

TIPPECANOE COUNTY LOCAL RULES OF COURT
(Updated January 1, 2020)

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Honorable Sean M. Persin
Honorable Randy J. Williams
Honorable Steven P. Meyer
Honorable Faith A. Graham
Honorable Laura Zeman
Honorable Kristen E. McVey
Honorable Michael A. Morrissey

Tippecanoe Circuit Court
Superior Court of Tippecanoe County
Superior Court No. 2 of Tippecanoe County
Superior Court No. 3 of Tippecanoe County
Superior Court No. 4 of Tippecanoe County
Superior Court No. 5 of Tippecanoe County
Superior Court No. 6 of Tippecanoe County

LR79-AR 1(E). Rule 1 County Caseload Plan

As of the date of the Order adopting these Rules, and subject to any modifications which may subsequently be made, the Tippecanoe County Caseload Plan reads as follows:

All cases wherein the most serious charge alleged is Murder, a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony and those Class D felonies or Level 6 felonies specified below shall be assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County, on a random basis according to the following ratio:

Court	Ratio
Tippecanoe Circuit Court	2
Superior Court of Tippecanoe County	4
Superior Court No. 2 of Tippecanoe County	4

For any defendant who has a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony case pending or who is serving a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony sentence, whether executed or suspended, any new case in which the most serious charge alleged is a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony shall be filed in the court having jurisdiction of the oldest such prior case. Upon learning that such a case has been filed in the wrong court, the prosecutor shall within 14 days move to transfer the case to the proper court.

Class D felony and Level 6 felony cases assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County are as follows:

Battery on a Child
Possession of Child Pornography
Child Exploitation
Vicarious Sexual Gratification
Child Solicitation
Child Seduction
Dissemination of Matter Harmful to Minors
Neglect of a Dependent
Arson
Sexual Conduct in Presence of Minor
Kidnapping

All Class D felonies, Level 6 felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 9, Traffic Code, and only those civil plenary cases with claims up to \$10,000 shall be assigned to Superior Court No. 6 of Tippecanoe County. All Class D felonies, Level 6 felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 35, Article 48, Controlled Substances, and not set forth in paragraph 2 above, and only those civil cases involving small claims and landlord tenant's claims, shall be filed in Superior Court No. 4 of Tippecanoe County. Glue Sniffing, in violation of Indiana Code 35-46-6-2, Public Intoxication cases, and Illegal Possession of Alcohol by a Minor cases (Ind. Code § 7.1-5-7-7) shall be filed in Superior Court No. 4 of Tippecanoe County, along with search warrants and 72 hour holds approved by the Tippecanoe County Magistrate.

Where it is alleged a defendant committed the offense of Escape or Failure to Return to Lawful Detention (I.C. 35-44.1-3-4) in violation of an order issued by a Tippecanoe County Court, the charge of Escape or Failure to Return to Lawful Detention shall be filed in the court which issued the order.

Where it is alleged a defendant committed the offense of Escape or Failure to Return to Lawful Detention (I.C. 35-44.1-3-4) in violation of an order issued by a court in any other county, state or jurisdiction, the charge of Escape or Failure to Return to Lawful Detention shall be filed in Tippecanoe Superior Court 5.

All remaining Class D felonies, Level 6 felonies, misdemeanors, and infraction cases not specifically set forth above shall be filed in Superior Court No. 5 of Tippecanoe County.

Superior Court No. 3 of Tippecanoe County exercises juvenile jurisdiction and will not receive filings of felony or misdemeanor cases. A case wherein juvenile jurisdiction is waived may be assigned to a court by agreement of the parties. In the absence of such agreement, the case shall be filed in accordance with the Local Rule on Assignments of Criminal Cases.

When it is alleged that defendants jointly commit a crime or crimes and the most serious charge alleged is Murder, the cases shall be assigned together to Tippecanoe Circuit Court, Superior Court of Tippecanoe County or Superior Court No. 2 of Tippecanoe County on a random basis in the ratio of 2:4:4 set forth above.

Where it is alleged that defendants jointly commit a crime or crimes, and the most serious charge alleged is a Class A, B or C felony or a Level 1, 2, 3, 4 or 5 felony, their cases shall be filed together in the same court. In any such cases where one or more of the defendants has a Class A, B or C felony or a Level 1, 2, 3, 4 or 5 felony case pending or is serving a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 sentence, whether executed or suspended, all the cases shall be filed in the court having jurisdiction of the oldest such prior case.

Any case in which the most serious charge is a Class D felony, Level 6 felony, misdemeanor or infraction shall be filed as specified above, notwithstanding any charges against co-defendants.

A judge, by appropriate order may transfer and reassign to any other court of record in the county, any pending case, subject to acceptance by the receiving court.

A case transferred to Tippecanoe County by reason of change of venue from another county may be assigned to a court by agreement of the parties. In the absence of such an agreement, the case shall be filed in accordance with this Local Rule on Case Assignments.

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which dismissal was taken.

All petitions for civil orders of protection shall be filed initially in Superior Court No. 5 of Tippecanoe County.

Petitions for dissolution of marriage in which a fee waiver is requested shall be filed in Superior Court No. 2.

Petitions to expunge records under I.C. 35-38-9-1 shall be filed in the court in which the charges were filed under a new expungement (XP) cause without the payment of court costs, and if no charges were filed or the petition includes Section 1 requests from multiple courts, then said petitions shall be filed in Tippecanoe Superior Court No. 2 under a new expungement (XP) cause without the payment of court costs.

Petitions to expunge misdemeanor convictions under I.C. 35-38-9-2, minor Class D or Level 6 felony convictions under I.C. 35-38-9-3, less serious felony convictions under I.C. 35-38-9-4, and certain serious felony convictions under I.C. 35-38-9-5 shall be filed under a new expungement (XP) cause with the payment of court costs. Said petitions shall be filed in the court in which conviction was entered, unless the petition seeks to expunge causes from multiple courts, then the petition shall be filed in Tippecanoe Superior Court No. 2. The payment of court costs is required so long as the petition includes a request to expunge at least one conviction.

Petitions to expunge records concerning a delinquent child or a child in need of services under I.C. 31-39-8 or petitions to seal records of a juvenile under I.C. 35-38-9-1 shall be filed in Tippecanoe Superior Court No. 3 under a new expungement (XP) cause without the payment of court costs.

The Presiding Judge of the Superior Courts 4, 5, and 6 shall assign the Magistrate to serve any of the Tippecanoe Circuit or Superior Courts in a manner which provides the greater assistance to the courts with greater caseloads. Considering the 2014 caseloads, the Superior Court No. 4 will be limited to one-half day each week and the Circuit Court to two one-half days each week. The balance of the Magistrate's time will be allocated to the courts as set forth above.

All other civil cases, regardless of type, not otherwise mentioned herein, shall be filed in either Circuit Court, Superior Court 1, or Superior Court 2.

Adopted Aug. 1, 2006, effective Jan. 1, 2007. Amended Nov. 30, 2007, effective Jan. 1, 2008; amended Jan. 6, 2010, effective Jan. 1, 2010; amended Oct. 10, 2011, effective retroactive to Jan. 1, 2011; amended effective September 1, 2012. Amended effective September 1, 2013. Amended effective July 1, 2014. Amended effective July 1, 2015. Amended Effective April 1, 2017. Amended effective January 1, 2020.

LR-79 AR2-Rule 2 Consent to Authority to Sit as Acting Judge

A. The judge of the Tippecanoe Superior Court No. 3 consents to the judge of the Carroll Circuit Court and the judge of the Carroll Superior Court upon request to sit as acting judge in this court in any matter as if the judicial officer were the elected or appointed judge of this court, as provided in Administrative Rule 1. This consent will be filed in the court's Record of Judgments and Orders.

B. The authority to sit as acting judge in Tippecanoe Superior Court No. 3 is granted even when the sitting judge is present and available.
(Adopted effective June 8, 2017)

LR79-TR 5(E)-2 Filing

A. Flat filing. All papers presented for filing with the Clerk or Court shall be flat and unfolded.

B. Number of copies. All Orders submitted to the Court shall be in sufficient number so that the original and one copy may be retained by the clerk and a copy mailed to each party.

C. Proposed orders required. The moving party, unless the Court directs otherwise, shall furnish the Court with proposed Orders in the following matters: motions for enlargement of time, for continuance, for default or default judgment, to compel discovery, for restraining order or injunction, for immediate possession of real estate or personal property, for appointment of receiver, for findings of fact and conclusions of law, for dismissal of an action, for judgment in a collection matter or mortgage or lien foreclosure, and in such other matters as the Court directs.

LR79-TR 5(E)-3 Motion Hour

If the Court conducts motion hour, the same shall be for the consideration of routine matters, procedural motions, setting dates for trials, pre-trial conferences, and hearings and for other matters which can ordinarily be heard without evidence or argument. Attorneys shall notify opposing counsel in advance before approaching the Judge at motion hour for any matter requiring action to be taken by the Court.

LR79-TR 6(B)-4 Extensions of Time

(1) Initial Extension. In a civil action where a party desires an initial 30 – day extension of time to file a responsive pleading or to respond to a discovery request, the party shall contact opposing counsel before the due date and solicit agreement to the extension. If there is no objection or opposing counsel cannot with due diligence be reached, the party seeking the extension shall file a notice with the Court reciting the lack of objection to the extension or that opposing counsel could not with due diligence be reached. No further filings with the Court nor action by the Court shall be required for the extension. If opposing counsel objects to the request for extension, the party seeking the extension shall file a formal motion for such extension and shall recite in the motion the efforts to obtain agreement.

(2) Other extensions. Any other request for an extension of time, unless made in open Court or at a conference, shall be made by written motion. If opposing counsel objects to the request for extension, the party seeking the extension shall recite in the motion the effort to obtain agreement; or recite that there is no objection.

(3) Due dates. Any notice or motion filed pursuant to this rule shall state the date such response was initially due and the date on which the response will be due after the extension.

LR79-TR73-5 Telephone Conferencing

A. Purpose. To expedite the Court’s business, the Court encourages telephone conferencing for the hearing of motions, for pre-trial and status conferences, and for other matters which may reasonably be conducted by telephone.

B. Hearing on motions or status conferences. Within five (5) days after receipt of notice of hearing on a motion, any party or attorney may request that the Court conduct the hearing by telephone conference with the Court. If the Court sets the hearing for telephone conference, the party requesting the telephone conference shall arrange and place the call, unless otherwise ordered by the Court.

LR79-TR12-6 Motions

A. Applicability. This rule shall apply to motions under Trial Rule 12, contested motions to continue hearings or trials, discovery motions, and any other contested motions.

B. Briefs and Memoranda. Unless the procedure for a motion is governed otherwise by the Indiana Rules of Trial Procedure, an adverse party shall have fifteen (15) days after service of a motion in which to file a response, and the moving party shall have seven (7) days in which to file a reply. The court may in its discretion shorten or lengthen the time for a response or a reply. Failure to file a response or reply within the prescribed time shall subject such motions to summary ruling. Any party may request the court hold a hearing on a motion.

C. Notice of hearing. If the movant procures a date for hearing on a motion, the movant shall promptly give notice to all adverse parties of the date and time of such scheduled hearing.

LR79-TR-53.5-7 Continuances

Before requesting a continuance of a matter, the moving party shall confer with the other parties to determine any objections and dates for rescheduling when all parties are available. Such objections and alternative dates shall be reported in the motion for continuance.

LR79-TR-3.1-8 Withdrawal of Appearance

Motions to withdraw an appearance shall be in writing with an attached notice to the client of intention to withdraw. The notice to the client of the intention to withdraw shall include an explanation to the client of (i) the present status of the case; (ii) the dates of scheduled hearings or other pending matters in the case; and (iii) the potential consequences to the client's case resulting from failure of the client to act promptly or to secure new counsel.

LR79-TR 79-9 Withdrawal of Original Records

Original pleadings, papers, exhibits or other official materials in the custody of the Clerk, reporter or other officer of the Court shall not be withdrawn from the officer having custody thereof except upon (i) the Order of the Judge of the Court where the record is held, and (ii) upon leaving a proper receipt with the Clerk, reporter or officer.

LR79-CR 2.2-10 Case Reassignment and Special Judges in Criminal Cases

In the event a change of judge is granted pursuant to Indiana Criminal Rule 12 or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of court for random selection of another court from among all the courts in Tippecanoe County other than Superior Court No. 3. On selection, the case shall be reassigned by the Clerk to the selected court.

In the event no judge is available for assignment or reassignment of a felony or a misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.

Amended effective June 1, 2010.

LR79-TR79-11

Special Judge Selection in Civil Cases

Juvenile Cases: To ensure the effective use of all judicial resources within this Administrative District, the juvenile court shall maintain a list of eligible judges including judges (1) regularly presiding over juvenile cases within this Administrative District and (2) from contiguous counties who have agreed to serve as special judge in juvenile court and, when required pursuant to Trial Rule 79 to assign a special judge, shall assign a judge from said list on a rotating basis.

All Other Civil Cases: The six (6) judges of Tippecanoe County (not having juvenile case load) shall maintain a computer generated random selection system among said six (6) judges, and from among eligible judges pursuant to TR 79 (J), to be managed through the County Clerk’s Office and the County Data Processing Department. Whenever a special judge needs to be assigned pursuant to Trial Rule 79 (H), the judge shall direct that a judge be selected by said random process first from the eligible judges in Tippecanoe County and then from the eligible judges from within the Administrative District.

If the judge selected by this Rule is disqualified or no judge is eligible to serve as special judge, the judge having jurisdiction of the cause shall notify the Indiana Supreme Court of the circumstances relevant thereto and request that a special judge be appointed by the Supreme Court.

Adopted June 23, 2010, effective June 1, 2010; Amended effective Jan. 1, 2012; Amended effective April 1, 2013.

LR-79-AD28-Rule 12 Alcohol and Drug Program Fees

Pursuant to I.C. 12-23-14-16 and the Indiana Rules for Court Administered Alcohol and Drug Programs, Rule 28, the Tippecanoe County Probation Department may collect fees from participants of the Tippecanoe County Alcohol and Drug Program as follows:

Alcohol and Drug Evaluation	\$200.00
Case Management	\$150.00
Transfer Fee	\$100.00
2 nd Case before 1 st Case closed	\$100.00
1 st Reschedule Fee	\$25.00
2 nd Reschedule Fee	\$100.00

Amended effective May 1, 2012. Amended effective August 1, 2015. Amended effective April 1, 2017.

LR79-AR15-13 Court Reporter Services

Section One. 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.
- (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 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, and includes the index and table of contents pages.
- (5) Recording means the electronic, mechanical, stenographic, digital, 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 work week.
- (8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
- (9) *Workweek* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- (10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Tippecanoe 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.

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 court during any regular work hours, gap hours or overtime hours. The supervising 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) Court reporters may contract to prepare transcripts outside the hours in which their attendance is required and outside hours they perform other work pursuant to their employment relationship.
 - (a) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$5.00. The court reporter shall submit a claim to the court reporter of Superior Court 2, or as otherwise directed by the their supervising Judge, who shall submit the claim to the county for the preparation of any county indigent transcripts. The ancillary court department shall have the responsibility of maintaining the budget for county indigent transcripts.
 - (b) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$5.00. The court reporter shall submit the invoice for state indigent transcripts directly to the state.
 - (c) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$5.00. The court reporter shall submit the invoice for private transcripts directly to the attorney or party requesting the transcription. A deposit in the amount of the estimated work shall be required from the attorney or party making a private transcript request.
 - (d) Request for expedited transcript to be prepared within 24 hours must be limited to 50 pages and shall be charged at the rate of \$8.50 per page. Request for expedited transcript to be prepared within 5 days must be limited to 150 pages and shall be charged at a rate of \$7.50 per page. Any request over 150 pages to be completed within 15 days shall be considered expedited and shall be charged at the rate of \$10.00 per page. Any other expedited rates may be approved by the Judge of the Court in which the proceeding originates.
 - (e) An additional labor charge of \$25.00 may be assessed for preparation of each volume and or binder which includes the cost of all office supplies and electronic submission if required.
 - (f) The maximum per page fee a court reporter may charge for additional copies of a transcript (state indigent or private) shall be \$1.00. The court reporter shall submit the invoice for the additional transcript copy directly to the attorney or party requesting the copy.

- (3) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Office of Court Administration. The reporting shall be made on forms prescribed by the Office of Court Administration.
- (4) A late fee of up to \$25.00 may be assessed against any private pay transcript in the event payment is not made within 10 days from the date of the Notice of Filing of Transcript.

Section Three. Private Practice

- (1) If a court reporter elects to engage in private practice through the 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 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, work space and supplies;
 - (b) The method by which records are to be kept for the use of equipment, work space and supplies; and
 - (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space 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.

(Amended and approved effective April 7, 2017; and further amended effective January 1, 2020)

LR79-AR15-14 Assigned Counsel and Guardian Ad Litem Fees

1. Assigned Counsel Fees

- a. Assigned counsel in pauper cases shall be paid by the court at the rate of \$90.00 per hour, or at the rate required to continue receiving reimbursement from the Public Defense Fund, whichever is greater, unless state law requires a different rate of payment.
- b. Assigned counsel shall submit verified, itemized claims using units of time no larger than one-quarter hour, detailing the work for which they seek payment.

2. Guardian Ad Litem Fees

- a. The order appointing a guardian ad litem shall specify the guardian's hourly fee, the amount of the retainer, and the allocation of the guardian's fee between the parties.
- b. Guardians ad litem may agree with the parties to a case upon the fee they will charge.
- c. If there is a written agreement signed by the parties, or a court order entered at the time of appointment establishing the guardian's fees, the court will approve an agreed fee no greater than \$200.00 per hour.
- d. A fee established by court order entered at the time of appointment or by written agreement may be enforced by judgment and supplemental proceedings.

e. In the absence of a written agreement or court order entered at the time of appointment, the court shall enforce payment at the assigned counsel rate established by section 1 (a) of this order.

f. If the guardian is unable to collect his or her fee from the parties, the guardian may apply for payment to the court. The court shall then conduct a hearing to determine if the delinquent party is indigent. If the court finds that the delinquent party is indigent, the court shall order payment of the guardian's fee from the Family Relations Fund. The payment from the Family Relations Fund shall be calculated by multiplying the total hours billed by the guardian by the assigned counsel rate and subtracting the total amount previously received by the guardian.

LR79-JR4-15 Local Rule Regarding Jury Rules

Pursuant to the Order of the Supreme Court of Indiana, adopted December 31, 2001, and amended July 19, 2002, amending the Indiana Jury Rules, and in the exercise of its inherent authority to supervise the administration of all courts of this state, this Local Rule is adopted and promulgated.

Jury Rule 4, Notice of Selection of Jury Pool and Summons for Jury Service, mandates that the Judges of the Courts of Record of Tippecanoe County select by Local Rule, one of the two procedures outlined therein for summoning jurors.

The Judges of the Courts of Record of Tippecanoe County, being duly advised, hereby promulgate this Local Rule adopting the two-tier notice and summons system described in Jury Rule 4. The jury qualification form and notice will be the first tier and summoning the prospective juror at least one week before service will be the second tier.

The Bailiff of each court of record, as well as the Clerk of Tippecanoe County, is hereby designated as a Jury Administrator.

LR79-CR00-16. Bail Schedule

Unless otherwise ordered by a judicial officer, the Sheriff of Tippecanoe County is hereby ordered to follow this bail schedule for the setting of bail for all persons arrested without warrants for criminal offenses committed in Tippecanoe County:

OFFENSE CLASS	CASH AMOUNT +	SURETY AMOUNT
Murder	No Bond	No Bond
Level 1 felony	\$10,000	\$100,000
Level 2 felony	\$2,500	\$25,000
Level 3 felony	\$1,500	\$15,000
Level 4 felony	\$1,000	\$10,000
Level 5 felony	\$500	\$5,000
Level 6 felony	\$500	
Misdemeanors	\$250	
Escape (L6f) Failure to Register (L6f)		\$5,000 surety only

Persons arrested for Level 1, 2, 3, 4 or 5 felonies must pay the CASH AMOUNT and the SURETY AMOUNT shown above. The CASH AMOUNT shown above represents a 10% cash bond amount paid if posted through the Clerk with an executed Agreement on Disposition of Bonds.

A. Multiple offenses. If a person is arrested for allegedly committing more than one offense, bail shall be in the amount established for the most serious offense.

B. Posting Bond. The total surety and total cash (100% of cash – not 10% cash) amounts may be paid in full with cash only or surety bond only, unless otherwise ordered by a judicial officer. Property bonds must first be approved by a Judge. When a 10% cash bond is posted with the Clerk, the arrested person and depositor must sign an Agreement on Disposition of cash bond, and the 10% cash bond must be posted in the arrested person’s name only. Upon non-filing, dismissal, or acquittal, the 10% cash bond posted may be returned less publicly paid costs of representation and the administration fee. Otherwise, after the sentencing of an arrested person, the 10% cash bond will be retained by the Clerk to pay public defender fees, restitution, court costs, fines or other fees ordered by the Court.

C. No bond until seen by judicial officer. This bail schedule shall not be used for any person arrested for committing an offense, attempting to commit an offense, or conspiracy to commit an offense, listed below:

Child Molesting
Child Solicitation
Rape
Criminal Deviate Conduct
Vicarious Sexual Gratification
Sexual Conduct in Presence of Minor
Child Exploitation
Child Seduction
Sexual Battery
Kidnapping of Minor
Criminal Confinement of Minor
Possession of Child Pornography
Promoting Prostitution
Promoting Human Trafficking of Minor
Sexual Misconduct with a Minor
Incest

In these cases, the amount and conditions of bail will be set by a judicial officer following a bail hearing in open court not more than forty-eight (48) hours after the person has been arrested, except if the person is arrested when the courthouse is closed, then the bail hearing will be held on the next working day. The Sheriff shall notify the Magistrate's Court and the Prosecuting Attorney's Office of any persons held without bail pursuant to this provision.

D. No-Contact Order and 12 Hour Hold Required. If a person is arrested for a "crime of domestic violence," a crime of violence (other than a driving offense) resulting in bodily injury to a victim, or a crime listed below, the person shall be detained for twelve (12) hours without the opportunity to post bond.

Battery resulting in bodily injury
Aggravated Battery
Domestic Battery
Criminal Recklessness resulting in bodily injury
Criminal Recklessness with a firearm
Strangulation
Criminal Confinement
Custody Interference
Intimidation
Harassment
Stalking
Invasion of Privacy

After the expiration of twelve (12) hours, the person may be released upon the posting of bond in the amount set forth in the bond schedule above, and by signing and agreeing to follow a "10 DAY NO-CONTACT ORDER AS A CONDITION OF PRE-TRIAL RELEASE" as to the alleged victim(s), as set forth in Appendix A below. The person shall not be released without their signature, even if they post the monetary bond. When the person is released, the Sheriff shall provide notification to any alleged victims if so requested.

E. Exceptions to the bond schedule. All persons living outside Tippecanoe County or its adjacent counties (including Benton, Carroll, Clinton, Fountain, Montgomery, Warren and White) must post bond pursuant to the bail schedule above. However, the following exceptions apply to persons living in Tippecanoe County and its adjacent counties:

1. *Public Intoxication*: Hold 12 hours, then release on own recognizance if not impaired.
2. *Operating While Intoxicated or Operating Over Legal Limit (Misdemeanor)*: Hold for time period specified below, then release on own recognizance.

.08 - .099	6 hours
.10 - .119	7 hours
.12 - .139	8 hours
.14 - .169	9 hours
.17 - .179	11 hours
.18 - .199	12 hours
.20 - .209	13 hours
.21 - .229	14 hours
.23 - .239	16 hours
.24 - .249	16 hours
.25 - .259	17 hours
.26 - .279	18 hours
.28 - .289	19 hours
.29 - .299	20 hours
.30 or greater or Breath Test Refusal without Chemical test results	24 hours

3. *Minor Consuming (Class C Misdemeanor), Possession of Marijuana (Class A and Class B Misdemeanor), Possession of Paraphernalia (Class A and Class B Misdemeanor)*: If not impaired at time of arrest, book-in and immediately release on own recognizance. If impaired or actively using at the time of arrest, book-in, hold a minimum of four hours (and longer if still impaired after four hours) and then release on own recognizance.
4. *Operating While Suspended (Class A Misdemeanor), Operating While Never Receiving a License (Class C Misdemeanor), Theft (Class A Misdemeanor), or Criminal Conversion (Class A Misdemeanor)*: Release on own recognizance.

F. Deviations from Bail Schedule.

1. *Before Initial Hearing*: A judicial officer may deviate from the Bail Schedule, or order that the arrested person be held without bail until seen by a judicial officer, upon reviewing a verified motion concerning safety or flight, or upon evidence of medical or mental health need presented by the sheriff, arresting officer, attorney, and/or prosecutor.

2. *At Initial Hearing:* A judicial officer may deviate from the Bail Schedule, and may order other conditions of pre-trial release, including pursuant to the Pre-Trial Release Program outlined in Subsection I, after considering evidence at the Initial Hearing.

3. *After Initial Hearing:* Once a judicial officer has set the amount of bail or other conditions of pre-trial release after the Initial Hearing, motions to modify the order shall be presented to the respective court in writing, and proper notice of the hearing shall be given to the parties and attorneys of record.

G. Waiver from Juvenile Court. When a child is waived to adult court, the initial bail amount set in the juvenile court shall remain in effect unless and until it is modified in the adult court.

H. Conditions of Pre-Trial Release. Whether released after posting bond, or released on their own recognizance, the arrested person's pre-trial release is conditioned upon maintaining good and lawful behavior, appearing in court for all court appearances, informing the respective court in writing of any change of address within 48 hours, not using or possessing illegal drugs or alcohol, and complying with all other conditions of pre-trial release set by a judicial officer. For all Class A, B, and C felony and Level 1, 2, 3, 4 and 5 offenses, the arrested person may not leave the State of Indiana without prior approval of the court. A violation of any condition of pre-trial release may result in the court revoking the arrested person's bond and the issuing a warrant for arrest.

I. Pre-Trial Release Program. In accordance with Rule 26 of the Indiana Rules of Criminal Procedure, and so long as funding is available, Tippecanoe County shall perform pre-trial release screenings to assist in bail and pre-trial release decisions. Said decisions shall be made by a judicial officer at or before an initial hearing and are not restricted by any other provisions of the Bail Schedule set out herein. All participants in pre-trial release under this subsection shall abide by all conditions of Subsection H of **LR79-CR00-Rule 16. BAIL SCHEDULE.** Pre-trial release decisions under this section shall be governed by the following provisions:

1. *Eligible Defendants:* Arrested individuals eligible for screening must voluntarily agree to participate in the screening process and shall include all individuals arrested in Tippecanoe County for non-violent misdemeanor and/or felony offenses excluding: a) Offenses listed in Ind. Code 35-50-1-2, 11-8-8-4.5, and/or 11-8-8-5; offenses ineligible for direct placement on a community corrections program, and or offenses of Escape or Failure to Return to Lawful Detention; b) Any felony offense that has the use of a firearm or deadly weapon as an essential element or aggravating circumstance;

- c) Any Defendant currently on parole, probation, or pre-trial release for any other offense; d) Any felony enhanced by the general Habitual Offender Statute; e) Any offender currently subject to the jurisdiction of any problem-solving court.
2. *Screening Procedure:* Screeners shall be employees of Tippecanoe County and/or Tippecanoe County Community Corrections and shall perform screening on all newly arrested *Eligible Defendants* in the Tippecanoe County Jail. Screening shall be performed Monday through Friday, in advance of the Defendant's initial hearing before the Magistrate. The Screening process may include a pre-trial questionnaire, the Pre-Trial IRAS, the Brief Jail Mental Health Screen, the Correctional Mental Health Screen, and/or other evidence base screening approved by the Magistrate or Elected Judicial Officers of Tippecanoe County. The screeners shall prepare a Risk Report which may include answers to the pre-trial questionnaire, the results of any evidence-based screening tools, criminal history information, and/or failure to appear history. Said report shall be discoverable to the parties but shall not be accessible to the public.
 3. *Admissibility:* Pursuant to Rule 26 of the Indiana Rules of Criminal Procedure, except as outlined in Rule 26 (D)(2) of the Indiana Rules of Criminal Procedure, evidence of an arrestee's statements and evidence derived from those statements made for use in preparing the pre-trial questionnaire, any of the assessment tools outlined herein, and/or the Risk Report are not admissible against the arrestee, in any criminal or civil proceeding, and may not be used in any other court except in a pretrial proceeding. The screening tools administered to the Eligible Defendants outlined herein shall not be disclosed to the parties without a court order, shall be maintained by Tippecanoe County Community Corrections, and may be destroyed one (1) year after the Defendant's release from the Pre-Trial Program consistent with the retention schedule for records related to Work Release and/or Home Detention.
 4. *Scope of Program:* Release conditions may include: release on a Defendant's own recognizance, with or without additional conditions; placement on Tippecanoe County Community Corrections; cash, surety, or property bond; and/or any other conditions of bail, bond, or pre-trial release authorized by law. Tippecanoe County Community Corrections is authorized to collect data on this program, provide services related to this program, and/or perform any other functions related to this program as may be required by any funding sources, grants, or as authorized by the Judges of Tippecanoe County.

5. *Violations:* Violations of any conditions of pre-trial release in this program shall be addressed by the filing of a written motion of the violation, prepared by any agency supervising the Defendant's Pre-trial release, in the court where the Defendant's case is pending. Upon filing of said written notice, the State may file a written notice to revoke or modify any conditions of the Defendant's pre-trial release. The State may file a motion to revoke or modify pre-trial release irrespective of the filing of any written notice. Nothing in this Rule shall be read to limit the Court's legal authority to address violations, issue warrants, modify conditions, and/or revoke release consistent with all applicable rules of law and procedure. The State may file a motion seeking to have pre-trial release revoked upon filing of any notice from Tippecanoe County Community Corrections or without notice.

6. *Purpose:* The purpose of the Pre-Trial Release Program outlined herein is to assess the risk posed by the release of individuals booked into the Tippecanoe County jail on a criminal charge, to set appropriate conditions and supervision of those who are released under the authority of the program, and to promote earlier identification of individuals suffering from mental health and/or addictions.

J. No Admittance to Bail for DNA Collection Refusal

No felony arrestee may be released on recognizance or admitted to bail upon a refusal to cooperate with the DNA collection procedures required by I.C. §10-13-6-10. Upon cooperating with DNA collection procedures, the arrestee may be released on recognizance or admitted to bail as per the pre-trial release program and bail schedule.

Adopted April 1, 2013, effective April 1, 2013. Amended effective July 1, 2014. Amended effective January 1, 2020.

LR79-AR00-17. Evidence Handling, Retention and Disposition.

A. Retention and Destruction of Evidence - APPLICATION OF RULE. These Rules shall apply to the retention of evidence by Tippecanoe Circuit and Superior Courts unless the Court directs a longer retention period after motion by any party or on its own motion.

B. Retention Periods for Evidence introduced in Civil Proceedings Including Adoption, Paternity and Juvenile Proceedings, but not including Ordinance Violation or Infraction Proceedings. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later. The Court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

C. Retention Periods for Evidence Introduced in Ordinance Violation, Infraction, Criminal Misdemeanor, Class D and Class C, Level 4, Level 5, Level 6 Felonies and Attempts. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, three (3) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for three (3) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The Court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

D. Retention Periods for Evidence Introduced in Criminal Class A, Class B, Level 1, Level 2, Level 3 Felonies, Murder and Attempts. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, twenty (20) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty (20) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7. Courts should be encouraged to photograph as much evidence as possible and courts and parties reminded of the requirements of Appellate Rule 29(B).

E. 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 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.

F. Notification and Disposition.

(1) In all cases, the court shall provide notice, by mail, electronic mail, or as otherwise provided, herein, to all attorneys of record and to parties only if unrepresented by counsel, that the evidence will be destroyed within 45 days from the date of notice if not timely retrieved. Counsel and parties have the duty to keep the Court informed of their current addresses and notice to the last current address shall be sufficient. Court reporters should maintain a log of retained evidence and scheduled disposition dates and evidence should be held in a secure area. At the time of removal, a detailed receipt must be given to the court reporter by the party receiving and removing the evidence and the receipt will be made part of the court file.

(2) The notice referred to above, for all cases filed prior to the effective date of this Rule, may be actual notice, if possible issued at the time of a final disposition in the case or, if a final disposition has been entered prior to the effective date of this Rule, at the time the evidence is scheduled for destruction. In the event it is not possible to give notice of destruction, the Court shall annually issue notice of intent to destroy evidence by posting at the County Courthouse.

(3) Evidence which is not retaken after notice and expiration of the applicable retention period should be disposed of by the Sheriff, or his agent, on the Court's Order. Paper evidence may be shredded by Court staff. The Sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. Evidence of some value may be auctioned by the Sheriff with proceeds going to the county general fund. These Rules and their retention periods will take precedence over inconsistent language in statutes, i.e. I.C. 35-33-5-5 (c)(2).

(4) Notwithstanding any provision of this rule to the contrary, the Judges of the Tippecanoe Circuit and Superior Courts shall have the authority to order the destruction of any evidence that is compromised by age, damage, lack of case identifiers or inadvertent destruction.

(5) Nothing in this rule prevents the court reporter from immediately disposing of any documentary exhibits after they have been electronically imaged.

G. Biological Contaminated or Firearm Evidence. A party who offers biologically contaminated or firearm 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. A party can show the 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.

LR79-AR00-18. Cameras and Audio-Video Recording

There shall be no audio or video recording of any kind of any proceedings or activity within any courtroom, hearing room or court office in Tippecanoe County without the specific, individual permission of the judicial officer in charge of that proceeding, activity, courtroom, hearing room or court office. This prohibition does not apply to the official court reporter recording the court proceedings as required.

Anyone found to be violating, or to have violated this rule may: (1) have the recording device confiscated, and/or (2) be found in direct contempt of court.

APPENDIX A

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

The Arrested Person listed above has been arrested for committing a violent crime resulting in bodily injury to another person, a crime of domestic violence, or other crime concerning the safety of another person. As a condition of their release from jail, the Arrested Person shall have no contact with the Protected Person listed below, effective immediately, and lasting for ten (10) days **after being released from jail**. This order is issued in accordance with Tippecanoe County Local Rule 16 and Indiana Code 35-3-8-3.6.

To be read and initialed by the Arrested Person:

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

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

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

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

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

I understand and agree to the above conditions.

- 3.3 Notice of the opening of an estate shall be sent by First Class United States Mail to all reasonably ascertainable creditors; however, the use of certified mail, return receipt requested, to serve such notice is recommended.
- 3.4 Notice of the hearing to be held on a Petition to determine if an Estate is insolvent shall be served on all interested parties, including the local representative of the Inheritance Tax Division of the Indiana Department of Revenue.

LR79-PR-4

Bonds

- 4.1 Bonds are required by statute in some circumstances. If discretionary, the Court intends to exercise that discretion for the protection of creditors, heirs, legatees or devisees, or other interested individuals or entities.
- 4.2 Existing law requiring bond includes circumstances where the Will requires the execution and filing of a bond or the Court finds that a bond is necessary (see I.C. 29-1-11-1).
- 4.3 A non-resident individual or corporate fiduciary serving jointly with a resident personal representative or a non-resident individual qualifying to serve as a personal representative or a personal representative who becomes a non-resident of Indiana (see I.C. 29-1-10-1) requires that a bond be filed.
- 4.4 If the filing or amount of a bond is discretionary with the Court, the Court will consider factors such as provisions of decedent's will and any consent filed by a creditor or heir, or other interested party regarding the amount or conditions of bond.

LR79-PR-5

Inventory

- 5.1 In supervised and unsupervised estates the personal representative shall within two months after the appointment of a personal representative furnish a copy of an Inventory complying with the requirements of I.C. 29-1-7.5-3.2 or I.C. 29-1-12-1 et. seq. to interested persons who request it unless the original of the Inventory or any supplement or amendment to it is filed with the court.

LR79-PR-6

Confidentiality

- 6.1 Most probate actions are matters of public record and the files thereof are open to review by the general public, subject to excluded and confidential information such as Indiana Tax Returns and reports thereon. Unless required by law or dictated by circumstances of the case, filings with the court need not include dates of birth, social security numbers, or other information which is not necessary for probate administration.

LR79-PR-7

Time Guidelines

- 7.1 Orderly administration of estates requires at a minimum compliance with notice requirements, such as notice to creditors and preparing an inventory and timely preparation of an inheritance tax return to entitle the estate to a discount for payment of inheritance tax within nine months of a decedent's death. Unless there is unavoidable delay in estate administration related to sale or making distribution of assets like real estate or a unique asset owned by a decedent or tax related matters such as awaiting an inheritance tax or estate tax closing letter, most estates should be concluded within one year.
- 7.2 Closing Estates:
- 7.21 Unsupervised Administration: Unless otherwise ordered by Court in a particular proceeding, closing statements complying with requirements of I.C. 29-1-7.5-4 are sufficient to result in closing an estate. Any objections thereto will be scheduled for hearing. No orders approving closing statements will routinely be provided.
- 7.22 Supervised Estates: As part of the closing process, the Court will accept Affidavits in Lieu of Vouchers.

LR79-PR-8

Guardianships

- 8.0 A Guardianship Registry Information Sheet shall accompany all requests to establish guardianship.
- 8.1 In guardianship matters seeking to declare an adult incapacitated for any reason, the incapacitated person shall be present at the hearing or sufficient evidence shall be presented showing that notice of the hearing was given and that the incapacitated person is unable to appear.
- 8.2 In guardianship matters seeking to declare an adult incapacitated for any reason, a report or similar statement or document from the doctor treating the alleged incapacitated person, or such additional evidence as the Court shall require, shall be presented to the Court at the time the petition is filed or on the hearing date. No determination will be made without a supporting medical report or other evidence clearly demonstrating the reasons supporting the need for a guardianship.
- 8.3 An inventory of property within a guardian's control shall be filed within ninety (90) days after the guardian's appointment or within thirty (30) days of the appointment of a temporary guardian. A verified account of the guardian's administration shall be filed as required by statute. In addition to the information required by law, the Court requires changes in the protected person's physical or mental condition, place of residence, and the financial status of the guardianship estate to be included in any account of administration. The current report shall also contain information indicating that the living arrangements for the incapacitated person are appropriate.

- 8.4 In every petition for the appointment of a guardian of the person of a minor child, the following information shall be given:
- 8.4.1 The child's present address.
 - 8.4.2 The places where the child has lived within the past two years and the names and present addresses of persons with whom the child has lived during that period.
 - 8.4.3 Whether, to Petitioner's knowledge, any other litigation is pending concerning the custody of the child in this or any other state.
 - 8.4.4 Whether, to Petitioner's knowledge, any person not a party to the guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child.
- 8.5 Nothing herein shall be deemed as amending, superseding or altering the Probate Rules and Regulations promulgated by the Veteran's Administration of the United States of America, and every fiduciary and attorney shall comply with same if applicable.
- 8.6 Other than for routine matters, unless permitted by law, the Guardian shall obtain Court approval prior to taking any action on any financial matter pertaining to carrying out the Guardian's duties and responsibilities for the protected person.

LR79-PR-9 Principles Applicable to Fee Determinations

- 9.1 Attorney fees. Although fee guidelines have been promulgated by the Court in probate matters, those guidelines do not assure that all fees allowed by the Court will adhere to them and other factors may be considered by the Court in making any final determination which may be required. The Court may consider any of the following:
- 9.1.1 The skill required to perform services properly in probate matters; the attorney's expertise in probate matters; the time and labor required; the novelty, complexity, or difficulty of the questions involved; and a determination as to how much of the attorney's time was devoted to legal matters and how much of it was devoted to ministerial functions.
 - 9.1.2 The nature and extent of the responsibilities assumed by the attorney and the results obtained; the identity of the personal representative; the character of the probate and non-probate transferred assets; and whether real estate or other assets are located outside of the State of Indiana.
 - 9.1.3 The sufficiency of assets properly available to pay for legal services, and whether the attorney's duties are expanded by the existence of non-probate assets because of their inclusion for tax purposes, either federal or state.

9.1.4 The timeliness with which the necessary services are performed consistent with statutory requirements; whether the attorney was engaged in a timely fashion or was required to perform services close to deadlines through no fault of such attorney; the Court's rules of procedure; and the Rules of Professional Conduct applicable thereto.

In considering all of these factors, all attorneys are urged to discuss their fee and that of the personal representative at the time they are retained in all probate matters. Further, the parties are urged to enter into a written engagement agreement which documents their understandings in this regard.

9.2 Administration-There are two methods by which fees are typically determined. One is on an hourly basis based upon the amount of time spent by the attorney in handling the matter. The other is based upon a percentage of the size of the gross estate.

9.2.1 Hourly Method: The amount of an hourly fee can vary considerably. Among the factors taken into consideration in arriving at an hourly rate are the considerations listed in the paragraphs of 9.1 above. Additional considerations include the nature and length of the professional relationship between the attorney and the client as well as the experience, reputation and ability of the attorney performing the services.

9.2.2 Percentage Method: In this method the fees are computed based upon the size of the gross estate. The following are typically normal services : Opening of the Estate; qualifying the Personal Representative; preparing the Inventory; paying claims; collecting assets; preparing and filing the Indiana Inheritance Tax Return IH-6; obtaining a Court Order IH-9 thereon, and paying Inheritance taxes; preparing and filing the Final Report or Closing Statement; obtaining an Order approving same; distributing assets as required; obtaining discharge of the Personal Representative; and preparing and serving all notices on interested parties and readily ascertainable creditors throughout the proceedings. Fees herein shall not include services for preparation or filing of federal or state income tax returns 1040, IT-40, 1041, IT-41, federal form 709, or forms relating to employment of third persons by the decedent or estate. This list shall not be considered to be exclusive. Percentage fees shall be computed on the Gross Estate as defined for purposes of the Indiana Inheritance Tax. The maximum fee for these normal services is computed as follows:

Up to \$ 100,000, not to exceed	6%
Next \$ 200,000, not to exceed.....	4%
Next \$ 700,000, not to exceed.....	3%
Excess over \$ 1,000,000, not to exceed.....	1%

In addition to the normal services described above, many times additional services are necessary, for which an additional fee is appropriate. Such additional services and the maximum related fees may include for example the following:

A. Sale of Real Estate: Minimum fee of \$500.00 except that there shall be a fee no greater than 2½% (.025) of the gross sales price of the real estate where no real estate professional receives a commission

B. Federal Estate Tax Return Form 706: Basic Fee-the greater of \$3,000.00 or .15% (.0015) of the total gross estate as shown on Form 706, Part 2, Line 1, Page 1 Additional fee for non-probate assets....1.5% (.015)

9.3 Miscellaneous-Fees shall be hourly for the following services: Spreading Will of Record, small estate settlement procedure, defending a will, construing a will, contesting claims, adjusting tax matters, any contested hearing, petition for instructions, heirship determination, and fees to continue a business or to generate additional income for the estate.

9.4 Wrongful Death Administration

Fees not to exceed:

Settlement prior to filing.....	25%
Settlement after filing and prior to Trial.....	33 1/3%
Trial.....	40%
Appeal, or extra work.....	50%

The above fee schedule may be increased under circumstances where the litigation is complex and the potential for recovery is difficult, provided one of the following has occurred:

A. All of the beneficiaries who will participate in the wrongful death recovery, or their legal representative(s), sign a written contingent fee contract providing for a fee greater than above.

B. The Court, having probate jurisdiction of the estate, approves a contingent fee contract providing for a fee greater than the above.

9.5 General-Except as otherwise specified above, fees in other proceedings involving guardianship and docketed trusts and related matters, will be computed on a hourly basis. Hourly fee services shall be rendered with specificity and may include: sale of personal property, sale of real property, partial distributions, contesting claims, adjusting tax matters, any contested hearing, petition for instructions, heirship determination, and fees to continue a business or to generate additional income for the trust or guardianship.

9.6 Personal Representative Fees

- 9.6.1 Professional: Their applicable reasonable rate to be reviewed in light of all prevailing circumstances.
- 9.6.2 Non-Professional: An amount not in excess of one-half (1/2) of the Attorney's fee, computed via the method being employed by the attorney handling the estate. In determining the amount of the fee, consideration shall be given to the amount of work performed by the personal representative as compared to the attorney as well as the nature of the work performed by the personal representative. For example, the hourly rate to be charged for lawn care or house cleaning should be comparable to typical laborer charges as compared to the rate for negotiating a sale of property or the transfer of securities. Further, although some consideration should be given to the compensation ordinarily earned by a personal representative in their regular employment, the fact that they miss some work in order to perform their duties as personal representative does not automatically justify them to be compensated for such at their normal pay level.

TIPPECANOE COUNTY RULES OF FAMILY LAW

PREAMBLE

These local rules have been enacted to help effectuate a dignified and effective means of resolving all family law disputes, but especially those disputes involving minor children. While recognizing our adversarial system for resolving family law problems, these local rules mandate that attorneys not ignore but embrace their equally important roles as negotiators and advisors and their special responsibility for the quality of justice.

These local rules are based upon the Lake County Rules of Family Law. The Lake County Rules contain extensive commentary which is incorporated herein by reference. The Judges of Tippecanoe County are grateful to Charlie Asher for advocating the philosophy of Cooperative Divorce and developing the websites incorporated into these rules.

TR 79-FL00-1 Scope, Citation, and Definition, Cooperative Approach and Liberal Construction

A. Scope. These rules shall apply to family cases in the Tippecanoe Circuit Court and all the Superior Courts, I, II, III, IV, V, and VI of Tippecanoe County.

B. Citation. These rules may be cited as the Tippecanoe County Rules of Family Law and abbreviated as F. L. R.

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

TR 79-FL00-2 Statement of Policy and Purpose

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

TR 79-FL00-3 General Obligations of Cooperation of Attorneys and Parties

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

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

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

LR 79-FL00-4 Initial and Provisional Hearings

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

LR 79-FL00-5 Mandatory Website Work for Parents

A. Dissolution of Marriage. In all dissolution cases where the parties have any children together under the age of 18, both parties shall complete the work on www.UpToParents.org within 30 days of initial filing.

B. Legal Separation. In all separation cases where the parties have any children together under the age of 18, both parties shall complete the work on www.WhileWeHeal.org within 30 days of initial filing.

C. Paternity. In all paternity cases, both parents shall complete the work on www.ProudToParent.org within 30 days of the court's finding of paternity.

D. Following completion of the website work required by this rule, the parents shall merge or exchange their chosen Commitments from their website work.

LR 79-FL00-6 Co-Parenting Class

A. Dissolution of Marriage and Legal Separation. Mandatory Attendance. In all dissolution and separation cases where the parties have any children together under the age of 18, both parties shall complete a co-parenting class. The court may order both parties to attend additional co-parenting classes in post-decree matters.

B. Paternity. In all paternity cases the court may order the parties to attend and complete a co-parenting class.

LR 79-FL00-7 Proof of Compliance

A. Dissolution of Marriage and Legal Separation. To monitor compliance, within 60 days of the initial filing of an action for dissolution or separation, each party shall file a verified certification of their completion of the mandatory website work as required under FLR. 5, above, and of any mandatory co-parenting class as required under FLR. 6, above, a sample form of which is attached hereto as Appendix “A”.

B. Paternity. To monitor compliance, within 45 days of the court’s finding of paternity, each party shall file a verified certification of completion of the mandatory website work as required under FLR 5, above. A sample form is attached hereto as Appendix “B”.

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

LR 79-FL00-8 Parenting Plan Proposals

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

B. Unless they have already executed an agreed parenting plan, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing the form which is attached hereto as Appendix “C”. Parents, personally and with the help of counsel and all useful counseling, mediation and other problem-solving resources, shall continue to attempt to reach an agreed parenting plan. Parents shall bring their respective Parenting Plan Proposals to all hearings, mediation sessions, and settlement discussions.

LR 79-FL00-9 Protocols after Initial Filing

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

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

- (1) attempt to resolve all matters at issue;
- (2) confirm the parties’ compliance with FLR 5, FLR 6, FLR 7 and FLR 8;
and,
- (3) discuss the resources they believe the parents could use to resolve current and future issues and to build cooperation.

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

D. Parents shall review and bring a copy of their website Commitments, as required by FLR 5 and the current Parenting Plan Proposals, as required by FLR 8, to every hearing.

LR 79-FL00-10 Requirements before Custody Evaluations

All requests for custody evaluations must be (1) in writing (2) certify that both parties and their counsel, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or mediation.

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

- A. both parties have completed the mandatory website work pursuant to FLR 6, above; and,
- B. both parents have completed any required co-parenting class pursuant to FLR 7, above; and,
- C. both parties have exchanged Parenting Plan Proposals pursuant to FLR 8, above; and,
- D. both parties and their attorneys, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or consultation pursuant to FLR 9, above; and,
- E. the court has carefully considered and reviewed, with both parties and their attorneys, if any, the use of other resources.

LR 79-FL00-11 Case Captioning

Parties in dissolution, separation, and paternity cases shall not be captioned or designated as “petitioner”, “respondent”, “plaintiff”, or “defendant”. The parties shall be designated as “Mother”, “Father”, “Husband”, or “Wife”, “Former Husband”, “Former Wife”, and “Putative Father”. All captions shall comply with applicable statutes and case law.

LR 79-FL00-12 Form of Summons

Parties in dissolution, separation, and paternity cases shall prepare and utilize forms of summons as set forth herein.

A. Dissolution of Marriage and Legal Separation. In dissolution and separation cases, the appropriate summons shall be used and shall be substantially the same as the form(s) which attached hereto as Appendix “D” and “D-1”.

B. Paternity. In paternity cases, the summons shall be substantially the same as the form which is attached hereto as Appendix “E”.

LR 79-FL00-13 Judges’ Notice

Whenever the initial filing is prepared by an attorney, the attorney shall also prepare and provide the client and the Clerk with a sufficient number of copies of the appropriate the Judges’ Notice as required herein. In cases filed by pro se parties, the Clerk shall provide the appropriate Judges’ Notice. The Judges’ Notice to Parents Going Through Divorce is attached as Appendix “F” and Judges’ Notice to Parents in Paternity Cases is attached as Appendix “G”.

LR 79-FL00-14 Financial Declaration Form

A. Requirement. In all relevant cases including dissolutions, separation, paternity, post-decree, or support proceedings and, irrespective of which court, each party shall prepare and exchange, within 60 days of initial filing for dissolution or separation or within 30 days of filing of any paternity or post-decree matters, the appropriate Financial Declaration Form (see Appendix “I” and “J”). These time limits may be extended or shortened by court order for good cause shown. In those cases where there is service, but no appearance by counsel, it is the responsibility of the initiating party to provide the other party with the appropriate blank Form and to notify that party of the duty to prepare and serve the same.

B. Exceptions. The Form need not be exchanged if:

- (1) the parties agree in writing within 60 days of the initial filing to waive exchange;
- (2) the parties have executed a written agreement which settles all financial issues;
- (3) the proceeding is merely at a provisional or emergency relief stage;
- (4) the proceeding is one in which the service is by publication and there is no response; or,
- (5) the proceeding is post-decree and concerns issues without financial implications.

Provided, however, when the proceeding is post-decree and concerns an arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely the portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation).

C. Use at trial. The Forms are intended primarily as mandatory discovery though, subject to appropriate objection, they shall be admissible at the request of any party. Therefore, particularly in view of the presumptive nature of the Indiana Child Support Guidelines, direct examination on form data shall address only unusual factors which require explanation or corrections and shall not, particularly with respect to issues of support, be routinely permitted. For evidentiary purposes, the pages of the Form shall be deemed severable.

D. Supporting documents. For the purposes of providing a full and complete verification of assets, liabilities, and values, each party shall attach to the form all information reasonably required and reasonably available. This shall include recent bills, wage and tax records, and bank, pension and year-end mortgage statements. “Reasonably available” means that 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 appraisals of personal property such as jewelry, antiques, or special collections (stamps, coins, or guns, for example) are not required. However, once an appraisal is obtained, it must be exchanged unless the appraisal was obtained in accordance with the provisions of Trial Rule 26(B) (4) (b) and is not expected to be utilized during trial. Moreover, the court may direct that an appraisal be obtained just as it may designate the appraiser.

E. Privacy - Sealing of Forms. Whenever the interest of privacy so requires, the court may, upon motion, direct the admitted Forms sealed until further order. However, such requests shall not be made as a matter of course.

When ordered sealed, the Court Reporter shall place the Forms in a flat manner in an envelope of sufficient size, seal the envelope, and affix a copy of the order. Forms may be withdrawn at the conclusion of the case on such terms as the court allows.

F. Financial Declaration Form as Mandatory Discovery. The exchange of Forms constitutes mandatory discovery. Thus, Indiana Rules of Procedure, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26(E) (2) and (3), the Form shall be supplemented if additional material becomes available. Further, any additional discovery, such as a motion to produce, interrogatories, or depositions of the parties shall not commence until the Forms are exchanged and, once exchanged, shall not seek information already obtained.

LR 79-FL00-15 Indiana Child Support Guidelines

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

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

LR 79-FL00-16 Preparation of Orders

A. Exchange. It shall be the duty of the parties’ attorneys to prepare decrees and other orders as directed by the court. The attorney so directed is first to submit them to all other attorneys of record or to the unrepresented party to enable them to challenge any provision thereof before submission to the court for entry.

B. Additions. If the preparing attorney believes the other attorney or the other party, if the other party is proceeding pro se, is unreasonably withholding approval as to form, or if either believes the other is attempting to make additions not addressed by the court, either may submit a proposed form to the court and shall attach thereto a written explanation of the dispute. The other party shall have 7 days to respond before the court enters any order. The court may enter sanctions against a party who has unreasonably withheld approval or attempted to make additions not addressed by the court.

C. Signatures. The signature line for counsel or pro se litigant shall indicate Approved As To Form. Such signature indicates that the order correctly reflects the court's ruling. It does not necessarily signify that the signing party or attorney agrees with the ruling.

LR 79-FL00-17 Sanctions

If a party or counsel fails to timely prepare, exchange or file a Financial Declaration Form or Child Support Worksheet or to cooperate in providing information therefore in a timely manner, either is subject to sanctions under Trial Rule 37.

LR 79-FL00-18 Attorney Fee Requests

A. Affidavits. When attorney fees (except those sought provisionally) are requested from the opposing party, the requesting attorney shall submit an appropriate affidavit, which, if the affidavit comports with these rules, the court shall admit as an exhibit.

B. Content. The affidavit shall indicate the:

- (1) requested fee and the basis thereof;
- (2) amounts counsel has billed, contracted for, or been promised; and,
- (3) amount counsel has received from all sources.

A copy of the written fee contract, if any, shall be attached to the affidavit and deemed a part thereof. Opposing counsel may cross examine the requesting attorney as to any of the submitted material.

LR 79-FL00-19 Agreed Matters - Submission

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

LR 79-FL00-20 Orders Excluding Parent from the Residence

In all instances where emergency or extraordinary relief is requested including, but not limited to, excluding a parent from the residence, the court shall require full compliance with the provisions of Trial Rules 65(B) and 65(E). In situations involving allegations of physical abuse, intimidation or stalking, relief may be sought by a separate filing for an Order of Protection.

(Effective January 1, 2102)

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Appendix A

CAPTION

CERTIFICATION OF COMPLIANCE IN DISSOLUTION CASES

The undersigned, as the (select: Mother or Father) in the within cause, does hereby certify that:

1. On (type date) I did complete the mandatory website work as required by FLR 5 and have attached hereto my certificate to confirm the same; and,

2. On (type date) I did complete the mandatory co-parenting class as required by FLR 6 and have attached hereto my certificate to confirm the same.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: _____

(Type name), (select: Mother or Father)

Appendix B

CAPTION

CERTIFICATION OF COMPLIANCE IN PATERNITY CASES

The undersigned, as the (select: Mother or Father) in the within cause, does hereby certify that:

On (type date) I did complete the mandatory website work as required by the FLR 5 and have attached hereto my certificate to confirm the same.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: _____

(Type name), (select: Mother or Father)

2. The declared legal residence of our children for school and legal purposes will be:

3. Due to the circumstances of the lives of the members of our family, including work schedules and the like, our parenting time schedule for our children to be with each of us will vary from the **minimum** set forth in the Indiana Parenting Guidelines, as follows:

Weekdays: _____

Weekends: _____

Holidays and Special Days: _____

Extended Parenting Time/Summer Vacation: _____

4. In the event of disagreement, we will speak to one another first to try to resolve any parenting issues. If we are unable to resolve all the issues, then we will utilize the following: (Circle all that apply and add any additional ones.)

- A. Redoing the (select: www.UpToParents.org/www.ProudToParent.org) website work.
- B. Additional co-parenting classes, including re-attending the basic class or attending high-conflict classes.
- C. Mediation.
- D. Arbitration.
- E. Individual, joint, family, or child counseling.
- F. Appointment of a parenting time coordinator (PTC) to work with us.
- G. Appointment of a guardian ad litem (GAL) for our children.
- H. Other (specify): _____

5. Other provisions of our parenting plan would be: _____

Dated: _____

(Select: Mother/Father)

(attorney's name)

Indiana Attorney No.: _____

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number)

ACCEPTANCE

By our signatures, we, as the parents, now agree to all of the terms set forth above as our Parenting Agreement and that this document is now admissible in to evidence in court.

(Select: Mother/Father) (Select: Mother/Father)

Date: _____, 20___. Date: _____, 20__.

(attorney's name) (attorney's name)

Indiana Attorney No.: Indiana Attorney No.: _____

(firm name) (firm name)

Attorney for (select: Mother/Father) Attorney for (select: Mother/Father)

(address) (address)

(phone number) (phone number)

As dedicated parents, we will do our best to:

Remember that our children's only job is to be children, not our messengers, spies, counselors, confidants, or carriers of our hurt.

Be sure to remember that our love for our children is greater than any issue we could have with each other.

Respect each other's parenting time while also being flexible, so the children's lives can be as normal as possible.

Educate our extended families and close friends that they need to make peace as well.

Pay special attention to keep our appointments and schedules with each other and calling promptly if any problems come up.

Appendix D

STATE OF INDIANA)
COUNTY OF TIPPECANOE) SS:

IN THE (Title, Address and Phone Number of
Court)

IN RE: THE MARRIAGE OF
(Name of Filing Party),
(select: Mother, Wife, Father, Husband)
and
(Name of Spouse),
(select: Mother, Wife, Father, Husband)

Cause No. _____

SUMMONS AND NOTICE OF HEARING IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE

THE STATE OF INDIANA TO : (name of spouse being served)
(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Tippecanoe County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements.

THIS IS YOUR OFFICIAL NOTICE that a hearing on Provisional Orders has been scheduled for _____, 20__ , at ____M. before this Court, in (room number) which is located on the (floor), at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. If you do not appear for that hearing, a provisional order could be entered by default which could remain in effect until this action is concluded.

THIS IS YOUR OFFICIAL NOTICE that a final hearing has been scheduled for _____, 20__ , at _____M. before this Court, in (room number) which is located on the (floor), at the address listed in the upper right hand corner of this Summons. If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

Date:

(Name of attorney for Filing Party)
Indiana Attorney No: (insert)
(firm name)
Attorney for (select: Mother, Wife, Father, Husband)
(address)
(phone number)

CHRISTA COFFEY
CLERK, TIPPECANOE CIRCUIT/SUPERIOR COURTS
By: _____
Deputy Clerk

PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.

If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the ____ day of _____, 20____, I mailed a copy of this Summons and a copy of the Petition to the party being served, , by mail, requesting a return receipt, at the address furnished by the filing party.

CHRISTA COFFEY
CLERK, TIPPECANOE CIRCUIT/SUPERIOR COURTS

Dated: _____

BY: _____
Deputy Clerk

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, _____, was accepted by the party being served on the _____ day of _____, 20____ .

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the _____ day of _____, 20____ .

CHRISTA COFFEY
CLERK, TIPPECANOE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20____.

BY: _____
Deputy Clerk

RETURN OF SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within Summons:

- 1) By delivering on _____, 20____, a copy of this Summons and a copy of the Petition to each of the within named person(s).
- 2) By leaving on _____, 20____, for each of the within named person(s) a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, in _____, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.
- 3) This Summons came to hand this date, _____, 20____. The within named _____ was not found in my bailiwick this date _____, 20____ .

ALL DONE IN TIPPECANOE COUNTY, INDIANA.

TRACY BROWN
SHERIFF OF TIPPECANOE COUNTY, INDIANA

By: _____

SERVICE ACKNOWLEDGED

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at in _____, Indiana, on this date, _____, 20____ .

Signature of Party Served

Appendix D-1

STATE OF INDIANA
COUNTY OF TIPPECANOE, SS:
IN THE (Title, Address and Phone Number of
Court)
IN RE: THE MARRIAGE OF
(Name of Filing Party),
(select: Mother, Wife, Father, Husband)
and
(Name of Spouse),
(select: Mother, Wife, Father, Husband)
Cause No.

SUMMONS

IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE

THE STATE OF INDIANA TO : (name of spouse being served)
(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Tippecanoe County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

(select: Registered or certified mail, return receipt #
Sheriff of Tippecanoe County
Private service by:
Other (specify):)

Date:

(Name of attorney for Filing Party)

Indiana Attorney No: (insert)

(firm name)

Attorney for (select: Mother, Wife, Father, Husband)

(address)

(phone number)

CHRISTA COFFEY

CLERK, TIPPECANOE CIRCUIT/SUPERIOR COURTS

By:

Deputy Clerk

PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.

If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

Appendix E

STATE OF INDIANA IN THE SUPERIOR COURT OF TIPPECANOE COUNTY
JUVENILE DIVISION, 301 Main Street

COUNTY OF TIPPECANOE Lafayette, Indiana 47901 (765) 423-9295

IN THE MATTER OF THE PATERNITY OF: _____

CAUSE NO. 79D03-0107-JP-0000

(Name of Child)

(Gender and Date of Birth)

(Name of Father),

Putative Father,

and

(Name of Mother).

Mother

(Name of Child) b/n/f (Name of Petitioner)

SUMMONS

AND NOTICE OF INITIAL HEARING IN A PATERNITY CASE

THE STATE OF INDIANA TO: (Name of Respondent)

(Address of Respondent)

A paternity action has been filed in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Tippecanoe County require that both parties to this case complete certain specific tasks. You should immediately and carefully review those requirements.

THIS IS YOUR OFFICIAL NOTICE that an Initial Hearing to Establish Paternity is scheduled for **the ___ day of _____, 20__**, at **___ o'clock __.m.** at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. **If you do not appear for that hearing, a final order could be entered by default determining paternity, custody, parenting time and child support.**

If you do not file a written appearance with the Clerk and serve a copy on the attorney whose name and address is set forth at the bottom of this page, you may not receive notice of any further proceedings in this action. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against the person who filed the Petition, you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served upon the attorney whose name and address is set forth at the bottom of this page.

The following manner of service is designated: **Sheriff (or CMRRR, or Private Server etc.)**

Date: CHRISTA COFFEY

CLERK, SUPERIOR COURT OF TIPPECANOE COUNTY

Attorney for Putative Father By: _____

(Address of Attorney)

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the day of _____, 20 , I mailed a copy of this Summons and a copy of the Petition to the party being served, , by mail, requesting a return receipt, at the address furnished by the filing party.

CHRISTA COFFEY

CLERK, TIPPECANOE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__ . BY: _____

Deputy Clerk

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, , was accepted by the party being served on the ___ day of _____, 20__ .

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the ___ day of _____, 20__.

CHRISTA COFFEY

CLERK, TIPPECANOE CIRCUIT/SUPERIOR COURTS

Dated: _____, 20__ . BY: _____

Deputy Clerk

RETURN OF SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within Summons:

- 1. By delivering on _____, 20__, a copy of this Summons and a copy of the Petition to each of the within named person(s).
- 2. By leaving on _____, 20__ , for each of the within named person(s) a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, in , Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.
- 3. This Summons came to hand this date, _____, 20__. The within named _____ was not found in my bailiwick this date, _____, 20__ .

ALL DONE IN TIPPECANOE COUNTY, INDIANA.

TRACY BROWN

SHERIFF OF TIPPECANOE COUNTY, INDIANA

By: _____

SERVICE ACKNOWLEDGED

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at in _____, Indiana, on this date, _____, 20__ .

Signature of Party Served

Appendix F

JUDGES' NOTICE TO PARENTS GOING THROUGH DIVORCE

We, the Judges and Magistrates of Tippecanoe County, share the following information so that you will know of our commitment to the best interests of children. *Please read this information carefully, as we expect you and all other persons involved in your case to be partners in serving those best interests.*

1. As soon as possible, read the Tippecanoe County Rules of Family Law for important information about how divorce cases will be handled to:

ensure safety;
reduce conflict;
build cooperation; and,
protect the best interests of all family members, especially all children.

2. If you and your spouse have any children under the age of 18, you **must** do the following within 30 days:

- a. Register for a co-parenting class.
- b. Complete the work on www.UpToParents.org, and take your completed work to your co-parenting class, give a copy to your attorney, and bring it with you to all court appearances and other meetings.

3. If you and your spouse have any children under the age of 18, you should attempt to establish your own plan for the decision making and living arrangements that will serve to nurture and protect your children. A plan which is worked out between the parents to fit the needs of their children and family is almost always the best. You should review the Indiana Parenting Time Guidelines. The Court considers those Guidelines to be the **minimum** parenting time for each parent to have frequent, meaningful, and continuing contact with their children.

4. You and your spouse must complete and exchange Financial Declaration Forms with all required attachments.

Appendix G

JUDGES' NOTICE TO PARENTS IN PATERNITY CASES

We, the Judges and Magistrates of Tippecanoe County, share the following information so that you will know of our commitment to the best interests of children. *Please read this information carefully, as we expect you and all other persons involved in your case to be partners in serving those best interests.*

- 1. If either of you question whether or not the man named as the father in this case is the father, and the man named as the father has not signed a paternity affidavit admitting paternity of the child at issue,** the Court will order genetic testing at the initial hearing to establish paternity. If the man named as father is found not to be the father by genetic testing, the case will be dismissed.

- 2. If paternity is established,** whether by agreement or otherwise, or following genetic testing, the Local Rules of the Circuit and Superior Court of Tippecanoe County, Indiana, require you to do the following:
 - A. Complete the work on www.ProudToParent.org** and furnish the Court with a certification that you have done so.

 - B. Complete and exchange Financial Declaration Forms with all required attachments.**

- 3. In addition, if paternity is established,** whether by agreement or otherwise, or following genetic testing, you will be expected to do the following:
 - A. Devise a Parenting Plan for your children.** A Parenting Plan consists of the decision making and living and financial arrangements that will serve to nurture and protect your children as the years progress. A plan which is worked out between the parents to fit the needs of their children and family is almost always best. You should review the Indiana Parenting Time Guidelines. The Court considers those Guidelines to be the **minimum** parenting time for each parent to have frequent, meaningful, and continuing contact with their children. If you fail to devise a successful Parenting Plan for your children, this Court may require you to attend and complete, at your own expense, a co-parenting class.

 - B. Read the Tippecanoe County Rules of Family Law and the Indiana Parenting Time Guidelines** for additional important information on the Court's expectation that everyone involved in your case will be a partner in:

ensuring safety;
reducing conflict;
building cooperation; and,
protecting the best interests of all family members, especially all children.

Appendix H

DISSOLUTION OF MARRIAGE: FINANCIAL DECLARATION FORM STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS OF TIPPECANOE COUNTY

IN RE THE MARRIAGE OF: Cause No. _____

(select: Mother, Wife, Father, Husband)

and

(select: Mother, Wife, Father, Husband)

FINANCIAL DECLARATION OF: _____

This declaration is considered mandatory discovery and must be exchanged between the parties within 60 days of the initial filing of the Dissolution of Marriage. Parties not represented by counsel are required to comply with these practices. Failure by either party to complete and exchange this form as required will authorize the court to impose sanctions set forth in Rule 6 of the Tippecanoe County Rules of Family Law. If appraisals or verifications are not available within 60 days the form must be exchanged within 60 days with a notation that appraisals or verifications are being obtained and then the Declaration shall be supplemented within 30 days thereafter.

Husband: _____ Wife: _____
Address: _____ Address: _____

Soc. Sec. No.: _____ Soc. Sec. No.: _____

Badge/Payroll No.: _____ Badge/Payroll No.: _____

Occupation: _____ Occupation: _____

Employer: _____ Employer: _____

Date started this employment: _____ Date started this employment: _____

Birth Date: _____ Birth Date: _____

Date of Marriage: _____

Date of Physical Separation: _____

Date of Filing: _____

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List Names, dates of birth, and social security numbers of all children of this relationship, whether by birth or adoption:

List Names and dates of birth of any other children living at the residence of the person responding (identify if these are children of the responding party) and for each such person indicate the amount of support, if any, that is received:

Part I. INCOME AND EXPENSES STATEMENT

Attach COMPLETE copies of your Federal Income Tax Returns for the last three taxable years including all W2's and 1099's. Also attach proof of all wages earned in the present year up to the date of your response. If current wage statement shows year to date wages and itemized deductions this is sufficient. If current wage statement does not indicate year to date earnings and deductions attach the 8 most recent pay stubs.

Person Responding

A. Gross yearly income from Salary and Wages, including commissions, bonuses, allowances and overtime received in most recent year. _____

Average gross pay per pay period (indicate whether you are paid weekly each 2 weeks or twice per month) _____

B. Gross Monthly Income From Other Sources

List and explain in detail any Rents received, Dividend income, or Pension, Retirement, Social Security, Disability and/or Unemployment Insurance benefits - or any other source including Public assistance, food stamps, and child support received for any child not born of the parties of this marriage.

Some of these items may not apply to support or maintenance computations.

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C. SELECTED LIVING EXPENSES: List names and relations of each member of the household of the Responding party whose expenses are included.

For each expense attach verification of payment even if it is not specifically requested on this form – please note that Indiana uses an Income Shares model for determining support and thus in most cases the expenses that a party has or does not have are not relevant in determining support under the Indiana Support Guidelines.

However if you claim your expenses justify a deviation from the support guidelines attach a detailed list of expenses together with verification of same.

Person Responding

Rent or Mortgage payments (residence) _____

Real Property Taxes (residence) if not included in mortgage payment _____

Real Property Insurance (residence) if not included in mortgage payment _____

Cost of **all** Medical Insurance - specify time period -

Attach verification of payment if not on pay stub _____

Cost of **only** that medical insurance that is related to the

children of this action - specify time period - attach

verification from employer or insurance company _____

Child care costs - **to permit work** - specify time

period (per day, week, month) - attach verification _____

Pre-School Costs (specify time period week, semester or year) _____

School Tuition - per semester (Grade or High School) _____

Book Costs - per semester (Grade or High School) _____

For Post High School Attach separate list with explanation of loans and scholarships and grants _____

Child support paid for children other than those involved in this case - attach proof of payment

D. IN ALL CASES INVOLVING CHILD SUPPORT: Prepare and attach any Indiana Child Support Guideline Worksheet (with documentation verifying your income); or, supplement with such a Worksheet within ten (10) days of the exchange of this Form.

Further, if there exists a parenting plan or pattern then state the number of overnights the non-custodial parent will have the child during the year.

The yearly number of overnights is _____

E. POST HIGH SCHOOL EDUCATION EXPENSE

If any of the children subject to this case are attending post high school classes, or will attend within the next six months list the following information for each such student. **Further attach to this financial affidavit any documentation you have in support of these answers.**

Name of Student _____

Name of School _____

Cost of School per year - If applicable, include room and board _____

Identify all student financial aid including grants, scholarships, and loans and for each indicate what it is and how much will be received: _____

Note in those cases where it is appropriate parties may want to engage in additional discovery concerning assets that might be applied to education such as IRA's, 401 K's etc. Note further that withdrawals from IRA's for educational expenses do not suffer a 10% penalty (IRC code sec 72 (t) 2 (e).

F. Debts And Obligations: (Include credit union) attach additional sheets as needed. Indicate any special circumstances, i.e., premarital debts, debts in arrears on the date of physical separation, or date of filing and the

amount or number of payments in arrears.

ATTACH A COPY OF THE MOST RECENT STATEMENT FOR EACH LISTED DEBT

Creditor's Name & Persons on

Account

Balance

Monthly Payment

PART II. NET WORTH - ATTACH ALL AVAILABLE DOCUMENTATION TO VERIFY VALUES -

List all property owned either individually or jointly. Indication who holds or how the title is held: (H) Husband, (W) Wife, or (J) Jointly or other appropriate indication. WHERE SPACE IS INSUFFICIENT FOR COMPLETE INFORMATION OR LISTING PLEASE ATTACH SEPARATE PAGE.

A. Household Furnishings: (Value of Furniture, Appliances, and Equipment, as a whole - You need not itemize - indicate whether you use replacement cost or garage sale value) _____

B. Automobiles, Boats, Snowmobiles, Motorcycles, Etc.:

Year - Make & Present Value

Titled Owner

Balance Owed

C. Cash and Deposit Accounts: (including ALL banks, savings and loan associations, credit unions, thrift plans, mutual funds, certificate of deposit, savings and/or checking accounts, IRA's and annuities). **This also includes listing the contents of any safety deposit boxes.** Use additional page if necessary.

Name of Institution &

Type of Account

Owners

Account No.

Balance

D. Securities: (Stocks, Bonds, Etc) - use additional page if necessary

Company Name

Owner

Shares

Value

E. Real Estate: (attach separate sheet with the following information for each separate piece of real estate).

Address: _____ Type of Property: _____

_____ Date of Acquisition: _____

Original Cost: _____ Present Value: _____

Basis for Valuation: _____

(Attach appraisal if obtained)

1st MORTGAGE BALANCE AS OF DATE OF ANSWER: _____

Other liens (amount and type): _____

Monthly payment on each mortgage: 1st: _____ 2nd: _____

To whom paid: _____

Taxes (if not included in Mtg. payment): _____

Insurance (if not included in Mtg. payment): _____

Special Assessments (including utility or condo assessments): _____

Identify Individual contributions to the real estate (for example, inheritance, pre-marital assets, personal loans, etc.): _____

F. Retirement Plans: List monthly amount you would be entitled to at earliest retirement date (indicating that date) if you stopped work today. Your response should indicate date of valuation. Further, if it is a defined interest plan list present amount in plan and date of valuation.

Also, identify whose plan it is and list both the name and the address of administrator of plan - indicate whether plan is vested - if not vested, indicate when it will vest:

Attach documents from each plan verifying information. If not yet received, attach a copy of your written request to the plan(s).

G. Life Insurance: Give name of insured, beneficiary, company issuing, policy #, type of insurance (term, whole life, group), face value, cash value and any loans against - include plans provided by employer:

H. Business or Professional Interests: Indicate name, share, type of business, value less indebtedness, etc.:

I. Other Assets: (this includes coin, stamp or gun collections or other items of unusual value). Use additional pages as needed:

PART III. VERIFICATION

I declare, under the penalty of perjury, that the foregoing, including any valuations and attachments, is true and correct and that I have made a complete and absolute disclosure of all of my assets and liabilities. Furthermore, I understand that if, in the future, it is proven to this court that I have intentionally failed to disclose any asset or liability, I may lose the asset and may be required to pay the liability. Finally, I acknowledge that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose income, assets or liabilities.

DATE: _____

PARTY'S SIGNATURE

PART IV. ATTORNEY'S CERTIFICATION

I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligation under Trial Rule 11 of the Indiana Rules of Procedure.

DATE: _____

(attorney's name)

Indiana Attorney No.:

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number)

Appendix I

**PATERNITY & POST DECREE: FINANCIAL DECLARATION FORM
STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS OF TIPPECANOE
COUNTY**

IN RE THE MARRIAGE OF: Cause No. _____

(select: Mother, Wife, Father, Husband)
and

(select: Mother, Wife, Father, Husband)

FINANCIAL DECLARATION OF: _____

This declaration is considered mandatory discovery and must be exchanged between the parties within 30 days of the filing of any paternity case or any post decree matter. Parties not represented by counsel are required to comply with these practices. Failure by either party to complete and exchange this form as required will authorize the court to impose the sanctions set forth in Rule 6 of the Tippecanoe County Rules of Family Law, these include costs and attorney fees.

Father: _____ Mother: _____
Address: _____ Address: _____

Soc. Sec. No.: _____ Soc. Sec. No.: _____

Badge/Payroll No.: _____ Badge/Payroll No.: _____

Occupation: _____ Occupation: _____

Employer: _____ Employer: _____

Date stated this employment: _____ Date started this employment: _____

Birth Date: _____ Birth Date: _____

List the following Dates as Applicable:

Date of Dissolution: _____ Date of most recent support order: _____

Date of Filing of this paternity action: _____

Date of Filing of this post decree action: _____

List Names, dates of birth, and social security numbers of all children of this relationship, whether by birth or adoption:

List Names and dates of birth of any other children living at the residence of the person responding (identify if these are children of the responding party) and for each such person indicate the amount of support, if any, that is received:

Part I. INCOME AND EXPENSES STATEMENT

Attach COMPLETE copies of your Federal Income Tax Returns for the last three taxable years including all W2's and 1099's. Also attach proof of all wages earned in the present year up to the date of your response. If current wage statement shows year to date wages and itemized deductions this is sufficient. If current wage statement does not indicate year to date earnings and deductions attach the 8 most recent pay stubs.

Person Responding

A. Gross yearly income from Salary and Wages, including commissions, bonuses, allowances and overtime received in most recent year. _____

Average gross pay per pay period (indicate whether you are paid weekly each 2 weeks or twice per month) _____

B. Gross Monthly Income From Other Sources:

Some of these items may not apply to support or maintenance computations.

List and explain in detail any Rents received, Dividend income, or Pension, Retirement, Social Security, Disability and/or Unemployment Insurance benefits - or any other source including Public assistance, food stamps, and child support received for any child not born of the parties of this marriage.

C. SELECTED LIVING EXPENSES: List names and relations of each member of the household of the Responding party whose expenses are included.

For each expense attach verification of payment even if it is not specifically requested on this form – please note that Indiana uses an Income Shares model for determining support and thus in most cases the expenses that a party has or does not have are not relevant in determining support under the Indiana Support Guidelines.

However if you claim your expenses justify a deviation from the support guidelines attach a detailed list of expenses together with verification of same.

Person Responding

Rent or Mortgage payments (residence) _____

Real Property Taxes (residence) if not included in mortgage payment _____

Real Property Insurance (residence) if not included in mortgage payment _____

Cost of **all** Medical Insurance - specify time period -

Attach verification of payment if not on pay stub _____

Cost of **only** that medical insurance that is related to the children of this action - specify time period – attach verification from employer or insurance company _____

Child care costs - **to permit work** - specify time period (per day, week, month) - attach verification

Pre-School Costs (specify time period week, semester or year) _____

School Tuition - per semester (Grade or High School) _____

Book Costs - per semester (Grade or High School) _____

For Post High School Attach separate list with explanation of loans and scholarships and grants _____

Child support paid for children other than those involved in this case - attach proof of payment _____

D. IN ALL CASES INVOLVING CHILD SUPPORT: Prepare and attach any Indiana Child Support Guideline Worksheet (with documentation verifying your income); or, supplement with such a Worksheet within ten (10) days of the exchange of this Form.

Further, if there exists a parenting plan or pattern then state the number of overnights the non-custodial parent will have the child during the year.

The yearly number of overnights is _____

PART II. ARREARAGE COMPUTATION

If case involves a claim of a support or other arrearage, attach all records or other exhibits regarding payment history and compute the arrearage as of the date of the filing of the petition or motion which raises that issue. Explain in detail how arrearage is calculated.

PART III. POST HIGH SCHOOL EDUCATION EXPENSE

If any of the children subject to this case are attending post high school classes, or will attend within the next six months list the following information for each such student. **Further attach to this financial affidavit any documentation you have in support of these answers.**

Name of Student _____

Name of School _____

Cost of School per year - If applicable, include room and board _____

Identify all student financial aid including grants, scholarships, and loans and for each indicate what it is and how much will be received:

Note in those cases where it is appropriate parties may want to engage in additional discovery concerning assets that might be applied to education such as IRA's, 401 K's etc. Note further that withdrawals from IRA's for educational expenses do not suffer a 10% penalty (IRC code sec 72 (t) 2 (e)).

PART IV. VERIFICATION

I declare, under the penalty of perjury, that the foregoing, is true and correct and that I have made a complete and absolute disclosure of all of my income and expenses as asked. I acknowledge that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose income or liabilities.

DATE: _____

PARTY'S SIGNATURE

PART V. ATTORNEY'S CERTIFICATION

I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligation under Trial Rule 11 of the Indiana Rules of Procedure.

DATE: _____

(attorney's name)

Indiana Attorney No.:

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number)