

LOCAL RULES OF THE RIPLEY CIRCUIT & SUPERIOR COURTS

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LR69-AR8-01 - CASE ASSIGNMENT AND LOCAL CASELOAD PLAN

Unless otherwise required by statute, the Clerk of Ripley Circuit Court and Superior Courts and the Prosecuting Attorney of Ripley County, to the extent applicable, are directed to file the following types of cases in the following manner:

(A) All A, B, & C Felonies, all Level 1, 2, 3, 4, and 5 felonies, Murder and related Post Conviction Relief Petitions, Juvenile CHINS, Juvenile Delinquent, Juvenile Status, Juvenile Paternity, Juvenile Miscellaneous, Juvenile Termination of Parental Rights, Mental Health, Adoptions, Unsupervised Estates, Reciprocal Support, Supervised Estates, Guardianships, Trusts, Domestic Relations, Civil Plenary, Civil Tort, and alternating Miscellaneous Criminal in the Ripley Circuit Court.

(B) All Level 6 and "D" Felonies, Criminal Misdemeanors and related Post Conviction Relief Petitions, Small Claims, Mortgage Foreclosure, Civil Collections, Miscellaneous, Protective Orders and alternating Miscellaneous Criminal in the Ripley Superior Court. The Prosecuting Attorney may file infractions and ordinance violations in the Ripley Superior Court.

(C) In criminal cases, the most serious count filed shall determine the proper court.

(D) In the event the Prosecuting Attorney dismisses a criminal case and re-files against the same Defendant or files another case in another court involving the same subject matter and Defendant, the case shall be re-filed in the same Court in which the case was originally filed or immediately transferred to the Court in which the same subject matter is pending.

(Amended effective July 1, 2014)

LR69-CR10-02 - SUBMISSION OF PLEA AGREEMENTS

All plea agreements shall be submitted in writing to the Judge of the appropriate Court no later than twenty-one (21) days prior to the trial date.

LR69-CR13-03 - REASSIGNMENT

(a) In the event it becomes necessary to reassign a case to another judge in a criminal proceeding in the Ripley Circuit Court due to a conflict arising from the sitting judge's previous service as the Chief Deputy Prosecuting Attorney in Ripley County, the Clerk shall reassign the case on a rotating basis to Senior Judge Ted Todd or to Ripley Superior Court Judge Jeffrey Sharp. If in these cases neither judge can serve, then the case shall be reassigned as set forth below.

(b) In all other cases, if it becomes necessary to reassign a criminal case in the Ripley Circuit or Superior Court, the Clerk shall first reassign the case to the other sitting Ripley County Judge and if that Judge cannot serve, then the Clerk shall reassign the case on a rotating basis from the following list of judges:

Judge of the Dearborn-Ohio Circuit Court;
Judge of the Dearborn Superior Court 1;
Judge of the Dearborn Superior Court 2;
Judge of the Decatur Circuit Court;
Judge of the Franklin Circuit Court 2
Judge of the Jefferson Circuit Court;
Judge of the Jefferson Superior Court;
Judge of the Jennings Circuit Court;
Judge of the Jennings Superior Court;
Judge of the Switzerland Circuit Court

(Amended effective May 19, 2015)

LR69-TR79-04 - SPECIAL JUDGE APPOINTMENT

(a) In the event it becomes necessary to appoint a special judge in a civil proceeding under Trial Rule 79 (H) in the Ripley Circuit Court due to a conflict arising from the sitting judge's previous service as the Chief Deputy Prosecuting Attorney in Ripley County, the Clerk shall reassign the case on a rotating basis to Senior Judge Ted Todd or to Ripley Superior Court Judge Jeffrey Sharp. If in these cases neither judge can serve, then the case shall be reassigned as set forth below.

(b) In all other cases, if it becomes necessary to appoint a special judge under Trial Rule 79(H), in the Ripley Circuit or Superior Courts, the Clerk shall first reassign the case to the other sitting Ripley County Judge and if that Judge cannot serve, then the Clerk shall reassign the case on a rotating basis from the following list of judges:

Judge of the Dearborn-Ohio Circuit Court;
Judge of the Dearborn Superior Court 1;
Judge of the Dearborn Superior Court 2;
Judge of the Decatur Circuit Court;
Judge of the Franklin Circuit Court 2
Judge of the Jefferson Circuit Court;
Judge of the Jefferson Superior Court;
Judge of the Jennings Circuit Court;
Judge of the Jennings Superior Court;
Judge of the Switzerland Circuit Court

(Amended effective May 19, 2015)

LR69-TR58-05 - PREPARATION OF COURT DOCUMENTS

(A) A party requesting a hearing, trial or continuance only, shall be responsible for preparing a chronological case summary entry which schedules or reschedules, as appropriate, a matter for hearing. Such entries shall be submitted with the Motion for Hearing or Continuance and shall be in lieu of any order scheduling or rescheduling such matters together with sufficient copies and pre-addressed pre-stamped Clerk's envelopes to provide copies to all parties.

(B) The motion for hearing, trial or continuance shall contain a statement estimating how much court time will be required for the hearing or trial.

(C) A party filing any other type of motion shall, at the time of filing, submit a proposed order with sufficient copies and pre-addressed stamped Clerk's envelopes to serve all parties.

(D) A party agreeing or directed by the Court to prepare an order, judgment or decree, shall do so in accord with the directives of the Court and Trial Rule 58(B). Proposed orders and judgment shall be on pages separate from the motion. Parties in Domestic Relations cases shall submit proposed Dissolution Decree and in all cases calling for child support a Child Support Income Withholding Order.

(E) All CCS entries, orders on judgments shall have, in the lower left hand corner of the signature page, a distribution list with the name and mailing address of each party or attorney to receive a copy of the same.

(F) Every person filing a pleading that requires service shall clearly designate the manner of service, e.g. certified mail or sheriff. If service is to be by certified mail, the person shall tender to the Clerk, a completed certified mail return card and receipt with the cause number typed or printed on the mail return card. Sufficient postage must be provided if service by certified mail is requested after the initial filing of a lawsuit or claim.

LR69-AR12-6 - CONTINUANCES

A. All requests for continuances shall be made as soon as the reason therefore has been discovered or should have been discovered. All motions shall, except in the event of an emergency or in open court, be in writing and on file with the Court no later than ten (10) days prior to the scheduled matter unless the motion is accompanied by an affidavit that the reasons for the continuance have occurred within the ten (10) day period. Exceptions may be granted for matters scheduled with less than ten (10) days notice.

B. Each motion shall contain the reason for the requested continuance, that counsel has contacted opposing counsel and opposing counsel's response to the request, the amount of court time required for the hearing or trial, and shall be accompanied by sufficient copies of a Chronological Case Summary Entry which will allow the Court to notify all parties of rescheduling of the matter. Agreement of counsel does not necessarily mean the motion will be granted.

C. The Court may require any written motion for continuance to be signed by the party requesting the continuance in addition to his or her counsel and may require the motions to be served on the parties as well as the attorneys and on the victim or victim's family in a criminal case.

D. The Court, in its discretion, may assess any costs and expenses necessarily incurred by the Court, the County or parties as a result of continuances or delays.

LR69-AR12-07 FACSIMILE FILINGS

Facsimile filings of pleadings are acceptable by the Ripley Circuit and Superior Courts but shall be followed by originals of the pleadings. Facsimile copies of proposed orders, judgments or CCS entries will not be accepted.

LR69-TR3.1-08 BANKRUPTCY

It shall be the duty of the debtor's bankruptcy attorney to file with the Court, a notice of bankruptcy, setting forth the date of the bankruptcy filing, the bankruptcy court location and case number, and an affirmation that the opposing party has been duly listed on the bankruptcy petition.

LR69-AR10-9 COURTHOUSE SECURITY

No person shall enter the Ripley County Courthouse carrying a deadly weapon of any kind or type, whether carried openly or concealed. This rule does not apply to law enforcement officers under Indiana Code 35-41-1-17 or federal enforcement officers.

LR69-JR4-10 JURY ADMINISTRATION

The Clerk of the Ripley Circuit and Superior Courts and Ripley County Technology coordinator are the jury administrators. The jury administrators shall compile the jury pool from a list approved by the Indiana Supreme Court.

The jury administrators shall summons prospective jurors by use of a two-tier notification system as outlined in Indiana Jury Rule 4(b) and at such times and in such numbers as the Courts shall direct.

LR69-JR10-11 JUROR PRIVACY

Juror questionnaires shall be handled in accordance with Jury Rule 10 and Indiana Administrative Rule 9(G)(1)(b)(xii). Thus, juror questionnaires shall not be recopied, 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.

LR69-TR65-12 EX PARTE EMERGENCY CUSTODY OR EX PARTE GUARDIANSHIPS OF MINOR CHILDREN

Whether in the context of a dissolution of marriage, paternity, guardianship, or any other proceeding, where one is seeking ex parte or emergency custody of a child or ex parte emergency guardianship of a minor child, the following minimum information will be required:

- 1.) A sworn verified motion or petition signed by the person seeking relief.
- 2.) The full name, physical and mailing address of the petitioner or movant, and their relationship to the child or children for whom they are seeking custody or guardianship.
- 3.) The full name, date of birth, and age of the child or children for whom custody or guardianship is being sought.
- 4.) The length of time the child or children have been in the petitioner's or movant's physical custody, and a brief description of the circumstances as to how such physical custody occurred. If the child or children are in another's physical custody, the same information is required including that person's relationship to the child or children.5.) The name and physical, and mailing, address of every other person who has legal or physical custody of the child or claims such right, including, but not limited to, the biological mother, the biological father, or putative father(s). If it is claimed an address is unknown, then the Court shall be advised what efforts have been undertaken to locate said person and their last known physical and mailing address.
- 6.) If any other interested party is represented by counsel, or known to have counsel, what efforts have been undertaken to advise other counsel of the pending ex parte request and other counsel's response.
- 7.) A complete copy of the most recent custody order in effect, if any.
- 8.) A statement whether the person seeking emergency ex parte custody or guardianship has had their visitation or custodial rights to any of said child or children limited, restricted, or suspended in any way by prior court order.
- 9.) The existence of any pending C.H.I.N.S. proceeding or other involvement by a child welfare agency and whether custody proceedings or guardianship proceedings regarding the child or children are pending in or have been filed in another court and, if so, sufficient information to apprise the court of the place and nature of the proceedings.

LR69-FL01-13-CHILDREN COPE WITH DIVORCE SEMINAR

In any dissolution of marriage, paternity or legal separation proceeding where there remain minor children born of the marriage or relationship, both the father and mother shall complete the Children Cope with Divorce program or equivalent program approved by the Court within sixty (60) days after the filing of the petition and file with the Court a certification of completion. Each party shall bear their own costs for the program with an allowance for waiver. No final hearing will be scheduled until both certificates are on file with the Court. Failure to complete the program within the required time period shall be punishable by contempt. Completion of the program shall not be waived except in unusual circumstances approved by the Court. The parties are directed to contact the Visiting Nurse Service within ten (10) days of service of summons at 1-800-248-6540 or (317)-722-8201 to make an appointment to attend the program. Counsel for petitioner is responsible for notification of their clients of the requirements of this rule.

LR69-FL02-14 SUBMISSION OF FINANCIAL DECLARATION FORM

A. Requirement: In all relevant family law matters, including dissolutions, legal separations, paternity and post decree support or maintenance proceedings, the moving party shall prepare and serve a Financial Declaration Form on the opposing party or their counsel within thirty (30) days of the date of the filing of the action. The responding party shall prepare and serve a Financial Declaration Form within twenty (20) days after receipt of service of the moving party's declaration. These time limits may be amended by court order for good cause shown after motion or by written agreement of the parties filed with the Court.

B. Exceptions: The Financial Declaration Form need not be exchanged nor settlement conference conducted if:

- 1.) The parties agree in writing to waive exchange.
- 2.) The parties have executed a written agreement which settles all financial issues.
- 3.) The proceeding is one in which the service is by publication and there is no response.
- 4.) The proceeding is post-decree and concerns issues without financial implications. Provided, however, when the proceeding is post-decree and concerns only an arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely that portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation); or
- 5.) Where the gross marital estate in a dissolution or legal separation is \$5,000.00 or less.

C. Admissibility: Subject to specific evidentiary challenges, the Financial Declaration shall be admissible into evidence upon filing and shall comply with Indiana Administrative Rule 9 and Indiana Rule of Trial Procedure 5(G).

D. Supporting Documents: For the purpose of providing a full and complete verification of income, assets, liabilities and values, each party shall attach to the Financial Declaration Form all information reasonably required and reasonably available. At the minimum, this shall include income tax returns and supporting documentation and current wage records. "Reasonably available" means material which 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. The Court may require either party to supplement such Financial Declaration with appraisals, bank records, and other evidence to support the values set out therein.

E. Financial Declaration-Mandatory Discovery: The exchange of Forms constitutes mandatory discovery. Thus **INDIANA TRIAL RULE 37** sanctions apply. Additionally, pursuant to **INDIANA TRIAL RULE 26(e) (2) and (3)**, the Form shall be supplemented if additional material becomes available.

F. Within ninety (90) days of the date of filing conduct and verify to the Court that a settlement conference between the parties and counsel has been conducted and report to the Court any stipulations or agreement which have arisen from the settlement conference. This section of the rule shall not apply unless both parties are represented by counsel.

G. In all matters involving support, each party shall submit to the Court a completed Child Support Obligation Worksheet with supporting documentation within sixty (60) days of the filing of the petition.

H. The Financial Declaration Form and Child Support Obligation Worksheet is available from the Clerk.

LR69-FL03-15 PRO SE LITIGANTS FOR DISSOLUTION OF MARRIAGE

The Clerk shall distribute a notice provided by the Court to all persons filing a pro se petition for dissolution of marriage together with a copy of LR69-FL02-14 and Financial Declaration Form and, if applicable, LR69-FL01-13 with a brochure for the Children Cope with Divorce program and a Child Support Obligation worksheet and Child Support Guidelines along with a copy of the Indiana Supreme Court Parenting Time Guidelines.

LR69-CR00-16 BAIL

A. Bail for A, B or C felonies, murder and any probation violations of sentences for those offenses shall be fixed at the initial hearing or by order of the court.

B. Bail for the following offenses is fixed according to the following schedule:

Class D Felony \$10,000.00

Class A, B or C Misdemeanors \$5,000.00

Probation violation of Class D Felony
Class A, B or C Misdemeanor sentences, other
than commission of an additional offense \$5,000.00

In the event that an individual is incarcerated and has pending criminal charges or is on probation, the Courts consider that factor to increase the risk of the individual's non-appearance and accordingly, fixes bail at an amount equal to the bail fixed above times the number of pending cases. Individuals arrested for Domestic Battery shall not be let to bail less than forty-eight (48) hours from the time of arrest unless otherwise ordered by the Court.

C. Bail shall be posted by the defendant only and accepted by cash only in the amount of Ten percent (10%) of the prescribed bail pursuant to I.C. 35-33-8-3.1.

D. The Clerk of the Courts shall collect an administrative fee on each bail bond in the amount of Ten Percent (10%) of the bond, but in no event more than \$50.00.

E. Any defendant arrested without a warrant shall be released on his own recognizance forty-eight (48) hours after his arrest unless a Judge of the Circuit or Superior Court has issued a finding within forty-eight (48) hours of the arrest that probable cause existed for the arrest.

LR69-CROO-17 PRE-SENTENCE AND PRE-DISPOSITIONAL REPORTS

All presentence investigations and predispositional reports shall be submitted to the Court, counsel and/or the parties no later than five (5) days prior to the sentencing or dispositional hearing.

LR69-AR15- 18 - TRANSCRIPTS

A. The following definitions shall apply under this local rule:

(1) A *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

(3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per week.

(8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

(9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) *Court* means the particular court for which the court reporter performs services. Court may also mean the court in Ripley County.

(11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

- (13) *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for by a private party.
- B. A court reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during any regular work hours, gap hours or overtime hours.
- C. A \$5.00 per page fee may be charged for county indigent transcript preparation.
- D. The court reporter shall submit directly to the county a claim for the preparation of the county indigent transcript.
- E. A \$5.00 per page fee may be charged for Non-appellate transcript preparation.
- F. A \$1.75 per page fee may be charged for copies of transcripts.
- G. A \$1.75 per page fee may be charged for copies of exhibits to be included in the transcript.
- H. A minimum fee of \$50.00 per transcript preparation may be charged.
- I. Index and Table of Contents pages may be charged at the per page rate of \$5.00.
- J. An additional labor charge of \$22.00 per hour may be charged for time spent binding the transcript and exhibit volumes.
- K. An expedited fee of \$6.50 per page may be charged for an expedited transcript where the transcript must be prepared within five (5) working days.
- L. A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, may be charged; the costs of these supplies will be established and published annually by the judges of the County.
- M. When a non-appellate transcript is requested, a party must make satisfactory arrangements with the court reporter for payment of the cost of the transcript. Payment for appellate transcripts shall be in accord with Appellate Rule 9 H.
- N. The court reporter shall report on an annual basis to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees (either county indigent, state indigent or private) received by the court reporter.
- O. If a court reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

1. The reasonable market rate for the use of equipment, work space and supplies;
2. The method by which records are to be kept for the use of equipment, work space and supplies; and
3. The methods by which the court reporter is to reimburse the court for the use of equipment, work space and supplies.

P. If a court reporter elects to engage in private practice through recording a deposition and/or the preparing of a deposition transcript, that such private practice shall be conducted outside of regular working hours; and

Q. The Court shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e., either monetary compensation or compensatory time off regular work hours.

LR69-TR53.5- 19- WITHDRAWAL

In all cases in which the Court retains a continuing jurisdiction and retained legal counsel and client do not wish to continue representation, counsel shall, at the conclusion of the matter for which counsel was retained, submit a motion to withdraw from representation and a proposed order. Attorneys appointed by the Circuit Court shall remain in the case until further order.

LR69-AR14-20 CAMERAS AND RECORDING EQUIPMENT

A. Broadcasting, televising, recording or taking photographs in the Courtroom and areas immediately adjacent thereto during sessions of the court or recesses is strictly prohibited. No cameras or recording equipment will be permitted above the first floor of the Ripley County Courthouse and in no event will any video or still camera or recording device be permitted in the Courtroom at any time. No interviews will be conducted above the first floor of the Courthouse.

B. Pursuant to Ind. Judicial Conduct Rule 2.17(1), security cameras shall be allowed in the courtroom for administrative purposes. According to Ind. Administrative Rule 9(g)(2)(b), Ripley Circuit and Superior courts declare the recordings from the security cameras confidential and exclude public access to the recordings unless a court order allows access.

(Amended effective November 1, 2012)