

LOCAL FAMILY RULES OF PRACTICE
FOR THE COURTS
OF THE 52ND JUDICIAL CIRCUIT
FLOYD COUNTY, INDIANA

Effective: September 1, 2012

Updated: April 1, 2025

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LR22-FR00-300
APPLICABILITY OF RULES

A. Scope. These rules shall apply in the Floyd County Circuit and Superior Court in all family law matters.

B. Local Civil Rules. The Local Civil Rules of Practice enacted by the Courts shall be applicable in all family law matters when not in conflict with these Local Family Rules.

C. Effective Date. These local family rules shall be effective as indicated on the cover page.

D. Citation. These rules shall be cited as Local Family Rule (LR22-FR00-).

LR22-FR00-301
PROVISIONAL ORDERS

A. Content of Provisional Pleading. A motion requesting provisional relief under I.C. 31-15-4-1 must be accompanied by an affidavit setting forth the factual basis and the relief requested pursuant to I.C. 31-15-4-2. If the relief requested is in the nature of child support or other monetary assistance, the motion must contain information and documentation regarding each party's employment status and weekly gross income. When child support is requested, the motion must be accompanied by a Child Support Guideline Worksheet.

B. Order Scheduling Hearing/Preliminary Hearing. A motion requesting provisional relief must be accompanied by a proposed order for the setting of a hearing. If the provisional request includes relief in the nature of child custody or child support, the Court will set the matter for a preliminary hearing on those issues.

C. Procedure in Lieu of Hearing. A movant may waive the hearing requirements of I.C. 31-15-4-4 & 5 through the use of a Notice of Ruling accompanying the motion for provisional relief. The Notice of Ruling shall contain the following:

- (1) A waiver of the hearing requirements;
- (2) The date for ruling which shall not be less than ten (10) working days from the filing of the motion, the movant's counsel to select the date;
- (3) Notice that the Court will consider a written response to the
Motion filed before the ruling date.

If a response to the motion for provisional relief is filed on or before the ruling date, the Court shall extend the ruling date by five (5) working days to allow the movant to file a reply to the response.

If service of the Summons and Notice of Ruling occurs on a date beyond the selected ruling date, the ruling date shall be automatically extended for ten (10) working days from the date of service and the time limitations for the filing of a response and a reply to the response shall be followed.

D. Request for Hearing. When a waiver of the hearing requirements has been made by the movant for provisional relief, the opposing party may, nonetheless, request hearing dates in accordance with the provisions of I.C. 31-15-4-4 & 5. A request for hearing dates must be filed within ten (10) days of the service of Summons and Notice of Ruling and must be accompanied by a proposed Order for the setting of a hearing. A request for hearing shall cancel the Notice of Ruling procedure described in Section C and the Court shall immediately schedule a hearing.

E. Effect of Change of Venue. The filing of a motion for a change of venue from the Judge by either party shall not divest the Court of jurisdiction from issuing a preliminary order on temporary custody, child support or parenting time. A written request for such a determination must be filed within five (5) days of service on the motion for change of venue. The filing of such a request shall be accompanied by a proposed Order for the setting of a preliminary hearing on those issues.

LR22-FR00-302 FINANCIAL DISCLOSURE FORM

A. Requirement. In all contested dissolution and separation actions, each party shall prepare and exchange within forty -five (45) days of the filing of the action, a Verified Financial Disclosure Form in substantial compliance with the form set forth in the Appendix to these Local Family Rules of Practice or such other Verified Financial Disclosure Form approved by the Indiana Office of Court Services. For good cause, the time limit may be extended or shortened by Court Order.

At the time of the filing of the action, the moving party shall serve a Notice upon the opposing party of the requirement to exchange a Verified Financial Disclosure Form. Such Notice shall be in substantial compliance with that set forth in the Appendix to these Local Family Rules of Practice.

B. Exceptions. The Verified Financial Disclosure Form need not be exchanged if the parties agree in writing within thirty (30) days of the initial filing to waive exchange or the proceeding is uncontested, or the proceeding is one in which service is by publication and there is no pro se response by the Respondent or appearance by counsel for Respondent, or upon order of Court waiving such exchange.

C. Mandatory Discovery. The exchange of the Verified Financial Disclosure Form constitutes mandatory discovery, therefore, the Indiana Trial Rule of Procedures, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26 E(2) and (3), the Form shall be amended and/or supplemented as required under such rule and imposed by this local rule.

D. Statement Considered Confidential. When a Verified Financial Disclosure Form is filed with the Court, it shall be sealed and designated “**Confidential**” with the appropriate ACR notice filed with same.

LR22-FR00-303 CHILD SUPPORT USE OF SUPPORT GUIDELINES

A. Contested Hearings. In all hearings involving child support, each party shall submit to the Court an Indiana Child Support Guideline Worksheet in such form consistent with that set forth in the Indiana Child Support Rules and Guidelines.

B. Settlement Agreements. In all settlement agreements in which child support is established, a Child Support Guideline Worksheet shall be attached as an exhibit with the affirmation executed by the parties.

C. Deviation from Guidelines. If an agreement of the parties or a court order regarding child support deviates from the Guidelines, an adequate explanation for such a deviation must be set forth in the agreement or the order.

D. Effective Date. All orders establishing or modifying child support shall be effective on

the Friday immediately following the date on which the request for child support was filed unless otherwise provided for by statute, case law or agreement of the parties approved by the Court.

LR22-FR00-304
PARENTING TIME

A. Use of Parenting Time Guidelines. Unless the Court enters specific orders to the contrary or unless the parties otherwise agree parenting time shall be in accordance with the Indiana Parenting Time Guidelines.

B. Settlement Agreement. In all settlement agreements in which parenting time is established, the parties shall certify in such agreement that they have received a copy of such guidelines and have read and understand the same.

LR22-FR00-305
CO-PARENTING CLASS REQUIREMENT

A. Mandatory Attendance. In any dissolution or separation proceeding involving children under the age of eighteen (18) years of age, both parties to the proceedings shall attend and complete a co-parenting class or such other program or seminar which the Court may designate. In any post-dissolution proceeding where custody is in issue, both parties shall attend and complete the seminar or program unless a party has completed the seminar or program within the prior two (2) years.

B. Failure to Attend Seminar. A failure to register, attend, and complete the seminar or program may constitute cause for denial of the granting of the dissolution or the relief requested and a continuance of the matter until attendance has been accomplished. A party, with leave of court, may attend another similar seminar or program.

C. Notice Requirement. At the time of the filing of a dissolution or separation proceeding or a post-dissolution proceeding where custody is in issue, the moving party shall serve a Notice upon the opposing party of the requirement of attend a coparenting class or other such program as directed by the Court in which the proceeding is filed. The Court will provide a list of available co-parenting classes upon request.

D. Waiver of Requirement. Upon motion or its own motion, the Court may waive the requirement for either or both parties to attend and complete the seminar.

LR22-FR00-306
RELIEF UNDER TRIAL RULE 65 (E) (1)

A. Temporary Restraining Order. In accordance with the provisions of Trial Rule 65(E)(1), the court will issue a temporary restraining order applicable to both parties upon the filing of a verified petition by either party alleging that injury would result to the moving party if no order were to issue and requesting that both parties be enjoined from:

- (1) Transferring, encumbering, concealing or otherwise disposing of any joint property of the parties or assets of the marriage without the written consent of the parties or permission of the court; and/or;
- (2) Removing any child of the parties then residing in the State of Indiana from the State with the intent to deprive the court of jurisdiction over such child without the prior written consent of the parties or permission of the court.

B. Form of Temporary Restraining Order. The moving party shall prepare such order in compliance with Trial Rule 65 (E) (1).

C. Immediate Entry of Temporary Restraining Order. A request for a temporary restraining order will be entered in the record by the Clerk of the Court immediately upon filing and without bringing the matter to the attention of the Judge or waiting for the Judge to sign the original. Attorneys may use the Court's signature stamp for the convenience of the Clerk and counsel.

LR22-FR00-307 EX PARTE ORDERS/EMERGENCY RELIEF

A. Requests for Emergency Relief. All requests for emergency relief in family law matters shall comply with the provisions of Indiana Trial Rule 65(B) and I.C. 31-15-4.

B. Court Scrutiny. All requests for emergency relief will be carefully reviewed by the Court giving due regard to the following:

(1) Rule 3.5 of the Rules of Professional Conduct, In the Matter of Anonymous, 729 NE 2d 566, and In the Matter of Anonymous, 786 NE 2d 1185.

(2) Canon 2 Rule 2.9 of the Code of Judicial Conduct and Opinion Canon 3#1-01 issued by the Indiana Commission on Judicial Qualifications.

C. Issuance of *Ex Parte* Order. The Court may, without the necessity of notice or hearing, issue the requested emergency order *ex parte* upon the Court's finding that an emergency exists and that immediate and irreparable injury, loss or damage will occur before an adversarial hearing can be scheduled.

D. Order Scheduling Hearing. If the Court issues an *ex parte* order granting the emergency relief requested, the matter shall be set for an adversarial hearing as soon as possible. The party granted the emergency relief shall tender a proposed order for the setting of a hearing date. This order shall include the following language:

“As the recipient of this *ex parte* order for _____, upon two (2) working days notice to the party who obtained such order (or in such shorter notice as the court may prescribe), you shall be allowed to appear before the Court and be heard regarding the issuance of this order.”

LR22-FR00-308 EXPEDITED HEARINGS

An expedited hearing is a proceeding in open Court where the evidence is presented in summary narrative fashion by counsel or the parties, pro se, accompanied by the submission of documentary evidence when applicable. The Court may question the parties or counsel. Formal rules of evidence and procedure shall not apply, except that the Court shall endeavor to insure that traditional concepts of trustworthiness of evidence and fundamental fairness are observed.

All requests for enforcement or modification of existing orders and decrees may first be scheduled for an “expedited” hearing. Each party shall bring to the expedited hearing all documentary evidence as required by these Local Rules. All persons seeking relief, and any party opposing the relief sought, are required to attend the expedited hearing. The parties shall first meet in a settlement conference at least thirty (30) minutes prior to the scheduled hearing. If they are unable to agree, the Court will hear and determine the matters at issue between the parties at the expedited hearing.

Any party, in open Court at the commencement of the expedited hearing, may demand an evidentiary hearing at which all rules of trial procedure and evidence will be observed. If such demand is made, the matters then at issue between the parties will be scheduled, heard, and determined at such evidentiary hearing. The Court may, however, conduct an expedited hearing to consider and determine any emergency matters or other necessary temporary orders until the evidentiary hearing can be held. The Court may, on its own motion, either before or after the expedited hearing, decline to determine any issues on the evidence presented at such hearing and shall thereafter schedule such issues for evidentiary hearing.

LR22-FR00-309
FINAL HEARING ON DISSOLUTION OF MARRIAGE

A. Scheduling. A final hearing on a Petition for Dissolution of Marriage shall be set by the Court in accordance with Local Civil Rule LR22-TR16-106(E) if the cause is contested. If the cause is not contested, a final hearing shall be held at such time as is mutually convenient to the parties and the Court or at such time as generally set by the Court for hearings on uncontested matters.

B. Expedited Hearing. Any party may request that the Final Hearing on a Petition for Dissolution of Marriage be held under the procedure for an expedited hearing. Such request shall be made in writing and filed with the Court. Unless the other party files, within ten (10) working days, a written objection to proceeding in expedited fashion, the Court will schedule the trial for an expedited hearing under the procedures outlined in Local Family Rule LR22-FR00-308.

C. Notice in Uncontested Action. In an uncontested action, written notice of an intention to proceed to final hearing on a date and time certain shall be given to a party not represented by counsel. The written notice shall be sent to the last known address of the party not represented and proof of service shall not be required, however, a copy of said notice shall be submitted to the Court at the time of the final hearing.

D. Summary Disposition/Attachments Required. A summary disposition on a Petition for Dissolution of Marriage shall be entered by the Court upon submission of the appropriate documentation to the Court in accordance with statutory requirements.

In all summary dispositions in which child support is established, a copy of the child support guideline worksheet shall be attached as an exhibit with the affirmation thereon executed by the parties. In cases where there is a deviation from the child support guidelines, an adequate explanation for such a deviation must be set forth in the summary disposition decree.

In all summary dispositions in which parenting time is referenced in the settlement agreement/dissolution decree, the parties shall certify that they have received a copy of the Indiana Parenting Time Guidelines and that they have read and understand the same.

LR22-FR00-310
SUBMISSION OF AGREED MATTERS

No agreed matter shall be submitted to the Court unless it is in writing and signed by the parties and/or counsel and accompanied with other appropriate documents. However, if the parties reach an agreement just prior to hearing or trial, then the Court may accept evidence of that settlement by way of a handwritten entry or on the record followed by the submission of a written agreement within a reasonable time thereafter.

LR22-FR00-311
EXHIBIT REQUIREMENTS FOR CONTESTED HEARINGS

In all contested hearings, each party shall submit the following exhibits to the Court, if applicable.

- (a) A Child Support Guideline Worksheet.
- (b) A calculation of the child support arrearage.
- (c) A listing of the marital assets with an indication of fair market value.
- (d) A listing of the marital debts with an indication of the balance due and the minimum monthly payment requirement.
- (e) The parties' proposed distribution of marital assets and debts.

LR22-FR00-312
SERVICE ON REDOCKETED MATTERS

A. Trial Rule 4 Service Required. Service of process on a party in post-dissolution actions, such as petitions for modifications and applications for rule to show cause, must comply with Trial Rule 4 of the Indiana Rules of Trial Procedure. Service of process upon the attorney who represented the party in the underlying dissolution action shall be deemed insufficient.

B. Termination of Appearance. The appearance of an attorney for, and his or her representation of, a party shall be conclusively presumed to be withdrawn or terminated five (5) days from the expiration of the time within which a Notice of Appeal must be filed.

LR22-FR00-313
CHILD SUPPORT MODIFICATIONS

Unless waived by the parties in writing or by Order of the Court, a hearing on a Petition to Modify a child support obligation established by an Order of Dissolution of Marriage, an Order Establishing Paternity, an Order Decreeing a Legal Separation, or an Order Establishing Child Support Obligation, will not be scheduled until discovery has been completed and notice of compliance is filed with the Court. The Court shall then schedule a hearing on the pending Petition to Modify.

LR22-FR00-314
ORDER FOR PROTECTION

- A.** Pursuant to Local Rule (Civil) LR22-TR00-117 all Petitions for an Order for Protection must be filed in the Floyd Superior Court #3.
- B.** Pursuant to I.C. 34-26-5-6(4), if a person who petitions for an ex parte Order for Protection also has a pending case involving:
 - (1) the respondent; or
 - (2) a child of the petitioner and the respondent;Floyd Superior Court #3 shall immediately consider the petition and act thereon and then transfer the Protection Order case to the Court in which the other case is pending.
- C.** The Protection Order case shall be maintained with the pending DR, RS, JP, JT, JC, JS, JM, JD, or GU case, however, the cases are not consolidated.
- D.** All pleadings, hearings and orders pertaining to a Protection Order shall be in the Protection Order case. An attorney who also represents a party in a related Family Law case must file a separate written appearance in the Protective Order case.

(Added effective November 1, 2012)

LR22-FR00-315
MANDATORY MEDIATION IN
PRO SE CASES WITH MINOR CHILDREN

- A. Applicability.** In all pro se domestic relations cases with children or paternity cases, the parties shall be referred to mediation under the courts' alternative dispute resolution fund plan entitled "Families Matter".
- B. Disqualification.** A litigant shall not be qualified for mediation under the Plan if the litigant is currently care with or has been convicted of a crime under Indiana Code 35-42 (offenses against the person) or is charged with or has been convicted of a crime in another jurisdiction that is substantially similar to the elements of a crime described in Indiana Code 35-42.
- C. Procedure.** Upon filing a pro se case, the Clerk of the Court shall provide the parties with a form entitled Application for Mediation Service and advise the parties to complete the form and take it to the judge of the assigned court. Based upon the parties combined income, the judge will advise the parties of the estimated cost of the mediation, determine the appropriate assignment of the case and, utilizing an Order of Referral to Mediation Services, refer the parties to the Plan Administrator or to a specific mediator.
- D. Mediator's Report.** Upon the passage of sixty (60) days from the filing of the dissolution or paternity action, the mediator shall submit a Mediator's Report on the form provided along with the mediation agreement or with an indication that the mediation was not successful. The mediator should also submit a claim for services.

APPENDIX

FINANCIAL DISCLOSURE FORM

NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU MUST FILE YOUR **VERIFIED FINANCIAL DISCLOSURE STATEMENT** WITH THE OPPOSING PARTY WITHIN 45 DAYS OF THE FILING DATE OF THIS CASE. FAILURE TO COMPLY WILL RESULT IN YOUR ADMITTING ALL INFORMATION CONTAINED IN THE OPPOSING PARTY'S VERIFIED FINANCIAL DISCLOSURE STATEMENT.

THE **VERIFIED FINANCIAL DISCLOSURE STATEMENTS** CAN BE OBTAINED FROM THE COURT WHERE THIS ACTION IS FILED.

FINANCIAL DISCLOSURE STATEMENT COMMENTARY

The form included herein is intended to expedite and facilitate the preparation for trial and disposition of contested marriage dissolution cases.

It is for use in all dissolution cases in which distribution of property is an issue. It is intended also to facilitate a full disclosure of all assets of the parties and should be supplemented where necessary to accomplish that purpose. If needed, use additional sheets and attach with appropriate references.

The parties shall stipulate in writing those assets and liabilities and other matters as to which there is no disagreement.

When supplying the information called for, give the actual or, where the nature of the assets requires, the appraised or estimated value (indicating which) of each asset at the date of the final separation of the parties.

If any asset is located outside the jurisdiction of this Court, state where it is located and, if necessary, give details on a separate sheet. Indicate how much of the value of each asset held in joint ownership was contributed by the husband (h) and how much by the wife (w).

The parties shall state under oath that they have made full disclosure of assets and liabilities.

The Court recognizes that this form calls for information that may not be appropriate in every case. In those cases in which it is not totally inappropriate, merely supply information appropriate to the case at hand and indicate those inquiries that are not applicable.

IN THE FLOYD CIRCUIT/SUPERIOR COURT
STATE OF INDIANA

IN RE THE MARRIAGE OF:

Petitioner,
V.

Respondent.

CASE NO. _____

VERIFIED FINANCIAL DISCLOSURE STATEMENT

In Accordance with the rules of Court, the undersigned, Petitioner or Respondent, herewith submits the following VERIFIED FINANCIAL DISCLOSURE STATEMENT.

I. **PRELIMINARY INFORMATION**

Full Legal Name:	
Address:	
Date of Birth:	
Social Security No.:	
Date of Marriage:	
Spouse's Full Legal Name:	
Spouse's Social Security No.:	
Spouse's Date of Birth:	

Children with Spouse:

Name:	Age:	DOB:
Name:	Age:	DOB:
Name:	Age:	DOB:

Name of Health Care Provider(s): _____

Weekly Cost: _____

Name of Health Insurance Company: _____

Weekly Cost: Single Plan _____; Family Plan _____

Extraordinary Medical Expenses: _____

Extraordinary Educational Expenses: _____

II. **INCOME INFORMATION**

A. **EMPLOYMENT**

Current Employer:	
Length of Employment:	
Job Description/Title:	
Average Gross weekly Income	
Average Net weekly Income	

B. OTHER INCOME - List other sources of income; including but not limited to Dividends, Earned Interest, Rents, Public assistance (AFDC), Social Security, Worker's Compensation, Child Support from prior marriage, Military or Other Retirement, Unemployment Compensation, etc.

Source	Monthly Amt	Reason for Entitlement	Identify whether you or your Spouse Receives this Income

III. **REQUIRED INCOME VERIFICATION**

The Court requires you to attach the following:

1. Your three most recent paycheck stubs. Check if attached

2. A full and complete copy including all schedules, W-2s, 1099s of your most recently filed Federal and State Income Tax Returns. Check if attached

IV. REAL PROPERTY

A. MARITAL RESIDENCE

Address:	
Date Acquired:	
Purchase Price	
Down Payment	
Source of Down Payment:	
Current Indebtedness (list each mortgage individually):	
Monthly Payment(s):	
Current Fair Market Value	

FOR ANY ADDITIONAL REAL ESTATE, PLEASE COMPLETE SAME INFORMATION AND ATTACH TO THIS STATEMENT.

C. PERSONAL PROPERTY (Automobiles, Boats, Furnishings, Household Goods, Jewelry, Motorcycles, Tractors, Trucks, etc (attach additional pages as necessary))

Description	Date Acquired	Purchase Price	Date of Filing	Amount of Debt	Fair Market Value	Does item have debt

V. BANK ACCOUNTS IN WHICH EITHER YOU OR YOUR SPOUSE HAD A DIRECT OR INDIRECT INTEREST WITHIN THE LAST 5 YEARS (This includes any bank account either of you have deposited money into within the last 5 years).

Name of Bank	Name(s) on Acct	last 4 digits of acct #	Type of Acct	Balance on Date of Filing	Current Balance

VI. INSURANCE POLICIES

Company	Owner	Policy Number	Beneficiary	Cash-in Value on Filing date	Face Value

VII. RETIREMENT BENEFITS, IRA, KEOGH, PENSION: ETC

Description	Indicate whether it is your or your Spouse's plan	Value Date of Filing	Current Balance

VIII. DEBTS (Including but not limited to Charge Cards, Person Loans, Vehicle loans, Etc., attach separate list if necessary). Please include Mortgage(s) even though they have already been listed in Section IV.

** Both have credit cards but pay full balance each month.

Creditor	Name of Party Obligated	Monthly Payment	Balance Date of Filing	If debt is secured by an Asset, identify it here

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For any other regular monthly expenses, please identify each here and list average monthly cost.

Purpose	Average Monthly Amount

IX. ASSETS ACQUIRED PRIOR TO MARRIAGE OR DURING THE MARRIAGE THROUGH INHERITANCE OR GIFT (Whether now owned or not, show significant assets only)

A. ASSETS OWNED BY YOU OR YOUR SPOUSE PRIOR TO THE MARRIAGE
(Value as of the date of marriage)

Asset/who had	Fair Market Value Date of Marriage	Amt of Debt on this Asset Date of Marriage	Ck if you still have this asset

B. ASSETS ACQUIRED BY YOU OR YOUR SPOUSE DURING THE MARRIAGE BUT RECEIVED THROUGH INHERITENCE OR GIFT

Asset/who received	Fair Market Value At time you Received	Identify who provided this Asset to you

X. PERSONAL STATEMENT REGARDING DIVISION OF PROPERTY

Indiana law presumes that the marital property be split on a 50/50 basis. However, the Judge may have the ability to Order a division which may differ from an exact 50/50 division of your property. Please provide a brief statement as to your reasons, if there be any, why the Court should divide your property on anything other than a 50/50 basis.

XI. VERIFICATION & DUTY TO SUPPLEMENT OR AMEND

I affirm, under penalties for perjury, that the foregoing representations are true to the best of my knowledge and belief. Further, I understand that I am under a duty to supplement or amend this VERIFIED FINANCIAL DISCLOSURE STATEMENT if I learn that the information which has been provided is either incorrect or that the information provided is no longer true.

SO DECLARED this _date:_____

Signature _____

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Verified Financial Disclosure Statement was delivered to the opposing party or their attorney of record either in person, or by U.S. Mail-postage prepaid, or by Court's Electronic Filing.

This ____ day of ____, 20____. Signed: _____