPORT OF ANY ACTION SOUGHT BY THE COURT.

THESE RULES ARE GENERALLY NOT APPLICABLE TO SMALL CLAIMS PROCEEDINGS BECAUSE THOSE PROCEEDINGS ARE GOVERNED BY THE INDIANA RULES FOR SMALL CLAIMS AND THE HAMILTON COUNTY SMALL CLAIMS LITIGANT'S BOOKLET. HAMILTON COUNTY LOCAL TRIAL RULE 210, HOWEVER, GOVERNS THE SELECTION OF A SPECIAL JUDGE IN A SMALL CLAIMS CASE

ORDERED ADOPTED AS AMENDED AND EFFECTIVE THIS 1ST DAY OF FEBRUARY, 2016.

PAUL A. FELIX, JUDGE HAMILTON CIRCUIT COURT	STEVEN R. NATION, JUDGE HAMILTON SUPERIOR COURT NO. 1
DANIEL J. PFLEGING, JUDGE HAMILTON SUPERIOR COURT NO. 2	WILLIAM J. HUGHES, JUDGE HAMILTON SUPERIOR COURT NO. 3
J. RICHARD CAMPBELL, JUDGE HAMILTON SUPERIOR COURT NO. 4	WAYNE A. STURTEVANT, JUDGE HAMILTON SUPERIOR COURT NO. 5
GAIL BARDACH, JUDGE HAMILTON SUPERIOR COURT NO. 6	

TABLE OF HAMILTON COUNTY LOCAL RULES

LOCAL ADMINISTRATIVE RULES
LR29-AR00-101. COURT HOURS
LR29-AR00-102. COURT CLOSING
LR29-AR12-103. FACSIMILE TRANSMISSIONS
LR29-AR00-104. PLAN FOR ALLOCATION OF JUDICIAL RESOURCES
LR29-AR00-105. PROTECTIVE ORDERS UNDER IC 5-2-9-2.1
LR29-AR00-106. FEES FOR THE HAMILTON COUNTY C.A.R.E. PROGRAM
LR29-AR00-107. DUPLICATION FEES
LR29-AR00-108. POSSESSION OF DEADLY WEAPONS IN COURT
LR29-AR15-109. COURT REPORTERS AND PROCEDURES
LR29-AR00-110. ASSIGNMENT OF INFRACTION (IF) AND ORDINANCE VIOLATION (OV) CASES
LR29-AR00-111. FEES FOR THE HAMILTON COUNTY DRUG COURT
LR29-AR00-112 AUDIO AND/OR VIDEO RECORDING OF COURT PROCEEDINGS
LR29-AR07-113 CUSTODY, REMOVAL, AND DISPOSAL OF ORIGINAL RECORDS AND EXHIBITS
LR29-AR00-114. FEES FOR THE HAMILTON COUNTY VETERANS COURT

LOCAL TRIAL RULES
LR29-TR03-201. FILING OF PLEADINGS AND ENTRY OF APPEARANCES
LR29-TR77-202. PROPOSED ORDERS
LR29-TR00-203. BRIEFS AND MEMORANDUMS
LR29-TR79-204. SPECIAL JUDGES
LR29-TR00-205. TRIAL SETTINGS
LR29-TR53-206. CONTINUANCES
LR29-TR16-207. PRE-TRIAL CONFERENCES
LR29-TR00-208. TRIALS
LR29-TR79-209. COORDINATED LOCAL RULE OF THE COURTS OF HAMILTON COUNTY, ENACTED IN COMPLIANCE WITH T.R. 79 (H)
LR29-TR76-210.TRANSFER OF SMALL CLAIMS, INFRACTION AND ORDINANCE VIOLATION CASES IN THE EVENT OF DISQUALIFICATION
LR29-TR79.211. APPOINTMENT OF SPECIAL JUDGE IN SUPERIOR COURT NO. 2.
LR29-TR65.212. DISSIPATION OF ASSETS AND REMOVAL OF CHILDREN FROM THE STATE

LOCAL CRIMINAL RULES
LR29-CR00- 301.CRIMINAL RANDOM FILING
LR29-CR00-302. CLERK PROCEDURES TO ACCOMPLISH CRIMINAL RANDOM FILING
LR29-CR00-303. FILING CO-DEFENDANTS UNDER HAMILTON COUNTY CRIMINAL RANDOM FILING RULE.

LOCAL CRIMINAL RULES - (CONTINUED)
LR29-CR00-304. FILING FELONY CASES ARISING FROM JUVENILE WAIVER HEARINGS UNDER HAMILTON COUNTY RANDOM FILING RULE
LR29-CR00-305. RELEASE ON BOND OR PERSONAL RECOGNIZANCE
LR29-CR00-306. WAIVER OF MISDEMEANOR INITIAL HEARING
LR29-CR00-307. AUTOMATIC DISCOVERY
LR29-CR00-308. LATE PAYMENT FEE
LR29-CR00-309. COLLECTION OF PROBATION USER FEES
LR29-CR00-310. DRUG COURT
LR29-CR00-311. VETERANS COURT

APPENDIX A: HAMILTON COUNTY BOND SCHEDULE (LR29-CR00-305.10)

APPENDIX A(1): HAMILTON COUNTY PRETRIAL RELEASE SCHEDULE (LR29-CR00-305.10)

LOCAL FAMILY LAW RULES
LR29-FL00-401. PRELIMINARY ORDERS
LR29-FL00-402. FINANCIAL DECLARATIONS, SUPPORT WORK SHEETS, VISITATION, AND CHILDREN COPE WITH DIVORCE WORKSHOP

APPENDIX B: HC VISITATION GUIDELINES (LR29-FL00-402.30)

LR29-FL00-403. TITLE IV-D COMMISSIONER/COURT

LOCAL JURY RULES
LR29-JR04-501. SUMMONING JURORS

LOCAL TRIAL DE NOVO RULES
LR29-DN00-601. RULES FOR TRIAL DE NOVO
LR29-DN01-602. RULES FOR TRIAL DE NOVO FOLLOWING CIVIL JUDGMENTS
LR29-DN02-603. RULES FOR TRIAL DE NOVO FOLLOWING JUDGMENTS FOR INFRACTIONS OR ORDINANCE VIOLATIONS
LR29-DN03-604. RULES FOR TRIAL DE NOVO FOLLOWING MISDEMEANOR TRIAL IN CITY OR TOWN COURT

APPENDIX C: TRIAL DE NOVO BAIL SCHEDULE FOR MISDEMEANOR OFFENSES (LR29-DN03-604.4)

LOCAL PROBATE RULES
LR29-PR00-701. NOTICE
LR29-PR00-702. FILING OF PLEADINGS
LR29-PR00-703. ATTENDANCE OF PROPOSED FIDUCIARIES
LR29-PR00-704. REPRESENTATION OF FIDUCIARIES BY COUNSEL
LR29-PR00-705. BOND
LR29-PR00-706. INVENTORY
LR29-PR00-707. REAL ESTATE
LR29-PR00-708. SALE OF ASSETS
LR29-PR00-709. CLAIMS
LR29-PR00-710. ACCOUNTING
LR29-PR00-711. FEES OF ATTORNEYS AND FIDUCIARY
LR29-PR00-712. UNSUPERVISED ADMINISTRATION
LR29-PR00-713. MISCELLANEOUS
LR29-PR00-714. GUARDIANSHIPS
LR29-PR00-715. WAIVER OF NOTICE OF INHERITANCE TAX APPRAISAL
LR29-PR00-716. MINORS' SETTLEMENTS
LR29-PR00-717. WRONGFUL DEATH ESTATES
LR29-PR00-718. ADOPTIONS

LOCAL JUVENILE RULES
LR29-JV00-801. ASSIGNMENT OF JUVENILE CASE NUMBERS
LR29-JV00-802. ACCESS CONFIDENTIAL JUVENILE RECORDS

TABLE OF HAMILTON COUNTY FORMS

Forms are available in the office of the Hamilton County Clerk, in the office of Court Administration, and at the Hamilton County Courts= website: http://www.hamiltoncountyin.gov/services.asp?id=5643

LOCAL ADMINISTRATIVE RULES FORMS

MODIFICATION OF COURT REPORTER POLICY (LR29-AR15-109)
FORM AR15-109

LOCAL CRIMINAL RULES FORMS

REQUEST TO WAIVE MISDEMEANOR IH. (LR29-CR00-306.20)
FORM CR00-306

LOCAL FAMILY LAW RULES FORMS

INDIANA CHILD SUPPORT OBLIGATION WORKSHEET (LR29-FL00-402.10)
FORM FL00-402A

FINANCIAL DECLARATION (LR29-FL00-402.10)
FORM FL00-402B

LOCAL TRIAL DE NOVO RULES FORMS

AFFIDAVIT OF INDIGENCY (LR-29-DN01-602.20, LR29-DN02-603.20)
FORM DN00-1

PROBATE RULES FORMS

INSTRUCTIONS FOR PERSONAL REPRESENTATIVE OR GUARDIAN (LR29-PR00-702.80)

INSTRUCTIONS TO PERSONAL REPRESENTATIVE OF SUPERVISED ESTATE
FORM PR00-1

INSTRUCTIONS TO PERSONAL REPRESENTATIVE OF UNSUPERVISED ESTATE
FORM PR00-2

INSTRUCTIONS TO GUARDIAN
FORM PR00-3

GUARDIAN'S GUIDE TO PERFORMING FIDUCIARY DUTIES
FORM PR00-4

CERTIFICATION BY FINANCIAL OR INVESTMENT INSTITUTION (LR29-PR00-705.20, LR29-PR00-710.20, LR29-PR00-716.50)
FORM PR00-5

PROBATE RULES FORMS (CONTINUED)

INSTRUCTIONS TO GUARDIAN AD LITEM (LR29-PR00-714.10, LR29-PR00-716.20)
FORM PR00-8

GUARDIAN AD LITEM REPORT INCAPACITATED PERSON (LR29-PR00-714.10)
FORM PR00-9

PHYSICIANS REPORT (LR29-PR00-714.20, LR29-PR00-714.50)
FORM PR00-10

BIENNIAL REPORT OF GUARDIAN MINOR (NO ASSETS) LR29-PR00-714.50 - NO ASSETS)
FORM PR00-11

ORDER APPROVING BIENNIAL REPORT (LR29-PR00-714.50, LR29-PR00-716.80)
FORM PR00-12

GUARDIAN AD LITEM REPORT A MINOR (LR29-PR 00-716.20)
GUARDIANSHIP OF A MINOR
FORM PR00-13

REPORT FOR RELEASE OF FUNDS (LR29-PR00- 716.50)
FORM PR00-14

ATTORNEY'S UNDERTAKING AND OBLIGATION (LR29-PR00-716.5 0(a))
FORM PR00-15

BIENNIAL REPORT OF GUARDIAN MINOR RESTRICTED (LR29-PR00-716.80)
FORM PR00-16

HAMILTON COUNTY LOCAL RULES

HAMILTON COUNTY LOCAL ADMINISTRATIVE RULES

LR29-AR00-101. COURT HOURS
101.10 The Hamilton County Circuit and Superior Courts shall be in session Monday through Friday, legal holidays excluded, and during such other hours as each court may, from time to time, direct or otherwise post.

LR29-AR00-102. COURT CLOSING
102.10 When weather conditions or other emergencies arise, any court closing shall be made by the judge of the Court after consultation with County Officials and the Sheriff. The Court shall make a reasonable effort to contact litigants scheduled for court if the Chronological Case Summary has the addresses and telephone numbers of the attorneys or pro se litigants.
102.20 The Court shall not be responsible for contacting attorneys and pro se litigants if the Chronological Case Summary does not contain a current address where notices and orders are to be sent and a current telephone number where the attorney or pro se litigant can be reached during normal business hours.

LR29-AR12-103. FACSIMILE TRANSMISSIONS
[EFFECTIVE JANUARY 1, 2017, THE HAMILTON COUNTY COURTS AND THE HAMILTON COUNTY CLERK WILL NO LONGER ACCEPT PLEADINGS, MOTIONS AND OTHER PAPERS BY ELECTRONIC FACSIMILE TRANSMISSION FOR FILING IN ANY CASE]
103.10 As outlined below, facsimile filing is permitted in the Circuit and Superior Courts of Hamilton County. The Courts authorize the Hamilton County Clerk of Courts to accept pleadings, motions and other papers by electronic facsimile transmission for filing in any case pending before the Courts, subject to the following requirements:

a. The transmission must be accompanied by a cover sheet meeting the requirements of the Indiana Supreme Court Administrative Rule 12(D).
b. The transmission must include any proposed orders as required by LR29-TR77-202.
c. The transmission may not exceed ten (10) pages in length including the cover sheet.
d. The sending party must keep and maintain the transmission log required by Indiana Supreme Court Administrative Rule 12(B)(3) and (4).
e. The electronic facsimile transmission will not be accepted for filing if its filing requires the payment of any fee other than the electronic facsimile transcription fee set forth in paragraph 103.20 of this rule.
f. If the filing requires the immediate attention of the Judge, it shall so indicate in bold letters in an accompanying transmittal memorandum.
g. Legibility of documents and timeliness of filing is the responsibility of the sender.

103.20 Pursuant to Ordinance adopted by the Hamilton County Board of Commissioners, the Clerk shall collect an electronic facsimile transcription fee of One Dollar ($1.00) per page, to a maximum of Ten Dollars ($10.00) per transmission, for each electronic facsimile transmission accepted for filing with the Hamilton County Circuit and Superior Courts. The fee shall be assessed against the sending party and shall be paid upon receipt of invoice by that party and at

the latest within 30 days of the transmission. In the event the fee is not paid by the sending party within the time limits provided, the court may issue a show-cause order or enter a judgment in the matter. The Clerk may refuse an electronic facsimile transmission from any attorney or *pro se* litigant who has failed to pay these fees within 30 days.

103.30 Electronic facsimile transmissions will be accepted for filing only during the regular business hours as set forth in LR29-AR00-101. Transmissions received by the Hamilton County Clerk after close of business shall be filed effective the next regular business day.

103.40 The Clerk shall accept electronic facsimile transmission filings only if received at the facsimile machine assigned by the Clerk. The telephone number designated to receive such transmissions is 317-776-9727.

103.50 A party shall not send pleadings, motions and other papers by electronic facsimile transmission for filing directly to any Court without that Court's prior approval to do so.

LR29-AR00-104. PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

104.10 The Circuit and Superior Courts of Hamilton County have previously adopted various rules concerning the filing of certain types of matters in the Hamilton County Circuit and Superior Courts. Unless changed by addition, amendment and/or deletion, those rules remain in effect. In conjunction with the adoption of this Local Rule and plan, the following Hamilton County Local Rules also affect the allocation of judicial resources: LR29-AR00-105. Protective Orders; LR29-AR00-110. Assignment of Infraction and Ordinance Violation Cases; LR29-TR76-210. Transfer of Small Claims, Infraction and Ordinance Violations Cases and Protective Orders in the Event of Disqualification; LR29-CR00-301. Criminal Random Filing; LR29-CR00-302. Clerk Procedures to Accomplish Criminal Random Filing; LR29-CR00-303. Filing Co-Defendants Under Hamilton County Criminal Random Filing Rule; LR29-CR00-304. Filing Felony Cases Arising From Juvenile Waiver Hearings; LR29-DN01-602. Rules for Trial De Novo Following Civil Judgments; LR29-DN02-603. Rules for Trial De Novo Following Judgments for Infractions or Ordinance Violations; LR29-DN02-604. Rules for Trial De Novo Following Misdemeanor Trial in City or Town Court; LR29-PR00-702. Filing of Pleadings; and, LR29-JV00-801. Assignment of Juvenile Case Numbers.

104.20 All requests for a prosecutor subpoena shall be filed in Superior Court No. 6.

104.30 Superior Courts No. 4, 5, and 6 are each specifically designated as having a standard small claims and misdemeanor division.

104.40 The judges of the Courts of record of Hamilton County shall meet at least once annually for the purpose of reviewing the weighted caseload of each court, and at such other times as may be required either by the Courts themselves or to comply with new orders of the Indiana Supreme Court or to comply with the District Plan.

104.50 The judge of the Circuit Court may with the consent of the judge of a receiving Superior Court, transfer any action either filed and/or docketed in the Circuit Court to the Superior Court to be re-docketed and disposed of as if originally filed with the receiving Superior Court. The judge of a Superior Court may, with the consent of the judge of the receiving Circuit Court or other receiving Superior Court, transfer any action either filed and/or docketed in the Superior Court to the Circuit Court or the other Superior Court to be re-docketed and disposed of as if originally filed with the receiving Court.

LR29-AR00-105. PROTECTIVE ORDERS UNDER IC 5-2-9-2.1

105.10 PROTECTIVE ORDER FILING:

a. All protective orders (PO) shall be filed in Superior Court No. 6.

b. Once the PO has been acted upon, if there is a related dissolution action pending in any other Hamilton County Court, the PO will be transferred to said court and consolidated with said action for hearing purposes.

c. For a change of judge pursuant to Trial Rule 76(B) or 79(C), see LR29-TR76-210.30.

d. From time to time, the Courts may provide orders to assist the Clerk in implementing the Protective Orders Filing procedures.

LR29-AR00-106. FEES FOR THE HAMILTON COUNTY C.A.R.E. PROGRAM

106.10 The Judges of Hamilton County have established the following fees for the Hamilton County Court Assisted Rehabilitative Effort ("C.A.R.E.") program:

Case Management . . . . . $ 50
Assessment only $150
Assessment and Education program . . . . . not to exceed $400

LR29-AR00-107. DUPLICATION FEES

107.10 The Judges of the Hamilton County, in order to comply with IC 5-14-3-8, have established the following fees for duplication of audio and video media when permitted by the Court:

Audio Tape $3.00/each
Video Tape $5.00/each
CD or E-Mail $5.00/each

LR29-AR00-108. POSSESSION OF DEADLY WEAPONS IN COURT

108.10 No person shall possess a deadly weapon in the Court, court offices, or in the hallways or areas adjacent to such court.

108.20 "Deadly weapon" is defined as follows:

a. A loaded or unloaded firearm;

b. A weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.

108.30 The Hamilton County Sheriff may establish any and all necessary procedures needed to carry out this rule.

108.40 The Hamilton County Sheriff and/or law enforcement officers shall search and seize all deadly weapons in violation of this rule. All seized deadly weapons shall be held by the Sheriff's Department until further Order of the Court.

108.50 The Hamilton County Sheriff and/or law enforcement officers may detain persons which they have reason to believe possess such deadly weapons in violation of this rule long enough to obtain proper name, address, date of birth and social security number and/or to seize such deadly weapon.

108.60 Any person who possesses a deadly weapon in violation of this rule shall be immediately brought before the Court for a Direct Contempt Hearing.
108.70 This rule does not apply to any law enforcement officer while on active duty and after first obtaining permission from the Judge of the Court in which he/she is to appear and/or Judicial Officer.

LR29-AR15-109. COURT REPORTERS AND PROCEDURES
109.10 The Official Court Reporter serving each court has not only the duties assigned by the Court she or he serves but also certain statutory duties. The purpose of this Rule is to establish personnel policies relating to the Court Reporters' special duties.
109.15 Definitions:

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.
b. "Equipment" means all physical items owned by the Court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.
c. "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.
d. "Page" means the page unit of a transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
e. "Recording" means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
f. "Regular hours" worked means those hours which the Court is regularly scheduled to work during any given work week. Hamilton County required work hours are 37.5 per week.
g. "Gap hours" worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
h. "Overtime hours" worked means those hours worked in excess of forty (40) hours per work week.
i. "Work week" means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e., Sunday through Saturday, Wednesday through Tuesday, and Friday through Thursday.
j. "Court" means the particular court for which the court reporter performs services. Court may also mean a group of courts, i.e., county courts.
k. "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.
l. "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.
m. "Private transcript" means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

109.20 A court reporter shall be permitted to type transcripts of official court proceedings during county-compensated hours. Equipment and supplies shall be used for the recording and/or preparation of such transcripts. If the recording or preparation of such transcripts requires overtime, such court reporter will be either paid overtime or given compensatory time.

109.25 A court reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the court during all regular work hours, gap hours, or overtime hours.

109.30 The amount of the annual salary of each court reporter shall be set by each court subject to the approval of the Hamilton County Council.

109.35 The annual salary paid to the court reporter shall be for a fixed scheduled 37.5 regular working hours per week.

109.40 The court reporter shall, if requested or ordered, prepare any transcript during regular working hours.

109.45 In the event that preparing a transcript could not be completed during regular working hours, a court reporter shall be entitled to additional compensation beyond regular salary under the two options set forth below:

a. Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and overtime hours shall be paid in the amount of 1.5 times the hourly rate of the annual salary; or

b. Compensatory time off from regular work hours shall be given in the amount equal to the number of gap hours worked; and compensatory time off from regular work hours shall be given in the amount of 1.5 times the number of overtime hours worked.

109.50 Each court and each court reporter may freely negotiate between themselves as to which of the two options may be utilized and the Court and court reporter shall enter into a written agreement designating the terms of such agreement.

109.55 A court reporter may charge $4.75 per page for county and state indigent transcripts. A court reporter shall submit directly to the county a claim for preparation of county indigent transcripts.

109.60 A court reporter may, at the request of another official court reporter, agree to prepare court proceedings of another court. Such preparation shall not be done on county-compensated hours, but county equipment and supplies may be used. In addition, a court reporter may do private recording or preparation of depositions, but a court reporter shall not do any recording or preparation of private depositions during county-compensated hours, and county equipment and supplies shall not be used for recording or preparation of such depositions.

109.65 A court reporter may charge a maximum of $4.75 per page for a transcript prepared for a private party; i.e., either a hearing transcript or deposition transcript.

109.70 The court reporter shall report on an annual basis to the State Court Administrator all transcript fees, whether county indigent, state indigent, or private received by the court reporter.

109.75 Modification of this policy may be made to meet the security, scheduling or other unique needs of a particular case. Any modification shall be by written order of the Court. An individual requesting modification of this policy should provide the Court a factual and/or legal basis for such request and specifically set forth what items are being requested. **(Form AR15-109).**

LR29-AR00-110. ASSIGNMENT OF INFRACTION (IF) AND ORDINANCE VIOLATION (OV) CASE NUMBERS

110.10 The Clerk shall as near equally as possible assign cause numbers for new filings of all IF and OV case types to Hamilton Superior Courts No. 4, 5, and 6 (i.e., 1/3 in each court).

110.20 The Clerk shall accomplish the above by assigning cause numbers to the courts based upon the first letter of the defendant's or respondent's last name or other method as the judges of said courts shall agree.

LR29-AR00-111. FEES FOR THE HAMILTON COUNTY DRUG COURT

111.10 The Judges of Hamilton County have established the following fees for the Hamilton County Drug Court:

Administration fee (per admission) $100
Service fee (per month, per referral) . . . . . not to exceed $ 50

NOTE: Chemical testing fees will be assessed in addition to the Drug Court services fee.

LR29-AR00-112. AUDIO AND/OR VIDEO RECORDING OF COURT PROCEEDINGS

112.10 Pursuant to Indiana's Code of Judicial Conduct Rule 2.17, and the inherent authority of the Court to prevent the disruption of court proceedings, the recording of audio and taking of video or photographs in the courtroom and adjacent hallways is prohibited. The broadcasting, televising, distribution, or possession of any unauthorized photographs or audio and/or video recordings of any court proceedings is also prohibited. The recording of audio and/or taking of video or photographs or the broadcasting, televising, distribution or possession of any such recording, without the prior written approval of the Court, may be punishable as a contempt of court.

112.20 A person who aids, induces, or causes the unauthorized recording of audio and/or taking of video or photographs of court proceedings or a person who broadcasts, televises, distributes or possesses an unauthorized audio or video recording or photograph of a court proceeding is also subject to contempt of court proceedings.

112.30 In order to ensure compliance with and/or to determine if there is a violation of this rule, the Court may order the seizure of any electronic device suspected of containing or being used in the transmission of unauthorized photographs or recordings. In addition to the possible sanctions for contempt, including imposition of a fine and/or commitment to the Hamilton County Jail, the Court may confiscate any audio recording, video recording, or photograph that is in violation of this rule.

LR29-AR07-113 CUSTODY, REMOVAL, AND DISPOSAL OF ORIGINAL RECORDS AND EXHIBITS

113.10 GOVERNED BY LOCAL RULES. Except as provided for in Administrative Rule 7, the custody, removal, and disposal of original records and exhibits shall be governed by this rule.

113.20 TIME PERIOD FOR COURT REPORTER TO MAINTAIN CUSTODY. After being marked for identification, all models, diagrams, exhibits and materials (hereinafter "items") offered or admitted into evidence in any case pending or tried in the Hamilton County Circuit and Superior Courts shall be placed in the custody of the Court Reporter and, unless ordered otherwise by the

Court, shall not be removed until after the time periods specified below.

a. Criminal Cases:

(1) Misdemeanor, Class C, D, Level 5 and 6 felony cases two (2) years after the latest of the following events:

(a) the case is dismissed;

(b) the defendant is found not guilty;

(c) the defendant is sentenced; or

(d) if there was an appeal, the filing of the final order (i.e., the order disposes of all issues) of the reviewing Court in the office of the Clerk.

(2) Class A, B, Level 1, 2, 3, and 4 felony and Murder cases twenty (20) years after the latest of the following events:

(a) the case is dismissed;

(b) the defendant is found not guilty;

(c) the defendant is sentenced; or

(d) if there was an appeal, the filing of the final order (i.e., the order disposes of all issues) of the reviewing Court in the office of the Clerk.

b. Civil Cases:

Thirty (30) days after the latest of the following events:

(a) the case is decided; or

(b) if there was an appeal, the filing of the final order (i.e., the order disposes of all issues) of the reviewing Court in the office of the Clerk.

113.30 TIME PERIOD FOR REMOVAL BY PARTIES. Unless ordered otherwise, all items placed in the custody of the Court Reporter shall be removed by the parties or their attorneys who offered them into evidence no later than ninety (90) days after the expiration of the time periods set forth above in subsection 112.20. At the time of removal, a detailed receipt shall be provided by the party removing said items and this receipt will be filed in the case. No motion or order is required prior to the removal of an exhibit pursuant to this subsection.

113.40 DISPOSAL OF UN-REMOVED ITEMS. If the parties or their attorneys do not remove the items within the time period set forth in subsection 112.30, the Court may direct disposition or destruction of the items. For all cases decided or otherwise disposed of as to all issues prior to the effective date of this rule, if the parties or their attorneys do not remove the items within sixty (60) days after the effective date of this rule, the Court may direct disposition or destruction.

113.50 CURRENCY AND CONTRABAND. Currency exhibits and contraband exhibits, such as controlled substances and weapons, shall be released to the investigative agency at the conclusion of the trial and not placed in the custody of the Court Reporter. A receipt shall be issued and a photograph substituted when such exhibits are released.

113.60 BIOLOGICALLY CONTAMINATED EVIDENCE. A party who offers biologically contaminated evidence must file a pre-trial notice with the Court and serve all the parties so that the Court can consider the issue and rule appropriately before trial.

<u>LR</u>29-AR00-114. FEES FOR THE HAMILTON COUNTY VETERANS COURT

114.10 Pursuant to the authority granted by IC § 33-23-16-23, the Judges of Hamilton County have established the following fees for the Hamilton County Veterans Court:

Administration fee (per admission) $100
Service fee (per month, per referral) . . . . . $ 50

NOTE: Chemical testing fees will be assessed in addition to the Veterans Court services fee.

HAMILTON COUNTY LOCAL TRIAL RULES

LR29-TR03-201. FILING OF PLEADINGS AND ENTRY OF APPEARANCES

201.10 All pleadings shall be filed with the Hamilton County Clerk with the exception of emergency orders under Trial Rule 65.

201.20 All documents filed in any Hamilton County Court, with the exception of exhibits and existing wills, shall be prepared on paper measuring 8.5" x 11".

201.30 All attorneys and pro se litigants shall file appearances complying with Trial Rule 3.1 and Trial Rule 86.

201.40 Withdrawals of appearances by attorneys shall be permitted only with leave of Court. In both civil and criminal matters, attorneys requesting withdrawal must comply with the provisions of Trial Rule 3.1(H).

201.50 Pursuant to Trial Rule 5(B)(1)(d), the Circuit and Superior Courts of Hamilton County hereby designate the "mail boxes" located in the Clerk's order book office for service of pleadings upon attorneys who have such boxes. Pursuant to Trial Rule 86 registered users of the Indiana Electronic Filing System (IEFS) must utilize the IEFS to accomplish service. Registered users of IEFS by their registration with the system are deemed to have consented to accept notice and service of orders from the Court by electronic mail.

201.60 All pleadings filed with the Court that require a certificate of service shall specifically name the individual party or attorney on whom service has been made, the address, the manner in which service was made and the date when service was made.

201.70 All filings shall be in compliance with the Indiana Rules of Trial Procedure. If the documents received are not in proper form, such deficiencies will not be corrected by court personnel. The Clerk is not required to notify Counsel or litigants of a filing deficiency.

201.80 Filing by facsimile transmission is permitted as set forth in LR29-AR12-103 **until December 31, 2016.**

LR29-TR77-202. PROPOSED ORDERS

202.10 Each Motion, Petition or other request for relief shall be accompanied by a proposed order. Proposed orders must be set forth on a separate page from the motion and must be filed as a separate lead document when the Indiana E-Filing System (IEFS) is used as the means of filing. Any party in opposition may submit proposed alternative orders to the Court.

202.20 The Court shall not be required to act on any Motion, Petition or other request for relief unless filed in conformity with these General Rules.

202.30 All proposed orders submitted pursuant to these General Rules shall meet the following requirements:

a. Contain a complete distribution list of all attorneys and pro se litigants with full addresses, including email addresses.

b. Stamped envelopes appropriately addressed for each attorney of record and/or pro se litigant on the distribution list.

LR29-TR00-203. BRIEFS AND MEMORANDUMS

203.10 Authorities relied upon which are not cited in the Northeastern Reporter system shall be attached to counsel's brief. If the authority is cited for the first time in oral argument, a copy of the authority may be provided to the Court at the time of the argument. Sufficient copies shall be available to provide counsel for each party with a copy.

LR29-TR79-204. SPECIAL JUDGES

204.10 After a special judge is selected, the attorneys or pro se litigants shall add to the caption of all pleadings to the right of the case title the following:

"BEFORE SPECIAL JUDGE _____."

204.20 After a special judge has qualified, a copy of each pleading and Chronological Case Summary entries filed with the Court shall be mailed or delivered to the office of that Special judge by the counsel or pro se litigant with service indicated on the certificate of service.

LR29-TR00-205. TRIAL SETTINGS

205.10 All requests to schedule trials and hearings shall be in writing and shall contain the following information:

a. Type of trial or hearing (i.e., jury trial, court trial, final hearing in dissolution, etc.).
b. A good-faith estimate of the total court time needed for the trial or hearing.

205.20 Each request under LR29-TR00-205.10 shall be accompanied by a proposed written order with appropriate blanks for date and time and shall further include reference to those items set forth in LR29-TR00-205.10(a) and (b).

205.30 Every opposing attorney or pro se litigant who receives such an order and disputes the estimate of court time needed for the trial or hearing shall notify the Court in writing within ten (10) days of the receipt of the original order and give their own good-faith estimate of the total court time needed.

LR29-TR53-206. CONTINUANCES

206.10 Motions for continuance shall be in writing and include the following information:

a. The date and time opposing counsel was advised that a continuance will be requested.
b. Whether opposing counsel agrees with or objects to the request.
c. The date and time of the hearing or trial for which a continuance is being sought.
d. The approximate amount of time needed to elapse before the matter can be heard.
e. A good-faith estimate of the time needed for such hearing or trial when rescheduled.

206.20 Unless good cause is shown, no motion~~s~~ for continuance will be considered unless filed at least five (5) days before a court trial or hearing, and at least ten (10) days before a Jury Trial.

206.30 All motions for continuance shall be accompanied by a proposed order in conformity with LR29-TR77-202 and LR29-TR00-205 containing a space for the Court to set a new date for the hearing or trial.

206.40 When an attorney enters an appearance, it is the attorney's responsibility to review the file and become aware of all previously scheduled hearing dates.

206.50 A signature by an attorney on the request for continuance is certification by that attorney that the client has been notified of the request, agrees to the continuance and to the reason for which the continuance is sought.

LR29-TR16-207. PRE-TRIAL CONFERENCES

207.10 An attorney who has the authority to stipulate to pre-trial matters shall attend the pre-trial conference.

207.20 The Court may order the parties to provide written pre-trial entries pursuant to Trial Rule 16 at the pre-trial conference.

207.30 The Court may impose sanctions pursuant to Trial Rule 16(K) and Trial Rule 37 for failure to provide written pre-trial entries.

LR29-TR00-208. TRIALS

208.10 Jury trials shall begin promptly at 9:00 a.m. unless otherwise directed by the Court. The attorneys and the litigants shall report at 8:30 a.m. on the first day of trial or at a time as the Court shall direct.

208.20 The Court reserves the right to require advance settlement conferences.

208.30 Court trials shall begin promptly at the time assigned. The attorneys and the litigants are encouraged to arrive substantially in advance of the scheduled time for the purpose of entering into any last minute stipulations or agreements.

208.40 Trials shall adjourn or conclude between 4:00 p.m. and 4:30 p.m. or as the Court shall direct.

LR29-TR79-209. COORDINATED LOCAL RULE OF THE COURTS OF HAMILTON COUNTY, ENACTED IN COMPLIANCE WITH T.R. 79 (H)

209.10 Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Hamilton County, in conjunction with the other Judges of Administrative District 12, i.e., Boone County, Clinton County, and Tipton County, Indiana, have adopted the following rule to establish procedures for the selection of special judges in civil cases. Said rule, as approved by the Supreme Court of Indiana, is as follows:

209.20 Within seven (7) days of the notation in the Chronological Case Summary of an order granting a change of judge or an order of disqualification, the parties, pursuant to Trial Rule 79(D), may agree to any judge eligible under Trial Rule 79(J).

209.30 If a special judge is required to be selected under Trial Rule 79(H) then the special judge shall be selected as follows:

209.30.10 If the case was originally filed in a court of record in Hamilton County, then the judge will be selected randomly from among the regular judges and full time judicial officers of Hamilton County subject to existing local rules regarding case allocation and transfer.

209.30.20 If the case was originally filed in a court of record in Boone, Clinton or Tipton County, then the judge will be selected on a rotating basis from among the regular judges of those counties subject to all local rules in each individual county regarding case allocation and transfer.

209.30.30 If for any reason a judge cannot be selected by the above methods then the special judge shall be selected on a rotating basis from among all the regular judges of the District not already disqualified.

209.40 A special judge selected under 209.30 must accept jurisdiction unless disqualified pursuant to *The Code of Judicial Conduct* or excused from service by the Indiana Supreme Court. The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under 209.30.20 and a list of the judges eligible for selection under 209.30.30 and shall be contacted by the selecting court each time a judge must be selected from one of those lists. The Administrator of Courts shall provide the name of the next judge on the appropriate list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all the other judges have been selected from that list except as required to avoid certification to the Indiana Supreme Court.

209.50 In the event that no judicial officer within Administrative District 12 is eligible to serve as a special judge or the particular circumstance of the case warrants selection of a special judge

by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

LR29-TR76-210. TRANSFER OF SMALL CLAIMS, INFRACTION AND ORDINANCE VIOLATION CASES IN THE EVENT OF DISQUALIFICATION

210.10 For the orderly administration of the small claims, infraction, and ordinance violation dockets of Superior Court No. 4, Superior Court No. 5, and Superior Court No. 6, this Rule shall govern in the event that a judge of a small claims, infraction, or ordinance violation case orders a change of judge pursuant to Trial Rule 76(B) or disqualifies himself or herself pursuant to Trial Rule 79(C).

210.20 In the event that the judge of a small claims, infraction, or ordinance violation case in either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 orders a change of judge pursuant to Trial Rule 76(B) or disqualifies himself or herself pursuant to Trial Rule 79(C), a special judge shall be selected by the Clerk by random selection of one of the remaining two (2) courts (i.e., either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 as applicable).

210.30 PROTECTIVE ORDERS: In the event that the judge of Superior Court No. 6 orders a change of judge pursuant to Trial Rule 76(B) or disqualifies himself or herself pursuant to Trial Rule 79(C), a special judge shall be selected by the Clerk by random selection of one of the remaining two (2) courts (i.e., either Superior Court No. 4 or Superior Court No. 5).

LR29-TR79-211. APPOINTMENT OF SPECIAL JUDGE IN SUPERIOR COURT NO.2

211.10 The regular judge of the Hamilton Superior Court No. 2 (the Honorable Daniel J. Pfleging) will be required to disqualify from cases involving family members on a continuing basis, and that, pursuant to Ind. Trial Rule 79(C)(2), appointment of special judges will be required. In the interest of the orderly administration of justice, special judges should be available for such matters on a continuing basis. The judge of the Hamilton Circuit is willing to serve in such capacity in Hamilton Superior Court No. 2. In the event the regular judge of the Hamilton Superior Court No. 2 becomes disqualified, pursuant to Ind. Trial Rule 79(C)(2), in the Hamilton Superior Court No. 2, the judge of the Hamilton Circuit Court is appointed as Special Judge. Should the judge of the Hamilton Circuit Court decline to qualify in a particular case, the matter will then be resolved pursuant to Ind. Trial Rule 79(H).

LR29-TR65-212. DISSIPATION OF ASSETS AND REMOVAL OF CHILDREN FROM THE STATE

212.10 In any Domestic Relations case filed in Hamilton County, the parties shall not, without hearing or security:

a. Transfer, encumber, conceal, sell or otherwise dispose of any joint property of the parties or asset of the marriage except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the Court; and/or

b. Remove any child of the parties then residing in the State of Indiana from the State with the intent to deprive the Court of jurisdiction over such child without the prior written consent of all parties or the permission of the Court.

HAMILTON COUNTY LOCAL CRIMINAL RULES

LR29-CR00-301. CRIMINAL RANDOM FILING

301.10 This Random Filing Rule does not apply to either civil cases or juvenile cases.

3**01.20** All misdemeanors (except those assigned to Superior Court No. 3 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree. All F6 felonies (except those assigned to Superior Court No. 3 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree. Reassignment of these cases shall be achieved by transferring cases originating in Superior Court No. 4 to either Superior Court No. 5 or Superior Court No. 6; transferring cases originating in Superior Court No. 5 to either Superior Court No. 4 or Superior Court No. 6; and, transferring cases originating in Superior Court No. 6 to either Superior Court No. 4 or Superior Court No. 5. In the event a subsequent reassignment is required (and neither Superior Court No. 4, nor Superior Court No. 5, nor Superior Court No. 6 is available) said case assignment shall be achieved by obtaining a new court assignment from all Hamilton County Courts using the Clerk's random assignment procedure.

301.30 Misdemeanor and F6 felony battery offenses, strangulation offenses, and invasion of privacy offenses shall be filed in Superior Court No. 3.

301.40 All Murder (MR case type), F1 & F2 case types, F3 & F4 case types, and F5 case type felonies shall be randomly filed per case type with 25% of each case type filed in Circuit Court, Superior Court No. 1, Superior Court No. 2 and Superior Court No. 3. Reassignment of these cases shall be achieved by obtaining a new court assignment using the Clerk's random assignment procedure of the Courts designated to accept this type of case.

301.50 The Clerk shall use a court-approved procedure which provides a tamper proof method for random assignment consistent with the foregoing paragraphs of this Criminal Rule.

301.60 From time to time, the Courts may provide orders to assist the Clerk in implementing the Criminal Random Filing procedures.

301.70 Pursuant to Indiana Criminal Rule 2.2(C), if a case is dismissed after filing, upon refilling it shall be assigned to the same court where it was originally assigned.

301.80 The Clerk shall file subsequent cases against a defendant with a pending case (where a "pending case" is defined under this rule as a criminal case in which there is either no disposition of the charge(s) via a determination of guilt or dismissal or the defendant has not yet been discharged from the sentence imposed, including probation) as follows:

a. When a defendant has a pending case in Circuit Court, Superior Court No. 1, Superior Court No. 2, or Superior Court No. 3, the Clerk shall file any subsequent felony or misdemeanor offenses in the same court as that of the pending case. This paragraph does not apply to F6 felony or misdemeanor OWI offenses.

b. When a defendant has a pending case in Superior Court No. 4, or Superior Court No. 5, or Superior Court No. 6, the Clerk shall file any subsequent misdemeanor or F6 felony offenses (except those assigned to Superior Court No. 3 pursuant to Section 301.30) in the same court as that of the pending case.

c. When a defendant's only pending cases are in Superior Court No. 4, or Superior Court No. 5, or Superior Court No. 6, the Clerk shall file any subsequent offenses listed under

Sections 301.30 or 301.40 as set forth in Sections 301.30 and 301.40.

d. It shall be the duty of the Prosecuting Attorney or Deputy Prosecuting Attorney to file written notice with the Clerk that a defendant has a pending case that requires the Clerk to follow the filing requirements of this rule.
e. If a conflict arises between Sections 301.30 and 301.80, Sections 301.30 controls.
f. A Court, at the request of both parties, may transfer a case to another Court where the defendant has a pending case, as defined by this rule, provided that the receiving Court agrees to accept the transfer.

LR29-CR00-302. CLERK PROCEDURES TO ACCOMPLISH CRIMINAL RANDOM FILING
302.10 The Judges of the Hamilton Circuit Court and Hamilton Superior Courts approve the following procedures to be used in the Hamilton County Clerk's office to accomplish the Hamilton County Criminal Random Filing Order.

a. Begin with a set number of cases which is evenly divisible by the applicable number of Hamilton County Courts.
b. Divide the set number of cases by the percentages for each type of case per Court resulting in the number of each type case for each Court which shall equal the percentages.
c. These cases are then pulled and/or selected for individual case number assignment one by one on an impartial random selection basis.

LR29-CR00-303. FILING CO-DEFENDANTS UNDER HAMILTON COUNTY CRIMINAL RANDOM FILING RULE.
303.10 It is hereby resolved that the following rule applicable to the filing of misdemeanor and felony cases shall be employed in the implementation of the Hamilton County Criminal Random Filing Rule.

a. When the Prosecutor of Hamilton County, individually or through deputy prosecutors, elects to file a felony or misdemeanor case in which two or more individuals or entities are named as Defendants, at the time of the filing of said charges, said Prosecutor or Deputy Prosecutor shall file notice with the Clerk of Hamilton County that said case is to be treated under this rule.
b. Upon receiving notice for treatment of a case under this rule, the Clerk shall take the following action:

(1) First, the Clerk shall randomly select a Court designated to receive the type case being filed under the Random filing rule approved by the Judges of the Hamilton Circuit and Superior Courts,
(2) Second, the first named defendant in the multiple defendant information shall be assigned the next available cause number in the randomly selected Circuit or Superior Court.
(3) Third, the remaining Defendants shall each be assigned the next available cause number in the randomly selected Circuit or Superior Court in the order of their appearance on the charging information.
(4) Fourth, the Clerk shall treat each cause number assigned under this rule as a separate and distinct case, and shall remove from his/her random selection pool the number of cases assigned hereunder in order to maintain the percentage

allocations set forth in the Random Filing Rule.

c. Each Defendant's case filed under this rule shall be treated as a separate and distinct case, and Co-defendant's cases will not be consolidated for trial unless said consolidation is approved by separate order of the assigned Judge.
d. The Clerk shall follow this rule only when the State files the co-defendant cases simultaneously.
e. This rule shall remain in full force and effect unless otherwise modified, amended, or repealed by separate written instructions adopted by the Judges of the Hamilton Circuit and Superior Courts.

LR29-CR00-304. FILING FELONY CASES ARISING FROM JUVENILE WAIVER HEARINGS UNDER HAMILTON COUNTY RANDOM FILING RULE

304.10 The Clerk is ordered to treat new criminal filings which arise from the waiver of a juvenile matter to criminal court as a new criminal matter under the random filing rule and to assign said cause to the Court identified under said rule regardless of which court may have previously exercised juvenile jurisdiction prior to waiver, unless otherwise directed by the waiving court.

LR29-CR00-305. RELEASE ON BOND OR PERSONAL RECOGNIZANCE

305.10 RELEASE SCHEDULES: When any person is booked into the Hamilton County Jail on a warrantless arrest, the Sheriff shall either release or detain the person in accordance with the schedules found in Appendices A and A(1) pertaining to pretrial release and bond.
305.20 SEPARATE BONDS: The Circuit and Superior Courts of Hamilton County will only accept appearance bonds written for a single cause number and will not accept lump sum appearance bonds that apply to more than one cause number.
305.30 CONDITIONS OF RELEASE: All releases on bond or on personal recognizance are subject to the following basic conditions: (a) defendant shall appear in court at all times required by the Court; (b) defendant shall not leave the State of Indiana without the prior written consent of the Court; (c) defendant shall not commit nor be arrested for another criminal offense; (d) defendant shall keep his or her attorney and the Court advised in writing of any change of address within 24 hours of such change; and (e) any other condition set forth in Appendices A and/or A(1) or as ordered by court. Pursuant to IC 35-33-8-3.2(a)(4) a defendant's release may also be conditioned upon refraining from any direct or indirect contact with the alleged victim of an offense or other individual as ordered by the Court. Violation of any condition of release may result in the Court revoking the defendant's release and issuing a re-arrest warrant.
305.40 PROPERTY BONDS: The Circuit and Superior Courts of Hamilton County will grant a defendant's release on a property bond only after notice is sent to the Prosecuting Attorney and a hearing is set to determine whether such a bond is proper.
305.50 ALTERATION OF BOND: If a judicial officer has set the defendant's initial bond, then the judicial officer conducting the initial hearing may not alter the bond. If the Sheriff has initially set the bond according to the Bond Schedule, then the judicial officer who conducts the initial hearing:

a. shall adjust the bond to conform with the actual charges filed by the State;
b. may increase the bond, if an increase is warranted by the circumstances;

c. may reduce the bond, if multiple charges have been filed, to an amount not lower than the highest class bond for one charge (unstacking), if a reduction is warranted by the circumstances; and

d. may release the defendant on his or her own recognizance for medical reasons if recommended by the Sheriff and if notice has been given to the prosecuting attorney.

In all other cases, a Court shall set a motion for a bond reduction for a hearing and the Court shall give notice of the hearing to the prosecuting attorney, defendant's counsel, and such persons required to be notified by law.

LR29-CR00-306. WAIVER OF MISDEMEANOR INITIAL HEARING

306.10 A defendant may waive an initial hearing for one or more misdemeanors only if the defendant is represented by an attorney, the defendant is not incarcerated, and the defendant and attorney comply with this rule.

306.20 If the misdemeanor charges have been filed with the Clerk, the attorney for the defendant must do the following prior to the scheduled initial hearing:

a. Sign a Request for Waiver of Initial Hearing on the **[Form CR00-306)]** approved by the Courts and available at the Magistrate's office; and

b. File a written Appearance, a CCS entry **[Form TR77-202]**, and the Request for Waiver of Initial Hearing at the clerk's office. The CCS entry should show the Request for Waiver of Initial Hearing either granted or denied and provide spaces for the Court to fill in the appropriate omnibus date, and dates for any pre-trial and trial settings that the Court would otherwise have set at the initial hearing.

306.30 If the misdemeanor charges have not been filed with the Clerk at the time the attorney wishes to waive the initial hearing, the attorney may do the following:

a. Complete the paperwork required in LR29-CR00-306.20; and

b. Deliver a courtesy copy to the Magistrate's Office along with a copy of the summons for the defendant's scheduled initial hearing date.

306.40 If an attorney attempts to waive the initial hearing prior to the filing of charges as provided in LR29-CR00-306.30, it is the attorney's responsibility to check with the Magistrate on the scheduled initial hearing date to make sure that the required paperwork was placed with the defendant's file. The magistrate and courts will not be responsible if a court issues a warrant for a defendant's failure to appear for an initial hearing after an attorney has attempted to waive the initial hearing prior to the filing of the charge.

LR29-CR00-307. AUTOMATIC DISCOVERY

307.10 GENERAL PROVISIONS:

a. Within thirty (30) days from the entry of an appearance by an attorney for a defendant, or from the formal filing of charges, whichever occurs later, the State shall disclose all relevant items and information under this rule to the defendant, subject to Constitutional limitations and such other limitation as the Court may specifically provide by separate order, and the defendant shall disclose all relevant items and information under this rule to the State within ten (10) days after the State's disclosure. Both parties shall furnish items disclosed and required to be furnished under this Rule within a reasonable time thereafter.

b. No written motion is required, except:

(1) To compel compliance under this rule;
(2) For additional discovery not covered under this rule;
(3) For a protective order seeking exemption from the provisions of this rule; or,
(4) For an extension of time to comply with this rule.

c. Although each side has a right to full discovery under the terms of this rule, each side has a corresponding duty to seek out the discovery. Failure to do so may result in the waiver of the right to full discovery under this rule.

307.20 STATE DISCLOSURES:

a. The State shall disclose the following materials and information within its possession or control:

(1) The names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and recorded statements;

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

(3) If applicable, the State shall disclose the existence of grand jury testimony of any person whom the prosecuting attorney may call as a witness at any trial or hearing in the case. In addition, the State shall provide a copy of those portions of any transcript of grand jury minutes, within the State's possession, which contain the testimony of such witness or witnesses. If such transcripts do not exist, the defendant may apply to the Court for an order requiring their preparation;

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

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

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

b. The State shall disclose to the defendant(s) any material or information within its possession or control that tends to negate the guilt of the accused as to the offenses charged or would tend to reduce the punishment for such offenses.

c. The State may perform these disclosure obligations in any manner mutually agreeable to the State and the defendant. Compliance may include a notification to the defendant or defense counsel that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.

307.30 DEFENDANT DISCLOSURES:

a. Defendant's counsel (or defendant where defendant is preceding pro se) shall furnish the State with the following material and information within his or her possession or control:

(1) The names and last known addresses of persons whom the defendant intends to call as witnesses along with copies of their relevant written and recorded statements;

(2) Any books, papers, documents, photographs, or tangible objects defendant intends to use as evidence at any trial or hearing;

(3) Any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at any trial or hearing;

(4) Any defense, procedural or substantive, which the defendant intends to make at any hearing or trial; and

(5) Any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call at any hearing or trial.

307.40 ADDITIONS, LIMITATION, AND PROTECTIVE ORDERS :

a. Discretionary Disclosures: Upon written request and a showing of materiality, the Court, in its discretion, may require additional disclosure not otherwise covered by this rule.

b. Denial of Disclosure: The Court may deny disclosure required by this rule upon a finding that there is substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure to defendant or counsel.

c. Matters not subject to Disclosure

(1) Work Product: Disclosure hereunder shall not be required of legal research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staff, or of defense counsel or counsel's legal or investigative staff; and

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

(3) Protective Orders: Either the State or defense may apply for a protective order for non-disclosure of discovery required hereunder or any additional requested discovery.

307.50 DUTY TO SUPPLEMENT RESPONSES : The State and the defendant are under a continuing duty to supplement the discovery disclosures required hereunder as required upon the acquisition of additional information or materials otherwise required to be disclosed hereunder. Supplementation of disclosures shall be made within a reasonable time after the obligation to supplement arises.

307.60 SANCTIONS UPON FAILURE TO COMPLY: Failure of a party to comply with either the disclosure requirements or the time limits required by this rule may result in the imposition of sanctions against the noncompliant party. These sanctions may include, but are not limited to, the exclusion of evidence at a trial or hearing.

LR29-CR00-308. LATE PAYMENT FEE

308.10 Fines, court costs and civil penalties assessed for infractions, violations of municipal ordinances, felonies, misdemeanors or juvenile delinquency and juvenile status offenses are to be paid before 4:30 p.m. on the date they are assessed unless otherwise ordered. An order extending this deadline will be presumed to require payment on or before 4:30 p.m. of the extension deadline date or on the last business day of the extension period if a specific date is not

set. If said fine, cost, or penalty is not paid in conformity with this rule or the court order extending the deadline, the Clerk may collect a late fee under IC 33-37-5-22, subject to the Court's authority to suspend said late fee for good cause.
308.20 Notwithstanding the above, a late fee shall not be assessed for any late payment of fine and costs imposed in the night court sessions of Superior Courts 4, 5, and 6 until the Traffic Violations Bureau of those courts has forwarded notice to the Bureau of Motor Vehicles of failure to pay.

LR29-CR00-309. COLLECTION OF PROBATION USER FEES
309.10 The Circuit and Superior Courts of Hamilton County direct the Hamilton County Clerk of Courts to be the designee for the Hamilton County Department of Probation Services to collect probation users' fees for probation services provided by the Hamilton County Department of Probation Services and to remit said fees to the proper authorities. This rule shall remain in effect until the Clerk of Hamilton County shall decline to serve as designee or until a majority of said judges determine that such designation should be withdrawn.

LR29-CR00-310. DRUG COURT
310.10 The Hamilton County Drug Court is established to provide specialized services including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers as determined by its written policies and procedures.
310.20 The day-to-day operation and management of the Drug Court shall be assigned to Hamilton County Superior Court No. 6.
310.30 All criminal charges shall be filled as otherwise provided in these rules. However, after a charge has been filed, if a defendant is accepted by the Drug Court, a judge may transfer the defendant's case to Drug Court for services in accordance with Drug Court policies and procedures.
310.40 If a probationer is referred to and is accepted by Drug Court, a judge may transfer the case to Drug Court and require a probationer to participate in Drug Court in accordance with Drug Court policies and procedures as a condition of probation.

LR29-CR00-311. VETERANS COURT
311.10 The Hamilton County Veterans Court is established to provide specialized services including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers as determined by its written policies and procedures.
311.20 The day-to-day operation and management of the Veterans Court shall be assigned to Hamilton County Superior Court No. 3.
311.30 All criminal charges shall be filled as otherwise provided in these rules. However, after a charge has been filed, if a defendant is accepted by the Veterans Court, a judge may assign the defendant's case to Veterans Court for services in accordance with Veterans Court policies and procedures.
311.40 If a probationer is referred to and is accepted by Veterans Court, a judge may assign the case to Veterans Court and require a probationer to participate in Veterans Court in accordance with Veterans Court policies and procedures as a condition of probation.

LR29-FL00-401. PRELIMINARY ORDERS

401.10 Preliminary Orders in dissolution of marriage cases shall be typewritten or prepared on the Preliminary Order forms provided by the Courts; however, the Court, at its option, may accept legibly handwritten Preliminary Orders.

LR29-FL00-402. FINANCIAL DECLARATIONS, SUPPORT WORK SHEETS, VISITATION, AND CHILDREN COPE WITH DIVORCE WORKSHOP

402.10 Parties shall complete in full Indiana Child Support Obligation Worksheets **(Form FL00-402A)** and Financial Declarations **(Form FL00-402B)** on the forms adopted by the Court in all contested matters involving child support or disposition of assets. Parties must date and file these forms prior to any hearing or trial. Financial Declarations shall be exchanged by the parties and filed with the Court not less than three working days before any preliminary hearing and not less than ten working days before the final hearing. Child Support Worksheets shall be exchanged and filed with the Court on the hearing date. Child Support Worksheets must be attached to all proposed orders and decrees addressing child support.

402.20 If there are any assets or obligations not disposed of by written agreement between the parties, the litigants must prove the value of the assets and the amount of obligations at the hearing. Financial Declarations shall be considered as received in evidence subject to cross-examination. Direct examination, on matters in the Financial Declaration, should be confined to unusual factors which require explanation, or to corrections.

402.30 Prior to April 1, 2001, Hamilton County Circuit and Superior Courts had adopted Visitation Guidelines which are attached for information purposes in Appendix B. Effective March 1, 2013, the Indiana Supreme Court adopted Indiana Parenting Time Guidelines, which can be found at www.in.gov/judiciary/rules/parenting/index.html.

402.40 In the matters of child support and child support arrearages a CCS entry must be submitted to the Court in the following form:

> "Court finds Petitioner's/Respondent's current Child Support obligation to be $_____ per week/month as of __/__/20__, which modifies/affirms prior Child Support Order of _____. Petitioner's/Respondent's arrearage established in the amount of $_____as of _____/_____20__. Additional payment of $_____ per week/month toward arrearage."

402.50 The Circuit and Superior Courts of Hamilton County, find that it would be in the best interest of the minor child or children of the parties to encourage mediation and cooperation between divorcing parents prior to and after dissolution of their marriage. The Courts further find that a Mandatory Education Workshop will aid parents in post-separation parenting; aid development of healthy child/parent relationships in a post separation setting; be in the best interest of the minor child/children and; encourage agreements between the parties concerning child related matters.

a. Both of the parties in any cause of action for Dissolution of Marriage, in which there is a minor child/children under eighteen (18) years of age, attend a workshop entitled "Children Cope with Divorce" (COPE). Attendance shall be mandatory for all parties in a Dissolution of Marriage action that is filed on or after February 1, 1993, if there are minor child/children under eighteen (18) years of age.

b. The four-hour course shall be completed by both parties within Sixty (60) days of the

filing of the Petition for Dissolution and prior to the Final Hearing. Parties are responsible for paying the cost of this program, with allowance for a waiver of the fee for indigence.

c. The parties in this cause of action are ordered to contact:

The Visiting Nurse Service, Inc.
4701 N. Keystone Avenue
Indianapolis, IN 46205
(317) 722-8201
1-800-248-6540

within 15 days of the filing of the Petition for Dissolution or the Receipt of Summons, whichever is sooner, to make an appointment to attend the workshop without further notice. Failure to complete the workshop can result in a party being ordered to appear and show cause why he/she should not be held in Contempt of Court and punished. If the parties cannot attend the COPE workshop, with the prior approval of the Court, they may use an alternative workshop.

402.60 The Sheriff of Hamilton County is Ordered to make due service of the Notice of Order on the Respondent when the Petition for Dissolution is served and make due return thereon.

402.70 Pursuant to LR29-TR65-212, in any Domestic Relations case filed in Hamilton County, the parties shall not, without hearing or security:

a. Transfer, encumber, conceal, sell or otherwise dispose of any joint property of the parties or asset of the marriage except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the Court; and/or

b. Remove any child of the parties then residing in the State of Indiana from the State with the intent to deprive the Court of jurisdiction over such child without the prior written consent of all parties or the permission of the Court.

LR29-FL00-403. TITLE IV-D COMMISSIONER/COURT.

These local rules are adopted by the Hamilton County Circuit and Superior Courts to govern the practice and procedures in the Title IV-D Commissioner/Court, funded by the use of IV-D Incentive Funds**.**

403.10 ORGANIZATION OF TITLE IV-D CHILD SUPPORT COMMISSIONER/COURT. Pursuant to I.C. 31-25-4-15, the Judges of the Circuit and Superior Courts hereby establish a Title IV-D Commissioner/Court to establish and enforce paternity and child support orders under federal and state law.

403.10.1 ASSIGNMENT OF COMMISSIONER TO IV-D COURT. The Judges of the Circuit and Superior Courts shall jointly appoint a commissioner to the IV-D Court. A commissioner so appointed shall be designated as a IV-D Commissioner.

403.10.2 RESPONSIBILITIES OF IV-D COMMISSIONER. A IV-D Commissioner jointly appointed by the Judges and assigned to the IV-D Court pursuant to 403.10.1 has the authority to preside over, make findings of fact and recommendations for the approval of the Judges of the Circuit and Superior Courts in actions arising under Title IV-D of the Social Security Act. In addition, the IV-D Commissioner has the authority to provide such assistance as may be required in making these findings of fact and recommendations.

403.01.3 TEMPORARY ABSENCE OF IV-D COMMISSIONER. During the temporary absence of the duly appointed IV-D Commissioner, any sitting judicial officer of the Hamilton County Circuit and Superior Courts may hear and make recommendations upon Title IV-D matters.

403.10.4 SUPERVISION OF THE IV-D COMMISSIONER/COURT. The Title IV-D Commissioner/Court shall be operated under the auspices and supervision of the Judges of the Hamilton County Circuit and Superior Courts.

403.20 CHILD SUPPORT ISSUES ARISING OUT OF LEGAL SEPARATION DECREE OR DISSOLUTION OF MARRIAGE PROVISIONAL ORDERS

403.20.1 PENDING CHILD SUPPORT ORDERS ARISING FROM LEGAL SEPARATION OR PROVISIONAL ORDERS. All IV-D child support issues arising out of a Legal Separation Decree or out of a provisional order in a Dissolution of Marriage proceeding will NOT be assigned to the IV-D Commissioner/Court.

403.20.2 ARREARAGES FROM CHILD SUPPORT ORDERS ARISING FROM LEGAL SEPARATION OR PROVISIONAL ORDERS. Once a Legal Separation Decree expires by order or operation of law or once a Dissolution of Marriage Decree is granted, arrearage issues arising out of the provisional order or the Legal Separation Decree may then be assigned to the IV-D Commissioner/Court by written ORDER OF ASSIGNMENT issued by the Judge of the Circuit or Superior Court upon a written finding that there is a IV-D support issue to be resolved.

403.30 IV-D CHILD SUPPORT ISSUES ARISING OUT OF DISSOLUTION DECREES OR POST-DISSOLUTION ORDERS. All IV-D child support issues arising out of a Dissolution Decree or a Post-Dissolution Order may be assigned to the IV-D Commissioner/Court by written ORDER OF ASSIGNMENT issued by the Judge of the Circuit or Superior Court upon a written finding that there is a IV-D support issue to be resolved or upon a finding that the only remaining matters involved in the case are properly within the jurisdiction of the IV-D judicial officer.

403.40 IV-D CHILD SUPPORT ISSUES ARISING OUT OF PATERNITY ACTIONS. All IV-D child support issues arising out of a Paternity Action or post- paternity proceedings may be assigned to the IV-D Commissioner/Court by written ORDER OF ASSIGNMENT issued by the Judge of the Circuit or Superior Court.

403.50 PROCEDURE FOR ASSIGNMENT OF IV-D MATTERS TO IV-D COMMISSIONER/COURT. Once a Judge of the Circuit or Superior Court has assigned a case involving IV-D issues to the IV-D Commissioner/Court for the resolution of IV-D issues, the following procedure will control:

(1) Cases may be considered for assignment at the oral or written request of any party or *sua sponte* by the assigning Judge.

(2) The Judge may issue a written ORDER OF ASSIGNMENT upon a finding that a IV-D support issue needs to be resolved or upon a finding that the only remaining matters involved in the case are properly within the jurisdiction of the IV-D Commissioner/Court. The ORDER OF ASSIGNMENT will be entered onto the original chronological case summary (CCS) or docket sheet.

(3) A copy of that ORDER OF ASSIGNMENT, a copy of the CCS, and copies of any relevant pleadings including but not limited to the initial pleadings on any pending IV-D matters and all orders entered regarding any previous IV-D matter shall be compiled by the clerk of the court of origin upon request of the Child Support Division of the Prosecutor's Office.

(4) The ORDER OF ASSIGNMENT will be served on all parties by the Child Support Division of the Prosecutor's Office. If a pending issue requires an immediate hearing, the Child Support Division shall also be responsible for coordinating the hearing date and time and notifying all parties.
(5) All non-IV-D matters that arise following an assignment to the IV-D Commissioner/Court shall be filed with the originating Circuit or Superior Court. Assigned IV-D issues may be recalled by the assigning judge at any time and the IV-D Commissioner/Court shall send back to the assigning judge any assigned issues that require the consideration of non-IV-D matters.
(6) All findings and recommendations of the IV-D Commissioner/Court shall become orders upon approval and adoption by the originating Judge.
(7) A transfer, assignment, or recall of cases shall be done by separate order of the sending or recalling judicial officer.
(8) Procedure for Objection to Assignment: Assignment to the Title IV-D Commissioner/Court is within the sole discretion of the regularly presiding judge to whom the case has been originally assigned. A change of venue from the regularly presiding judge may be made under applicable Indiana Trial Rules or statutes. An objection to assignment to the Title IV-D Commissioner/Court shall be made to the regularly presiding judge and is within his or her discretion to grant or deny.

HAMILTON COUNTY LOCAL JURY RULES

LR29-JR04-501. SUMMONING JURORS.

501.10 A two-tier notice for summoning jurors will be used. The jury qualification form and notice will be the first tier and summoning the prospective juror at least one week before service will be the second tier.

HAMILTON COUNTY LOCAL TRIAL DE NOVO RULES

LR29-DN00- 601. RULES FOR TRIAL DE NOVO

601.10 This rule is adopted to implement the Supreme Court Rules of procedure regarding trial de novo requests from city and town courts. The application of this rule shall be coextensive with those rules.

LR29-DN01-602. RULES FOR TRIAL DE NOVO FOLLOWING CIVIL JUDGMENTS

602.10 Supreme Court Trial De Novo Rule 1 for following civil judgments in city and town courts is incorporated by reference.

602.20 BOND OR OTHER UNDERTAKING:

a. The party filing the request for trial de novo shall file with the Clerk of the Court a surety bond or cash deposit in accordance with Supreme Court Rule 1(C)(1). The bond or cash deposit required by Supreme Court Rule 1(C)(l) shall be in the amount of the judgment entered in the city or town court, plus an amount equaling eight percent (8%) of the total judgment as an allowance for interest. In any case where attorney fees have been awarded as part of the total judgment, the amount of bond shall be increased by 25 percent (25%) of the total judgment as an allowance for additional attorney fees. This bond, however, shall not exceed the jurisdictional limit of the city or town court from which the appeal is taken.

b. If unable to afford a surety bond or cash deposit, the party filing the request may instead file an affidavit of indigence and personal undertaking in accordance with Supreme Court Rule 1(C)(2) on a form prescribed by the Court **(Form DN01/02-602/03).**

602.30 FILING AND COURT ASSIGNMENT:

a. The Clerk shall not accept for filing or file a request for trial de novo unless it meets the requirement of Supreme Court Rule 1(B)(4). Further, the Clerk shall not accept or file a request for trial de novo supported by an affidavit of indigence and personal undertaking unless the affidavit and personal undertaking are on the form provided by the Courts. If a request for trial de novo supported by an affidavit of indigence and personal undertaking is accepted for filing, it may be ordered stricken from the record if the Court in which it is filed determines that the party filing the request is able to afford to post a surety bond or cash deposit, and the party fails to post the surety bond or cash deposit required within the time set by the Court.

b. The Clerk shall docket the request for trial de novo and the copies of the complaint and any responsive pleadings as a small claims action on the small claims docket of either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 unless the request for trial de novo demands that the trial be by jury, in which case the assignment may be to a Circuit or any Superior Court in the county.

LR29-DN02-603. RULES FOR TRIAL DE NOVO FOLLOWING JUDGMENTS FOR INFRACTIONS OR ORDINANCE VIOLATIONS

603.10 Supreme Court Trial De Novo Rule 2 for infraction or ordinance violation judgments in city or town courts is incorporated by reference.

603.20 BOND OR OTHER UNDERTAKING:

a. The party filing request for trial de novo shall file with the Clerk of the Court a

surety or cash deposit in accordance with Supreme Court Rule 2(D)(1).

b. The bond required by Supreme Court Rule 2(D)(1) shall secure the State or municipality's claims, interest, and court costs, undertaking both the litigation of the trial de novo to a final judgment and payment of any judgment entered against a party filing the request by the trial de novo court.

c. The bond shall be in an amount as follows:

"C" infraction and traffic ordinance violations	$ 500.00;
"B" infraction	$1,000.00;
"A" infraction and non-traffic ordinance violations	$1,500.00; plus

the statutory costs in the trial de novo court.

d. If unable to afford a surety bond or cash deposit, the party filing the request may instead file an affidavit of indigence and personal undertaking in accordance with Supreme Court Rule 2(D)(2) on the form prescribed by the Court **(Form DN01/02-602/03).**

603.30 FILING AND COURT ASSIGNMENT:

a. The Clerk shall not accept for filing nor file any request for trial de novo unless it meets the requirement of Supreme Court Rule 2(B). Further, the Clerk shall not accept or file a request for trial de novo supported by an affidavit of indigence and personal undertaking unless the affidavit and personal undertaking are on the form provided by the Courts. If a request for trial de novo supported by an affidavit of indigence and personal undertaking is accepted for filing, it may be ordered struck from the record if the Court in which it is filed determines that the party filing the request is able to afford to post a surety bond or cash deposit, and the party fails to post the surety bond or cash deposit required within the time set by the Court.

b. The Clerk shall docket and assign the request for trial de novo to the traffic division of either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 as an infraction or ordinance violation proceeding.

603.40 NOTICE TO PROSECUTOR OR MUNICIPAL COUNSEL OF TRIAL DE NOVO :

a. Promptly after the request for trial de novo is filed and assigned to the appropriate court, the Clerk shall send notice of the request to the prosecuting attorney or the municipal counsel.

b. Upon receiving the notice of request, the Prosecutor or the municipal counsel is ordered to file, within fifteen (15) days, a duplicate infraction or ordinance complaint and summons alleging the infraction or ordinance violation as originally filed with the city or town court, together with any amended complaint alleging additional or amended counts also filed with the city or town court.

c. In the discretion of the prosecuting attorney or municipal counsel, and in lieu of filing such duplicate infraction or ordinance complaint and summons, the prosecuting attorney or the municipal counsel shall file with the Court a notice that no proceeding will be filed, together with a proposed order of dismissal including that the Clerk shall refund to the defendant the entire amount of any payment received from the city or town court. The order of dismissal shall also include a release of the surety bond, cash deposit, or personal undertaking.

LR29-DN03-604. RULES FOR TRIAL DE NOVO FOLLOWING MISDEMEANOR TRIAL IN CITY OR TOWN COURT

604.10 Supreme Court Trial De Novo Rule 3 for misdemeanor cases is incorporated by reference.

604.20 DEMAND: The written request for trial de novo must comply with Supreme Court Rule 3(B), but, in addition, must also contain the offense(s) of which the defendant was convicted in the city or town court to enable the Clerk to assign the request for trial de novo to the appropriate court pursuant to the Hamilton County Criminal Random Filing Rule.

604.30 FILING AND COURT ASSIGNMENT:

a. The Clerk of the Courts shall docket and assign the request for trial de novo as a misdemeanor in the appropriate Superior Court in accordance with the Hamilton County Criminal Random Filing Rule (LR29-CR00-301) if the request is sufficient to make such an assignment. If the request contains insufficient information to make such assignment, it may be accepted for filing conditioned upon the defendant providing, within ten (10) days, the information necessary to complete the assignment. If the defendant fails to provide this information within the time specified, then the request for trial de novo shall be stricken as un-assignable.

b. The Court to which the request is assigned has full jurisdiction of the case and of the person of the defendant from the time the request for trial de novo is filed and assigned by the Clerk.

604.40 BAIL OR INCARCERATION:

a. Stay of City or Town Court Judgment and Appearance Bond. At the time the request for trial de novo is filed, the defendant may also file with the Clerk a surety bond or cash deposit conditioned on appearance for trial and sentencing as required by applicable statutes on bail in criminal prosecution and in accordance **with the trial de novo bail schedule in Appendix C.** Filing of the bond or undertaking stays the judgment of the city or town court, and during the period of the stay the defendant shall not be subject to incarceration or probation orders of the city or town court. Any defendant who is incarcerated pursuant to the judgment of the city or town court shall be released upon the posting of this bond or cash deposit. If the defendant does not file the surety bond or cash deposit, the judgment of the city or town court shall not be stayed, and the defendant will remain incarcerated or subject to probation orders of the city or town court until the stay imposed under subsection (F)(1) of Supreme Court Rule 3 takes effect. Even if the defendant is not seeking a stay, the posting of such a bond will serve as an appearance bond for the defendant. If such surety bond or cash deposit is posted, then a summons shall be issued to the defendant in accordance with IC 35-33-4-1, in lieu of any warrant that the State may request pursuant to IC 35-33-2-1.

b. The city or town court may transfer any *cash* bond previously posted in the city or town court to the Clerk of the Court to be applied against the trial de novo bond. In addition, the trial de novo court may accept any *surety* bond previously posted in the city or town court to be applied against the trial de novo bond, but only if the trial de novo court receives written consent from the surety bondsman.

604.50 NOTICE TO THE PROSECUTING ATTORNEY:

a. Promptly after the request for trial de novo is filed and assigned to the appropriate court, the Clerk shall send notice of the request to the prosecuting attorney.

b. Upon receiving the notice of the request, the Prosecutor is ordered to file within fifteen

(15) days a duplicate charging instrument charging the offense or offenses as originally filed with the city or town court together with any additional charging instrument charging additional or amended counts also filed with the city or town court.

c. In the prosecuting attorney's discretion, and in lieu of filing such charging instrument, the State shall file with the Court a notice that no proceeding will be filed, together with a proposed Order of Dismissal, including that the Clerk shall refund to the defendant the entire amount of any payment received from the city or town court.

d. Upon the filing of the charging instrument, the Court to which the request for trial de novo has been assigned, shall proceed in accordance with IC 35-33-2-1, to issue a warrant for the arrest of the defendant, or in accordance with IC 35-33-4-1, to issue a summons for the defendant to appear. If the defendant has posted a surety bond or cash deposit in accordance with paragraphs 604.40(a) or (b) above, then the Court shall issue a summons in lieu of a warrant.

604.60 NOTICE TO CITY OR TOWN COURT:

a. Upon the filing of a request for trial de novo, the Clerk shall promptly send notice of the filing of the request to the city or town court from which the trial de novo was taken.

b. The Clerk shall hold any fine or payment received from the city or town court pending the outcome of the trial de novo and shall apply the payment to any judgment for fine or costs imposed by the de novo court following the trial de novo, or to any order for probation users= fees or recoupment of trial expenses otherwise authorized by law and ordered by the de novo court. If any amount of the original fine payment remains after application to judgments or orders imposed by the trial de novo court, the Clerk shall refund the balance to the defendant.

604.70 PROCEDURE WHEN PLEA OF GUILTY WAS ENTERED IN CITY OR TOWN COURT: If the defendant entered a plea of guilty in the city or town court, the procedure to be followed shall be in accordance with Supreme Court Trial De Novo Rule 3(G).

604.80 PROCEDURE WHEN PLEA OF NOT GUILTY IS ENTERED IN CITY OR TOWN COURT: If the defendant entered a plea of not guilty in the city or town court, the procedure to be followed shall be in accordance with Supreme Court Trial De Novo Rule 3(H).

HAMILTON COUNTY LOCAL PROBATE RULES

LR29-PR00-701. NOTICE

701.10 Whenever notice by publication and/or written notice by U.S. Mail is required to be given, the attorney shall prepare such notice and shall ensure that such notice is properly published and/or served by certified mail, return receipt requested. In all respects, the notice shall comply with all statutory requirements. It shall be the attorney's responsibility to ascertain and provide adequate proof thereof regarding whether notice was properly served prior to bringing a matter to the Court.

701.20 Copies of petitions or motions shall be sent with all notices where the hearing involved arises from the matters contained in the petition or motion.

701.30 Whenever any estate or guardianship account (including a final account in a supervised estate) is set for hearing, copies of the account must be served with the notice of hearing.

701.40 Notice of the opening of an estate shall be sent by First Class United States Mail to all reasonably ascertainable creditors; however, the use of "certified mail, return receipt requested" to serve such notice is recommended.

701.50 Notice of the hearing to be held on a Petition to determine an estate insolvent shall be served on all interested parties, including the local representative of the Inheritance Tax Division of the Indiana Department of Revenue.

LR29-PR00-702. FILING OF PLEADINGS

702.10 When pleadings are filed by mail or left with the Court for filing, a self-addressed, stamped envelope shall be included for return of documents to the attorney.

702.20 If petitions or motions are filed by electronic facsimile transmission, then such filing must conform with the requirements set forth in the trial rules and LR29-AR-103.

702.30 All parties are required to prepare orders for all proceedings except when expressly directed otherwise by the Court.

702.40 Every inventor**y** and accounting filed in an estate or guardianship will be signed and verified by the fiduciary and signed by the attorney for the fiduciary.

702.50 All pleadings filed shall contain the parties' name, address and telephone number and/or the parties' attorney's name, address, telephone number and registration number.

702.60 The initial petition to open an estate or guardianship shall contain the name, address, social security number (in compliance with Indiana Administrative Rule 9) and telephone number of the personal representative or guardian, if a person.

702.70 The Instructions to the Personal Representative or Guardian, executed by the fiduciary, must be filed with the Court at the time letters are ordered issued in the proceeding **(Forms PR00-1, PR00-2, PR00-3, PR00-4)**

702.80 The affidavit of compliance with the notice provisions directed to creditors in an estate proceeding shall be timely filed with the Clerk of the Court.

702.90 ASSIGNMENT OF MH PROBATE CASE NUMBERS:

a. The Clerk shall assign cause numbers for new filings of all MH case types to Hamilton Superior Court No. 1 and Hamilton Superior Court No. 3.

b. The Clerk shall equally assign such new filings to Superior Court No. 1 and Superior Court No. 3 or other method as the judges of said courts shall agree.

702.100 ASSIGNMENT OF ES/EU, GU, AND TR PROBATE CASE NUMBERS: As requested by the parties, or directed by the judges, the Clerk shall assign cause numbers for new filings of ES/EU, GU, and TR case types to either Hamilton Superior Court No. 1 and/or Hamilton Superior Court

No. 3.

LR29-PR00-703. ATTENDANCE OF PROPOSED FIDUCIARIES

703.10 All proposed personal representatives and guardians who are residents of Indiana shall appear before the Court to qualify.

703.20 Nonresident personal representatives and guardians shall either appear or submit an affidavit describing their education, employment, and lack of felony convictions.

703.30 Such personal representative or guardian is under a continuing order of the Court to personally advise the Court and the attorney or record in writing as to any change of any required information such as name, address, social security number, or telephone number.

LR29-PR00-704. REPRESENTATION OF FIDUCIARIES BY COUNSEL

704.10 No personal representative or guardian of an estate may proceed without counsel, without court approval.

LR29-PR00-705. BOND

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

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

b. Where the fiduciary is an heir or legatee of the estate, the bond may be reduced by said fiduciary's share of the estate, or the value of real estate, or other assets that cannot be transferred or accessed without court approval or order. The Court shall have the right to review the amount of bond if the Court should grant access to such property or asset.

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

d. In an unsupervised estate, bond may be set at the discretion of the Court.

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

705.20 In lieu of a bond as required by LR29-PR00-705.10, the Court, upon the fiduciary's request, may restrict transfer of all or part of the estate or guardianship liquid assets by placing those assets in a federally-insured financial institution or in a court approved investment with the following restriction placed on the face of the account or in the investment document:

> **"NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF _____COURT OF _____, INDIANA."**

The fiduciary shall thereafter file with the Court within ten (10) days of the order authorizing the creation of the account or investment, a certification by an officer of the institution at which the

account or investment has been created, affirming that the account or investment is restricted as required by the Court order and is in compliance with this rule **(Form PR00-5).**

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

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

LR29-PR00-706. INVENTORY

706.10 An inventory shall be filed by the fiduciary in estates and guardianships as follows: Supervised estates, within sixty (60) days; guardianships, within ninety (90) days for permanent guardians and within thirty (30) days for temporary guardians. All times relate to the date of appointment of the fiduciary.

706.20 In the event a partial inventory is filed, all subsequent inventories must contain a recapitulation of prior inventories.

706.30 In the event that the personal representative should request that an inventory be sealed, the Court may, in its sole discretion, seal such inventory. If an inventory is sealed, it shall be maintained in the court reporter's evidence file in the Court in which such estate is filed.

LR29-PR00-707. REAL ESTATE

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

a. A brief description of the property interest being appraised, including the full and legal description thereof.
b. Purpose or objective of the appraisal.
c. Date for which fair market value is determined.
d. Data and reasoning supporting the fair market value.
e. Fair market value determined.
f. Statement of assumptions and special or limiting conditions.
g. Certification of disinterest in real estate.
h. Signature of the appraiser.

707.20 All such appraisals required by LR29-PR00-707.10 shall be made within one year of the date of the Petition for Sale.

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

707.40 Whenever a Final Decree reflects that real estate has vested in heirs or beneficiaries, the Decree shall be recorded with the County Recorder of the County where any such real estate is

located and evidence of said recording shall be provided to the Court with the Supplemental Report.
707.50 No Personal Representative's Deed shall be approved in unsupervised estates.

LR29-PR00-708. SALE OF ASSETS
708.10 In all supervised estates and guardianships, no Petition to Sell Personal Property shall be granted unless a written appraisal prepared by a person competent to appraise such property and setting forth the fair market value thereof, is filed with the Court at the time of the filing of the Petition to Sell, unless such appraisal was filed with the inventory. This rule shall not apply to personal property which is sold at public auction.
708.20 All appraisals required by LR29-PR00-707.10 shall be made within one year of the date of the Petition to Sell.
708.30 No written appraisal shall be required for the sale of assets which are traded in a market and the value of which is readily ascertainable. Such assets include, but are not limited to, stocks, bonds, mutual funds, commodities, and precious metals.

LR29-PR00-709. CLAIMS
709.10 Three (3) months and fifteen (15) days after the date of the first published notice to creditors, the fiduciary, or the fiduciary's attorney, shall examine the Claim Docket and shall allow or disallow each claim filed against the estate.

LR29-PR00-710. ACCOUNTING
710.10 Whenever an estate cannot be closed within one (1) year, the personal representative shall:

a. File an intermediate account with the Court within thirty days (30) after the expiration of one (1) year and each succeeding year thereafter. The accounting shall comply with the provisions of IC 29-1-16-4 and 29-1-16-6 and:

(1) Shall state facts showing why the estate cannot be closed and an estimated date of closing.

(2) Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to the distributees and claimants; or

b. File a statement with the Court stating the reasons why the estate has not been closed. In addition, the Court reserves the power to require the personal representative to comply with the accounting provisions of sub-part (a) above.

710.20 All guardianship accountings shall contain a certification of an officer of any financial institution in which guardianship assets are held, verifying the account balance **(Form PR00-5)**.
710.30 All social security or Medicare benefits received on behalf of an incapacitated person shall be included and accounted for in the guardianship accounting unless court approval has been previously granted to allow said funds to be paid directly to a residential or health care facility, or because of the amount of such funds, the Court finds that such funds can only be used by the guardian or designated person for the benefit of use of such incapacitated person.
710.40 In all supervised estate and guardianship accountings, vouchers or canceled checks for the expenditures claimed shall be filed with the accounting. No affidavits in lieu of vouchers or canceled checks will be accepted from individual fiduciaries, unless prior written approval is granted by the Court (the Court may set forth any and all additional conditions and/or extra ordinary circumstances needed for such approval). An affidavit in lieu of vouchers or canceled

checks may be accepted from a state or federally chartered financial institution who serves as a fiduciary, provided the financial institution retains the vouchers or canceled checks on file or by electronic recording device and makes same available to interested parties upon court order. The Court may require such institution to provide a certification from its Internal Audit Department verifying the accuracy of the accounting.

710.50 In all supervised estate and guardianship accountings, a notation shall be placed by each expenditure indicating the reason for or nature of the expenditure unless the payee name indicates the nature of the expenditure.

EXAMPLE: Bogota Drugs - Toiletries for incapacitated person
Dr. John Jones
Sam Smith - Repair roof of home at 162 Maple Street, Any Town, Indiana
Tender Care Nursing Home

710.55 All accountings to the Court shall contain an itemized statement of the assets on hand.

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

710.65 All accountings shall follow the prescribed statutory format. Informal, handwritten, or transactional accountings will not be accepted, except as permitted by LR29-PR00-714.

710.70 All court costs shall be paid and all claims satisfied and released before the hearing on the Final Account shall be approved.

710.75 The Federal Estate Tax Closing letter and the Indiana Inheritance Tax Closing letter (or the countersigned receipt) or a photocopy thereof, showing payment of all Federal Estate and/or Indiana Inheritance Tax liability in the estate, executed by the Internal Revenue Service or the Indiana Department of State Revenue, shall be attached to the Final Accounting at the time of filing, unless the Court has given prior written approval to attach such letter to the Final Report, after filing but prior to the hearing on the Final Accounting.

710.80 When an individual has been appointed to handle the financial affairs of a protected person, an accounting shall be filed within thirty (30) days after the first anniversary of the date the guardianship letters were issued. Thereafter, unless a contrary order is issued by the Court, all accountings shall be filed biennially.

LR29-PR00-711. FEES OF ATTORNEYS AND FIDUCIARY

711.10 No fees for fiduciaries or attorneys shall be paid out of any supervised estate or guardianship without prior written order of the Court.

711.20 All orders for fees in estates shall provide that said fees are to be paid only after approval of the Final Accounting except the Court may in its sole discretion, if all paperwork has been properly filed, award partial attorney or fiduciary fees when the Indiana Inheritance Schedule is filed or the Federal Estate Tax Return is filed.

711.30 A guardian or guardian's attorney may petition for fees at the time of filing an inventory. Other than as provided hereafter, no further petition for fees may be filed until a biennial, annual, or final accounting has been filed. When unusual items of substantial work occur during the proceedings, the Court may consider a petition to allow fees for such services.

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

711.50 Where contracts for legal services have been entered into prior or subsequent to the

opening of an estate or guardianship, the Court reserves the right to approve or disapprove the fee contracts consistent with this court's fee guidelines.

711.60 All petitions for fees for the attorney and/or fiduciary shall conform to the guidelines for fees enumerated in 711.70 below and shall specifically set forth all services performed in detail as well as the amount of the fee requested and how it has been calculated.

711.70 Pursuant to relevant statute, if a testator does not provide for compensation of the personal representative and/or the attorney performing services for the estate, the Court may award "just and reasonable" fees. In determining a "just and reasonable" amount of fees, the Court may consider several factors, including: the labor performed, the nature of the estate, difficulties in recovering assets or locating devises, and the peculiar qualifications of the administrator and/or attorney. Additionally, for attorneys, the Court may consider the guidelines for determining legal fees as set forth in Rule 1.5 of the Indiana Rules of Professional Conduct. In all fee determinations, the key factor considered by the Court will be that the fees are reasonably commensurate to the time and work involved.

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

711.90 Attorney fees for representing a minor in settlement of a claim for personal injuries are subject to court approval. If the entire attorney fee is to be paid at the same time a structured settlement is approved, the amount of the fee must be based on the present value of the settlement.

LR29-PR00-712. UNSUPERVISED ADMINISTRATION

712.10 No petition for administration without court supervision shall be granted unless the consent requirement of IC 29-1-7.5-2(a) is fulfilled.

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

712.30 Every Closing Statement shall comply with LR29-PR00-710.10.

712.40 The Court will not enter an order approving the Closing Statement since such estate is closed by operation of law.

LR29-PR00-713. MISCELLANEOUS

713.10 If the Court determines that no Inheritance Tax Schedule is required to be filed, a copy of the Court's order shall be served on the local representative of the Inheritance Tax Division of the Indiana Department of Revenue.

713.20 The Court may adapt procedures by standing order to effectuate the implementation of these rules, and may deviate from these rules when justice requires, but only upon showing of severe prejudice or hardship.

LR29-PR00-714. GUARDIANSHIPS

714.10 In all guardianship matters seeking to declare an adult incapacitated for any reason, the incapacitated person shall be present at the hearing or sufficient evidence shall be presented showing that the incapacitated person is unable to appear. The Court may at any time appoint a guardian ad litem to investigate and protect the best interest of the incapacitated person **(Forms PR00-8, PR00-9)**.

714.20 In all guardianship matters seeking to declare an adult incapacitated for any reason, a Physician's Report by the doctor treating the alleged incapacitated person or such additional evidence as the Court shall require, shall be presented to the Court at the time the petition is filed or on the hearing date. No determination will be made without a supporting medical report or testimony **(Form PR00-10)**.

714.30 Pursuant to IC 29-3-3-4(a) no guardian of an adult shall be appointed or protective order entered without notice except upon verified allegations that delay may result in immediate and irreparable injury to the person or loss or damage to the property.

714.40 In every petition for the appointment of a guardian of the person of a minor child, the following information shall be given:

a. The child's present address.

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

c. General information concerning school, health, etc.

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

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

714.50 Current reports filed by a guardian of the person shall state the present residence of the incapacitated person and his or her general welfare. If the incapacitated person is an adult, a report of a treating physician shall be filed with the current report, verifying that the incapacity of the person remains unchanged since the date the guardianship was established or the date of the last current report and that the living arrangements for the incapacitated person are appropriate **(Forms PR00-10, PR00-11, PR00-12).**

714.60 Nothing herein shall be deemed as amending, superseding or altering the Probate Rules and Regulations promulgated by the Veteran's Administration of the United States of America, and every fiduciary and attorney shall comply with same, if applicable.

714.70 Other than for routine matters, the guardian shall obtain court approval prior to taking any action on any financial matter pertaining to carrying out the guardian's duties and responsibilities for the protected person.

LR29-PR00-715. WAIVER OF NOTICE OF INHERITANCE TAX APPRAISAL

715.10 Waivers of notice of the time and place of the appraisal of each property interest of a decedent for inheritance tax purposes and of the hearing on the appraisal report shall be filed on or before the date upon which the inheritance tax return is filed.

715.20 Such waivers of notice shall be signed by each person known to have an interest in the property interests to be appraised and by any person designated by the Court. A waiver filed by an entity other than an individual shall state the capacity of the person who has signed for such entity.

715.30 A waiver signed by an attorney or another person on behalf of a person who is entitled to notice under IC 6-4.1-5-3 and IC 6-4.1-5-9 shall include a copy of the power of attorney, letters of guardianship or other authority for the signer to act on behalf of such person. In the event that the interested person is a minor, the waiver shall include a statement of the relationship of the signer to the minor.

715.40 In the event that a waiver is not filed for each interested person, the personal

representative shall, at the time of filing the inheritance tax return, provide notice of the time and place of the appraisal to each interested person who has not filed a waiver. Upon the filing of the appraiser's report, the personal representative shall provide notice of the time and place of the hearing on the report to all persons known to be interested in the resident decedent's estate, including the Department of State Revenue.

LR29-PR00-716. MINORS' SETTLEMENTS

716.10 This rule shall govern requests for approval of settlements for minors (pursuant to IC 29-3-9 and/or IC 29-3-4) and guardianships for minors, if such settlements are approved by the Court.

716.20 A hearing shall be set at the request of counsel in which testimony or evidence is presented so as to fully and independently satisfy the Court that the requested settlement fully protects the minor's rights and interests. The Court may at any time appoint a guardian ad litem to protect the best interest of the minor and investigate such settlement **(Forms PR00-8, PR00-13)**.

716.30 In all settlement proceedings, whether wrongful death, minor's settlement or incapacitated person's settlement, the personal representative, one custodial parent or the guardian must be present at the time the settlement is presented to the Court for approval. The Court retains the right to require the presence of the minor or incapacitated person at such times.

716.40 If the Court should grant such settlement and a guardianship is needed, then the appointment of a guardian will be determined as set forth by statute and by these rules.

716.50 Once a guardian is appointed, then such guardian shall post bond pursuant to LR29-PR00-305.10, unless, in lieu of a bond, a fiduciary places all funds or assets in a restricted account at a federally-insured financial institution or in a court approved investment, designating that no principle or interest may be withdrawn without a written order of the Court, and with the following restriction placed on the face of the account or in the investment document **(Forms PR00-5, PR00-14):**

> **"NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF _____ COURT OF _____, INDIANA."**

The fiduciary shall file the following with the Court:

a. Prior to issuance of letters, the fiduciary's attorney shall execute an Attorney's Undertaking for such assets **(Form PR00-15).**

b. Within ten (10) days of the order authorizing the creation of the account or investment, a certification by an officer of the institution at which the account or investment has been created, affirming that the account or investment is restricted as required by Court order and is in compliance with this rule.

716.60 No surety bond or restricted account is required where a corporate fiduciary serves as a guardian of the estate.

716.70 The guardian shall be required to file an inventory pursuant to LR29-PR00-705 unless such guardian has deposited all funds in a restricted account.

716.80 When the guardian files an accounting pursuant to LR29-PR00-710, then such guardian shall be required to attach a copy of the most recent bank statement showing any and all transactions on such bank account **(Forms PR00-12, PR00-16)**.

716.90 Attorney fee awards must conform with LR29-PR00-711.

LR29-PR00-717. WRONGFUL DEATH ESTATES

717.10 All proposed wrongful death settlements must be approved by the Court, whether the estate is supervised, unsupervised, or a special administration for the sole purpose of prosecuting the wrongful death claim.

717.20 When an estate remains open one (1) year, the personal representative shall file a status report as to any wrongful death claims. If an action is pending, the report shall show the cause number and the Court.

717.30 When a judgment has been paid or a petition for approval of settlement is filed in any estate, a petition shall be filed showing the proposed distribution in accordance with IC 34-1-1-2. Such petition must set out the proposed distribution to the appropriate statutory damage distributes, such as:

a. Expenses of administration;
b. Providers of funeral and burial expenses;
c. Providers of medical expenses in connection with last illness of decedent;
d. Surviving spouse;
e. Dependent children; and
f. Dependent next of kin (if there is no surviving spouse or dependent children).

A proposed order shall be presented to the Court, ordering distribution in accordance with IC 34-1-1-2 and requiring that a final account as to the wrongful death proceeds be filed within thirty (30) days.

717.40 IC 34-1-1-8 does not provide for the opening of a minor's wrongful death estate.

LR29-PR00-718. ADOPTIONS

718.10 Except for good cause shown, no final hearings in adoption proceedings shall take place until the adopting couple (or the birth parent and adoptive stepparent) have been married for at least one (1) year and the child has been in the home of the adoptive parent(s) for at least three (3) months.

718.20 A consent to adoption must be notarized.

HAMILTON COUNTY JUVENILE RULES

LR29-JV00-801. ASSIGNMENT OF JUVENILE CASE NUMBERS

801.10 The Hamilton County Criminal Random Filing Rule (LR29-CR00-303) does not apply to juvenile cases. It is therefore necessary to establish assignment of Juvenile Delinquency and Juvenile Status Offense causes.
801.20 The Clerk of the Court shall assign cause numbers for new filings of all JS and JD case types to Hamilton Circuit Court and Hamilton Superior Court No. 1.
801.30 The Clerk shall file all cases involving juveniles with last names beginning with the letters A - L in Hamilton County Superior Court No. 1 and cases involving juveniles with last names beginning M-Z shall be filed in Hamilton Circuit Court.
801.40 The Clerk of the Court shall file all cases involving juvenile cases now filed in such court. Any cases involving new charges concerning a juvenile whose case is still pending disposition or is on probation supervision in Hamilton Superior Court No. 3 shall be filed by the Clerk in Hamilton Superior Court No. 3.
801.50 The designation of the Clerk concerning the proper court in which to file a cause shall take precedence over the designation of any other entity or individual, except upon specific order entered by the Judge of Hamilton Circuit Court, Hamilton Superior Court No. 1, or Hamilton Superior Court No. 3.
801.60 When a motion is filed requesting a joinder of juvenile cases because of such cases being related in subject matter or by individuals, the Court may, after finding probable cause, order such cases joined and the cases may be filed in one court regardless of the first initial of their name for the sake of judicial economy.
801.70 When a Judge disqualifies or recuses from a juvenile case, the Clerk shall reassign to another court pursuant to this rule. When the disqualification or recusal is by the Judge of the Hamilton Circuit Court, the Clerk shall reassign such case to the Hamilton Superior Court No. 1. Upon disqualification or recusal of Hamilton Superior Court No. 1, the Clerk shall reassign such case to the Hamilton Circuit Court.
801.80 In the event the above reassignment is not permitted and a subsequent reassignment is required, said case reassignment shall be achieved by obtaining a new court assignment from the remaining Hamilton County Courts using a random assignment procedure.

LR29-JV00-802. ACCESS CONFIDENTIAL JUVENILE RECORDS
802.10 The Circuit and Superior Courts of Hamilton County find that in order to facilitate effective legal representation of juveniles, it is necessary that confidential juvenile records be made accessible as follows:

a. All persons permitted access pursuant to statute; and
b. Paralegals and employees of the juvenile=s attorney of record may have access to such juvenile files if they are acting at the direction of and under the control of such attorney of record. Written documentation may be required by the clerk before such paralegal or employee may have access to such juvenile files.

APPENDICES

APPENDIX A	HAMILTON COUNTY BOND SCHEDULE (LR29-CR00-305.10)
APPENDIX A(1)	HAMILTON COUNTY PRETRIAL RELEASE SCHEDULE (LR29-CR00-305.10)
APPENDIX B	HAMILTON COUNTY VISITATION GUIDELINES (LR29-FL00-402.30)
APPENDIX C	TRIAL *DE NOVO* BAIL SCHEDULE FOR MISDEMEANOR OFFENSES (LR29-DN03-604.40)

APPENDIX A
TO LR29-CR00-305.10

HAMILTON COUNTY BOND SCHEDULE

SCOPE: This bond schedule applies to all cases to be filed in the Circuit and Superior Courts of this County and in the City of Carmel, City of Noblesville, and Town of Fishers Courts. THE SHERIFF OF HAMILTON COUNTY IS HEREBY ORDERED TO FOLLOW THIS BOND SCHEDULE FOR SETTING BONDS FOR ALL PERSONS ARRESTED WITHOUT WARRANTS FOR CRIMINAL OFFENSES TO BE FILED IN THE ABOVE COURTS:

FELONIES:	MURDER	NO BOND
	HABITUAL OFFENDER	$50,000
	LEVEL 1 & 2	$50,000
	LEVEL 3 & 4	$25,000
	LEVEL 5	$10,000
	LEVEL 6	$ 5,000
MISDEMEANORS:	CLASS A MISDEMEANOR	$ 2,500
	CLASS B MISDEMEANOR	$ 1,000
	CLASS C MISDEMEANOR	$ 500

EXCEPTIONS: The following are exceptions to the above listed schedule:

Operating While Intoxicated, Second Offense (Level 6 felony)..... $ 7,500
Operating While Intoxicated Resulting in Serious Bodily Injury (Level 6 felony).....$ 7,500
Dealing Marijuana Less Than 30 Grams (Class A misdemeanor)..... $ 3,500
False Reporting or Informing (Class A or B misdemeanor).....$ 2,500
Leaving the Scene of a Property Damage Accident (Class B or C misdemeanor).....$ 2,500
Leaving the Scene of a Personal Injury Accident (Class A misdemeanor)..... $ 5,000
Operating While Intoxicated (Class C misdemeanor)..... $ 2,500
Operating a Vehicle With at Least .08 (Class C misdemeanor)..... $ 2,500
Operating a Motorboat While Intoxicated (Class C misdemeanor).....$ 2,500
Operating a Motorboat With at Least .08 (Class C misdemeanor).....$ 2,500
Refusal to Identify Self (Class C misdemeanor).....$ 1,500
Possession of Drug Paraphernalia (Class A misdemeanor).....$ 1,000
Driving While Suspended (Class A misdemeanor)..... $ 1,000
Public Intoxication (Class B misdemeanor) ……..…… O/R (when alcohol free)
Illegal Cons./Poss./Transp. of Alcohol (Class C misdemeanor) …… O/R (when alcohol free)

EXCEPTIONS FOR OUT-OF-STATE RESIDENTS: All bond amounts in this bond schedule, whether surety or cash, shall be **doubled** for out-of-state residents.

CASH BONDS PERMITTED: A person may post a cash bond instead of a surety bond as follows:

FELONIES: MURDER ……..…. NO BOND
LEVELS 1, 2, 3, 4 & 5 …….. Same as Bond Schedule
LEVEL 6 …...…… One-half (1/2) of the Bond Schedule

MISDEMEANORS: CLASS A, B, or C ….. One-half (1/2) of the Bond Schedule

All cash bonds shall be posted with the Hamilton County Sheriff or the Hamilton County Clerk only after the person posting the bond has signed the Cash Bond Agreement. Pursuant to I.C. 35-33-8-3.2 and 35-33-8-4, the Hamilton County Clerk shall retain a portion of each cash bond posted in criminal cases as an administrative fee. The administrative fee shall not exceed ten percent (10%) of the monetary value of the cash bond or $50, whichever is less.

LACK OF IDENTIFICATION: Any person who cannot be positively identified at book-in shall be held **without bond** until the person is brought before the Court for a hearing to determine bond. This includes, but is not limited to, those individuals who refuse to cooperate in their identification by refusing to be fingerprinted, individuals who possess conflicting identification, and individuals whose identifying information cannot be verified.

24-HOUR HOLD: A person arrested for battery, stalking, invasion of privacy, or strangulation, shall not be allowed to post bond under this schedule until 24 hours after book-in.

BOND AMOUNTS ARE CUMULATIVE - EXCEPTIONS: If a person has been arrested for multiple charges, the bond amount shall be the total amount required for all charges, except for the following situations:

1. If a person has been arrested for multiple alcohol charges (operating while intoxicated, public intoxication, illegal consumption/transportation), only the highest class bond for one charge shall be imposed for all of the alcohol charges; and
2. If a person has been arrested for multiple misdemeanor charges, the total cumulative bond for all of the misdemeanors shall not exceed $5,000 ($10,000 for out-of-state residents).

BOND NOT AVAILABLE: This bond schedule shall not be used for any person arrested for a crime when it can be reasonably determined that the person was on probation, parole, bond or release on the person's own recognizance for another offense. In such case, the person shall be detained in custody until a Court establishes the bond.

CONDITIONS OF BOND: As conditions of bond or release on recognizance (O/R), **all persons posting a Bond** are subject to the following conditions: (a) they **shall appear** in Court at all times required by the Court; (b) they **shall not leave the State of Indiana** without the **prior written** consent of the Court; (c) they **shall not commit nor be arrested** for another criminal offense; (d) they shall keep their attorney and the Court advised in writing of any change of address within 24 hours of such change; and, (e) they shall comply with any other condition ordered by the Court. Pursuant to I.C. 35-33-8-3.2(a)(4) a person's release may also be conditioned upon refraining from any direct or indirect contact with the alleged victim of an offense or any other individual as ordered by the Court. **Violation of any condition may result in the revocation of bond and the issuance of a re-arrest warrant**.

SUPERSEDES: This Bail Bond Schedule is effective July 1, 2014 but does not supersede the previous Bail Bond Schedule, dated January 1, 2012, ordered by the Circuit and Superior Courts of this County and the City of Carmel, City of Noblesville, and Town of Fishers Courts.

SO ORDERED this 1st day of July, 2014.

Original signed by the Honorables Felix , Nation, Pfleging, Hughes, Campbell, Sturtevant, Bardach, Poindexter, Caldwell, and Henke

Appendix A(1) to Local Rule LR 29-CR-00-305.10

HAMILTON COUNTY PRETRIAL RELEASE SCHEDULE

This schedule applies to all cases to be filed in the Circuit and Superior Courts of this county and the City of Carmel, City of Noblesville, and City of Fishers Courts. THE SHERIFF OF HAMILTON COUNTY IS HEREBY ORDERED TO FOLLOW THIS SCHEDULE FOR DETERMINING THE PRETRIAL RELEASE/DETENTION FOR ALL PERSONS ARRESTED WITHOUT WARRANTS FOR CRIMINAL OFFENSES TO BE FILED IN THE ABOVE COURTS.

Pursuant to the authority of the Hamilton County Circuit and Superior Courts to establish a reasonable basis for release/detention in criminal cases, a pretrial release program is established in accordance with the following terms and conditions as approved this date:

1. All persons detained in the Hamilton County Jail and otherwise eligible to post bond under the existing bond schedule shall be subject to pretrial release screening and risk assessment. This pretrial release schedule shall control the release/detention of all persons screened by the Pretrial Screening Program.

2. If a person is arrested for an alcohol related offense, then that person shall not be screened until the person is eligible for release pursuant to the chart established for this purpose by I.C. 35-33-1-6.

3. If a person is not screened within eight hours of arrest, or within eight hours of being eligible for screening under paragraph 2 above, that person shall be released/detained in accordance with the Hamilton County Bond Schedule already in effect.

4. Except as provided in paragraph 3 above, no person shall be released pursuant to this Pretrial Release Schedule or the Hamilton County Bond Schedule until that person is screened by the Hamilton County Pretrial Release Program, and that screening shall include the administration of at least one State approved pretrial risk assessment and such other risk assessment instrument(s) that may be approved and required by the judges of the Circuit and Superior Courts of Hamilton County.

5. All decisions regarding release and/or release conditions under this Pretrial Release Schedule are conditional and may be reviewed *sua sponte* by the court at the initial hearing based upon information obtained through the pretrial screening process. Either the Prosecuting Attorney or the Defendant may request, in writing, a hearing on the Defendant's pretrial release, conditions of release or detention upon a representation that there is factual information outside the screening report that should be considered.

6. The following four risk categories are established:

Category 1
Category 2
Category 3
Category 4

7. Every detainee classified in Category 4 shall be detained in custody until his or her release can be reviewed by a judicial officer at or before the initial hearing.

8. A person shall be placed in Category 4 if he/she:

(a) is charged with Murder and/or Attempted Murder;

(b) is arrested on a violation of probation warrant unless a bond is specifically set in the warrant order;

(c) is arrested on a notice of non-compliance of community corrections (or transferred from work release to the Hamilton County Jail by order of the court);

(d) is a person who cannot be positively identified at book-in including, but not limited to, those individuals who refuse to cooperate in their identification by refusing to be fingerprinted, individuals who provide conflicting identification, and individuals whose identifying information cannot be verified;

(e) is arrested on an order for revocation of pretrial release or revocation of bond for a pending criminal offense, or there is good cause to believe the defendant is on pre-trial release or bond for a pending criminal offense;

(f) is arrested for Battery, Stalking, Invasion of Privacy, or Strangulation for a period not to exceed 24 hours after book-in; thereafter, release shall be in accordance with the attached matrix;

(g) is arrested for Escape/Failure to Return to Lawful Detention or has been extradited back to Hamilton County from federal jurisdiction or the jurisdiction of any other state.

(h) refuses to cooperate in the risk assessment and/or pretrial screening process

9. Any person charged with Murder and/or a Level 1 and/or a Level 2 felony shall be detained in custody until his or her release/detention can be reviewed by a judicial officer at or before the initial hearing.

10. A person charged with a violent Level 3, 4, and/or 5 felony shall be detained in custody until his or her release can be reviewed by a judicial officer at or before the initial hearing.

(a) For purposes of this schedule, Class C, Class B, Level 3, 4, and 5 felony, is a

"violent offense" if it is alleged that:

(i) the defendant carried, possessed, or used a firearm or a deadly weapon;

(ii) death or serious bodily injury to any person occurred;

;

(iii) force or the threat of force against a person occurred; or

(iv) the offense is Rape, Criminal Deviate Conduct, Child Molesting, or Burglary of a dwelling; or

(v) the defendant attempted, aided, induced or caused, or engaged in a conspiracy, to commit an offense involving the above.

11. Any person assessed at Category 1, Category 2, or Category 3 that is not charged with Murder, a Level 1 or 2 felony, or a violent Level 3, 4, or 5 felony shall be released on their own recognizance and shall be supervised at the level shown in the attached matrix.

12. For the purpose of identifying the appropriate level of supervision from the attached matrix, the risk categories are defined as follows:

(a) Less serious misdemeanors:

(i) This category includes all nonviolent misdemeanor offenses except Operating a Vehicle While Intoxicated ("OWI");

(ii) "Nonviolent" for this category means an offense in which:

(A) no firearm or deadly weapon was used or involved in any way;

(B) no bodily injury occurred to any person;

(C) no force was used or threatened against any person.

(b) More serious misdemeanors, and Level 6 felonies are ones in which there is an allegation that:

(i) the defendant possessed or carried a firearm or other deadly weapon;

(ii) bodily injury occurred;

(iii) there was use of force or a threat of force, including by use of motor vehicle;

(iv) the defendant resisted law enforcement either forcibly or by fleeing;

and includes first time OWI offenses.

(c) The category of Possession of a Narcotic Drug, Possession of a Syringe, and any OWI where there has been a prior conviction within 10 years, encompasses only those offenses.

(d) Non-violent Level 3, 4, and 5 Felonies. A "non-violent offense" is defined as one in which:

(i) no firearm or deadly weapon was used or involved in any way;

(ii) no bodily injury occurred to any person; and

(iii) no force was used or threatened against any person.

(e) Violent Level 3, 4, and 5 Felonies. A "violent offense" is defined for purposes of this schedule as one in which it is alleged that:

(i) the defendant carried, possessed, or used a firearm or a deadly weapon;

(ii) death or serious bodily injury to any person occurred;

;

(iii) force or the threat of force against a person occurred; or

(iv) the offense is Rape, Criminal Deviate Conduct, Child Molesting, or Burglary of a dwelling; or

(v) the defendant attempted, aided, induced or caused, or engaged in a conspiracy, to commit an offense involving the above.

(f) The final category, including Murder, Attempted Murder, and Level 1 and 2 Felonies, encompasses only those offenses.

13. Pretrial conditions of release may include, but is not limited to, any or all of the following:

(a) Report for pretrial supervision periodically;

(b) Remain in the supervisory custody of a named responsible person;

(c) Live and stay at a specified address;

(d) Not leave the state of Indiana without the written consent of the court;

(e) Have no contact with the victim/complaining witness;

(f) Not use or possess alcohol;

(g) Not use or possess any controlled substances unless on order of a licensed physician;

(h) Submit to a drug/alcohol testing at your expense;

(i) Remain at your residence except for specified hours that are approved by the Pretrial Release Program for a specific purpose;

(j) Not possess a firearm or other dangerous weapon;

(k) Seek and maintain full time employment/student status;

(l) Undergo necessary medical or psychiatric treatment, including drug or alcohol abuse treatment;

(m) Not commit nor be arrested or charged for any criminal offense;

(n) Comply with any other condition reasonably calculated to assure appearance in court as required or to assure the safety of any other person , yourself, and the community;

(o) 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;

(p) Electronic and/or alcohol monitoring, with or without home detention;

(q) Operation of a motor vehicle only if the vehicle is equipped with an operating, certified ignition interlock device;

(r) Post a cash or surety bond to assure your appearance;

(s) Provide a current address in writing to the court and the releasee's counsel within 24 hours of a change in where the release physically resides;

(t) Appear in court at all times required;

(u) Provide a valid e-mail address to the court and releasee's counsel for the purpose of receiving court notices and reminders of hearing dates; and

(v) Provide a valid telephone number to the court and releasee's counsel for a cellular telephone that is capable of receiving text messages for the purpose of receiving court notices and reminders of hearing dates;

(w) Maintain an operational telephone and/or access to an operational e-mail address

SO ORDERED this __lst__ day of May, 2016.

Original signed by the Honorables Felix , Nation, Pfleging, Hughes, Campbell, Sturtevant, Bardach, Poindexter, Caldwell, and Henke

APPENDIX B
TO LR29-FL-402.30

HAMILTON COUNTY VISITATION GUIDELINES

It is usually in the child's best interest that each parent has frequent, meaningful and continuing contact with the child. A visitation agreement made by both parents is preferred to a court imposed solution. However, if the parents are unable to agree on visitation, the following guidelines should be used in most cases. In situations where the non-custodial parent may not have had ongoing contact with the children, initial visitation may be shorter. Further, these provisions may not apply to very young children or situations where geographical distances between parents make compliance impossible. The parents, in exercising visitation, should be flexible enough to adapt to the circumstances, the child's age, ongoing activities and any religious holidays not set out below. The main goal of both parents should be to encourage and facilitate peaceful and frequent visitation of the children with the non-custodial parent.

If the parents do not agree otherwise, the following shall be considered the **MINIMUM** visitation to which the non-custodial parent shall be entitled.

A. VISITATION SCHEDULE WHEN ONE PARENT HAS SOLE CUSTODY OR PRIMARY PHYSICAL CUSTODY AND PARENTS RESIDE NO MORE THAN 150 MILES APART:

Weekend. Alternating weekends from 6:00 p.m. on Friday until 6:00 p.m. on Sunday (the starting and ending times may change to fit the parents' schedules).

Holidays. The non-custodial parent shall be entitled to holiday visitation as follows:

(1) In years ending in an odd number:

(a) New Year's Day from 6:00 p.m. December 31 to 8:00 p.m. January 1

(b) Memorial Day weekend from Friday at 6:00 p.m. until Monday at 8:00 p.m.

(c) Labor Day weekend from Friday at 6:00 p.m. until Monday at 8:00 p.m.

(d) Christmas Eve from 6:00 p.m. until noon Christmas Day

(e) Evening before child's birthday from 6:00 p.m. until 9:00 p.m.

(2) In years ending in an even number:

(a) Easter Sunday weekend from Friday at 6:00 p.m. until Sunday at 8:00 p.m.

(b) July 4 from 6:00 p.m. July 3 until 8:00 p.m. July 4

(c)Thanksgiving from 6:00 p.m. Wednesday until 8:00 p.m. Thursday

(d) Christmas Day from noon until 9:00 p.m.

(e) Day of child's birthday from 6:00 p.m. until 9:00 p.m.

(3) It is recognized by the Court that other days may be significant to families for religious reasons. If so, the Court recommends visitation days be allowed each parent based on an alternating schedule. If alternating visitation days cannot be agreed to by both parents, the issue may be addressed by the Court.

Conflicts between Regular Weekend, Holiday, and Extended Summer Visitation. When there is a conflict between a holiday weekend and the regular weekend visitation, the holiday takes precedence. Thus, if the non-custodial parent misses a regular weekend because it is the custodial parent's holiday, the regular alternating visitation schedule will resume following the holiday. If the non-custodial parent receives two consecutive weekends because of a holiday, the child will spend the following weekend with the custodial parent. When there is a conflict between holiday visitation and extended summer visitation, the holiday visitation takes precedence. When there is a conflict between regular weekend visitation and extended summer visitation, extended summer visitation takes precedence.

Mother's Day/Father's Day. Children shall be with their mother each Mother's Day and with their father each Father's Day, from 9:00 a.m. to 8:00 p.m.

Extended Visitation (Children Under 5). Up to three non-consecutive weeks during the year, the choice of the number of weeks to be determined by the non-custodial parent. At least 30 days notice of the intent to use a week shall be given. A week shall begin Friday at 6:00 p.m. and end Sunday of the following week at 8:00 p.m.

Extended Visitation (Children Over 5). One-half of the school summer vacation. At the option of the non-custodial parent, the time may either be consecutive or may be split into two segments. If the children attend summer school and it is impossible for the non-custodial parent to otherwise schedule the visitation that parent may elect to take that period when the children are in summer school (and be responsible for their attendance and transportation). Notice must be given by the non-custodial parent, in writing, on or before April 15 of each year. During periods of extended summer visitation, the non-visiting parent shall be entitled to alternating weekend visitation. However, both the custodial parent and the non-custodial parent, upon 30 days written notice to the other parent, shall be entitled to one period of two weeks in duration when they may, at their option, elect to take the child on an extended vacation; and the other parent shall not be entitled to alternating weekend visitation during said period.

B. VISITATION WHEN THERE IS SOLE CUSTODY OR PRIMARY PHYSICAL CUSTODY AND PARENTS RESIDE MORE THAN 150 MILES APART:

Children Under 5. Up to six non-consecutive, <u>two-week</u> segments annually, each separated by at least six weeks. This visitation is in lieu of alternating weekend and holiday visitation.

Children Over 5. All but three weeks of the school summer vacation, and on an alternating basis, the school winter vacation and spring break. This visitation is in lieu of alternating weekend and holiday visitation.

Notice. When the children are under five years of age, the non-custodial parent shall give at least 30 days of notice of each segment sought, while, when the children are over five, at least 60 days notice shall be given.

C. GENERAL RULES APPLICABLE TO ALL VISITATION:

The non-custodial parent shall give a minimum of three days notice of intent not to exercise all or part of a scheduled visitation.

Parents shall, at all times, keep each other advised of their home and work addresses and telephone numbers. So far as possible, all communication concerning the children shall be conducted between the parents in person or by telephoning at their residences (and not at their places of employment).

Each parent shall allow liberal but reasonable telephone and mail privileges with the children.

The custodial parent shall provide copies of all school and medical reports within 10 days of their receipt and shall notify the other parent immediately in the event of a medical emergency. The custodial parent shall inform the non-custodial parent of school, extracurricular, and/or social functions permitting parental participation within 24 hours of notification of such function.

Parents shall, at all times, avoid speaking negatively about each other and should firmly discourage such conduct by relatives or friends. Each parent should encourage the children to respect the other parent. The basic rules of conduct and discipline established by the custodial parent should be the baseline standard for both parents, and consistently enforced by both, so that the children do not receive mixed signals.

Parents are encouraged to have their children maintain ties with both the maternal and paternal relatives. In most cases, the children will visit with the paternal relatives during times the children are with their father and with the maternal relatives when with their mother.

Neither visitation nor child support is to be withheld due to either parent's failure to comply with a court order.

If the parties mutually agree to change any visitation schedule ordered by the Court to obligate themselves to a different visitation schedule, they shall petition the Court to approve and order that change. In the event that the parties do not obtain a court order, the Court shall not be bound to enforce any alleged agreement of the parties whether the agreement is verbal or written.

SO ORDERED this __lst__ day of __January__, 1997.

Original signed by the Honorables Proffitt, Nation, Barr, Hughes, Campbell, and Sturtevant

APPENDIX C
TO LR29-DN03-604.40

TRIAL *DE NOVO* BAIL SCHEDULE FOR MISDEMEANOR OFFENSES

The bond required by LR29-DN03-604.40 shall be posted by cash deposit or surety bond and shall be in accordance with the following schedule:

Class A Misdemeanor	$5,000.00
Class B Misdemeanor	$3,000.00
Class C Misdemeanor	$2,000.00

However, the following exceptions shall apply to the above listed schedule:

Operating with .10% Blood Alcohol Content (Class C Misdemeanor)	$5,000.00
Contributing to the Delinquency of a Minor (Class A Misdemeanor)	$2,000.00
Reckless Driving (No Property or Personal Injury) (Class B Misdemeanor)	$2,000.00
Reckless Driving (Property Damage or Personal Injury) (Class B Misdemeanor)	$5,000.00

If the request for trial *de novo* is on a finding of violation of probation, then bond shall be set as follows:

(a)	If the defendant is on probation for a Class A Misdemeanor	$7,500.00
(b)	If the defendant is on probation for a Class B or C Misdemeanor	$5,000.00

If the request for trial *de novo* involves multiple charges/convictions or where the defendant is on probation on multiple convictions, the bond applied shall be the total amount required for all offenses.

All bail bonds posted by the defendants are subject to the following conditions:

(a) Defendant shall appear in court at all times required by the Court;

(b) Defendant shall not leave the state of Indiana without the prior written consent of the Court.

(c) Defendant shall not commit or be arrested for another criminal offense;

(d) Defendant shall keep his/her attorney and the Court advised in writing of any change of address within twenty-four (24) hours of such change;

(e) In appropriate cases the defendant may be required to refrain from any direct or indirect contact with an alleged victim of an offense or other individual as ordered by the Court pursuant to IC 38-33-8-3.1(a)(4).

A violation of any condition may result in revocation of bond and issuance of re-arrest warrant.

Originals signed by The Honorables Proffitt, Nation, Barr, Campbell and Sturtevant