Office of Court Services

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MEMORANDUM

To: Circuit and Superior Judges
Circuit Clerks
From: Jeffrey S. Wiese, Deputy Director
Re: Local Court Rules
Date: January 25, 2023

Trial Rule 81 (F) requires the circuit clerk to post local court rules on the clerk's website and to supply a copy of the local rules to IOCS for posting on the Supreme Court's website. The Supreme Court posts your local rules at: https://www.in.gov/courts/publications/local-rules/

Please ensure the local rules posted on your website are a complete and accurate copy of all local court rules and that our office also has a copy. Litigants rely on our offices to supply this necessary information.

If you have questions, please contact:

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OHIO COUNTY LOCAL COURT RULES

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LR58-TR-1: RULES OF PROCEDURE

Pleadings and procedure shall comply with the Indiana Rules of Civil and Criminal Procedure, per rules, the Statutes of Indiana, and the Local Rules of Court. Administration of the Court shall comply with Jury Rules, Administration Rules and Administration and Discipline Rules.

TR-2: TIME ZONE

The prevailing business time of Rising Sun, Indiana, shall govern all matters scheduled before the Court.

TR-3: FILING OF MOTIONS

A. The filing of any motion with the Clerk of Court or with Court personnel shall be brought to the attention of the Judge by the moving party within five (5) days following the filing of the motion.

B. Motions to dismiss, for judgment on the pleadings, and for summary judgment shall be accompanied by a brief or memorandum and proof of service upon opposing counsel or party. An adverse party shall have fifteen (15) days after service of movant's brief or memorandum to file an answer brief or memorandum.

TR-4: FILINGS

Any item filed with the Clerk of Courts, or with Court staff, after 4:00 p.m. of each business day shall be considered filed the next business day unless the party requests to have the document filed stamped for the same day, or unless pursuant to Trial Rule 5(E) of the Indiana Rules of Trial Procedure.

TR-5: APPROPRIATE APPEARANCE FOR CONDUCTING COURT BUSINESS

A. The Court's offices and the Court Room are not casual environments. Accordingly, all persons appearing before the Court, either in official Court proceedings in the Court Room or in the Court related officers, shall present themselves in appropriate business attire to ensure the professional integrity of the Court and the judicial process. All clothing worn must be appropriate, clean, and reflect the proper level of respect due the Court. Neat and clean personal grooming is also required. Professional business attire is required for counsel in all courtroom proceedings.

B. It is expected that all persons present themselves to the Court in compliance with this rule. Failure to comply with this rule may result in the continuance of the proceeding or in the non-complying person being directed to leave the premises and return once they have complied.

TR-6: DOCKETING OF PLEADINGS

It shall be the responsibility of all parties or their attorneys filing documents with the Clerk in matters pending before the Court to first have those documents placed on the docket in the Judge's office.

TR-7: PEOPLE PERMITTED AT COUNSEL TABLE

No persons, other than attorneys admitted to the bar of this state or pro hac vice, shall be permitted beyond the gate dividing the public seating from the Court area (known as the "bar") in the Court Room unless the Court finds that there are specific circumstances involved which would warrant the presence of an assistant.

TR-8: COURT'S INTERNAL MAIL SYSTEM

The Court shall keep files available through the day with the names of the respective attorneys who are members of the Dearborn-Ohio County Bar Association on them. All notices, such as pink sheets showing the dates of hearings and trials, Court documents, such as orders and communications, will be placed in these files and shall constitute service and notice of the same to the respective attorneys. Service by one attorney upon another cannot be made by placing of the documents, pleadings or notices in the Court's file. They will not be recognized as service by the Court when done in this fashion.

TR-9: CONTINUANCES

Any motion for continuance filed within two (2) weeks of the trial, hearing or other court matter will be denied unless personal appearance is made by both counsel in court, explaining the necessity for the continuance. In extreme emergencies, the Court may grant exceptions to this rule.

TR-10: SIGNATURE STAMPS FOR JUDGES

Upon authorization of the presiding Judge or Magistrate, the Court staff of the Ohio Circuit Court is hereby authorized to use a signature stamp bearing a facsimile of the presiding Judge's or Magistrate's signature in the following instances:

1. Notice of hearing dates (pink sheets);
2. Certifications under the Acts of Congress;
3. Orders to appear (hearing notifications prepared by attorneys);
4. Upon direct verbal authorization of the Judge or Magistrate.

Said stamp shall have all the force and effect of the Judge's or Magistrate's personal signature and shall be in the form as follows:

_____/s/_____

_____/s/_____

Said persons may use the Judge's or Magistrate's signature stamp in other instances upon direction of the Judge or Magistrate.

TR-11: ESTABLISHING A UNIFORM METHOD FOR PARTIES TO SECURE AN EX-PARTE, PRE-JUDGMENT ORDER OF POSSESSION OF PERSONAL OR REAL PROPERTY

A. In all cases in which a party is seeking an ex-parte, pre-judgment order of possession for either personal or real property, a cash or surety bond of One Thousand Dollars ($1,000) shall be posted by the party seeking the ex-parte, pre-judgment order.

B. Bond shall be released to the moving party or their surety upon their successful disposition of the claim. Bond shall be paid to the responding party should the moving party not be successful on their claim and the responding party is able to prove damages suffered as a result of the wrongful ex-parte, pre-judgment order.

C. Requests to vary from this bond requirement shall be presented to the Court by verified petition with sufficient facts alleged as to the reason for seeking the variance.

LR58-CR-1 DEARBORN-OHIO COUNTY BOND SCHEDULE

Persons to be held pending Initial Hearing for the following:
Murder, Treason
-Level 1, 2. 3, 4, 5 Felony
-Probation Violations
-Persons arrested currently on community supervision
-Persons arrested with other pending criminal charges or under terms of Pre-Trial Release
-Persons arrested as fugitives from another jurisdiction
-Persons charged with the following offenses:

- Arson
- Battery (or aggravated battery, domestic battery)
- Burglary
- Child Exploitation
- Child Molesting
- Criminal Deviate Conduct
- Escape/Failure to return
- Explosive Devices
- Firearm (use of firearms to deal drugs)
- Incest
- Intimidation
- Invasion of Privacy
- Kidnapping
- Manslaughter (Voluntary or Involuntary)
- Murder
- OWI (death or serious bodily injury)
- Possession of firearm (by SVF)
- Rape
- Reckless Homicide
- Resisting Law Enforcement (felony)
- Robbery
- Sexual Misconduct with a minor
- Stalking

OWI – BAC Level Reduction schedule still applies.
Civil Body attachment as specified by Court.
Defendants arrested as fugitive from another jurisdiction to be held pending court appearance.

Bond Schedule for Level 6 Felonies and Misdemeanors (unless excluded above)

	Class D Felony OR Level 6 Felony	***Class A Misdemeanor***	***Class B Misdemeanor***	***Class C Misdemeanor***
Indiana Resident	**$1000 Cash *Only***	**$750 Cash *Only***	**$500 Cash *Only****	**$500 Cash *Only****
Out of State Resident	**$1000 Cash *Only* *AND* $1000 Surety**	**$750 Cash *Only* *AND* $1000 Surety**	**$500 Cash *Only***	**$500 Cash *Only***

*Dearborn County or Ohio County residents that are arrested in their respective counties for a Class B Misdemeanor and/or Class C Misdemeanor, may be released on their own recognizance if the NCIC criminal history shows no prior criminal arrests.

All cash bails shall be posted in the appropriate County where the charges originated in the name of the Defendant and with the Dearborn or Ohio County Clerk or the Dearborn or Ohio County Sheriff. Cash bails may be used to pay fines, court costs, and other financial obligations of the defendant in any Dearborn or Ohio County cause. In addition, the bail may be used to reimburse the county for the cost of court appointed counsel and an administrative fee as authorized by I.C. 35-33-8-3.2(a)(2)(B).

If a person has multiple charges, bail shall be posted on the most serious charge only. All persons released on bail prior to the Initial Hearing shall appear as follows:

a. Dearborn Superior Court No. 1: Initial Hearings at 9:00 a.m. on the next business day for court proceedings.

b. Dearborn Superior Court No. 2: Initial Hearings at 11:00 a.m. on the next business day for court proceedings.

c. Dearborn Circuit Court: Initial Hearings on Monday, Tuesday and Wednesday at 3:30 p.m., Thursday at 4:00 p.m. and Friday at a time scheduled by the Court.

d. Ohio Circuit Court: Initial Hearings on Monday and Thursday at 1:30 p.m. for those Bonded Out or Summoned to appear, Monday and Thursday at 2:00 p.m. for individuals who are incarcerated and Friday at a time scheduled by the Court.

All persons shall be further advised that a failure to appear will result in revocation of bail and the issuance of an arrest warrant for failure to appear.

IRAS shall be administered by the Pre-Trial Release coordinator prior to the Initial Hearing appearance for individuals who have not bonded out pursuant to the Bond schedule pursuant to Criminal Rule 26, IRAS shall not be administered for Murder, Treason, Probation Violations, Community Corrections Violations and persons currently on Pre-Trial Release.

The Court will consider IRAS scores of each Defendant at the Initial Hearing.
The Pre-Trial Coordinator shall review Bonds for those who remain incarcerated after Bond is set for Level 6 felonies and misdemeanor on a weekly basis and present a report to the Court.
A judicial officer shall review bond and pretrial release issues for all individuals for which the highest charged offense is a misdemeanor and who remain incarcerated 24 hours after their arrest.

CR-2: NEGOTIATED CRIMINAL PLEA AS TO MISDEMEANORS AND CLASS D OR LEVEL 6 FELONIES

Unless otherwise ordered by the Court, all negotiated criminal pleas scheduled for trial by jury shall be tendered to the Court in writing and signed by the defendant, defense counsel, and the prosecutor at least fourteen (14) days before jury trial date. Any guilty plea within fourteen (14) days of the jury trial date shall be before the Court without recommendation, except upon a showing of special circumstances approved by the Court.

LR58-AR-1 CASELOAD ALLOCATION

Effective January 1, 2009, all causes of action filed in Ohio County shall be filed under jurisdiction of the Ohio Circuit Court.

LR 58-AR-2: TRANSCRIPTS AND COURT REPORTING

In accordance with the requirements of Administrative Rule 15 of the Indiana Supreme Court, the following rule is hereby proposed, subject to Indiana Supreme Court approval, effective March 4, 2019.

SECTION I. DEFINITIONS

1. A "Court Reporter" is a person who is specifically designated by the Court to perform the official Court reporting services for the Court including preparing a transcript of the record.
2. "Equipment" means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing and transcribing electronic data.
3. "Work space" means that portion of the Court's facilities dedicated to each Court Reporter, including but not limited to actual space in the Court Room and any office space.
4. "Page" means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Trial Procedure 74.
5. "Recording" means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. "Regular hours worked" means those hours which

the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the county, but remain the same for each work week.

7. "Gap hours worked" mean those hours worked that are in excess of the regular hours worked, but hours not in excess of forty (40) hours per work week.
8. "Overtime hours worked" mean those hours worked in excess of forty (40) per work week.
9. "Work week" means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year. (i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday).
10. "Court" means the particular Court for which the Court Reporter performs services. Court may also mean all of the courts in Dearborn County.
11. "County indigent transcript" means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
12. "State indigent transcript" means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
13. "Private transcript" means a transcript, including but not limited to a deposition transcript that is paid for by a private party.
14. "Expedited transcript" means a transcript requested to be completed in thirty (30) days or less.

SECTION II. SALARIES AND FEES

Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising Court during any regular work hours, gap hours, or overtime hours. The supervising Court shall enter into a written agreement with the Court Reporter which outlines the manner in which the Court Reporter is to be compensated for gap and overtime hours (i.e. monetary compensation or compensatory time of regular work hours).

A. INDIGENT TRANSCRIPTS (County and State)

1. All indigent transcripts shall be prepared during the regular

working hours of the Court. Preparation of said indigent transcripts are a regular task of the Court Reporter of the Circuit and Superior Courts. Should completion of said indigent transcripts require the Court Reporter to work beyond her normal working hours, then she shall be entitled to compensation for gap time and overtime in a manner agreed between the Court and the Court Reporter.

B. PRIVATE TRANSCRIPTS

1. The maximum per page fee a Court Reporter may charge for the preparation of a private transcript shall be:

   A Five Dollars ($5.00); Five Dollars and Fifty Cents ($5.50) for expedited transcripts; Two Dollars and Fifty Cents ($2.50) for a copy.
      1. These charges shall be the same regardless of whether the transcript is produced as a hard copy or on disk.
      2. An additional charge at the Court Reporter's normal hourly rate may be added for binding the transcript and exhibits.

   B. In some instances a retainer may be requested.

   C. A bill shall be submitted directly to the lawyer requesting the transcript, said transcript will not be released until payment in full is received.

   D. There shall be a minimum fee of Thirty-Five Dollars ($35.00) on all transcripts.

C. OTHER TRANSCRIPTS

1. In cases where a transcript is requested by a member of the public (not for trial Court or appeal purposes), the per page charge will be Five Dollars ($5.00); Five Dollars and Fifty Cents ($5.50) for expedited transcripts; Two Dollars and Fifty Cents ($2.50) for a copy.

   1. These charges shall be the same regardless of whether the transcript is produced as a hard copy or on disk.

   2. The request must be submitted in writing.

   3. There shall be a minimum fee of Thirty-Five Dollars ($35.00) on all transcripts.

4. An additional charge at the Court Reporter's normal hourly rate may be added for binding the transcript and exhibits.

2. A retainer will always be requested in these instances for at least fifty (50%) percent of the estimated charge.

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

D. PRIVATE PRACTICE

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

2. The reasonable market rate for the use of equipment, work space and supplies.

3. The method by which records are to be kept for the use of equipment, work space and supplies.

4. The method by which the Court Reporter is to reimburse the Court for the use of the equipment, work space and supplies.

5. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing a private transcript, all such private practice work shall be conducted outside of regular working hours. The Court Reporter shall not draw a paycheck from the county for working regular Court hours and bill for private practice work during those same working hours.

6. Said fees are subject to change upon due notice and amendment of this Court Rule.

(Amended effective March 4, 2019)

AR-3: PAUPER COUNSEL FEE SCHEDULE

The reasonable fee for legal services in Court appointed cases for which fees are charged to the county shall be determined on the basis of hours required to perform the services. Cases vary greatly in the time and labor required, depending upon complexity of evidence, legal issues and other matters. In those cases for which an hourly rate applies, the Court shall receive a bill which clearly states the service performed, the expenses incurred and the reason for the same no less frequently than quarterly. This rule shall not apply to attorneys under specific contract, agreement or employed by the Court.

AR-4: FEE SCHEDULE FOR CRIMINAL CASES

A. All attorney time in Court or out of Court will be billed at Sixty Dollars ($60) per hour, with supporting documentation as to time spent. Dead time will be billed where delay was not due to the Public Defender.

B. Trial work before a jury trial will also be billed at the rate of Sixty Dollars ($60) per hour or Five Hundred Dollars ($500) per day, whichever is less.

C. None of the above applies to death penalty cases.

AR-5: FEE SCHEDULE FOR CIVIL, JUVENILE, CHINS, TERMINATION OF PARENTAL RIGHTS

A. Billing for all out-of-court work shall be at the rate of Sixty Dollars ($60) per hour.

B. Trial work will be billed at the rate of Sixty Dollars ($60) per hour or a maximum of Five Hundred Dollars ($500) for any full day in Court.

AR-6: TRAVEL AND REIMBURSEMENT

Use of an automobile for the client's business shall be compensated at the current rate of reimbursement approved by Ohio County. Costs and expenses incurred on the client's behalf shall be reimbursed where said costs were reasonably necessary to representation of the client. Charges for pre-authorization experts, accountants, investigators, medical doctors and similar items will be borne by the county. Reasonable expenses for lodging and meals when traveling on client's business are also reimbursable. Application shall be made in advance before the hiring of experts, etc., and before expenses for lodging and meals in excess of Fifty Dollars ($50) are incurred. Meals shall be reimbursed at the state per diem rate.

AR-7: COURT RULES FOR ASSIGNMENT OF CASES

Assignment of cases between the Judge of the Ohio Circuit Court and the Ohio County Magistrate shall be at the discretion of the Judge of the Ohio Circuit Court.

AR-8: ASSIGNMENT OF CERTAIN CONFLICT CASES

A. This rule shall apply to the re-assignment of case and the selection of a special judge where there is an Order of Disqualification or Recusal.

B. As to criminal cases filed where the Judge of the-Ohio Circuit Court has a conflict of interest in any case which required him to recuse himself because of prior contact with the case as a Deputy Prosecuting Attorney, Prosecuting Attorney or private practitioner, the case shall be assigned to a Senior Judge assigned to this court for all further proceedings. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to the Senior Judge appointed. The Senior Judge will be notified and shall accept jurisdiction under the provisions of this rule unless disqualified under the Code of Judicial Ethics or excused from service by the Indiana Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an oath or special order accepting jurisdiction. The Senior Judge shall retain jurisdiction of the case for all future proceedings unless a specific statute or rule provides to the contrary or the Senior Judge is unavailable by reason of death, sickness, absence or unwillingness to serve. If further re-assignment or selection of a successor Special Judge or Senior Judge is required, then it shall be in the same manner as set forth in Ohio Circuit Court Local Rule AR-8(D) for criminal cases or Court Local Rule AR-9 for civil cases.

C. As to cases filed where the Judge of the Ohio Circuit Court has a conflict of interest in any cases which requires him to recuse himself due to a business association, the case shall be assigned to the presiding Judge of Dearborn Superior Court No. 1. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to the presiding Judge of Dearborn Superior Court No. 1. The presiding Judge of Dearborn Superior Court No. 1will be notified and shall accept jurisdiction under the provisions of his Rule unless disqualified under the Code of Judicial Ethics or excused from service by the Supreme Court. The re-assignment of such case shall be entered on the chronological case summary of the case and will not require an oath or special order accepting jurisdiction. The presiding Judge of Dearborn Superior Court No. 1 shall retain jurisdiction of the case for all future proceedings unless a specific statute or rule provides to the contrary or the Judge is unavailable by reason of death. If further re-assignment or selection of a successor Special Judge is required, then it shall be in the same manner as set forth in Ohio Circuit Court Local Rule AR-8-D for criminal cases or Court Local Rule AR-9 for civil cases.

D. Whenever a Motion for Change of Venue from the Judge has been granted pursuant to Criminal Rule 12(B), the presiding Judge disqualifies himself or it becomes necessary to assign another Judge in any criminal or juvenile delinquency case in the Ohio Circuit Court, the Clerk shall reassign said cases to the Judge of the following courts in the following consecutive order:

1. Dearborn Superior Court 1
2. Dearborn Superior Court 2
3. Switzerland Circuit Court
4. Ripley Circuit Court
5. Ripley Superior Court

In the event it becomes necessary to reassign a criminal or juvenile delinquency case in the Ohio Circuit Court, the judges shall be reassigned in consecutive order to the Judges of the above named courts. Judges previously assigned the case are ineligible for reassignment.

(Amended effective May 15, 2012)

LR58-AR-9: SPECIAL JUDGES

A. Pursuant to Trial Rule 79(H), the following list of Judges shall be eligible for appointment as a Special Judge in civil cases:
1. Judge of the Jefferson Circuit Court
2. Judge of the Jefferson Superior Court
3. Judge of the Switzerland Circuit Court
4. Judge of the Ripley Circuit Court
5. Judge of the Ripley Superior Court
6. Judge of the Dearborn Superior Court 1
7. Judge of the Dearborn Superior Court 2

B. Such judges shall be appointed on a rotating basis. All judges named above are members of Indiana Supreme Court Administrative District 22.

(Amended effective May 15, 2012)

AR-10: DESTRUCTION OF EVIDENCE

A. Evidence which has been retained by the Court Reporter as a result of trials in matters in which the time for appeal has expired will be retained for a period of one (1) year from the date of expiration of such time. Upon the expiration of one (1) year from the date of expiration of appeal time, such exhibits and evidence will be confiscated and/or destroyed unless counsel has requested a release of the same prior thereto. Such releases should be in writing and should describe the specific items of evidence requested to be released.

B. At any other time, the Court will give notice to counsel of its intent to confiscate and destroy evidence no longer required to be retained, and counsel shall have thirty (30) days in which to claim the same upon receipt of the same.

C. Comes now the Court pursuant to its inherent rule making authority and the proper administration of the Dearborn - Ohio Circuit Courts and makes the following local rule:

1. RULES FOR EVIDENCE HANDLING, RETENTION AND DISPOSITION

   A. In all cases, the Court shall proceed pursuant to these rules, unless the Court directs a longer retention period after motion by any party or on its own motion.

2. RETENTION PERIOD FOR EVIDENCE INTRODUCED IN CIVIL CASES, INCLUDING ADOPTION, PATERNITY AND JUVENILE PROCEEDINGS

   A. All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the Court Reporter as exhibits shall be taken away by the parties offering them into evidence, except as otherwise ordered by the Court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the Court Reporter for two (2) years from termination of the appeal, retrial or subsequent appeal and termination, whichever is later.

   B. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

3. RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL, MISDEMEANOR, CLASS C AND CLASS D FELONIES AND ATTEMPTS

   A. All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the Court Reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, three (3) years after the case is dismissed, the defendant found not guilty or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the Court Reporter for three (3) years from termination of the appeal, retrial or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence or post-conviction action is pending.

B. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

4. RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL CLASS A AND CLASS B FELONIES, MURDER AND ATTEMPTS

A. All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the Court Reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, twenty (20) years after the case is dismissed, the defendant found not guilty or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the Court Reporter for twenty (20) years from termination of the appeal, retrial or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence post-conviction action is pending.

B. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

C. Non-documentary and oversized exhibits shall not be sent to the Appellate level court, but shall remain in the custody of the trial court during the appeal. Such exhibits shall be briefly identified in the transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits.

D. Under no circumstances should drugs, currency or other dangerous or valuable items be included in appellate records.

E. Notification and Disposition. In all cases, the Court shall provide actual notice, by mail, to all attorneys of record and to parties only if unrepresented by counsel, that the evidence will be destroyed at a date certain if not retrieved before that date. Counsel and the parties have the duty to keep the court informed of their current addresses and notice to the last current address shall be sufficient. Court Reporters should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area. At the time of removal, detailed receipts shall be given to the Court Reporter by the party receiving and removing the evidence and the receipt will be made part of the Court's file.

F. In all cases, evidence which is not retaken under notice should be disposed of by the Sheriff on the Court's order. The Sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. Evidence of some value should be auctioned by the Sheriff with proceeds going to the county general fund.

G. Biologically Contaminated Evidence. A party who offers biologically contaminated evidence must file a pre-trial notice with the trial court and serve all the parties so that the Court can consider the issue and rule appropriately before trial. A party can show contaminated evidence or pass photographs of it to the jury, but no such evidence, however contained, shall be handled or passed to jurors or sent to the jury room. This local rule shall be effective immediately.

AR-11: JUVENILE DETENTION AND HOUSING COURT RULES

1. No child (person under the age of eighteen (18) years) will be detained or incarcerated in an adult jail, municipal lock-up or adult facility, within or outside of the county, subject to the following exceptions:
   A. a child subject to automatic waiver by statute as murder (I.C. 31-30-1-4);
   B. a child who has been waived to adult court;
2. All children who do not fit within the above described exceptions shall be either detained or otherwise placed in detention in the Dearborn County Juvenile Center.

AR-12: DISTRICT 22 SOUTHEASTERN INDIANA VETERANS TREATMENT COURT

The Dearborn Superior Court No. 1 Veterans Treatment Court, hereinafter named the Southeastern Indiana Veterans Treatment Court, shall be available for all other courts in District 22 to refer cases to. If any referring district court identifies a potential United States Veteran with a pending felony or misdemeanor criminal charge, and the referring judge, prosecuting attorney, and defense attorney agree to the referral for potential placement in Veterans Court, then the referring judge, prosecuting attorney, or defense attorney shall contact the Veterans Court Coordinator to arrange assessments to determine eligibility and appropriateness.

If a participant is accepted into the Veterans Treatment Court, the referring court shall maintain jurisdiction of the case, and hold the guilty plea and potential sentencing hearing. All court costs, fines, restitution, and probation fees shall be collected and received by the referring court. If a participant is accepted into the Southeastern Indiana Veterans Treatment Court, the Judge of the Dearborn Superior Court No. 1 shall oversee all of the participant's Veterans Treatment Court proceedings, hearings, incentives, sanctions, potential termination hearing and potential graduation hearing. The Judge of the Dearborn Superior Court No.1 shall have authority to issue arrest warrants when necessary for a sanction or termination. Sanctions involving incarceration shall be served inside the Dearborn County Law Enforcement Center.

The schedule of fees set forth under Indiana Code 33-23-16-23 shall be applicable in the Southeastern Indiana Veterans Treatment Court and procedures of assessment and collection of fees pursuant to Problem Solving Court Rules Section 16 shall be followed and received by the Southeastern Indiana Veterans Treatment Court.

All guilty plea and sentencing hearings shall be held in the courtroom of the referring court. All other Veterans Treatment Court hearings shall be held in the Dearborn Superior Court No. 1 courtroom.

If the participant is terminated from Veterans Treatment Court, then the referring court shall maintain jurisdiction over the case and shall be responsible for sentencing. If the participant graduates from Veterans Treatment Court, then the referring court shall ensure that any appropriate dismissal of charges or imposition of the appropriate plea agreement terms of sentence are imposed.
(Adopted effective August 1, 2016)

LR58-JR-1: JURY SELECTION

Jury selection for Ohio Circuit Court shall be conducted pursuant to the Indiana Jury Rules. Jury selection shall be administered as directed by the Ohio Circuit Court, by the Ohio Circuit Court Clerk, as assisted by members of the Court staff and such other jury administrators as appointed by the Court.

LR58-JR-2: DEFERRAL, DISQUALIFICATION, AND EXEMPTION

A. Disqualification for jury service shall be determined as set forth in Indiana Jury Rule 5. Persons who have completed a term of jury service in the twenty-four (24) months preceding the date of the person's summons may claim exemption from jury service as set forth in Jury Rule 6. The Court shall excuse a person from action as jurors set forth in Indiana Jury Rule 6 and I.C. 33-28-5-18.

B. Pursuant to Indiana Jury Rule 7, the Court may defer jury service upon presentation of a statement by the juror under oath which constitutes a showing of undue hardship, extreme inconvenience or public necessity.

C. Pre-trial deferral, disqualification or exemption by the Court may only be granted upon submission to the Courts of deferral, disqualification or exemption documentation sworn under oath or affirmed under penalties of perjury. Juror deferral, disqualification or exemption documentation shall be maintained by the Clerk for a period of two (2) years. The documentation shall be considered confidential and shall not be disclosed except as otherwise directed by the Court.

LR58-JR-3: JURY SAFETY, PRIVACY AND TERM OF SERVICE

A. Pursuant to Indiana Jury Rule 10, personal information relating to jurors or prospective jurors not disclosed in open court shall be considered confidential, other than as permitted for use of parties and counsel.

B. The court has authorized a "computerized random jury selection system" pursuant to Indiana Code §33-28-5-10. Annually (and at such other times as the judge deems necessary) the judge will prepare a written order to draw a certain number of jurors for service in the upcoming year. The panel will be used for both grand and petit jurors as needed. The order(s) shall be filed with the Clerk of Courts and a copy to the Jury Administrator and/or Court Administrator. The prospective juror may then be summoned for service during the year. The term of jury service shall be consistent with the Indiana Rules of Court Jury Rule 9 and other applicable jury rules.

C. The Ohio Circuit Court, pursuant to Jury Rule 4, has adopted the 2 tier summons procedure for summoning jurors for jury selection.

(*as amended 12-1-2022*)

LR58-PR-1: FEES AND COSTS OF ADMINISTRATION

A. Any and all court costs shall be paid in full at the time the estate or probation matter is completed.

B. Any and all fees allowed personal representatives and attorneys in probate matters shall, so far as deemed proper by the Court, be allowed in conformance with the fee guideline then existing, approved and adopted by the Dearborn-Ohio Circuit Court. Any and all fees in excess of the guidelines shall be fixed only after a petition is filed and notice to all interested persons.

PR-2: ACCOUNTS

A. At the time of the filing of all accounts (including supplemental reports) in any probate matter, vouchers or receipts evidencing all credits claimed in said account shall be filed therewith unless the Court permits other evidence to be submitted in lieu thereof. No account shall be approved unless and until all vouchers are filed.

B. Whenever an estate cannot be closed within one (1) year, an intermediate account shall be filed with the Court within thirty (30) days after the expiration of one (1) year from the date of the appointment of an administrator or executor and each succeeding year thereafter. Such accounting shall comply with the provisions of I.C. 29-1-16-4 and I.C. 29-1-16-6 and shall state facts showing why the estate cannot be closed.

C. All guardianship accountings must contain a certification of an officer of all financial institutions in which guardianship assets are held, verifying the account balance or a current statement of the account.

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

expenditure.

PR-3: SANCTIONS

In the event that no such intermediate accounting is filed, the Court will annually issue to the attorneys for such estates an order to file such accounting within thirty (30) days from the date of this order.

In the event that no accounting is filed pursuant to the order, an Order to Show Cause will be issued to the executor and the attorney to show cause why they should not be removed for failure to comply with I.C. 29-1-16.2.

PR-4: GUARDIANSHIPS

In all guardianship matters, except consensual guardianships seeking to declare a disabled adult person incompetent, at a minimum, a physician's report signed by the doctor treating the alleged incompetent must be presented at the time the petition is filed or on the hearing date.

PR-5: ENTRIES AND NOTICE OF ENTRIES

A. All petitions and papers in probate proceedings shall be prepared, as in the case of civil pleadings, with sufficient copies. Upon all Petitions for Letters of Guardianship or of Administration or Testamentary, the attorney for the personal representative shall have noted thereon his or her name, address, phone number and State Bar Number, and all notices of court action in said proceeding shall be sent to said attorney, and the same shall constitute notice to the personal representative.

B. Where any petition for an ex-parte order is presented, there shall be presented at the same time a prepared order book entry.

PR-6: GUARDIANSHIP OF MINOR

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

A. The child's address;

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

C. 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.

PR-7: BONDS

In every supervised estate and guardianship, the personal representative, before entering duties, shall file a bond not less than the value of the personal property to be administered, plus the probable value of annual rents and profits of all property

of the estate, except as hereinafter provided:

A. Where, under the terms of the will, the testator expresses an intention that the bond be waived, the Court will set a bond adequate to protect creditors, tax authorities and devisees;

B. When the sole devisee and the personal representative is the spouse, no bond is required;

C. No bond shall be required in any supervised estate or guardianship in which a financial institution, qualified by law to serve as such, is either the personal representative or one of several co-personal representatives or guardians.

PR-8: UNSUPERVISED ADMINISTRATION

No petition for administration without Court supervision will be granted unless the consent requirement of I.C. 29-1-7.2-2(a)(4) is met along with all other requirements of I.C. 29-7.5-2(a).

PR-9: SALE OF ASSETS

A. In all supervised estates and guardianships in which the real estate is to be sold (not distributed), a written professional appraisal setting forth the fair market value thereof must be filed with the court at the time of filing the petition for sale, unless such an appraisal was filed with the inventory.

B. A copy of all deeds in estates or guardianships must be filed with reports of sale for the Court's records.

PR-10: INVENTORY

In all guardianship and supervised estates, an inventory must be filed with the Court within two (2) months after the appointment of the personal representative or guardian.

PR-11: FEE GUIDELINES

A. Where the Court allows fees:
   1. Probate matters;
   2. Decedent's estate with administration.

B. Fees for basic administration of decedent's estates shall usually be considered reasonable if computed at the rates set forth below. Basic administration shall include the following services:
   1. Attend lock box opening;
   2. Probate of will;
   3. Appointment of personal representative;

4. Preparing of and filing inventory;
5. Determining Indiana Inheritance Tax Return;
6. Determining Indiana Inheritance tax;
7. Transferring all property included in inventory;
8. Preparing and filing of final report;
9. Preparing and filing of final decree of distribution;
10. Distribution of assets;
11. Preparing and filing supplemental report;
12. Obtaining discharge of personal representative.

C. The basic fee as follows may be charged on the property inventoried in the estate:

No table of contents entries found.

Basic Fee $500.00
Plus 6% of assets upon to $50,000.00
5% of assets $50,000.00 to $100,000.00
4% of all assets over $100,000.00 thereafter.

D. All other services performed by the attorney shall be deemed "EXTRAORDINARY SERVICES" and may be based upon the schedule set forth below or as the Court shall allow.

PR-12:EXTRAORDINARY SERVICES

A. Preparing Indiana Inheritance Tax Schedule with assets not inventories, but included: additional charge on non-inventoried assets (includes transferring) add 1%. Estates requiring federal tax return - $1,000.00 plus 1/2% of assets on federal estate tax return; for returns requiring "Special Use Valuation" - $3,000.00 plus 1/2% of assets on return.
B. Sale of Real Estate: $500.00 for each separate sale consisting of Petition to Sell, Order, Waivers of Notices, Report of Sale, Order, Deed and supporting documents including attending closing, if required.
C. Defending contested claims, civil procedures apply.
D. Services of personal representatives shall be 1/2 of attorney's fee. This includes where personal representative is attorney or member of fir, plus such fee as extraordinary services shall be allowed upon petition to the Court.
E. Income Tax Returns - normally done by accountant chosen by fiduciary. If performed by attorney, would be subject to additional fees.

PR-13:DECEDENT'S ESTATE WITHOUT ADMINISTRATION

A. Probate Will. $225.00
B. Attend Lock Box Opening. $150.00
C. Transfer of Automobile or Joint Accounts
(per transfer). ..... $ 50.00

D. Transfer of Stock, Bonds, or Similar Intangibles (per transfer). $150.00

E. Collection of Insurance Proceeds (per claim). $100.00

F. Indiana Inheritance Tax Schedule (plus 1% of assets on return) $250.00

G. Federal Estate Tax Return (plus 1/2% of assets on return) $1,000.00

H. Federal Estate Tax Returns (Special use valuation, plus 1/2% of assets on return) $3,000.00

I. Petition and Order of No Administration or Affidavit or Equivalent $250.00

J. Affidavit to Transfer for Real Estate with Title Examination, Without Opinion, if necessary. $150.00

PR-14:GUARDIANSHIP FEES

A. Opening (uncontested). $500.00

B. Current Report $350.00

C. Sale of Real Estate consisting of the following:
   1. Petition to Sell
   2. Order
   3. Waivers or Notices
   4. Report of Sale
   5. Order
   6. Deed
   7. Supporting documents including attend closing, if required. $500.00

D. Final Report $400.00

PR-15:TRUST FEES

A. Opening. $500.00

B. Current Report $350.00

C. Sale of Real Estate consisting of the following:
   1. Petition to Sell
   2. Order
   3. Waivers or notices
   4. Report of Sale
   5. Order
   6. Deed
   7. Support documents, including attending closing, if required. $500.00

PR-16:INHERITANCE TAX ORDERS

Schedules of All Property (Form IH-6, Inheritance Tax Division) when filed with the Clerk's Office, shall be accompanied by Form IH-9, a court order determining the amount of taxes.

PR-17:GUARDIANSHIP BIENNIAL REPORTS

A. Comes now the Court and issues the following rule on biennial reports of guardianships:
   1. All guardianships in which property of the ward/conservatorship is handled, the guardian or conservator shall file a biennial report in accordance with I.C. 29-3-9-6-5, -6, 6.5, which must contain the following information:
      A. the beginning balance or inventory;
      B. income;
      C. expenses;
      D. recapitulation showing the current balance.

B. All such biennial accounts must be signed by the guardian under the penalties or perjury or notarized.

C. Under provisions of I.C. 29-3-9-6.5, a formal accounting need not be made; however, a recapitulation must be made by letter and signed by the guardian. The Court may make special orders in cases where special circumstances require.

PR-18:MENTAL HEALTH COMMITMENTS

All verbal and written Emergency Mental Health Detention Orders shall be prepared and submitted by the Community Mental Health Center. In the event that an emergency mental health detention and examination are needed, the family or significant others, the referring physician, or the police officer or any other person requesting emergency detention shall first notify the Community Mental Health Center before such an order will be issued by the Court.

LR58-FL-1: PARENTING TIME GUIDELINES will be as follows:
This Rule is maintained as to orders issued prior to the effective date of the Indiana Supreme Court Child Parenting Guidelines effective March 31, 2001.

A. Visitation is based upon consideration of what is most beneficial to the child(ren) and exists for the child(ren), and not for the parents.

B. In custody orders, the primary care, custody and control of the minor child(ren) of the parties is granted to the custodial parent, subject to reasonable visitation by the non-custodial parent at such times and places as may be mutually agreed upon by the parties. A visitation agreement made by both parents is preferred to a court imposed solution. If the parties do not agree, the following shall be considered the minimum visitation to which the non-custodial parent shall be entitled. In any order where the

Court uses the term "reasonable visitation," such term shall be interpreted in accordance with the following minimal visitation rights:

1. INFANT TO CHILDREN AGE 6 MONTHS: two (2) hours per week at the home of the custodial parent or a grandparent;

2. 6 MONTHS TO 2 YEARS: visitation will be one (1) day per week with the non-custodial parent from 9:00 a.m. to 6:00 p.m. There will be no overnight visitation;

3. 2 YEARS AND OVER: alternating weekends from Friday evening at 6:00 p.m. to Sunday evening at 6:00 p.m. Summer visitation shall take place during the child's school vacation for four (4) weeks which shall be divided into separate two (2) week segments. The child must be returned to the home of the custodial parents two (2) weeks before school starts; such extended visitation shall only take place upon thirty (30) days or more notice by the non-custodial parent to the custodial parent; extended precedence over the holidays and weekends; if the custodial parent should go on vacation during the summer and the non-custodial parent loses a weekend visitation, then the non-custodial parent shall have an additional weekend upon the return of the custodial parent.

4. Transportation will be addressed as follows:
   The non-custodial parent shall provide the transportation to and from the custodial parent's home provided the residence of the custodial parent and the non-custodial parent are within forty-five (45) miles of each other. In the event that the residences of the non-custodial parent and the custodial parent are more than forty-five (45) miles, the non-custodial parent shall be responsible for picking the child(ren) up at the time set out, and the custodial parent shall return the child(ren);

5. Long Distance Visitation will be addressed as follows:
   After age three (3) until age twelve (12), long distance will be granted if the child(ren) is accompanied by a responsible adult. Parents shall share equally in the costs of travel if the custodial parent moves the child(ren) more than forty-five (45) miles from his/her former residence. Visitation shall be for a period of eight (8) weeks during a period of time which will not interfere with the child(ren)'s school activities provided weekend visitation is not feasible.

6. The following holidays are recognized as holidays for the purpose of this rule, and shall be shared, with the non-custodial parent alternatively, to-wit: Christmas Eve, Christmas Day, Thanksgiving,

Easter, Memorial Day, New Year's Day, Labor Day, 4th of July, and the child's birthday for a child two (2) years and older, from 9:00 a.m. until 9:00 p.m. (other holidays falling on alternating weekends which will coincide with visitation rights set out).

Holiday visitation shall take precedence over, and shall be in addition to, weekend visitations when such holidays fall on a date other than a weekend visitation. The fact that a birthday and a weekend visitation may fall on the same date does not entitle the non-custodial parent to any additional visitation time.

7. Related matter will be addressed as follows:

A. Support shall abate by fifty percent (50%) during the extended summer visits and any extended visitation of seven (7) days or more;

B. Neither visitation nor child support shall be withheld because of either parent's failure to comply with a court order;

C. Each parent shall have the child(ren) ready for visitation and the child(ren)'s return to the custodial parent's home at the appropriate time. The custodial parent shall make arrangements to provide adequate clothing and other personal items for the visitation periods, including, but not limited to, a child restraint device used for transporting said child(ren);

D. The non-custodial parent shall give the custodial parent three (3) days prior notice if he or she does not intend to exercise visitation unless an emergency situation exists, in which case he or she will give such notice as is possible under the circumstances;

E. Each parent shall supply the other with his/her current address and telephone number. Each parent shall allow reasonable telephone and mail privileges with the child(ren), and deliver all mail to the child(ren) sent by the other parent;

F. The custodial parent shall provide copies of all school and medical reports within ten (10) days of their receipt and shall immediately notify the other parent in the event of a medical emergency. The custodial parent shall inform the non-custodial parent of school functions permitting parental participation within twenty-four (24) hours after receiving notice of such function.

FL-2: DISSOLUTION OF EDUCATION WORKSHOP

All parties to dissolution cases with minor un-emancipated children who file for dissolution of marriage shall participate in a Dissolution Education Workshop for the purpose of encouraging agreements between the parties on child related matters and aiding the parents in post-separation parenting. No final decree of dissolution in such cases shall be granted, nor shall the case be set for final hearing until a notification of compliance has been received that the parties have attended such workshop and paid the program fees. An order to the parties shall be automatically issued by the Circuit Court upon the filing of a petition for dissolution of marriage where un-emancipated children are involved. These orders shall be enforceable by contempt proceedings. The Court may waive application of this rule upon good cause (i.e. that the parties have already reached an acceptable agreement).

FL-3: SERVICE OF PLEADING AFTER DISSOLUTION

In all matters pertaining to dissolution of marriage commenced after the final decree has been placed on the Order Book, notice of hearings thereon must be served upon the other party and upon the attorney who appeared for the other party in the dissolution proceedings. The rule shall apply in all proceedings for contempt, modifications, proceedings supplemental and the like.

FL-4: PRELIMINARY ORDERS

A. All petitions for provisional orders which involve support money shall be accompanied by a child support guideline worksheet and the same shall be attached to the petition, and such worksheet shall be signed by the party submitting the same.

B. All petitions for provisional orders for child custody and support money shall be accompanied by a proposed notice setting a date, within twenty-one (21) days, for a hearing on the same. The scheduling secretary of the Circuit Court shall attempt to set a date within five (5) days, if possible, from the date of the filing of the petition and the request for temporary orders. No emergency provisional orders shall be issued unless the proponent of the request has complied with the provisions of Indiana Rule of Trial Procedure 65(B).

FL-5: MANDATORY DISCOVERY IN ACTIONS FOR DISSOLUTION OF MARRIAGE

A. In all actions for dissolution of marriage filed after the date of the order, the parties shall comply with the following:

1. Within forty-five (45) days of the filing of a petition for dissolution of marriage, the parties shall exchange copies of federal income tax returns for the previous year, most recent pay stubs and all of the most current information available regarding pensions, 401k's and any other retirement plans.

2. Within sixty (60) days of the date of filing of the petition, exchange verified financial declaration forms as set forth in Exhibit "A" to this Rule.

3. Within ninety (90) days of the date of filing, conduct and verify to the Court that a settlement conference between the parties and counsel has been conducted and report to the Court any stipulations or agreements which have arisen from the settlement conference.

B. Exchange of the above stated information constitutes mandatory discovery, and therefore Trial Rule 37 sanctions apply. Deadlines may be extended or shortened by the Court for good cause shown. No contested marriage dissolution action will be scheduled for final hearing unless certified to the Court by counsel for either or both parties that the above required disclosure has been completed by both parties. The settlement conference process of this rule shall not apply in cases in which one or both of the parties are not represented by counsel.