

Monroe Circuit Court  
Rules and Procedures  
Manual

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# MISSION STATEMENT

The mission of the Monroe Circuit Court is to fairly and promptly resolve justifiable issues in a manner consistent with the mandates, directive, and guidelines of the laws of the State of Indiana and of the United States of America.

## PRIORITY OF POLICIES

1. **COMPLIANCE WITH THE LAW.** The primary consideration in the operation of the Court is faithful adherence to the law.
2. **COMPLIANCE WITH THE CODE OF JUDICIAL ETHICS.** The judges of the Court, and its staff and employees acting within the scope of their employment or in an official capacity, will faithfully adhere to the Code of Judicial Ethics.
3. **SERVICE TO THE PUBLIC.** The Court will constantly strive to be accessible, efficient, and considerate to all members of society; to foster a spirit of cooperation and partnership with governmental and public agencies; and to cultivate understanding, respect, and confidence for judicial process by informing the public of this mission and operation.
4. **RESPONSIBLE AND PROGRESSIVE MANAGEMENT.** The Court will maximize available resources and aggressively seek new resources and methods to perform its mission and achieve its stated goals with fiscal responsibility.
5. **COURT PERSONNEL.** Personnel will be provided with the resources, and with a positive, equitable, and secure environment within which to fulfill their partnership of responsibility in the mission of the Court.

# ORDER OF ADOPTION

The judges of the Monroe Circuit Court, pursuant to Indiana Code 33-33-53, hereby amend the Rules and Procedures of the Monroe Circuit Court, originally adopted on January 1, 1991, this 15<sup>th</sup> day of August 2024.

## MONROE COUNTY BOARD OF JUDGES

Geoffrey J. Bradley, Judge  
Monroe Circuit Court, Division I

Valeri Haughton, Judge  
Monroe Circuit Court, Division II

Christine Talley Haseman, Judge  
Monroe Circuit Court, Division III

Catherine B. Stafford, Judge  
Monroe Circuit Court, Division IV

MaryEllen Diekhoff, Judge  
Monroe Circuit Court, Division V

Kara E. Krothe, Judge  
Monroe Circuit Court, Division VI

Holly M. Harvey, Judge  
Monroe Circuit Court, Division VII

Emily Salzmann, Judge  
Monroe Circuit Court, Division VIII

Darcie L. Fawcett, Judge  
Monroe Circuit Court, Division IX

# RULES OF ADMINISTRATION

## LR53-AR00-0100 EXECUTIVE ORGANIZATION

Updated 07/01/2021

- A. Board of Judges. The nine (9) judges of the Monroe Circuit Court shall constitute the Board of Judges.
- B. Presiding Judge and Vice Presiding Judge of Board of Judges. The Board of Judges at the November meeting shall select from amongst them a Presiding Judge whose two-year term shall begin January 1<sup>st</sup> and a Vice Presiding Judge who shall serve a two year term beginning January 1<sup>st</sup>. Regardless of these provisions for terms of office, the Presiding Judge and the Vice Presiding Judge shall serve at the pleasure of the majority of the Board of Judges. The Presiding Judge shall:
1. Provide general administrative direction and supervision of the operation of the court consistent with the policies, priorities, and goals of the Court.
  2. Preside over the Board of Judges meetings and direct the preparation of the agenda and minutes of the meetings.
  3. Provide liaison between the Court, government, and civic agencies.
  4. Submit a proposed annual budget for the court system to the Board of Judges for approval.
  5. Insure efficient operation of the court system and compliance with local rules.
  6. Allocate courtrooms and ancillary space for efficient administration of court business.
  7. Prepare proposed local rules to expedite and facilitate the court business.
  8. Review annually the bail schedule, caseload allocation plan, juror policies and other issues bearing on the operation of the court system and present any proposed changes to the Board of Judges.
  9. Recommend appointments as specified in IC 33-33-82-24 and by local ordinance for approval by the Board of Judges.
  10. Develop and implement an orientation program for new judges and magistrates.



11. Establish and maintain a plan for continuity of operations.
  12. Perform other duties as directed by the Board of Judges, or as set out in these Rules.
- C. Vice Presiding Judge. When the Presiding Judge is unavailable the Vice Presiding Judge, if available, will serve as the acting Presiding Judge. If Vice Presiding Judge is unavailable, the Presiding Judge shall designate one of the other judges as acting Presiding Judge.
  - D. Executive Management Team. The Executive Management Team shall consist of the Presiding Judge, the Vice Presiding Judge, Director of Court Services, Chief Probation Officer, Youth Services Bureau Executive Director, and designees of the Presiding Judge. The Executive Management Team directed by the Presiding Judge shall be responsible for implementing the policies, priorities, and goals of the Board of Judges. Members of the Board of Judges shall be advised of the time and place of meetings and may attend.
  - E. Proposed programs, projects, and services utilizing system resources shall be presented to the Executive Management Team and be consistent with the established priorities and goals of the Board of Judges.

## **LR53-AR00-0101    PROCEDURE FOR LOCAL RULES**

- A. The Presiding Judge shall submit proposed rules to the Monroe County Bar for consideration and recommendation.
- B. After adoption by the Board of Judges the rules shall be published and distributed to:
  1. The Board of Judges of the Monroe Circuit Court.
  2. The Clerk of the Supreme Court and the Court of Appeals of Indiana.
  3. The Indiana State Court Administrator.
  4. The Clerk of the Monroe Circuit Court.
  5. Members of the Monroe County Bar Association.

## **LR53-AR00-0102 EXPENDITURES**

The Presiding Judge may approve capital expenditures up to \$1,500 without further consideration by the Board of Judges.

## **LR53-AR00-0103 MEETINGS**

Updated 01/02/2014

- A. Monthly Meeting. The Board of Judges shall meet at least monthly to make policy decisions, provide education reports, and review operations of the court system. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall be required to attend these meetings and participate in discussions.
  
- B. February Meeting. In February, the Board of Judges, the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall attend a meeting to discuss:
  1. Budget requests for the next annual budget.
  
  2. Allocation of caseload.
  
  3. An assessment of the Monroe Circuit Court prepared by the Presiding Judge, identifying the issues and opportunities which the Court will confront during the year and proposing priorities and goals for the year.
  
- C. September Meeting. In September, the Board of Judges and the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall attend an extended meeting to discuss:
  1. The Annual Report.
  
  2. Performance of the Office of Court Services, the Probation Department, the Youth Services Bureau, and Division updates including Specialty Courts.
  
  3. Decisions: Decisions on all court system issues and these rules but for the selection of the Presiding Judge and Vice Presiding Judge shall be made by a vote of the majority of the Board of Judges then in attendance.

## **LR53-AR00-0104 ATTENDANCE AT MEETINGS**

The Presiding Judge shall be responsible for attending meetings of the Monroe County Council and the Monroe County Commissioners.

## **LR53-AR00-0105 BOARD OF JUDGES MEETING PROCEDURES**

Updated 01/02/2014

- A. The Board of Judges will follow the Robert's Rules of Order during their meetings.
- B. Issues will be tabled after first discussion and voted upon at the next meeting. This procedure may be suspended by a vote of the Board.
- C. The Presiding Judge and the Court Administrator will determine agenda items. Any member of the Board of Judges can place an item on the agenda. The agenda should be distributed to the members no later than two days prior to the meeting.
- D. Any policies established by external committees of which Judges are members and which may affect or concern court procedures, should be reported to the Board of Judges.
- E. The minutes will reflect an ongoing list of unresolved issues or a method to track projects/issues.
- F. Meetings will be held on the first and third Wednesday of each month and at such other times as the Board may agree.
- G. There will be at least 2 in-service meetings scheduled per year.

## **LR53-AR00-0106 EMERGENCY CLOSING**

Updated 10/10/2022

- A. The Presiding Judge, after consultation with the Board of Judges, if practical may determine that the Courts are closed due to a temporary emergency (i.e., snow, breakdown in facility utilities, etc.) Any judge, notwithstanding that authority, may require his or her court reporters to work.
- B. The County Commissioners have the authority to close the Justice Building.
- C. The Board of Judges shall provide notice of closures as circumstances permit, including on its website, voicemail greetings to public numbers, and directly to the Monroe County Bar Association.

## **LR53-AR00-0107 CRIMINAL DUTY JUDGE RESPONSIBILITIES**

Updated 7/1/2019

- A. The Criminal Duty Judge shall review affidavits for probable cause submitted by the duty prosecutor each Saturday evening and submit an order no later than 10:30 PM, by electronic or written means, to the Monroe County Correctional Center, and others on an approved distribution list, finding probable cause and setting bail for those “affected persons” arrested from Thursday night at midnight until Saturday at 2:00PM, and the arrest was made without a warrant. A signed written order shall be issued on Monday morning for each determination. The schedule is adjusted on holiday weekends so that no person is held longer than twenty-four hours without a finding of probable cause.
  
- B. The Criminal Duty Judge shall be responsible for initial hearings, probable cause determinations, restraining orders, and other judicial issues requiring immediate action.

## **LR53-AR00-0108 CASELOAD ALLOCATION**

Updated 1/1/2024

A. Procedure. The Board of Judges shall:

1. Review and comply with current caseload allocation orders of the Indiana Supreme Court.
2. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.
3. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney, and the Public Defender.
4. Review and analyze the statistics on current workload and case flow within the Monroe Circuit Court.
5. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time, and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.

B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the Presiding Judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of the Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation is as follows:

1. Case Assignment. The Clerk shall assign cases as from time to time directed by the Board of Judges.
  - a. The Clerk shall randomly assign all murder, A, B, C, D, Level I, Level II, Level III, Level IV, Level V, Level VI felony, misdemeanor, post-conviction, criminal miscellaneous, and red flag cases to Divisions II, III, V, and IX.
  - b. Domestic relations cases shall be randomly assigned 50% to Division IV and 50% to Division VIII, *unless consolidated with an active protection order case as provided in paragraph c.*
  - c. Protective Order cases shall be randomly assigned 50% to Division IV and 50% to Division VIII. If, however, the parties to the Protection Order case have an active or closed Domestic Relations case with Children (DC) or a closed Domestic Relations case without Children (DN) or an active Child in Need of Services (CHINS) case, the Protection Order case will be assigned to the Division with the DN, DC or CHINS case. Domestic Relations cases shall be assigned to the Division with an active Protection Order case involving the same parties.
  - d. Tort, Civil Plenary, Civil Collection, Mortgage Foreclosure and Mental Health cases shall be randomly assigned 50% to Division I and 50% to Division VI.
  - e. Juvenile Delinquencies, Juvenile Status, Juvenile Miscellaneous, Juvenile CHINS, Juvenile Terminations, and Adoption cases shall be assigned to Division VII. Guardianship and Guardianship Miscellaneous cases shall be assigned to Division I.
  - f. Juvenile Paternity cases shall be assigned 33% to Division IV 33% to Division VI, and 33% to Division VIII.
  - g. Estate and Trust cases shall be assigned to Division I.
  - h. Small Claims shall be randomly assigned 50% to Division IV and 50% to Division VIII. Eviction (small claims) cases shall be randomly assigned 50% to Division IV and 50% to Division VIII.
  - i. Infraction cases shall be assigned 33% to Division IV, 33% to Division VI, and 33% to Division VIII.
  - j. Reciprocal Support shall be assigned 25% to Division I, 25% to Division IV, 25% to Division VI, and 25% to Division VIII. Eviction (Civil) cases shall be assigned 100% to Division VI.

- k. A redocketed case bearing a 1992 or earlier cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
  - l. A redocketed case bearing a 1993 or later cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
  - m. The Clerk shall use the related case function in the Odyssey Case Management System in Protection Order (PO) and Juvenile Paternity (JP) cases involving the same parties to facilitate coordination, consistency, and efficiency within judicial orders.
  - n. The Clerk shall use the related case function in the Odyssey Case Management System if an active CHINS case pending in Division VII involves the same parties to a new or pending Domestic Relations, Reciprocal Support, or Protective Order cases.
  - o. Tax Sale (TS) and Tax Petition (TP) cases shall be assigned to Division I.
  - p. Juvenile Protective Order (JQ) cases shall be assigned to Division VII.
  - q. Expungement (XP) cases shall be assigned to Divisions II, III, V and IX. If multiple cases are listed on the Expungement Petition, the XP case shall be filed in the Criminal Court with the oldest case listed in the petition (Divisions II, III, V, IX.) If only one case is listed on the Expungement Petition and that Court no longer hears criminal cases, the case will be randomly assigned to a practicing criminal court (II, III, V, IX); however, the original criminal files should not be transferred to that Court and will retain their original cause number.
  - r. New Guardianship (GU) cases shall be assigned to the division with a related pending CHINS case.
  - s. Civil Miscellaneous (MI) cases shall be assigned 50% to VI and 25% to Division IV and 25% to Division VIII.
  - t. Ordinance Violations shall be assigned to Division IV.
2. Case Re-filed. If a case is dismissed without prejudice on a plaintiff's motion and the same case is subsequently re-filed by a plaintiff, the re-filed case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the

same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a re-filed case is not initially re-filed in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.

3. Change of Judge. When a special judge must be appointed in accordance with Trial Rule 79 (H), the case shall be randomly reassigned to another civil division in the Monroe Circuit Court. Juvenile CHINS, Juvenile Termination of Parental Rights and Adoption cases shall be reassigned to Division IV. Estate and Trust cases shall be reassigned to Division VII. Juvenile Status, Juvenile Miscellaneous, Guardianship, and Guardianship Miscellaneous cases shall be randomly reassigned 50% to Division VI and 50% to Division VIII. Juvenile Protective Order (JQ) and Juvenile Delinquency cases shall be reassigned to Division I.

The Court Reporter shall notify the Clerk of the need for reassignment in accordance with District Rule DR 20-TR79-000.

C. Case Consolidation.

1. Civil cases. Civil cases filed against different defendants that arise out of the same occurrence, or multiple cases filed against the same defendant may be consolidated and assigned to the division with the oldest case number.
2. Criminal cases. All criminal cases against a defendant shall be consolidated in the Division with the oldest pending case number. A new case shall be filed in that Division or transferred to that Division. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program.

D. Case Transfer.

Nothing in this Rule shall preclude the transfer of case from one Division of the Circuit Court to another Division to promote efficiency and provide for timely resolution of cases.

## **LR53-AR00-0109 SPECIAL JUDGES IN CIVIL CASES PURSUANT TO TRIAL RULE 79(H)**

Updated 8-15-2013

When it is necessary to appoint a special judge pursuant to Trial Rule 79 (H), it shall be done in accordance with District 20 Rule on appointment of special judge in civil cases at **DR20-TR79-000**.

*DR 20-TR79-000 APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES*

- A. Eligibility for Special Judge Service:**
1. **Agreement to Serve.** Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that Judicial Officer's typical caseload, as determined by the Local County Caseload Allocation Plan.
  2. **Prior Service Excluded.** The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.
- B. Appointment of a Special Judge:** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, or should the appointment of a Special Judge through agreement by the Parties fail, the Special Judge appointment shall be made by the Administrative District 20 Facilitator:
1. **Priority Given to Local County Appointments.** Special Judge appointments shall be made within the Local County, on a rotating basis so long as a Judicial Officer within the County who has jurisdiction for the type of case remains eligible for Special Judge service. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
  2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, the case will be forwarded to the District 20 Facilitator who will appoint a Special Judge on a rotating basis, from the available Judicial Officers within the Administrative District who have jurisdiction for the type of case.
- C. Acceptance of Appointment:**
1. **Acceptance Mandatory.** Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
  2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.
- D. Supreme Court Certification.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- E. Discontinuation of Special Judge Service.** The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.
- F. Method of Assignment and Related Records.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.



## **LR53-AR00-0111 ALLOCATION OF SMALL CLAIMS /EVICCTIONS /ORDINANCE VIOLATIONS /PROCEEDINGS SUPPLEMENTAL /INFRACTIONS**

Updated 07/01/2015

- A. Small Claims: Small Claims are filed randomly between two of the court divisions. A maximum of 150 new Small Claims will be filed during a week. The Clerk will set hearings on the claims by filling the time slots as they appear on a calendar at the rate 25 cases per hour. These hearings are set on the first available date within 30-45 days of the filing date. The Clerk will enter the case electronically and issue the service before sending the file to the Court.
- B. Bulk Filings: Bulk filings are limited to 25 a day and 50 a week.
- C. Evictions: Eviction cases are randomly assigned by the Clerk to Division IV and Division VIII. The Clerk will set hearings on the claims by filling the time slots as they appear on a calendar at the rate 10 cases per hour for Division IV and 20 cases per hour for Division VIII. The Court sets the time within 15 to 45 days from the filing date. The Clerk will enter the case electronically and issue the service before sending the file to the Court.
- D. Ordinance Violation: Ordinance Violation filings are limited to 25 a day and 50 a week. The City attorney will set their own hearing date and times in accordance with the Court docket.
- E. Proceedings Supplemental: Proceedings Supplemental are filed at the maximum rate of 75 cases per week. The Clerk will set all proceedings supplemental complying with the 21 to 45 day service requirements. The Clerk will execute the order to appear, input data into Odyssey Case Management System, issue the service and send the file to the Court. Ordinance Violation Proceedings Supplemental are processed like small claims proceedings supplemental.
- F. Infractions: Traffic tickets are filed in the Clerk's Office by law enforcement. Traffic violations will be randomly assigned.
- G. At initial hearing, defendants either pay the citation, enroll in the Infraction Diversion Program, or are assigned a bench trial date. Jury trials are assigned to the Division of the initial case filing.

## **LR53-AR00 -0112 SPECIAL JUDGES IN CRIMINAL CASES**

Updated 8-15-2024

When it is necessary to appoint a special judge pursuant to AR13, it shall be done in accordance with District 20 Rule on appointment of special judge in criminal cases at DR20-CR13-000.

*DR 20-CR13-000 APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES*

Each county within the Administrative District shall amend its local rules, pursuant to, AR1(E)(6) and AR 21 to allow for appointment of Special Judges utilizing the following elements.

**A. Eligibility for Special Judge Service.**

1. **Available to Serve.** Pursuant to AR 21, the Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.
2. **Prior Service Excluded.** The appointment of Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

**B. Appointment within the Administrative District.** In order to improve the coordination within the Administrative District, and pursuant to AR 21, appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.

**C. Appointment of a Special Judge.** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, Special Judge appointment shall be made by the Administrative District 20 Facilitator.

1. **Priority Given to Local County Appointments.** Pursuant to AR1(E)(6) appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County, so long as a Judicial Officer with criminal jurisdiction remains available within the Local County for appointment. Following the appointment of the Special Judge, the Special Judge may request that the case be forwarded to the court of the Special Judge.
2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available Judicial Officers within the Administrative District.

**D. Acceptance of Appointment.**

1. **Acceptance Mandatory.** Pursuant to AR 21, a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

## **LR53-AR00-0113 MONROE CIRCUIT COURT PLAN FOR ALLOCATION OF JUDICIAL RESOURCES**

Updated 07/01/2021

- A. Cases shall be assigned in accordance with LR53-AR00- 0108, Caseload Allocation, and related procedures of the Monroe Circuit Court.

B. The Presiding Judge shall:

1. Review and evaluate the caseload allocation data as reported by the Office of Judicial Administration.
2. Submit the initial evaluation and report with necessary recommendations to the Board of Judges for review and analysis in accordance with the Monroe Circuit Court local rules.

C. The Board of Judges shall:

1. Review and analyze the report and other available data as enumerated in LR53-AR01-108, Caseload Allocation and implement any necessary actions to ensure the random and equal caseload allocation as established in the Monroe Circuit Court rules and procedures.

## **LR53-AR00-0114 FISCAL MANAGEMENT**

A. Board of Judges.

1. Budgets. The Board of Judges shall direct the preparation of a unified budget for all divisions of the Court, the Probation Department, and the Office of Court Services to be funded from the county general fund upon approval of the County Council. The Board of Judges shall further direct the preparation of additional budgets for programs funded by user fee income and grants, including all Youth Services Bureau budgets, for approval by the County Council.
2. Annual Procedure. Each year the Board of Judges shall establish a schedule for budget preparation, review, and submission with the goal of providing for the effective functioning of the court as follows:
  - a. Each judge, the Chief Probation Officer, and the Director of Court Services shall submit written budget requests to the Financial Coordinator in the Office of Court Services. These requests shall be specific and well-justified in light of the past year's expenditures and the future needs of the offices.
  - b. The Board of Judges shall meet to review the budget requests and may request further discussion from the chief Probation Officer, the Director of Court Services, or any other employee.
  - c. The Board of Judges shall establish budget priorities and guidelines for allocation of individual line items in the budget and shall direct the Director of Court Services to prepare budget proposals for submission to the County Council.

B. Office of Court Services/Probation/Youth Services Bureau.

1. Budgets. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall prepare budget proposals established by the Board of Judges for submission to the County Council for approval.
2. Claims. All claims shall be submitted to the Financial Coordinators after review by the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director for compliance with the budgetary policies and guidelines of the Board of Judges. The Financial Coordinators shall forward all payroll claims and all purchase, travel, and training claims consistent with the Board's policies and guidelines as authorized by the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director to the Auditor's Office for payment. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director must submit any claim exceeding budgetary guidelines or otherwise inconsistent with the Board's policies to the Board for approval.
3. Transfers within Budget Categories. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director with the assistance of the Financial Coordinators may determine that a transfer is necessary within budget categories.
4. Transfers between Budget Categories. The Presiding Judge should approve transfers between budget categories, as necessary. A written proposal shall be submitted to the County Council for approval.
5. Additional Appropriations. If the Director of Court Services, the Chief Probation Officer, or the Youth Services Bureau Executive Director with the assistance of the Financial Coordinators determines that an additional appropriation is necessary, a written proposal shall be submitted to the Presiding Judge prior to submission to the County Council.
6. Mandate. No individual judge shall exercise mandates for the adequate provision of court services, personnel, or other expenditures.
7. Compliance with laws. The Presiding Judge, the Director of Court Services, the Chief Probation Officer, the Youth Services Bureau Executive Director, and the Financial Coordinators shall closely monitor all budget submissions, claims, expenditures, and other financial records to assure strict compliance with all laws, rules, and regulations.

**LR53-AR00-0115 BOARD OF JUDGES CHECKING ACCOUNT**

The Board of Judges will maintain a checking account administered by the Director of Court Services to be used for flowers, contributions, or cards on behalf of the Board of Judges as follows:

- A. For court system staff, flowers or a contribution will be sent upon the death of a spouse, child, or parent.
- B. For members of the Monroe County Bar Association, flowers or a contribution will be sent upon the death of a spouse or child, and a sympathy card will be sent upon the death of parents.

**LR53-AR00-0116 PERSONNEL**

Updated 10/10/2022

A. General Organization. The Monroe Circuit Court employs personnel as follows:

1. Court Division:

- Commissioner
- Official Court Reporters
- Associate Court Reporters Law Clerks

2. Probation Department:

- Chief Probation Officer
- Deputy Chief Probation Officers
- Probation Supervisor
- Probation Officers
- Program Staff Field Officers Clerical Staff

3. Office of Court Services:

- Director of Court Services
- Deputy Court Administrator
- Case Management Coordinator
- Financial Coordinator
- Public Service Coordinator
- Court Program Coordinator
- Floating Court Reporters
- Receptionist
- Bailiffs

4. Youth Services Bureau:

- Executive Director Assistant
- Director
- Shelter Care Coordinator
- Residential Coordinators
- Residential Specialists
- Health and Wellness Specialists Clinical Coordinator

Youth Support Specialist Project  
Safe Place Coordinator Clinicians  
Financial Manager  
Secretary/Receptionist

- B. Court Divisions. The Monroe Circuit Court shall have 9 court divisions. The judge of each court division shall have the sole authority to employ an Official Court Reporter, two Associate Court Reporters, and a Law Clerk, to serve at the pleasure of the judge. The Official Court Reporter of a division shall supervise the Associate Court Reporters and Law Clerks if so directed by the division's presiding judge.
- C. Probation Department. The Board of Judges shall have the sole authority to employ Probation Department personnel and to terminate their employment. All employees of the Probation Department serve at the pleasure of the Board of Judges. The Board of Judges shall advertise the position of Chief Probation Officer and interview and screen applicants for that position. The Chief Probation Officer shall advertise any other available probation position and interview and screen applicants as directed by the Board of Judges. The Board of Judges has authorized the Chief Probation Officer to make final hiring decisions regarding Probation Department positions. As directed by the Board of Judges, the Chief Probation Officer shall supervise employees of the Probation Department and may delegate certain supervisory responsibilities to the staff and other employees.
- D. Office of Court Services. The Board of Judges shall have the sole authority to employ personnel for the Office of Court Services and to terminate their employment. All employees of the Office of Court Services serve at the pleasure of the Board of Judges. The Director of Court Services shall advertise an available position and interview and screen applicants as directed by the Board of Judges. The Board of Judges has authorized the Director of Court Services to make final hiring decisions regarding Office of Court Services positions. Employees of the Office of Court Services shall be supervised by the Director of Court Services.
- E. Youth Services Bureau Executive Director. The Board of Judges shall have the sole authority to employ personnel for the Youth Services Bureau and to terminate their employment. All employees of the Youth Services Bureau serve at the pleasure of the Board of Judges. The Youth Services Bureau Executive Director shall advertise an available position and interview and screen applicants as directed by the Board of Judges. Employees of the Youth Shelter Bureau shall be supervised by the Youth Shelter Bureau Executive Director.

## **LR53-AR00-0117 STAFF INTRODUCTIONS**

Updated 10/26/10

The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall introduce new staff to the Board of Judges and submit copies of their resumes to the Board upon request.

## **LR53-AR00-0118    EVALUATIONS**

Updated 10/10/2022

- A. Staff of the Probation Department is evaluated on an annual basis. The evaluation includes a job performance development plan for each employee.
- B. New probation department employees are on a probationary status for 6 months and are evaluated monthly. At the end of the probationary period, a formal job performance appraisal is conducted to determine employment, training needs, or other concerns.
- C. The staff of the Office of Court Services will be evaluated in the spring of each year by the Director of Court Services.
- D. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director will be evaluated annually by the Board of Judges.
- E. Court Reporters are evaluated on an annual basis by the Judge of that Court.

## **LR53-AR00-0119    AUDIT OF PROBATION ACCOUNTS**

An internal audit will be completed whenever a collections clerk terminates employment.

## **LR53-AR00-0120    STAFF HIRING**

Updated 10/10/2022

- A. The Board of Judges has authorized the Chief Probation Officer to make final hiring decisions regarding Probation Department positions.
- B. The Board of Judges has authorized the Director of Court Services to make final hiring decisions regarding Office of Court Services positions.
- C. After the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director interview applicants and choose the final candidate for a position, they shall notify the Board of Judges in writing or by electronic mail of applicant's hiring, including a copy of the applicant's resume upon request.
- D. The Board of Judges adopts the personnel manual of Monroe County Council for its staff, with occasional amendments or exceptions as needed for court staff.

## **LR53-AR00-0121 PERSONNEL RECORDS**

- A. The Director of Court Services shall maintain a personnel file on each court staff member and judges which would include, but not be limited, to hire date, pay rate, and emergency information.
  
- B. The Judges, Director of Court Services, Chief Probation Officer, and the Youth Services Bureau Executive Director shall maintain personnel records.

## **LR53-AR00-0122 PROBATIONARY STATUS**

New employees shall be on probationary status for a minimum of 3 months and a maximum of 6 months, the specific duration of which is at the discretion of the department head. The period may be extended at the discretion of the department head. An employee is not eligible for vacation while on probationary status.

## **LR53-AR00-0123 LONGEVITY FORMULA FOR COURT STAFF**

Updated 8/15/2024

The effective date for longevity is the date an individual began full-time employment with the County prior to November 1, 2023. People cannot go back and claim days that would be affected by interrupted service. All records must be verified by the Auditor's Office. Longevity pay is based on the following schedule of complete and uninterrupted years of service:

<b>Years of Service</b>	<b>Amount Paid</b>
Less than 1 year	\$0.00
1 year	\$200.00
2-4 years	\$400.00
5-9 years	\$600.00
10-14 years	\$800.00
15-19 years	\$1,200.00
20-24 years	\$1,400.00
25-19 years	\$1,700.00
30-34 years	\$2,000.00
35-39 years	\$2,300.00
40-44 years	\$2,600.00
45-49 years	\$2,900.00

Any employee who has an official hire date and begun work on or after November 1, 2023, is ineligible to receive longevity payments, in accordance with the Monroe County Salary Ordinance.



## **LR53-AR00-0124 AFTER HOURS SIGN-IN**

All employees entering the Justice Building after work hours shall personally sign themselves in.

## **LR53-AR00-0125 LAW CLERKS**

Each judge is allocated an average of 40 hours of Law Clerk work per pay period.

## **LR53-AR00-0126 TRAVEL POLICY**

The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director may approve training requests not exceeding \$500/person/training. Any request above \$500 must be approved by the Presiding Judge.

## **LR53-AR00-0127 ADMINISTRATIVE PROCEDURES**

Updated 10/26/10

- A. Executive Management Team. The Director of Court Services, the Chief Probation Officer, the Youth Services Executive Director, and the Presiding Judge, shall constitute a management team for administrative issues. The team shall coordinate personnel policy and fiscal issues, identify issues or procedures that may impact outside specific divisions, maintain consistency on administrative issues among the divisions, and addresses other issues and projects consistent with the policies, priorities, and goals of the Board of Judges.
  
- B. Purpose. The Executive Management Team shall advise the Board of Judges on administrative procedures and policy matters. The Executive Management Team is responsible for full communication between the Board of Judges and the employees of the Monroe Circuit Court on issues affecting the court system.

## **LR53-AR00-0128 CLERK FILES – ACCESS**

Members of the public and attorneys shall not be permitted to remove court files from the Clerk's Office.

## **LR53-AR00-0129 COPYING OF COURT PROCEEDINGS**

Updated 1/1/2024

- A. Audio copies of court proceedings will be provided to parties of record by filing a written request to

the court.

- B. Copies for of record of taped court proceedings will be provided by the Office of Court Services. The court reporter from the originating court will index and deliver the tapes to the Office of Court Services. The Office of Court Services staff will duplicate the tapes for the requesting party of record. The requesting party of record must provide blank tapes (brand new, high quality). Requests from parties of record of court proceedings shall be copied by the court reporter. The requesting party must provide blank new unopened CD's and/or a new, unopened flash drive. The service is provided at no cost.
- C. Parties shall not transfer possession of a tape, flash drive or CD or make another copy of the tape, flash drive or CD for another person except as necessary for transcription, in accordance with Indiana Office of Court Services' Court Reporter Handbook. This rule does not prohibit an attorney from playing a tape, flash drive or CD for a client.

### **LR53-AR00-0130 EQUIPMENT USE**

- A. Use of county equipment for non-court related business in which actual expense is incurred by the County is prohibited unless the staff member has prior written judicial approval and any actual expense incurred by the County is reimbursed to the County.
- B. With the exception of vehicles, laptop computers, and transcribers, County equipment may not be taken home.

### **LR53-AR00-0131 COURT RECORDS**

Original court records shall not be removed from the Justice Building, except by written permission of the judge.

### **LR53-AR00-0132 TRANSCRIPTS**

Updated 8/15/2024

- A. Definitions. The following definitions shall apply under this local rule:
  - 1. A ***Court Reporter*** is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record in a given case before the court.
  - 2. ***Equipment*** means all physical items owned by the court or other governmental entity used by a court reporter in performing court reporting services. Equipment shall include, but not be

limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording, storing, and transcribing electronic data.

3. **Work space** means that portion of the court's facilities dedicated to each court reporter, including but not limited to, actual space in the courtroom and any designated office space.
4. **Page** means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure Indiana Appellate Rule 28(A).
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 a division of the court is regularly scheduled to work during any given work week. Depending on the schedule of the court and its flex schedule for court reporters, these hours may vary from division to division of the court, within the county but remain the same for each work week.
7. **Gap hours worked** means those hours worked that are in excess of the regular hours worked but hours not in excess of 40 hours per work week.
8. **Overtime hours** means those hours worked in excess of 40 hours per work week.
9. **Work week** means a 7 consecutive day week defined by the County's payroll schedule which consistently begins and ends on the same day throughout the year, i.e., Sunday through Saturday, Wednesday through Tuesday, or Friday through Thursday.
10. **Court** means the Monroe Circuit Court and Division means the particular division of the Court for which the court reporter performs services. Court may also mean all of the divisions of the Monroe Circuit Court.
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 is 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. A transcript required within 7 days of the request is a category 1 expedited private transcript. A transcript required within 14 days of the request is a category 2 expedited private transcript. A transcript required within 23 days of the request is a category 3 expedited private transcript.
14. **Volume** applies to Appellate Court transcripts. Each volume is to be limited to 250 pages or fifty megabytes (50 MB). The table of contents is to be a separate volume and the exhibits are to be included in a separate volume (or volumes if more than 250 pages).

B. Section Two. Salaries and Per Page Fees.

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction, and direct supervision of their supervising Judge during any regular work hours, gap hours or overtime hours. The Monroe Circuit Court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e., monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee a court reporter may charge for the preparation of a routine county indigent transcript shall be \$6.00. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. The court reporter shall not charge a fee for copies of an indigent transcript when the preparation of same has already been paid by the county. The court reporter shall not charge for copies of a prepared indigent transcript requested by a Court appointed entity (i.e., CASA, GAL) when the preparation of same has already been paid by the county.
3. The maximum per page fee a court reporter may charge for the preparation of a non-appellate state indigent transcript shall be \$6.00.
4. The maximum per page fee a court reporter may charge for the preparation of a non-appellate private transcript shall be \$6.50. The per page fee a court reporter may charge for a copy of a prepared transcript shall be \$3.50. The maximum per page fee a court reporter may charge for the preparation of a category 1 expedited private transcript shall be \$10.00. The maximum per page fee a court reporter may charge for the preparation of a category 2 expedited private transcript shall be \$9.00. The maximum per page fee a court reporter may charge for the preparation of a category 3 expedited private transcript shall be \$8.00. Category 1, category 2, and category 3 expedited private transcripts are defined in Section 1, definition #13.
5. The Court Reporter may at their discretion, contract with an outside Court Reporter or Transcription Service to complete any requested transcript.
6. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent, or private transcripts to the Indiana Office of Court Services. The reporting shall be made on forms prescribed by the Indiana Office of Court Services.

C. Section Three. Private Practice.

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

- a. The reasonable market rate for the use of equipment, workspace, and supplies.
  - b. The method by which records are to be kept for the use of equipment, workspace, and supplies; and
  - c. The method by which the court reporter is to reimburse the court for the use of the equipment, workspace, and supplies.
2. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

D. Section Four. Appellate Court Transcripts.

1. The maximum per page a court reporter may charge for the preparation of an appellate indigent transcript is \$6.50.
2. The maximum per page fee a court reporter may charge for the preparation of an appellate private transcript shall be \$7.00.
3. A minimum fee of \$40.00 per transcript may be charged for small transcripts but not in addition to the per page fee.
4. The Index and Table of Contents shall be charged at the same per page rate as the body of the transcript.
5. Labor charge may be assessed at the same rate as the Official Court Reporter's hourly salary rate for assembling the digital transcript and exhibits.

In addition, a reasonable market rate for office supplies may be charged for private appellate transcripts as designated in the Schedule of Supplies.

## **LR53-AR00-0133 DISCLOSURE OF PENDING CASE INFORMATION**

Updated 07/01/2021

The staff of the Probation Department shall not disclose any information regarding a pending case to the media. The media shall have access to information through court personnel in compliance with both the Indiana Rules of Court: Access To Court Record Rule 5 and the Code of Judicial Conduct, CANON 3, B. #10.

## LR53-AR00-0134 OFFICE OF COURT SERVICES

- A. Establishment and Purpose. The Board of Judges has established an Office of Court Services to coordinate jury management, automation, statistics, system analysis, court security, fiscal management, caseflow management, and public service for the Monroe Circuit Court.
- B. Director of Court Services. As directed by the Board of Judges, the Director of Court Services shall implement, supervise, and evaluate the administrative functions and court staff; prepare and monitor the court's budgets; coordinate training for court personnel; assist in the hiring and discharge of personnel; research, develop and implement efficient programs and procedures; attend and coordinate Board of Judges meetings; and perform other duties as required.
- C. Other Personnel. The Board of Judges, through the Director of Court Services, shall hire administrative, clerical staff, and bailiffs as needed to provide services to the Court.
- D. Financial Planning and Budget Management. The Office of Court Services shall be responsible for the preparation, monitoring, and analysis of all budgets of the Monroe Circuit Court. All required fiscal reports are prepared for review by the Board of Judges. This office serves as primary liaison with the Auditor's Office, and prepares and submits payroll, claims, and employee information as required. This office orders supplies and equipment and oversees maintenance and service of equipment.
- E. Jury Management. The Office of Court Services is responsible for the summoning, impaneling, orientation, and payment of jurors needed for the Court.
- F. Statistical Analysis. The Office of Court Services is responsible for compiling, analyzing, and reporting statistical case data in the divisions of the Court.
- G. Court Security. The Office of Court Services provides security for the judges, court staff, attorneys, and the public in the courtrooms and court offices.
- H. Caseflow Management. The Office of Court Services is responsible for assessing caseflow in the divisions of the Court and recommending improvements to the Board of Judges.
- I. Court Support Programs. The Office of Court Services coordinates and provides statistical information on court support programs, coordinates referrals and communications to the Mental Health Center, and insures compliance with the American with Disabilities Act.
- J. Public Service. The Office of Court Services provides public service to the citizens of Monroe County by providing case information, public use of courtrooms, and educational tours.

## **LR53-AR00-0135 ACCESS TO SECURE HALLWAY**

Access to the Secure Hallway will be provided by the Office of Court Services. Staff will allow entry to the following individuals:

- A. Court Staff.
- B. Members of the Bar and Bench.
- C. The public with prior permission of a judge's staff.

## **LR53-AR00-0136 COPY OF DOCUMENT CHARGES**

The cost for copies of court documents to the public is set by statute and payable in the Clerk's Office.

## **LR53-AR00-0137 NON-JUDICIAL COURTROOM USE**

The use of courtrooms for rehearsals by attorneys during working hours may be coordinated through the Office of Court Services.

## **LR53-AR00-0138 LAW LIBRARY**

Updated 01/02/2014

The library resources may be used by the judges, court staff, and bar members.

## **LR53-AR00-0139 POSTING OF NON-COURT RELATED ANNOUNCEMENTS**

Updated 10/10/2022

Public announcements may not be posted on walls and windows. They may be placed in attorney mailboxes and displayed as an announcement on the digital signage.

## **LR53-AR00-0140 BAILIFF DUTIES**

- A. The bailiffs shall deliver transport orders and commitment orders to the booking division of the Jail and warrants and writs to the records division of the Sheriff's Office.

- B. All bailiffs shall carry a radio for emergency situations.
- C. The bailiffs shall unlock and check the courtrooms that will be in use at the time indicated on the court calendar. At the completion of courtroom proceedings, the bailiffs should lock the courtrooms. If a bailiff is not present, the court reporter should lock the courtroom.

## **LR53-AR00-0141 QUARTERLY AND YEARLY STATISTICS**

Updated 10/10/2022

The office of Court Services staff is responsible for preparing and reporting required case statistics to the State Court Administrator's office quarterly and end of year.

## **LR53-AR00-0142 PROBATION DEPARTMENT**

Updated 08/01/09

- A. Establishment and Purpose. As required by Indiana law, the Board of Judges has established a Probation Department to serve all divisions of the Monroe Circuit Court. The Probation Department shall comply with all laws of the State of Indiana and all standards put forth by the Judicial Conference of Indiana. The Probation Department staff conducts interviews and investigations, prepares pre-sentence and juvenile reports, and oversees probationers and juveniles for compliance with court orders. These activities are conducted with the goals of rehabilitating offenders and protecting society. Further, the Probation Department develops and maintains community-based alternative correction programs.
- B. Chief Probation Officer. As directed by the Board of Judges, the Chief Probation Officer shall oversee the efficient operation of the department; assist in the hiring and discharge of personnel; ensure the proper evaluation and training of department employees; compile statistics and create required reports; monitor budget expenditures and outline budget requests; maintain written policies and procedures for the department; and perform other duties as required.
- C. Probation Department Management Team. The Chief Probation Officer, Assistant Chief Probation Officers, and the Division Supervisors shall constitute the Probation Department Management Team. This team shall meet frequently to oversee operation of the Department and to formulate proposed changes to department policy and operation. Each Division Supervisor shall meet regularly with division staff and shall communicate staff concerns to the Probation Management Team.
- D. Procedures. The Probation Department shall maintain a written policy, procedure, and training manual which sets forth the manner of operation of the Department and the duties of each officer or staff member.



- E. Caseload Allocation. The Chief Probation Officer, with the assistance of the Probation Department Management Team shall maintain a written caseload allocation policy for probation officers. This policy shall reflect a plan for equitable distribution of cases to officers based on workload, staff expertise, and training.
- F. Statistics and Reports. The Probation Department shall maintain all statistical reports and records required by law and necessary for compliance with grant or program authorities. A written report summarizing the activity and operation of the Probation Department shall be delivered to the Board of Judges by March 31st of each year.
- G. Fees and Costs. Court-ordered supervision fees shall be collected by designated staff pursuant to an established system of financial records management. This system, subject to a State Board of Accounts audit, shall delineate special funds accounts, maintenance of daily collections and ledgers, and proper deposit and disbursement of funds. An internal audit will be conducted any time the collection clerk or staff responsible for the collection of fees terminates employment.

**LR53-AR00-0143 COMMUNITY ALTERNATIVE SUPERVISION PROGRAM (CASP) VIOLATIONS**

Updated 01/01/10

- A. The CASP case manager (probation officer) will file a Notice of Noncompliance/Petition to Revoke Suspended Sentence for technical and/or new offense violation(s) that occur while participating on CASP and are specific to that program. The officer will provide probable cause information for the issuance of a warrant to the Sentencing Court, Duty Court, or Duty Judge if requested after hours. The CASP officer will continue to supervise the offender until the offender’s CASP obligations are terminated or completed.
- B. A probable cause hearing and a request for warrant should be pursued on PTRs that allege serious or multiple home detention or CASP violations.

**LR53-AR00-0144 ADMINISTRATIVE PROBATION MODIFICATION MEETINGS**

Updated 01/02/2014

- A. The Board of Judges has authorized the Probation Department to conduct Administrative Probation Modification (APM) meetings to address minor technical violations of probation in accordance with I.C. 11-13-1-8. During the APM meeting, the supervising Probation Officer is authorized to resolve minor technical violations of probation via agreement with the probationer. Upon agreement with probationer, during this APM meeting, a Probation Officer may impose violation sanctions for said technical violations. Written judicial approval and an order are necessary prior to implementation of the agreed-upon violation sanctions only when conditions of probation have been modified that restrict a probationer’s liberty, such as the use of electronic monitoring, imposition of Home Detention, and/or a commitment to the Monroe County Jail. If a specific condition is not modified, a

Judge's signature is not required. Examples of violation sanctions that may be imposed without a requirement of a court order include but are not limited to; imposition of community service hours (Road Crew/Public Restitution); increased or modified treatment or counseling requirements; imposition of Day Reporting requirements.

- B. Probationers shall be provided a notice of rights prior to entering into an agreement regarding a violation sanction. Participation shall be voluntary, and persons shall, upon request, be given up to five (5) days to consult with an attorney prior to entering into the agreement and/or the opportunity to request the matter be set for a hearing. Probationers do not have a right to an attorney for an Administrative Probation Modification meeting and may refuse to participate.

### **LR53-AR00-0145 RECOMMENDATION TO THE COURT FOR DISMISSAL**

Probation Officers can file "Recommendation to the Court for Dismissal" but may not file motions.

### **LR53-AR00-0146 PETITION TO REVOKE AND NOTICE OF NON COMPLIANCE**

Updated 7/10/2018

- A. Probation Officers may file a Petition to Revoke (PTR) and/or a Notice of Non-compliance (NNC) when the preponderance of evidence shows a new offense has been committed even if charges are not filed.
- B. A PTR and/or NNC may be filed if violators fail to complete Public Restitution by deadline.
- C. Probation officers shall provide a copy of substance testing results, upon request, to defense counsel and the Prosecutor for any test alleged in a PTR, NNC, or memo filed with the Court.

### **LR53-AR00-0147 COMMUNITY CORRECTIONS PROGRAM POLICY**

The Monroe County Community Corrections Program will not compete with not-for-profit organizations for remuneration which could be fund-raising events for those agencies.

### **LR53-AR00-0148 ROAD CREW AND PUBLIC RESTITUTION AGENCY APPROVAL**

- A. Any governmental or not-for-profit agency wishing to receive Road Crew services and/or Public Restitution workers from the Monroe Circuit Court Probation Department shall make application

for “Approved Provider” status through the Community Corrections Director. The agency shall complete the “Monroe County Community Corrections Agency Agreement for Community Service Workers” form and submit this form to the Community Corrections Director. The agency shall also provide any additional information requested by the Community Corrections Director.

- B. Upon receipt of this completed form, the Community Corrections Director will present this application for “Approved Agency” status to the Chief Probation Officer.
- C. The Chief Probation Officer, or designee, will inform the applicant agency of the decision regarding approval status.

### **LR53-AR00-0149 PROBATION FEES**

Updated 01/01/10

- A. The Board of Judges shall set/approve a schedule of fees for the Probation Department. This fee schedule will be updated annually or as needed.
- B. The Probation Department Fee Schedule will be recorded on an Order, to be filed with the Clerk in the General Order Book under “Establishing Fees For The Monroe County Probation Department.”

### **LR53-AR00-0150 UNSUPERVISED PROBATION**

Updated 01/02/2014

- A. Unsupervised probation does not prohibit probation from responding to allegations of criminal activity by scheduling an appointment, conducting a home contact, or conducting a drug test. The sentencing judge will indicate on the sentencing order those terms of probation expected to be enforced and/or those terms not applicable if allegations are made. The Probation Department will advise the sentencing court if the unsupervised “probationer” has been arrested on another charge.
- B. Persons placed on unsupervised probation with no term of supervised probation shall be assessed an administrative fee and an initial Probation user fee as set by the current Probation Department Fee Schedule. Persons placed on any term of supervised probation with an allowance for unsupervised probation shall be responsible for all fees imposed including monthly fees during any unsupervised period.

## **LR53-AR00-0151    WORK RELEASE PROGRAM**

Updated 01/01/10

- A. The local Work Release Program which operated out of the Monroe County Jail officially terminated on April 3, 2009.
- B. Defendants to be considered for placement in a work release facility (local or out-of-county) must be referred to the Community Corrections Program for program eligibility determination.
- C. Defendants must meet eligibility for the local Community Alternative Supervision Program (CASP) before being considered for work release placement (local or out-of-county), including the requirement that delinquent local Community Corrections fees must be paid in full.
- D. Offenders must have an actual 30 days to serve to qualify for the Work Release Program, but exceptional cases will receive consideration.

## **LR53-AR00-0152    ALCOHOL EDUCATION SCHOOL ATTENDANCE**

All persons charged with an alcohol related offense may be required to attend alcohol education classes or to complete substance abuse treatment. Persons referred to Alcohol Education School (AES) by the Pre-trial Diversion Program (PDP) who fail to attend AES should be reported by the Probation Department to PDP and at that time have their case re-instated as determined by the Monroe County Prosecutor.

## **LR53-AR00-0153    COURT ALCOHOL AND DRUG PROGRAM USER FEES**

Updated 1/1/2024

- A. The Criminal Division of the Monroe Circuit Court has set the following schedule of fees pursuant to the authority granted by IC 12-23-14.
- B. Court Alcohol and Drug Program Schedule of Fees:
  - 1. Assessment, Referral, and Monitoring: \$300 for misdemeanor conviction; \$400 for felony conviction.
  - 2. Assessment, Referral, and Monitoring for other jurisdictions: \$300 for misdemeanor conviction; \$300 for felony conviction.
  - 3. Transfer out fee: \$100.

4. Alcohol Education School fee: \$75.
5. Prime for Life Course: \$12 Hour -\$170.00.

C. All Court Alcohol and Drug Program Fees are payable to Clerk of the Court.

## **LR53-AR00-0154 PROBLEM SOLVING COURT USER FEES**

Updated 10/20/17

- A. The Criminal Division of the Monroe Circuit Court has set the following schedule of fees pursuant to the authority granted by IC 33-23-16-23 and in accordance with the rules adopted by the Judicial Conference of Indiana. This fee schedule is updated annually or as needed and is recorded on an Order filed with the Clerk in the General Order Book under “Establishing Fees for The Monroe County Probation Department.” Problem-solving court fees are collected and utilized in accordance with IC 33-23-16-23. The cost of all services combined that are provided to program participants under anyone (1) cause number may not exceed the amount permitted under IC 33-23-16-23. Program participants may be assessed an administration fee and monthly program service fees. Participants may also be required to pay for services provided by the Probation Department such as chemical drug testing, house arrest, community service work and other ancillary program fees. Participants must pay any assessed fees in full prior to successful completion (graduation/commencement) from the program.
- B. Drug Treatment Court Administration Fee: Not more than \$100.00 per admission
- C. Drug Treatment Court User Fee: Fifty dollars (\$50) or less will be collected monthly beginning with the second month of participation and continuing for each month thereafter for the duration of participation in the problem-solving court.
- D. Problem Solving Court User Fees are payable in the Probation Department, Curry Building Office.

## **LR53-AR00-0155 YOUTH SERVICES BUREAU**

Added 1-1-10

- A. Establishment. The Monroe County Youth Services Bureau was established in compliance with IC 31-31-8.
- B. Transfer of Authority. The Monroe County Board of Commissioners transferred its authority regarding the Youth Services Bureau to the Monroe County Board of Judges effective July 5, 2010. Monroe County Code 420-1.
- C. Youth Services Bureau Executive Director. The Executive Director for the Youth Services Bureau is responsible for implementing the policy directions and goals of the Youth Services Bureau, including

securing and administering department funds, supervising development and operations of programs and services, and supervising personnel.

- D. Citizen Advisory Board. A Citizen Advisory Board representing the needs of children and youth will meet with the Judge of the Monroe Circuit Court and/or the Youth Services Bureau Executive Director on a regular basis in accordance with IC 31-31-8-6. This Board shall be advisory in nature and have no legal authority or responsibility for the operation of the Bureau.

## **LR53-AR00-0156 THE TAKING OF PICTURES, AUDIO OR VIDEO OF COURT PROCEEDINGS**

Updated 07/01/2023

- A. 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, cell phones shall be turned off in the courtroom and the recording of audio and taking of video or photographs in the courtroom is prohibited, without prior permission from the court.
- B. Pursuant to Indiana Supreme Court rule, the broadcasting or televising of court proceedings distribution of audio and video recordings of court proceedings is prohibited, without the explicit permission of the court. Said [Media request form](#) must be submitted in writing to the Court at least five (5) days prior to the court proceeding.
- C. The court may order the seizure of any suspected photographic, recording, or transmitting device and may order the removal of any unauthorized picture/audio/video prohibited by this rule.
- D. The unauthorized taking of pictures or of audio and/or video recordings of court proceedings and/or distribution of such materials constitutes contempt of court and will subject the violator to court ordered sanctions.
- E. Court staff, including probation officers, attorneys, and security personnel are authorized to use cell phones for business purposes but shall put their cell phones on silent or vibrate while in the courtroom.

## **DISTRICT LEADERSHIP**

### **DR20-AR00-0001 ADMINISTRATIVE DISTRICT LEADERSHIP**

Updated 10/10/2022

- A. Executive Committee. The Administrative District Executive Committee shall serve as the governing authority of the Administrative District.

B. Selection of Executive Committee.

1. Local County Representatives. Each county shall select a Judicial Officer to represent that County on the Administrative District Committee. However, should a judge serve on the Board of Directors of the Indiana Judicial Conference as at-large appointee by the Indiana Supreme Court, that judge shall serve as the county representative.
  
2. Term of Service.
  - a. Each County Representative shall serve on the Executive Committee for a term of three (3) years and for a maximum of no more than two (2) complete terms, without a break in service.
  - b. Each County Representative's term of service shall begin on January 1, and shall continue until her/his successor has been selected.
  
3. Initial Term of Service. In order to ensure that terms of service on the Executive Committee are staggered, the initial terms of service are hereby established as follows:
  - a. Greene County. The Greene County Representative shall serve an initial term of one (3) year, which initial term shall terminate on or about December 31, 2015. At the discretion of the Executive Committee, the term of service for the Greene County Representative need not include the initial term of service.
  - b. Lawrence County. The Lawrence County Representative shall serve an initial term of two (2) years, which initial term shall terminate on or about December 31, 2014. At the discretion of the Executive Committee, the term of service for the Lawrence County Representative need not include the initial term of service.
  - c. Monroe County. The Monroe County Representative shall serve an initial term of two (2) years, which initial term shall terminate on or about December 31, 2014.
  - d. Owen County. The Owen County Representative shall serve an initial term of three (3) years, which initial term shall terminate on or about December 31, 2015.

C. Chair of the Executive Committee.

1. No later than February 1 of each year, the Members of the Executive Committee shall select one (1) of their number to serve as the Chair.
  
2. The Chair shall serve a term of one (1) year, which may be renewed.
  
3. Chair of the Executive Committee shall schedule and preside over the meetings of the Executive Committee.
  
4. The Chair of the Executive Committee shall serve as the Representative to the Indiana Judicial Conference Board of Directors. The Chair is responsible for the distribution of materials from the Indiana Judicial Conference to the Executive

Committee and for the compilation of comments and concerns of the District's judges. This provision shall initially take effect at the conclusion of the Annual Meeting of the Indiana Judicial Conference/Board of Directors meeting on or about September 20, 2014, and shall continue thereafter in compliance with I.C. 33-38-9-4.

D. Meetings of the Executive Committee.

1. The Executive Committee shall meet at least two (2) times per year.
2. The meetings shall occur no later than April 30 and October 30 of each year.
3. Attendance at meetings via electronic or telephonic means is acceptable.

## **TRIAL RULES OF PROCEDURE**

### **LR53-TR00-0200 SCOPE OF LOCAL RULES OF TRIAL PROCEDURE**

Updated 10/10/2022

These rules are adopted pursuant to the authority of Indiana Rules of Trial Procedure, T.R. 81, and are intended to supplement those rules as well as the Indiana Rules of Criminal Procedure. They shall govern the practice and procedure in all cases in the Monroe Circuit Court.

### **LR53-TR00-0201 SERVICE TO ATTORNEY'S JUSTICE BUILDING MAILBOX.**

Updated 10/10/2022

An attorney who has a mailbox in the Justice Building Court Services office consents to service of pleadings to that mailbox. Such service shall be deemed equivalent to service by United States mail.

If conventional filing is permitted or if otherwise permitted by Trial Rule 87(B)(2) on a case, service shall be accomplished by deposit in the attorney's courthouse mailboxes provided consent to such service is on file with Court Services. An attorney who has a mailbox in the Justice Building Court Services office consents to service of pleadings to that mailbox. Such service shall be deemed equivalent to service by United States mail.

### **LR53-TR00-0202 SERVICE OF EMERGENCY MOTIONS.**

A motion seeking judicial action in three days or less shall be served on opposing parties by FAX, email, or personal service. The attorney or party filing of such a motion shall also inform the other parties of the filing by telephone at the time the motion is delivered to the court.



## **LR53-TR00-0203    PREPARATION OF PLEADINGS AND ORDERS**

Updated 10/10/2022

- A. Proposed Orders. A party or attorney filing a motion shall, at the time of filing, provide the court with a proposed order. Proposed orders shall include a full distribution list of attorneys or parties to whom the order should be sent.
  
- B. Filing by Electronic Facsimile Transmission. Pleadings not exceeding ten (10) pages in length, may be filed by facsimile (FAX) as provided in Administrative Rule 12. Facsimile filing does not require follow up filing of duplicate original documents.
  
- C. 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.
  
- D. All filings shall be in compliance with the Indiana Rules of Trial Procedure. The Clerk is not required to notify the individual party or attorney of a filing deficiency.

## **LR53-TR00-0204    MOTIONS**

Updated 10/10/2022

- A. Enlargement of Time to Answer. An initial written motion for enlargement of time to file an answer or other responsive pleadings shall be automatically allowed for an additional 30 days from the original due date without order of the court. Said motion shall state the original date when the response was due and the date to which that time is enlarged. For this rule to be applicable, the motion must be filed on or before the original due date.
  
- B. Accompanying Legal Memorandum. A separate legal memorandum may be filed with any motion to dismiss, a TR 12 motion, or motion to strike. A party opposing such a motion shall file a response memorandum within 20 days of the filing of the motion or the motion shall be subject to summary ruling without further notice and without a hearing. If a motion to suppress is filed, then the party with the burden of proof shall file within 20 days a legal memorandum in response.

## **LR53-TR00-0205    WRITTEN DISCOVERY**

Updated 10/10/2022

- A. Commencement. In general, unrepresented parties and counsel are expected to begin discovery promptly and shall be granted extensions only upon a showing of diligence and good cause.

- B. Number of Interrogatories. The number of interrogatories which may be served pursuant to Trial Rule 33 shall be limited so as to require the answering party to make no more than 50 answers.
- C. Number of Requests for Production of Documents. The number of requests for production of documents which may be served on another party pursuant to Trial Rule 34 shall be limited to twenty-five (25) requests for productions of documents, including subparts.
- D. Number of Requests for Admissions. The number of requests for admission which may be served on another party pursuant to Trial Rule 36 shall be limited to twenty-five (25) requests for admission, including subparts.
- E. Limits. These limits on the number of requests may be increased by stipulation, or by order of the court upon a showing that the limit(s) would work a manifest injustice or would be impractical because of the complexity of the issues of the case.
- F. Form of Answers or Objections. Answers or objections to interrogatories shall set forth in full the interrogatory being answered or objected to immediately preceding the answer or objection.

## **LR53-TR00-0206 DEPOSITIONS**

Updated 10/10/2022

- A. This rule shall not apply in criminal or juvenile delinquency cases.
- B. Video Recordings of Depositions. A transcript of a video recording of deposition testimony shall be tendered to the court when the deposition is offered into evidence.
- C. Depositions of Experts. Depositions of experts shall be admissible at trial regardless of the availability of the witness or other limitations in Trial Rule 32(A), unless objection to the admissibility is made in writing 5 days prior to the taking of said deposition or within 10 days subsequent to notice of the deposition, whichever deadline occurs first subject to any Orders of the court. A copy of the notice shall be tendered to the reporter at the time of taking the deposition for inclusion with the deposition. In the absence of such written objection, the deposition of an expert may be admitted by stipulation.
- D. Copy of Deposition. Any party or counsel to an action may obtain a photocopy of a deposition on file with the Clerk of the Court upon tender of a receipt showing payment to the deposing party of 50% of the cost of said deposition. In addition, the requesting party of counsel shall tender to the Clerk the present statutory rate per page for the copying service.

## **LR53-TR00-0207 CONTINUANCES**

A. Information in Motion. A motion to continue a hearing or trial shall contain the following:

1. The date and time of the hearing or trial for which a continuance is sought.
2. The reason for the continuance.
3. A motion for continuance shall not contain any other requests.
4. A good faith estimate of the time needed for such hearing or trial when rescheduled.
5. The date and time opposing counsel/party was notified that the party would seek a continuance.
6. Whether opposing counsel /party agrees with or objects to the continuance; and
7. Contact information, including at least one telephone number, for any unrepresented opposing party, or an explanation of why that information is not available on diligent inquiry.

B. Continuances Sought for Conflicts:

1. Scheduling Conflicts. A motion for continuance based on a conflict with a previously scheduled vacation shall state the date the vacation was set. A motion for continuance based upon a scheduling conflict with another case shall specify the other case name and number, the date on which the conflicting hearing or trial date was set by the other court, and the type of hearing or trial. Any such motion for continuance shall be filed within 7 days of the scheduling conflict becoming apparent.

C. Objections:

1. If there is an objection to a continuance, the objecting party may ask the court to set a telephone conference to consider the objection.

## **LR53-TR00-0208 EVIDENCE HANDLING, RETENTION AND DESTRUCTION.**

Updated 7/1/2019

- A. Preamble. The retention and maintenance of exhibits shall proceed pursuant to these rules, Administrative Rule 6, and Trial Rule 77(J), unless the Court directs a longer retention period on its own motion or after motion by any party. These procedures will become effective immediately and will be applied to any cases previously disposed which meet the criteria set forth fully below.

B. Provisions Applicable to All Cases.

1. The Court Reporter will photograph as many non-documentary or oversized exhibits as

practical.

2. All Child Support Obligation Worksheets and Financial Declarations admitted into evidence shall be permanently archived with the case file.
3. After the lapse of time described below, the Court Reporter may dispose of the exhibits (i.e., diagrams, models, depositions, and documents) and / or trial material without further notice to the parties.
4. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand, stenographic, or electronic notes as provided in Indiana Administrative Rule 7.
5. The Court Reporter shall maintain a log of retained evidence and scheduled disposition date and evidence shall be held in a secure area.
6. Parties and Counsel are reminded of the requirements of Appellate Rule 29(B). Non-documentary and Oversized Exhibits. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court but shall remain in the custody of the trial court or Administrative Agency 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. Under no circumstances should drugs, currency, or other dangerous or valuable items be included in appellate records.
7. At the time of removal, the party shall present a signed receipt to the Court Reporter, which shall be filed in the case.

C. Civil Cases.

1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed by the party offering them in evidence, except as otherwise ordered by the Court, four (4) months after entry of a final, appealable order, unless an appeal is taken.
2. Following Appeal. If an appeal is taken, original exhibits shall be retained by the Court Reporter for a period of two (2) years from the termination of the appeal, retrial, or subsequent appeal and termination, whichever is later.

D. Post-Conviction Relief, Criminal Misdemeanors, Class D Felonies, Class C Felonies, Level 6 Felonies & Level 5 Felonies.

1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed by the party offering them in evidence, except as otherwise ordered by the Court two (2) years after the entry of a final, appealable order, unless an appeal is taken.
2. Following Appeal. 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, unless an action challenging the conviction or sentence, or post-conviction action, is pending. If exhibits are not removed, the Court Reporter may dispose of all exhibits without notice.

E. Class B Felonies, Class A Felonies, Level 4 Felonies, Level 3 Felonies, Level 2 Felonies, Level 1 Felonies and Murder.

1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed 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.
2. Following Appeal. 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, or post-conviction action, is pending.

F. Biologically Contaminated Evidence.

1. A party who intends to offer biologically contaminated evidence must file a pretrial notice with the trial court and serve all the parties so that the Court can consider the issue and rule appropriately before trial.
2. A party can show contaminated evidence or pass photographs of it to jurors, but no such evidence, however contained, shall be handled, or passed to jurors or sent to the Jury Room unless specifically ordered by the Court.

## RULES OF CRIMINALPROCEDURE

### LR53-CR00-0300 GENERAL RULES

Updated 8/15/2024

All Monroe County Rules of Criminal Procedure shall follow the Indiana Rules of Criminal Procedure set forth by the Supreme Court, unless listed below.

## **LR53-CR00-0304 PRETRIAL CONFERENCES**

Updated 01/02/2014

- A. Number; Orders and Reports. One or more pretrial conferences may be required at the discretion of the Court. All attorneys of record are required to appear at and participate in all required pretrial conferences. The Court shall make or require an appropriate order or report after a required pretrial conference.
  
- B. Presence of Defendant. The defendant is required to attend pretrial conferences unless excused by the Court.

## **LR53-CR00-0309 BONDS**

All bonds shall be delivered by the Monroe County Sheriff's Office to the Clerk for posting. The Clerk shall deliver the bonds to the appropriate court division prior to the time of Initial Hearing.

## **LR53-CR00-0310 BAIL BOND SCHEDULE**

Updated 10/10/2022

### **IN THE CIRCUIT COURT FOR THE COUNTY OF MONROE AND STATE OF INDIANA ORDER ESTABLISHING BAIL SCHEDULE**

Pursuant to the provisions of IC 35-33-8-4, the Circuit Court of Monroe County, Indiana, enters the following order establishing the amount and conditions of bail for those persons charged with the commission of criminal offenses by information, arrest on probable cause, or indictment.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** by the Court that effective immediately and until further order of the Court, bail shall be as follows for all individuals charged with the commission of criminal offenses in the Monroe Circuit Court:

#### *SECTION I. FELONIES*

(Offenses committed prior to July 1, 2014)

- A. For a person charged with murder or attempted murder, a person who is a sexually violent predator under IC 35-38-1-7.5, and who is arrested or charged with the commission of an offense that would classify the person as a sex or violent offender as defined by IC 11-8-8-5, or for a person charged with Child Molesting or Child Solicitation, no bail shall be set except by a judge at a preliminary hearing;
  
- B. For a person charged with being a habitual offender; bail shall be \$50,000 surety and \$500 cash, or a habitual substance offender; bail shall be \$25,000 surety and \$500 cash;

- C. For any Class A felony offense, bail shall be \$50,000 surety and \$500 cash;
- D. For any Class B felony offense, bail shall be \$20,000 surety and \$500 cash;
- E. For any Class C felony offense, bail shall be \$5,000 surety and \$500 cash;
- F. For any Class D felony offense, bail shall be \$2,000 surety and \$500 cash.

FELONIES (Offenses committed after June 30<sup>th</sup>, 2014)

- A. For a person charged with murder or attempted murder, a person who is a sexually violent predator under IC 35-38-1-7.5, and who is arrested or charged with the commission of an offense that would classify the person as a sex or violent offender as defined by IC 11-8-8-5, or for a person charged with Child Molesting or Child Solicitation, no bail shall be set except by a judge at a preliminary hearing;
- B. For a person charged with being a habitual offender in Levels 1 through 4, bail shall be \$20,000 surety, in addition to the bail amount for the highest level of felony charged; and for Levels 5 & 6 bail shall be \$10,000 surety, in addition to the bail amount for Levels 5 or 6.
- C. For any Level 1 felony offense, bail shall be \$50,000 surety and \$500 cash;
- D. For any Level 2 felony offense, bail shall be \$30,000 surety and \$500 cash;
- E. For any Level 3 felony offense, bail shall be \$15,000 surety and \$500 cash,
- F. For any Level 4 felony offense, bail shall be \$10,000 surety and \$500 cash;
- G. For any Level 5 felony offense, bail shall be \$5,000 surety and \$500 cash,
- H. For any Level 6 felony offense, bail shall be \$2,000 surety and \$500 cash.

*SECTION II. MISDEMEANORS*

- A. Any person arrested for a misdemeanor offense other than battery, domestic battery, invasion of privacy, resisting law enforcement, possession of a handgun without a license, operating a vehicle while intoxicated operating with either a .08 or .15 ACE or dealing marijuana or hashish, shall be released from jail to appear in the probation department and court on that person's own recognizance, subject to the following conditions:

1. At the time such a person is released on recognizance, the person shall be required to furnish a present residential and mailing address, telephone number, social security number, and employer's name and address. The identifying data of any full-time or part-time student at Indiana University – Bloomington shall include a student's permanent address and telephone number as well as the student's local address and telephone number.
  2. If the person arrested is under 21 years of age, the information shall also include parents' names, addresses, and telephone numbers.
  3. If the person agrees to provide the data required in Section II, A (1), but is unable to provide a social security number, driver's license, photo identification card, or employer information, the person may be released to the custody of a resident of Monroe County over 18 years of age who can provide such data on themselves.
  4. Upon the inability or refusal to provide the information required under this Section, the person shall be held until brought before a judge.
- B. A person shall not be released on recognizance and shall be held until brought before a judge if the person:
1. Has pending criminal charges; or
  2. Is on probation or parole at the time of arrest.
- C. If the provisions of this Section do not authorize the release of the person on recognizance, bail shall be as follows:
1. For any Class A misdemeanor, bail shall be \$1,000 surety and \$500 cash;
  2. For any Class B misdemeanor, bail shall be \$500 surety and \$500 cash;
  3. For any Class C misdemeanor, bail shall be \$500 surety and \$500 cash.

### *SECTION III. MISCELLANEOUS PROVISIONS*

A. Promise to Appear.

1. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall be required to execute a written Promise to Appear in the probation department at the designated date and time. The Promise to Appear form shall be immediately forwarded to the appropriate court by the Sheriff.



- B. Pretrial Assessment. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall be required to meet with representatives of the probation department to be evaluated for pretrial services and additional bail conditions prior to being brought or appearing before a judge.
- C. Conditions of Release. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall be subject to pretrial supervision by the probation department, which may include, but is not limited to, electronic monitoring of whereabouts; daily reporting requirements; drug and alcohol testing; and/or regular meetings with an authorized representative of the probation department until released from these conditions by a judge.
- D. Intoxication. No person shall be released by the Sheriff of Monroe County, regardless of the provisions of this Order, unless such person clearly manifests a state of sobriety at the time the provisions of this Order would otherwise permit release.
1. The Sheriff shall hold in custody any person who is under the influence of alcohol or controlled substances until such time it is determined, at the Sheriff's discretion, that the individual may be safely released without danger to self or others.
  2. When information is available concerning the blood-alcohol content of an intoxicated person due to the administration of blood tests, breath tests, or other chemical tests, no intoxicated person shall be released by the Sheriff except as provided by IC 35-33-1-6.
  3. When no information is available concerning the blood-alcohol content of a person charged with operating while intoxicated, such person shall not be released for a period of 24 hours, unless ordered by a judge.
  4. When no information is available concerning the blood-alcohol content of a person charged with public intoxication, such person shall not be released for a period of 4 hours, unless ordered by a judge.
- E. No Contact Agreement. A person arrested for an offense resulting in bodily injury to a person shall not be released until 24 hours have elapsed, unless ordered by a judge. The person may then post bail:
1. Pursuant to other sections of this Bail Order; and
  2. If the person agrees in writing to have no direct or indirect contact with the victim for ten (10) days after release or until the initial hearing, whichever occurs first. At the initial hearing, a judge may reinstate or modify the condition that the defendant refrain from direct or indirect contact with the victim.

Upon refusal to sign a No Contact Agreement, the person shall be held without bail until brought before a judge.

- F. Extradition. Any person extradited to Monroe County shall be held without bail until brought before a judge.
- G. Overweight Trucking Violations. The bail schedule as set out in this Order shall not apply to trucking violations. Bail for such offenses shall be determined pursuant to the provisions of IC 9-20-18-1, et seq.
- H. Combination of Charges. If a person is charged with the commission of more than one offense arising out of a single incident, whether the offenses are felonies or misdemeanors, bail shall be in one amount for all charges, and shall be in the amount established for the most serious offense charged.
- I. Cash Bond. After normal business hours the Sheriff shall accept a bond made in cash or by certified check and shall issue a receipt. A cash bond must be posted in the name of the Defendant and the Defendant and each person who makes the deposit on behalf of the Defendant shall agree in writing that the court may retain all or a part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution that the court may order the Defendant to pay if convicted. Thereafter, as soon as is practicable, the Sheriff shall deposit the cash or certified check with the Monroe County Clerk.
- J. 10% Cash Deposit or Full Cash Bond. The Clerk or Sheriff may not accept 10% cash deposit or full cash bond in lieu of the bond otherwise required herein except upon express written order of a judge. In the event a 10% cash bond is approved by a Court, the Clerk may retain as a service fee 10% of the amount deposited when the bond is released at the conclusion of the case.
- K. Probation/Parole Hold. A person charged with the commission of a crime while on probation or parole shall be held without bail until brought before a judge.
- L. Release of Bond. No cash bond may be released by the Monroe County Clerk except upon written order of a judge after judgment has been entered and any costs, fines, fees, and restitution imposed by the Court have been paid and satisfied.
- M. Amount of Bail on Warrant. If bail is set at a probable cause hearing, the amount of bail set by the judge shall be endorsed upon the arrest warrant and shall supersede conflicting provisions of this order.

## **LR53-CR00-0311 PUBLIC DEFENDER APPOINTMENT**

Updated 10/10/2022

Public Defender appointments continue for 30 days beyond conviction in criminal cases or disposition in Juvenile Delinquency cases.

The Public Defender shall represent all defendants, who have not retained private counsel and who have been arrested for a misdemeanor or felony offense for the purposes of bail at initial hearings as implemented by the Monroe County Pretrial Program.

## **LR53-CR00-00317 COMMUNITY ALTERNATIVE SUPERVISION PROGRAM (CASP) PROCEDURES**

Updated 10/10/2022

The Court, noting that participation in the Community Alternative Supervision Program (CASP), including the Home Detention Program component, is contingent upon offender compliance with program rules and regulations, finds:

Pursuant to I.C. 35-38-2.5-5, program participants must have a working telephone, cellular telephone, or other wireless or cellular communications device in their home to be eligible for Home Detention. If the participant does not have a working telephone and/or a long distance carrier, cellular telephone, or other wireless or cellular communications device, the Court ORDERS that the participant shall be placed on CASP Day Reporting *without credit time* until working telephone service, cellular telephone, or other wireless or cellular communications device can be verified; or until an electronic monitoring cellular or GPS unit can be utilized for a non-violent offender with the participant paying the additional enhanced electronic monitoring daily fee.

A maximum of two (2) weeks from CASP/Home Detention Intake will be allowed for offenders to meet program guidelines for acceptance in CASP (including securing a working telephone, long distance carrier, cellular telephone, or other wireless or cellular communications device). Upon program staff verification of offender meeting program guidelines for acceptance in CASP (including securing a working telephone, cellular telephone, or other wireless or cellular communications device), the participant will begin Home Detention by the next business day if possible.

### **FAILURE TO MEET ELIGIBILITY GUIDELINES FOR CASP/HOME DETENTION PROGRAM**

Program eligibility shall be determined by program staff prior to admitting participants to any level of CASP. If the participant is not eligible per prohibition by statute (excluding telephone cellular telephone, or other wireless or cellular communications device provision), the Court shall be notified immediately via e- filed memorandum by the supervising probation officer and the participant will not to be placed on the program until or unless statutory prohibitions are remedied.

If offender does not meet program guidelines for CASP/Home Detention (including telephone service, cellular telephone, or other wireless or cellular communications device, and suitable housing) within two weeks (14 days) of the CASP/Home Detention Intake appointment, program staff shall file a memorandum with the Court, advising the Court of the participant's status. If the offender in question cannot be located by program staff, the supervising probation officer shall file a Notice of Noncompliance with the Court requesting a warrant. If the offender in question is on the Day Reporting Program, program staff may bring the offender to the Duty Judge/Court to advise the Court of the offender's failure to meet program guidelines for CASP within 14 days of the CASP/Home Detention Intake.

Once advised of the offender's failure to meet program eligibility guidelines for CASP/Home Detention, the Court may:

- (1) Order the defendant to be taken into custody to serve the executed portion of sentence.
- (2) Order the defendant to be taken into custody with a status hearing to be held; or
- (3) Order the defendant to have 14 additional days on Day Reporting in order to attain eligibility.

#### EMPLOYMENT ASSISTANCE

CASP, including the Home Detention component, is designed to provide immediate employment assistance for unemployed offenders/participants, therefore being unemployed will not delay the commencement of program participation. The supervising probation officer may place unemployed participants on CASP Home Detention with Day Reporting which requires clients to report to the Community Corrections office daily, Monday through Friday. Program staff shall verify participants' active job search.

#### CASP AS CONDITION OF BOND OR PRETRIAL RELEASE

If the defendant is being referred to CASP as a condition of bond and/or pretrial release, the Court should retain the defendant in the Monroe County Jail until notified that program staff has completed screening and that the defendant meets program eligibility. This initial screening process will be conducted by program staff within 2 to 4 business days of request by the Court.

#### SEX OFFENDERS AND VIOLENT OFFENDERS

Pursuant to IC 35-38-2.5 a person placed on Home Detention who is deemed as a violent offender or sex offender shall be placed on GPS electronic monitoring. If the participant is a violent offender or sex offender, the supervising probation officer shall identify the participant as such in the Probation Department case management databases. The violent offender or sex offender shall also be specifically identified on the Community Corrections field officer's log sheet and also on the report sent to law enforcement agencies, which lists all Monroe County Home Detention participants.

Notification on possible GPS violations from the electronic monitoring equipment vendor will be investigated by Community Corrections staff. If a violation is verified, Community Corrections staff will take appropriate action using progressive sanctions up to and including requesting a warrant from the Court. If a warrant is requested and subsequently ordered by the Court and the defendant's location is known, Community Corrections staff will contact Monroe County Central Dispatch to request that the warrant be served.

#### DELEGATED AUTHORITY

The Monroe Circuit Court Board of Judges has delegated authority to CASP probation officers to authorize Home Detention participants to earn errand time, to be scheduled for personal errands (grocery shopping, haircuts, etc.). CASP probation officers may also grant Home Detention participants, except for persons with pending violation(s) of community supervision, earned pro-social time as an incentive after achieving at least 30 days of program compliance, including adhering to payment schedule, for approved pro-social activities at a specified location (such as attending a child's school/athletic event, family event or

exercising at a fitness center) at the discretion of the Probation Department. The combined earned errand time and earned pro-social time may not exceed six (6) hours per week unless specifically approved in advance by the Court.

The Board of Judges delegates the terms of placement in Community Corrections to the Community Corrections Director and permits the director to change the terms of placement or reassign a person in CASP. Participants may be placed on GPS, alcohol-detect electronic monitoring enhancements or other conditions with the director's approval. Participants will be responsible for paying applicable adjustments to user fees for added services.

This Order applies to persons sentenced to or released as a condition of bond to CASP Home Detention.

## **LR53-CR00-0318 PROBLEM SOLVING COURT CASE TRANSFERS**

Updated 7/10/18

The Monroe County Problem Solving Court Program may initiate and/or accept transfers of individuals between other Monroe Circuit Court divisions. The Monroe County Problem Solving Court Program may initiate and/or accept transfers of individuals from Problem Solving Courts in other Indiana jurisdictions as stated in Section (b)(1)(2)(3) of the Indiana's Problem-Solving Court Rules. The following policy and procedures shall be observed for the consideration of transfer to a Problem-Solving Court:

- A. An individual does not have a right to Problem Solving Court transfer. The sending and receiving Problem Solving Courts have the discretion to approve or deny a transfer application.
- B. Any Monroe Circuit Court Judge may initiate a transfer request for a defendant to be evaluated for admission to a Problem Solving Court Program component.
- C. A transfer is deemed approved only if both the sending and receiving Courts approve the transfer request by the issuance of a Court Order.
- D. Monroe County Problem Solving Courts will abide by rules as stated in Section 26 (c) of Indiana's Problem Solving Court Rules.
- E. Any of the Monroe Circuit Court Problem Solving Court Teams may initiate a transfer request to transfer a participant from one Monroe County Problem Solving Court Program component to another program component when a determination had been made by the Team that a participant may be more appropriate for another problem-solving court model. A transfer is deemed approved only if both the sending and receiving Problem Solving Courts approve the transfer request by the issuance of a Court Order.

- F. Monroe County may initiate or accept transfers of individuals between other Indiana Problem Solving Court (PSC) Programs. Transfers from a Monroe County Problem Solving Court Program component to another Indiana Problem Solving Court Program will be made in writing if the individual is found to be formally eligible for PSC by the respective PSC Team. Likewise, only individuals who have been found eligible for the referring county PSC will be considered by Monroe County's PSC Program.
  
- G. A PSC transfer-in received from another county shall be for the purposes of supervision and PSC participation only, including intermittent sanctioning authority. Transfers in and out of the county must be accompanied by the respective county's eligibility determination, accompanying assessment, and other collateral information. Incoming transfers must be reviewed by the respective Monroe County PSC Team to ensure the individual meets all program requirements, which includes county residency.
  
- H. Upon receipt of a request to Transfer-in to a Monroe County Problem Solving Court Program, the Clerk of the Court shall assign a miscellaneous criminal (MC) case number (random assignment) to a Monroe Circuit Court Division. The respective court division will then transfer the case (if necessary) to the appropriate Problem Solving Court Division that will assume jurisdiction of the case. Monroe County PSC shall send the individual's court case back to the sending county when the PSC participant has completed all of the Monroe County PSC's participation requirements or has been terminated from the program.
  
- I. A \$25 transfer fee may be charged to individuals transferring into or out of a Problem Solving Court Program.

**LR53-CR00-0319 PROBLEM SOLVING COURT CASE PROCESSING PROCEDURES**

- A. PROSECUTOR - Screens all new felony cases/filings for Problem Solving Court Program eligibility. Cases deemed Problem Solving Court Eligible are flagged by the Prosecutor on the charging information.
  
- B. CLERK - Assigns a random cause number to the case.
  
- C. INITIAL HEARING HELD WITH DUTY JUDGE - At Initial Hearing (IH), Prosecutor and/or Court Reporter notifies Duty Judge that case is Problem Solving Court eligible. Duty Judge orders Defendant when to appear for Problem Solving Court observation.

D. ENTRY IN COURT RECORD - Court Reporter makes IH Chronological Case Summary (CCS) entry which states: “Defendant is to appear before Presiding Judge of Problem Solving Court on the date/time of the next Problem Solving Court session, for Problem Solving Court observation.”

E. PROBLEM SOLVING COURT OBSERVATION AND ELIGIBILITY DETERMINATION STEPS:

1. Problem Solving Court (PSC) Observation - The Defendant appears for Problem Solving Court (PSC) observation the week following the Initial Hearing. At this first PSC observation, the Defendant observes a full session of PSC.
2. Problem Solving Orientation Session - After the observation, the PSC Director directs the Defendant to appear in the Probation Department for a Problem Solving Orientation Session and directs the Defendant to attend the weekly Problem Solving Court session until the Defendant is accepted/opted out/rejected from further consideration for the program.

If the Defendant is in jail, the Director notifies the Defendant a video conference will be scheduled for the PSC Orientation and that the Defendant will be brought to court down to observe weekly PSC sessions until the Defendant is accepted/opted out/rejected from further consideration for the program.

Problem Solving Court Program staff members conduct the PSC Orientation, explaining all of the rules and expectations of the PSC Program. The Defendant is told that he/she will need to be prepared to tell the Court whether or not he/she is willing to proceed with a PSC evaluation when he/she appears for the next PSC observation.

The Defendant is given a PSC come-back date to observe PSC the week following the Orientation.

3. Ineligible and Opt Out - At any time following the PSC observation, if the Defendant either chooses to not participate in the PSC or the Defendant is found to be ineligible for participation, the Defendant will be referred back to the originally assigned Court for the scheduled Pre-trial Conference.
4. Next PSC Observation – At the next week’s PSC observation, the PSC Director asks the Defendant if he/she is willing to proceed with a PSC evaluation. If the Defendant is not willing to proceed further, the PSC Director directs the Defendant to appear at the scheduled Pre-trial Conference in the originally assigned court. If the Defendant is willing to continue with the PSC assessment process, he/she is given an appointment/video conference time to meet with a PSC Case Manager for a PSC evaluation at a later date. Also, Defendants with private attorneys are directed to meet with their attorneys and discuss the option of PSC participation. The Defendant is then given a PSC come-back date for approximately two (2) – three (3) weeks later for the Change of Plea Hearing in the PSC.
5. Assessment and Evaluation - The PSC PO conducts the PSC assessment within 1-2 weeks following the PSC initial observation. At this assessment, the PSC PO schedules an evaluation

appointment for the Defendant with the treatment provider, typically within 1 – 2 weeks following the PSC assessment. The PSC PO conducts a record/background check and prepares a report that closely resembles a Presentence Investigation Report with added emphasis on the substance use evaluation section.

6. Reports - Prior to the Change of Plea Hearing, the PSC PO completes an evaluation report (*Problem Solving Court Recommendation Report*) and provides this report to the Judge and the PSC Team. Additionally, the treatment provider completes the treatment report, with recommended course of treatment outlined, and provides this report to the PSC PO.
7. PSC Change of Plea Hearing – Defendant appears for PSC Change of Plea Hearing. If Defendant is not admitted to the PSC, he/she is directed to report for the scheduled Pre-trial Conference in the originally assigned Court. If Defendant is found to be eligible and is willing to participate in the PSC Program, a Change of Plea hearing is held.

The offender enters into a Problem Solving Court Agreement, agreeing to plead guilty to the offense. The State agrees to allow the Court to defer sentencing based on the offender's successful completion of the PSC Program.

The PSC Court Reporter will notify the originally assigned Court of the Defendant's acceptance into the PSC Program through the issuance of an Entry of a Plea of Guilty, and the PSC Court Reporter sends a copy to the Clerk.

The Court Reporter of the originally assigned Court records the transfer in the CSS. The originally assigned Court will vacate any upcoming hearings and transfer all pending criminal cases on that Defendant to the PSC.

8. Completion of Program - If the offender successfully completes the PSC Program, the case is dismissed with no conviction or adjudication entered.

If the offender is terminated unsuccessfully from the PSC Program, the PSC PO files a Petition to Terminate, and the Court sets up an IH for the Petition to Terminate. If the Defendant admits to the petition, the Court proceeds directly to sentencing. If the Defendant denies petition, the Court sets it for an evidentiary hearing.

## **FAMILY LAW RULES**

### **LR53-FL00-0400      FAMILY LAW RULES SCOPE AND TITLE**

Updated 10/10/2022

- A. Scope. These Rules shall apply in the Monroe Circuit Court in all domestic relations, paternity, and child support cases in the Monroe Circuit Court unless otherwise ordered by a judicial officer



presiding in a specific case. These Rules are in addition to, and are not intended to replace, the Local Rules of Practice and Procedure for the Monroe Circuit Court or the Indiana Rules of Trial Procedure. In the event of a conflict of rules in a family law matter in Monroe County, these Rules shall apply. These Family Law Rules shall be effective on October 10, 2022.

B. Title. These Rules shall be known as the “Monroe County Family Law Rules” and shall be referred to as LR53-FL00-04\*\*.

C. Duties of Self Represented Pro se Parties and Attorneys.

1. The Monroe Circuit Court expects and requires good faith cooperation and communication between parties. This is especially important in cases involving minor children.
2. Parents shall make every reasonable effort, through discussion and communication, to reach agreements that serve the best interests of children before seeking court intervention.
3. Attorneys shall help their clients reach just agreements and shall use all available means of communication to fairly resolve disputes and misunderstandings between the parties.
4. Whenever possible opposing attorneys in a family law case should communicate with each other and with any pro se party to resolve pending matters and avoid unnecessary court action.
5. Attorneys shall at all times observe the obligation of a lawyer to maintain a professional, courteous, and civil attitude toward all persons involved in the legal system.
6. This rule is not intended to impede the obligation of an attorney to act as an advocate or to affect a lawyer’s duty to act promptly and diligently in the representation of a family law client.

## **LR53-FL00-0401      SELF-REPRESENTED LITIGANTS**

Updated 10/10/2022

A. The same court rules apply to parties who are represented by lawyers and to parties who represent themselves. Applicable rules include not only these rules, but also rules such as the Indiana Rules of Trial Procedure, Indiana Rules of Alternative Dispute Resolution, Access to Court Records Rules, Indiana Administrative Rules, and others. The court is required to hold all parties to the same standards.

B. Self-Represented parties are required to file appropriate pleadings to initiate court action. The court will accept pleadings on forms approved by the Indiana Supreme Court. [Indiana](#)

[Legal Help](#) The court has the discretion to reject incomplete pleadings and other pleadings that do not satisfy Indiana law.

- C. Any document filed with the court shall at a minimum, contain a “certificate of service” that states that the document was provided to the other party(ies); the method of sending the document to the other party(ies); and the date of delivery.

## **LR53-FL00-0402      ALTERNATIVE DISPUTE RESOLUTION**

Updated 7-1-19

- A. Mediation is a preferred way to resolve family law issues. Parties shall attend mediation before any of the following contested court hearings, unless excused by the court:
  - 1. final hearings.
  - 2. post-decree hearings about child custody or parenting time.
- B. Parties may either select a mediator by agreement or ask the court to appoint a panel of mediators.
- C. Parties of limited means may request the service of the Family Court Mediation Program. Nominal charges for this program are assessed on a sliding fee scale, based upon income.
- D. This rule does not require mediation of contempt motions that allege an emergency regarding safety of children, the failure to pay child support, or interference with court ordered parenting time.
- E. A party may request to be excused from mediation for good cause shown, but a good cause does not include an assessment by the party or the attorney that the case is viewed as unlikely to settle at mediation.
- F. Any mediation shall comply with the provisions of the Indiana Rules of Alternative Dispute Resolution, as they may be amended from time to time.

## **LR53-FL00-0403      CONFERENCES**

Updated 7-1-2019

*A conference with the court* may be set at any stage of the litigation. The court will not take testimony or admit exhibits at conferences. The conference may be used to assess and clarify the issues, advise the parties of required documentation (i.e., child support worksheets, financial declaration, etc.), to refer the case to mediation, to assign a hearing date, address case management deadlines, set deadlines for exchange of witness and exhibit lists, and/or other matters.

- A. Party Attendance. If a party is represented by an attorney, the party is not required to attend with counsel unless the court directs otherwise. Parties (or their Counsel) may request that conferences be conducted telephonically.
- B. Expedited Conferences. The court may set an expedited conference at any time to address a motion to continue or other motion that requires a prompt response.
- C. Other Conferences. The court may, on its own motion, order the parties to comply with the terms of Trial Rule 16 (pretrial conferences).

## **LR53-FL00-0405      ADMINISTRATIVE PROCEDURES**

Updated 7-1-2019

- A. Exhibits –Form.
  - 1. Number of Copies: Parties shall bring sufficient copies of all exhibits to court such that each party (including, if applicable, the child support division, any Guardian ad Litem, etc.) and the Court receive a copy. In a case with two spouses that would be three copies (one for each party and one for the Court.)
  - 2. Nature of Exhibits: Any digital picture, movie, or recording must be submitted on a DVD, CD, USB drive, or printed such that the Court can maintain the evidence.
  - 3. Fasteners: Parties shall use removable fasteners such as binder clips or paperclips for exhibits and shall not use staples.
  - 4. Page Numbering: Parties are encouraged to number pages of all printed exhibits but must number pages of any printed exhibit containing more than ten pages.
- B. Exhibits – Required. In every contested final hearing, each party shall bring as exhibits at least the following:
  - 1. A proposed Child Support Worksheet (if there are minor children in the case); and
  - 2. A completed Financial Declaration or Inventory with all supporting documents.

- C. **Motions to Shorten Time to Respond to Discovery:** Motions to Shorten Time shall be held by the court for two business days, to give the other side opportunity to make objection.
- D. **Request for Hearing:** Every request for a hearing shall include a brief statement of the issues to be decided at the hearing; whether an emergency exists that requires immediate court action; and an estimate of the time the court should allow for the hearing.
- E. **Summary Presentation:** By agreement of the parties, all issues and evidence relevant to a domestic relations case may be presented in summary fashion by counsel.
- F. **Appointment of a Panel.** If a court orders the parties to work with a professional such as a Mediator, a Custody Evaluator, a Guardian ad Litem, or a Commissioner, the court shall give the parties seven (7) days to agree to the professional. If the parties do not timely file an agreement the Court shall issue a panel of three professionals and Petitioner shall strike first, within seven (7) days, and Respondent shall strike second, within seven (7) days of Petitioner's striking.

**LR53-FL00-0406      CONTINUANCES**

Updated 10/10/2022

- A. **Information in Motion.** A motion to continue a hearing or trial shall contain the following:
  - 1. The date and time of the hearing or trial for which a continuance is sought.
  - 2. The reason for the continuance.
  - 3. A good faith estimate of the time needed for such hearing or trial when rescheduled.
  - 4. The date and time opposing counsel/party was notified that the party would be seeking a continuance.
  - 5. Whether opposing counsel /party agrees with or objects to the continuance; and
  - 6. Contact information, including at least one telephone number, for any unrepresented opposing party, or an explanation of why that information is not available on diligent inquiry.
- B. **Continuances Sought for Conflicts.**
  - 1. **Scheduling Conflicts.** A motion for continuance based upon a scheduling conflict with a previously scheduled vacation shall state the date the vacation was set. A motion for continuance based upon a scheduling conflict with another case shall specify the other case name and number, the date on which the conflicting hearing or trial date was set by the other court, and the type of hearing or trial. Any such motion for continuance shall be filed within 7 days of the scheduling conflict becoming apparent.
  - 2. **Objections:** If there is an objection to a continuance, the objecting party may ask the court to set a telephone conference to consider the objection.

C. Time for Ruling.

1. If the Motion states that it is unknown whether there is an objection, or that the other party does object, then the Court shall hold the Motion for two business days before ruling, to give the other parties a chance to file any objections.
2. If the Motion is made on an emergency basis, such as illness or unforeseen other emergency of the party, counsel, or a witness, the Court need not wait two business days to rule.

**LR53-FL00-0408      CHILD SUPPORT**

Updated 10/10/2022

- A. **Worksheet Required.** In all proceedings involving child support, each party shall include at least one Indiana Child Support Obligation Worksheet filed with every agreed order and brought as an exhibit at every hearing or trial. Child support rules are available at: [https://www.in.gov/judiciary/rules/child\\_support/](https://www.in.gov/judiciary/rules/child_support/) and a Child Support Calculator is available at: <http://mycourts.in.gov/CSC/Parents/Default.aspx>
- B. **Deviations from Child Support Guidelines** If an agreed amount of child support deviates from the amount shown on the Worksheet, the agreement shall set out the reasons for the deviation.
- C. **Income Withholding Order Required.** In all proceedings involving child support, the Income Withholding Order required by IC 31-16-15-0.5 shall be submitted to the court with any agreement or proposed order. A blank order may completed and printed at [Office of Child Support Enforcement](#) The Family Court Mediation Project and IU Family & Children Mediation Clinic are exempt from the requirement to file Income Withholding Orders with the cases they mediate.
- D. **Child Support Arrearage Calculation Form.** In all hearings involving a child support arrearage, including contempt hearings, the party alleging the child support arrearage shall file a completed Child support Arrearage Calculation Form with the court at the hearing. A sample form is located at Appendix D to these Rules. Parties submitting an agreement need not complete the arrearage calculation form but should include information about the arrearage calculation in their agreement.
- E. **Child Support Tracking.** In order to build a child support case, the Clerk's office must have certain information, as shown below. The information must be filed as a confidential document. The Monroe County Appearance Form contains the needed blanks and is attached as Appendix C:
1. Name of each parent and each child
  2. Social Security number of each parent and each child
  3. Date of Birth of each parent and each child
  4. Race of each parent and each child
  5. Gender of each child

**LR53-FL00-0409****CHILDREN IN FAMILY LAW CASES**

Updated 10/10/2022

- A. The best interest of minor children of parents involved in dissolution and paternity proceedings will be served by requiring parental participation in parent education classes that have some scientific evidence of program benefit to the family beyond party reports of satisfaction with the class. As the research in this area is evolving, this rule shall be updated periodically as the Court receives additional or updated scientific evidence about programs that fulfill this requirement.
- B. The currently approved parent education classes are (in no particular order):
1. New Beginnings  
<https://divorceandparenting.com/>
  2. Children in Between  
<https://online.divorce-education.com/>
  3. Two Families Now  
<https://www.twofamiliesnow.com/>
- C. Required Participation: Both parents in initial dissolution cases and initial juvenile paternity cases involving children under the age of 18 years shall participate in one of the above parent education classes prior to the Court approving any agreement or issuing an order. The parents shall take the same class. They shall confer and agree on which class they will take. If they cannot agree, the parents may submit the issue to the Court for a decision.
- D. Fees. Each parent is responsible for any fee for that parent's education class, though an allowance for an indigent fee waiver may be available from each provider.
- E. Resources in Cases Involving Risk to Child Safety. If either party alleges that parenting time presents a risk to the physical safety or emotional endangerment of the child, the parties may request the appointment of, or the Court may on its own motion appoint, a Guardian ad Litem or Custody Evaluator. The request shall contain the availability, name, address, and phone number of the recommended professional and the cost of services, and how the party proposes that costs will be divided. Parties of limited means may request a Civil Investigation to be conducted by a juvenile probation officer.

**LR53-FL00-0410****FINANCIAL INVENTORY & DECLARATION**

Updated 7-1-2020

- A. Financial Inventory. The Financial Inventory, at Appendix E, can be used by almost all self-represented litigants and is designed to be easy-to use. If the litigant is not eligible to use the

Inventory per the questions on the front page of the Inventory, that litigant shall use the Financial Declaration.

- B. Financial Declaration. The Financial Declaration, at Appendix F, is designed to be complete and thorough for all financial situations.
- C. Required Exchange: In a dissolution of marriage or legal separation case, both parties must complete one of the Financial Inventory or Financial Declaration attached at Appendix E and F and shall exchange at least seven (7) days prior to any mediation or final hearing. Additionally, either party may request completion through discovery, and discovery deadlines would apply. The State of Indiana, when it is a party for child support purposes, is exempted from this requirement. No court order for such exchange shall be required.
- D. Waiver: The parties may waive the exchange of the Inventory or Declaration as part of an agreement. If the parties have a final hearing, they may not waive the exchange.
- E. Required Exhibit: The parties shall each bring their Inventory or Declaration as an exhibit to the final hearing.
- F. Supporting Documents. For the purpose of providing a full and complete verification of assets, liabilities, and values, at the time of the initial exchange, each party shall attach the supporting information that is reasonably available. "Reasonably available" means material that may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed, or is in the possession of the other party. Appraisals of real estate and pensions, or of personal property such as jewelry, antiques, or special collections (i.e., stamps, coins, or guns), are not required. However, once an appraisal is obtained, it must be exchanged. Any language in these rules referring to the Inventory or Declaration means the form itself AND all supporting documents.
- G. Updates: If, after a party has exchanged a verified Inventory or Declaration, that party discovers information not previously exchanged, that party shall A) informally provide such updates to the other party as quickly as feasible and B) provide an updated and verified form as soon thereafter as practical to the other party.
- H. Admissibility:
  - 1. An exchange of the Inventory or Declaration between the parties prior to filing the document in court represents negotiations.
  - 2. Unless a party makes a specific objection to the admission of the other party's completed Financial Inventory or Declaration, it shall be admitted into evidence. Any objection shall be made only to that part of the other party's completed Financial Inventory or Declaration that is deemed objectionable and not to the entire completed Inventory or Declaration. A party does not waive the right to challenge the accuracy of

the other party's completed Inventory or Declaration by failing to object to its admissibility.

- I. **Mandatory Discovery:** The exchange of the Inventory constitutes mandatory discovery; thus, Indiana Trial Rule 37 sanctions may apply. Additionally, pursuant to Indiana Trial Rule 26(E)(2) and (3), the form must be supplemented if additional material becomes available.
- J. **Confidentiality:** Financial Inventories and Declarations may be withdrawn by the parties at the conclusion of the case with the agreement of all parties and the approval for the judge presiding in the case. Financial Inventories and Declarations and any supporting documents shall be maintained as confidential documents pursuant to Access to Court Records 5.

## **LR53-FL00-0412 CONTEMPT ACTIONS**

Updated 10/10/2022

All petitions for contempt shall state the date of each order and the specific provisions thereof that are violated. The petition for contempt must be signed, state whether incarceration is a requested remedy, and must be in compliance with IC 34-47-3-5.

If incarceration is a requested remedy in the Motion for Rule to Show Cause, the person against whom contempt is being alleged shall bring counsel to the hearing or shall ask for appointment of a public defender at least ten days in advance of the hearing.

## **LR53-FL00-0413 ATTORNEY FEES**

Attorney fees may be awarded based on evidence presented by way of Affidavit (or oral testimony if the Court shall allow) at the final or other hearing.

## **LR53-FL00-0414 ORDER FOR LAW ENFORCEMENT ASSISTANCE**

Updated 7/1/19

An order directing the Bloomington Police Department, Monroe County Sheriff's Office, or other appropriate law enforcement agency, to accompany a party to his or her residence to obtain possession of property should read substantially as follows:

The \_\_\_\_\_ (name of agency) is hereby ordered to assist  
\_\_\_\_\_ (name) in taking possession of  
his/her personal property specified above at \_\_\_\_\_  
\_\_\_\_\_ (address) on



\_\_\_\_\_ (date) at \_\_\_\_\_ a.m./p.m. for \_\_\_\_\_ (duration)

## **LR53-FL00-0415 WITHDRAWAL OF COUNSEL**

Updated 7-1-2019

Upon conclusion of a matter, the appearance of an attorney may be withdrawn by motion of that attorney. Such Motion to Withdraw must comport with TR 3.1(H). There is no automatic withdrawal of representation in Family Law matters.

## **LR53-FL00-0416 COLLABORATIVE LAW**

Updated 7-1-2019

If the parties are both represented by attorneys trained in Collaborative Law and have signed Collaborative Participation agreements with those attorneys to participate in a Collaborative Law family law matter, they may file a Joint Petition for Dissolution, and may file a stipulation asking among other things that the case not be set for conference or hearing. If either party violates the agreement to proceed in the Collaborative Law process, the court must allow withdrawal of representation of both attorneys if so requested. Any “cooling off” period before a Motion to Withdraw Appearance may be granted must be noted in the Motion and a Hearing cannot be set within such a period except for emergencies.

## **JURY MANAGEMENT RULES**

### **LR53-JR00-0500 JURY MANAGEMENT**

Updated 10/10/2022

- A. A two tier notice and summons, consistent with Jury Rule 4(b), shall be used by the Jury Coordinator.
- B. Juror questionnaires shall be handled in accordance with Jury Rule 10 and Access to Court Records Rule 5. Juror questionnaires shall not be re-copied, duplicated, or distributed by counsel or the parties, and shall be returned to the Court at the conclusion of trial in order to safeguard juror privacy.
- C. The Judge or Court Reporter in each division will inform the Jury Coordinator of the status of scheduled jury trials.
- D. The Jury Coordinator will use the jury message line or the Text/Email Notification to indicate to jurors the status of trials. Jurors are instructed to call the jury message line after 7 pm during their scheduled weeks of service, if they did not sign up for the Text/Email Notification.

- E. If a jury is canceled after work hours (including a weekend or holiday), the Judge or Court Reporter will call the Office of Court Services staff at home in order to change the jury message line, and to send out a cancellation notification by text/email.
- F. Meals for jurors will be provided on the last day of trial immediately prior to or during deliberations.
- G. Miscellaneous civil files will be opened for individuals who fail to comply with jury service.
- H. The Office of Court Services staff will provide the Judge with the names and addresses of those individuals who fail to comply. A 15-minute rule to show cause hearing will be set. The Office of Court Services staff will prepare the rule to show cause order and file it in the Clerk’s Office with a judge’s cause number which will be recorded in the Miscellaneous Civil Book. The caseload will not be affected.

## **SMALL CLAIMS PROCEDURES**

### **LR53-SC00-0700 SCOPE**

Updated 10/10/2022

- A. Scope. These rules shall govern the procedure and practice of small claims cases in the Monroe Circuit Court.
- B. Citation. These rules may be cited as LR53-SC00-07 \*\*-
- C. Conflict of Rules. All cases in the Monroe County Small Claims Court shall be governed by the Indiana Small Claims Rules and by the Local Rules set forth here. In instances where the Local Rules conflict with the Indiana Small Claims Rules, the Indiana Rules shall control. If there is not a Small Claims Rule applicable to the situation, the Indiana Rules of Trial Procedure apply.

### **LR53-SC00-0701 COMMUNICATIONS WITH THE COURT**

Updated 10/10/2022

- A. Written Communications. Any matter communicated to the court outside of the courtroom must be in writing, signed, and served on all other parties to the case. Many court forms are available at [Indiana Legal Help](#) but no special form is needed.
- B. Case Identification. The communication shall contain the case number, which generally begins with “53C0.”

- C. Duty to Serve. The person filing the communication shall certify in writing that they have sent a copy of the communication to all parties, including the date it was sent to each other party, the method of sending, and the exact address it was sent to. If that party accepts or the court has approved email service or fax service, then the certification shall include the email address or fax number. For example:

*CERTIFICATE OF SERVICE*

*I certify that on date \_\_\_\_\_, I sent a copy of this document to all other parties in this case, as shown below:*

*Party A's Name  
Street Address  
City, ST ZIP*

*Party B's Name  
Fax Number: (812) 555-5555*

*Party C's Name  
Email:*

*/s/ Printed Name of Party sending the  
copies*

- D. Appearance by Spouse. Except as otherwise ordered by the Court, when legally married spouses are co-plaintiffs or co-defendants in a case, the appearance of one (1) spouse at a hearing shall be considered and treated as if both spouses are present. The appearing spouse shall verify under oath that no one has filed a divorce or legal separation case and that the spouses are living together.
- E. Unrepresented Party's Current Addresses. The Court sends Notices and Orders to the most recent address provided by each party. An unrepresented party is solely responsible to keep their address updated in each case in which they are a party.

**LR53-SC00-0702 SCHEDULING**

Updated 10/10/2022

- A. Initial Hearing. Upon the filing of a complaint, the Clerk of Court or the Court shall schedule an initial hearing. Parties are not expected to be fully prepared for trial at the initial hearing but must be prepared to present a prima facie (summary) case through direct testimony or affidavit in the event an opposing party fails to appear, in accordance with Indiana Small Claims Rule 10(b). If permitted by rule or order of the Indiana Supreme Court, and at the discretion of the court, initial hearings may be held by video conference.

- B. **Contested Hearing.** If both parties appear at the initial hearing, the judge shall encourage the parties to resolve their dispute. If the parties are unable to achieve a resolution, they shall inform the judge of the need to schedule a trial and indicate the amount of time needed to present their respective cases.
  
- C. **Waiver of Initial Hearing.** If the parties know prior to the initial hearing that the matter will be contested, a motion may be filed to vacate the initial hearing and schedule a contested hearing. The motion shall estimate the time needed to present the petitioner's case-in-chief and the time needed to present the case in opposition if that can be reasonably ascertained.

### **LR53-SC00-0703 CONTINUANCES**

Updated 10/10/2022

- A. **Written Motion Required.** Parties who wish to delay (continue) a hearing should file a written Motion to Continue as soon as they know that the hearing date presents a problem. The court will consider written, signed, and served Motions to Continue if a good reason is provided for the delay.
  
- B. **Advance Notice.** A continuance will not be granted for any request filed within 72 hours of the trial unless the opposing party agrees to the continuance, or the judge determines a continuance is necessary.

### **LR53-SC00-0704 DISCOVERY**

Updated 10/10/2022

Upon a written, signed, and served Motion to Permit Discovery, and in accordance with Indiana Small Claims Rules, the court may grant an order permitting discovery, which would then proceed as per the Indiana Rules of Trial Procedure and any applicable local rules.

### **LR53-SC00-0705 DISMISSAL OF ACTIONS**

Updated 10/10/2022

- A. **Motion Required.** A claim, counterclaim, or cross-claim may be dismissed by the moving party filing a written pleading at any time before judgment.
  
- B. **Dismissals.** If a counterclaim or cross-claim has been filed, the dismissal of the original claim will not result in the cancellation of the hearing unless the counterclaim or cross-claim has also been dismissed.

## LR53-SC00-0706 COLLECTING A JUDGMENT

Updated 10/10/2022

### A. Proceeding Supplemental.

1. If the debtor has not paid a judgment within 30 days, the creditor may file a Motion for Proceeding Supplemental with the Court.
2. At the Proceeding Supplemental, the parties may discuss whether the debtor is indigent (unable to pay); can agree to a payment plan or garnishment; or has assets that may be applied to the judgment. Any agreement must also include a signed and completed Notice of Exemption Rights as provided in the Indiana Small Claims Manual.
3. After a determination by the court that there is no income or property that may be applied to the judgment, the case will be re-docketed for proceeding supplemental only if the judgment creditor can show that income or property has been discovered which may be applied to the judgment.
4. If a judgment defendant fails to appear at the supplemental proceeding hearing, the court shall, upon request of the judgment plaintiff, set the case for a Contempt Hearing, for another Proceeding Supplemental, or may dismiss collections efforts at that time.

### B. Contempt Hearing.

1. For a Debtor's first Contempt Hearing on a case, the Court shall have service provided by Sheriff. If a Sheriff service fee has not been previously paid, the judgment plaintiff shall pay the Sheriff service fee within thirty (30) days.
2. For a Debtor's second or subsequent Contempt Hearing on a case, the Creditor shall serve the Debtor personally (according to the requirements of Trial Rule 64(A)(2)(a)).
3. If the debtor appears at the Contempt Hearing, the parties may discuss whether the debtor is indigent (unable to pay), can agree to a payment plan or garnishment, or has assets that may be applied to the judgment. Any agreement must also include a signed and completed Notice of Exemption Rights as provided in the Indiana Small Claims Manual.
4. If the debtor fails to appear at the Contempt Hearing and has been personally served as described in Trial Rule 64(A)(2)(a), the Court may issue a Writ of Body Attachment.

## **LR53-SC00-0707 REQUIREMENTS FOR GARNISHMENT ORDER**

Updated 10/10/2022

The Court shall not issue an order garnishing a debtor's wages or other property without the following:

- A. An active proceeding supplemental as to the judgment debtor or waiver of notice by the judgment debtor.
- B. Proof of service on the garnishee defendant of the proceedings supplemental or interrogatories as laid out in Indiana Small Claims Rule 3.
- C. Verification of the judgment debtor's employment by answered interrogatories or other credible evidence, or the failure of the garnishee defendant to answer interrogatories regarding the judgment debtor's employment; and
- D. If the creditor is seeking a bank account hold, verification of the judgment debtor's ownership interest in a bank account by answered interrogatories or other credible evidence, or the failure of the garnishee defendant to answer interrogatories regarding the judgment debtor's bank account.

## **LR53-SC00-0708 BANKRUPTCY STAY**

Added 10/10/2022

Any party seeking a stay of the proceedings as a result of a bankruptcy proceeding shall petition the court, attaching to the petition a copy of the Bankruptcy Cover Petition and the Schedule of Creditors.

## **LR53-SC00-0710 RELEASE OF JUDGMENTS**

Added 10/10/2022

The Creditor shall file a Release of Judgment within thirty (30) days after the opposing party has paid a judgment in full.

## **LR53-SC00-0711 EVICTION & DAMAGES CASES**

Added 10/10/2022

- A. Claims for Damages. All claims for damages on rental property must be documented by a Landlord's Request for Damages Form (Appendix A and Appendix B) and corroborating evidence. The corroborating evidence shall include:

1. The written lease agreement (if any);
  2. Copy of the Landlord's notice under IC 32-31-3-14;
  3. Ledger or other documentation showing all monthly charges and payments; and
  4. Documentation to support the specific damages claimed.
  5. Any work done personally by the landlord shall also be documented including the hours spent and tasks completed.
  6. At its discretion, the Court may require additional corroborating evidence.
- B. **Late Fees.** The Court will generally limit late fees on past due rent to ten percent (10%) of the monthly rent amount for each month the rent is not timely paid.

## **PROBATE RULES**

### **LR53-PR00-0801    EFFECT ON OTHER LOCAL RULES**

These Rules apply in estate cases in the Monroe Circuit Court. They are in addition to the Local Rules of Trial Procedure. If there is a conflict between these rules and the Local Rules of Trial Procedure, these rules shall prevail.

### **LR53-PR00-0802    FILING OF PLEADINGS**

Updated 7/1/2020

- A. Mail Copies. When pleadings are filed by mail or left with the court for filing by attorneys who do not have distribution boxes in the Office of Court Services, a stamped self-addressed envelope shall be included for return of the pleadings to the party or attorney.
- B. Preparation of Orders. A party filing a motion or petition shall provide the court with an appropriate proposed order at the time of the filing.
- C. Initial Petition. The initial petition opening the estate shall be accompanied by a completed Fiduciary Information Form that contains identifying information for the proposed personal representative, or other fiduciary. The Form will be available in the Clerk's office and on the court's website. The court will maintain the Fiduciary Information Form as a confidential court record pursuant to Access to Court Records 5.

### **LR53-PR00-0803    BOND**

Updated 10/10/2022

- A. Corporate Surety Bond in Estates. In every estate, the fiduciary, prior to the issuance of letters, shall file a corporate surety bond in such amount as shall be set by the court, except as hereafter provided:
1. Except as hereinafter provided, in every unsupervised and supervised estate the personal representative shall file a corporate surety bond in an amount determined by the Court to be adequate to protect distributees, creditors and taxing authorities. This shall be a minimum of Fifteen Thousand Dollars (\$15,000) unless otherwise ordered.”
  2. No surety bond is required where a corporate banking fiduciary qualified by law to serve as such is either the fiduciary or one of several co-fiduciaries.
  3. No surety bond is required in a solvent estate where the decedent's spouse serves as personal representative and is the sole distributee.
  4. Where a Will provides that bond be dispensed with, the Court shall nonetheless fix a bond in an amount adequate to protect creditors and taxing authorities.
  5. Where the personal representative is a distributee, the bond may be reduced by the personal representative's estimated net distributive share, but the Court will fix a bond adequate to protect other distributees (if any), creditors and taxing authorities.
  6. Where all distributees consent in writing that the personal representative serve without bond, the Court will nonetheless determine whether to require a bond in an amount adequate to protect creditors and taxing authorities.
  7. As required by I.C. §29-1-10-1, if the petitioner is a nonresident individual or corporate fiduciary, or if an appointed fiduciary becomes a nonresident of Indiana, the petitioner must file a bond in an amount: (A) not less than: (i) the probable value of the estate's personal property; plus (ii) the estimated rents and profits to be derived from the property in the estate during the probate period; and (B) not greater than the probable gross value of the estate.
- B. Inclusion of Agency Identification. The name, address, and telephone number of the insurance agency providing the corporate surety shall be typed or printed on all corporate bonds in any estate.

**LR53-PR00-0804      INVENTORY AND DOCUMENTS SHOWING VALUE**

Updated 7/1/2020



- A. Supervised Estates. The court will maintain any inventory or accounting filed as a confidential court record pursuant to Access to Court Records 5.
- B. Unsupervised Estates. The court may require an inventory to be filed in unsupervised estates as a condition of continuing that status. If an inventory is filed with the court, it shall be maintained by the court as a confidential court record pursuant to Access to Court Records 5.

## **LR53-PR00-0805 REAL ESTATE**

Updated 7/1/2020

- A. Filing of Appraisal. Any real estate appraisal filed with the court shall be maintained by the court as a confidential court record pursuant to Access to Court Records 5.
- B. Time of Appraisal. All appraisals shall be made within one year of the date of the filing of the petition for sale of the real estate.
- C. Deeds. Deed submitted to the court for approval in estate proceedings shall be signed by the fiduciary before a notary public prior to its submission.
- D. Recording of Final Decree. Whenever a final decree reflects vesting of real estate in heirs or beneficiaries, the decree shall be recorded with the Recorder of the county where the real estate is located, and evidence of such recording shall be provided to the court with the supplemental report.

## **LR53-PR00-0806 SALE OF PROPERTY**

Updated 7/1/2020

- A. Appraisal of Personal Property. In all supervised estates, no petition for sale of 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 of the property to be sold is filed with the court, either at the time of filing of the petition to sell or at the time the inventory is filed. This rule shall not apply if the property is sold at a public auction by written approval of the court. Upon request, the written appraisal shall be maintained by the court as a confidential court record pursuant to Access to Court Records 5.
- B. Time of Appraisal. All appraisals shall be made within one year preceding the date of the petition to sell personal property.

- C. Sale of Property at Market Value. No written appraisal shall be required for the sale of property traded in an open market when the value of that property is readily ascertainable. Such assets include, but are not limited to, stocks, bonds, mutual funds, commodities, precious metals, and motor vehicles.
- D. Unsupervised Administration. The court will not authorize or approve the sale of property in an unsupervised estate.

## **LR53-PR00-0807 CLAIMS**

- A. Examination of Claim Docket. Three months and fifteen 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, and file a notice with the court stating the action taken.

## **LR53-PR00-0808 ACCOUNTINGS**

Updated 1/1/17

- A. Intermediate Accounting. Whenever supervised estate cannot be closed within one year, an intermediate account shall be filed with the court within thirty days after the expiration of one year and each succeeding year thereafter. Such accounting shall comply with the provisions of Indiana Code Sections 29-1-16-4 and 29-1-16-6, and
  1. Shall state facts showing to the court the reasons the estate cannot be closed and providing the court with an estimated date of closing.
  2. Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees, claimants, and taxing authorities.
- B. Vouchers and Cancelled Checks. In all supervised estate accountings, vouchers or cancelled checks for the expenditures claimed shall be filed with the accounting. An affidavit-in lieu of vouchers, or cancelled checks may be accepted from the fiduciary provided the fiduciary retains the vouchers or cancelled checks on file or by a digital image, and is able to, and will.
- C. Expenditure Notation. In all supervised estate accountings, a notation shall be placed by each reported expenditure indicating the check number, date, payee, and reason for, or nature of the expenditure. Missing checks shall be accounted for
- D. Itemized Statement of Assets. All accountings to the court shall contain an itemized statement of all assets on hand.

- E. Payment of Costs and Claims. All court costs shall be paid, and all claims satisfied and released before the hearing on the final account, and a Clerk's Certification (attached form at [Appendix A](#)) shall be filed with the Court before the final account will be approved.
- F. Tax Closing Letters. If required, the Federal Estate Tax Closing letter showing payment of all Federal estate tax liability in the estate shall be attached to the final report at the time of filing, unless previously filed.

## **LR53-PR00-0809 FEES OF ATTORNEYS AND FIDUCIARY**

- A. Order Approving Fees. No fees for attorneys or fiduciaries shall be paid out of any supervised estate without prior written order of the court. Appropriate proposed orders should be submitted to the court at the time a petition to approve fees is filed. All proposed orders for approval of fees for attorneys or fiduciaries shall provide that such fees are not to be paid until the interim account or the final account has been approved by the court. Fees based on the value of the estate will not ordinarily be approved by the court.
- B. Unsupervised Administration. The court will not decide, authorize, or approve the payment of attorney fees or fiduciary fees in an unsupervised estate.

## **LR53-PR00-0810 UNSUPERVISED ADMINISTRATION**

- A. Statutory Requirements. A petition for administration without court supervision may be granted if the requirements of Indiana Code 29-1-7.5-2(a)(4) are met, and there is compliance of all other requirements of Indiana Code 29-1-7.5-2(a).
- B. Costs and Claims Paid. All court costs shall be paid, and all claims satisfied and released on or before the date of the filing of the closing affidavit, and a Clerk's certification thereof (see [Appendix A](#)) shall be filed with the court at the time such closing affidavit is filed with the court evidencing payment of court costs and all claims have been filed.

## **GUARDIANSHIP**

### **LR53-GU00-0800 GUARDIANSHIPS**

*Updated 10/10/2022*

- A. Physician's Report. In all guardianship proceedings seeking to declare an adult incapacitated, a Physician's Report by the doctor treating the alleged incapacitated person, or such additional evidence as the Court may require, shall be presented to the Court at the time the petition is filed or on the date of the hearing. The Physician's Report shall substantially comply with

[GUARDIANSHIP FORM A](#). No determination will be made without a supporting medical report or testimony at hearing. In the event the guardianship proceeding is contested, the Physician's Report shall be considered as hearsay unless the parties stipulate to its admissibility.

- B. Guardian's Information Sheet. A Guardian's Information Sheet must be completed and filed with any petition seeking to establish a temporary or permanent guardianship or a protective order pursuant to I.C. § 29-1-3-4 et. seq., as amended. The Court will not act upon the petition until the Guardian's Information Sheet is completed and filed. The Guardian's Information Sheet must be filed in compliance with Indiana Trial Rule 5(G) and the Indiana Rules on Access to Court Records, Rule 5. (SEE [GUARDIANSHIP FORM B](#)).
- C. Court's Instructions to the Guardian. In all guardianship matters, the Court's Instructions to the Guardian, executed by the Guardian, must be filed with the Court prior to Court appointment and issuance of letters. These Instructions are to be considered as direct Orders of the Court. Instructions to Guardian when the guardianship will be of the person only (SEE [GUARDIANSHIP FORM C](#)) or when the guardianship will apply to the minor's or incapacitated adult's property (SEE [GUARDIANSHIP FORM D](#)) must be completed and filed with the Court. If the Guardian will be appointed over both the person and estate, both sets of Court's Instructions to the Guardian must be completed and filed with the Court. No substitute form will be accepted by the Court.
- D. Presence of the Alleged Incapacitated Person. In all guardianship or protective proceedings seeking to declare an adult incapacitated, either the person alleged to be incapacitated shall be present at the hearing, or the petitioner shall present sufficient medical evidence to establish that a court appearance would result in injury to the person's health or safety. An opinion that the person would have difficulty in understanding the procedure or might say something inappropriate is not sufficient reason alone for their absence.
- E. Notice. Consistent with I.C. § 29-3-3-4(a) and (b), no guardian of an adult shall be appointed, or protective order entered without notice to the alleged incapacitated person or to his duly appointed attorney-in-fact (if known), except upon verified allegations that delay may result in immediate and irreparable injury to the alleged incapacitated person or loss or damage to property. The petitioner shall certify to the Court in writing the efforts, if any, that have been made to give notice and the reasons supporting the petitioner's claim that advance notice should not be required.
- F. Hearings. Hearing shall be scheduled by the Court on any petition seeking guardianship over an adult alleged to be an incapacitated person. Hearings shall be held on any petition seeking a guardianship over a child unless the guardianship is being established for school purposes only.

If the guardianship is being established for school purposes only, the Court may waive the necessity of a hearing.

In all wrongful death proceedings, the Guardian must be present at the time the settlement, either partial and/or final, is presented to the Court for approval. The Court retains the right to require the presence of the minor, incapacitated person, or a Custodial parent at the time the settlement is presented to the Court for approval.

- G. Appointment of Guardian Ad Litem or Attorney. The Court may in its discretion determine that the alleged incapacitated person should have a guardian ad litem or attorney appointed to represent his or her interests, and the hearing for appointment of a guardian for the alleged incapacitated person may be continued by the Court for that purpose. A guardian ad litem will be paid reasonable compensation, considering the needs of the alleged incompetent person, the nature and relative difficulty of the services provided, local custom, the availability, or limitations of resources of the alleged incompetent person's estate, and, in the discretion of the Court, any other considerations deemed relevant under the circumstances of the case.
- H. Power of Attorney. An appointment of a guardian over an estate shall not operate to terminate a power of attorney unless the power of attorney instrument provides for termination upon the incapacity of the principal. A guardian shall not have power over property or health decisions that are subject to a valid power of attorney and cannot revoke or amend a power of attorney on behalf of a principal. A guardian seeking to revoke a valid power of attorney must obtain Court approval which can be granted only after hearing and notice to the attorney in fact.
- I. Bond Premium Payment. If a guardian's bond is required, the guardian of the incapacitated person shall submit to the Court proof of payment of current premiums due on said bond. Failure to comply with this section may result in removal of the guardian.
- J. Reports. The guardian of the incapacitated person shall file reports concerning the incapacitated person biennially or at such other times as ordered by the Court. The reports filed by a guardian of the person shall state the present residence of the incapacitated person and a statement of the incapacitated person's current condition and 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.
- K. Restricted Accounts.
1. In guardianships over the estate of a minor, unless otherwise authorized by the Court, funds shall be placed in a federally insured financial institution or in a brokerage account (or any combination of the two). The monies shall be placed in restricted account(s) designating that no principal or interest may be withdrawn without written order of the Court.
  2. Prior to the issuance of letters in a guardianship over a minor's estate or the compromise of a minor's claim, the guardian and attorney shall execute the Court's attorney's undertaking making the attorney personally responsible for the deposit of the funds in a restricted account.
  3. Within thirty (30) days after the Order authorizing the creation of the account, a certification that a properly restricted account has been created shall be filed. The certification shall be substantially in accordance with the [GUARDIANSHIP FORM E](#).

4. The guardian and the financial institution and/or brokerage shall both promptly notify the Court in writing in the event that any principal or interest is withdrawn from the account without Court authorization.

L. Rules of the Veteran's Administration. Nothing contained in these rules shall amend or supersede the Probate Rules and Regulations promulgated by the Veteran's Administration of the United States, and every guardian appointed by the Court or the attorney for such guardian shall comply with those Rules and Regulations, if applicable.

## **MENTAL HEALTH**

### **LR53-MH00-0900 EMERGENCY DETENTION PROCEDURES**

*Updated 7/1/2023*

A. In order to hospitalize a person on an emergency detention order (EDO), staff of the health care facility shall:

1. Complete the necessary EDO with the signatures of the petitioner and the physician.
2. During working hours submit the EDO to the on-call mental health judge, either Division I or VI, via e-mail or fax for their review and endorsement. After completion of the EDO the judge will return the form to the sender via e-mail or fax.
3. After working hours, send the EDO forms via e-mail to the on-call mental health judge, either Division I or VI, and call the mental health duty judge to notify them of the pending EDO.
4. The next business day the court reporter, either Division I or VI, shall file the completed EDO with the Clerk's Office for them to assign a cause number.