

STATE OF INDIANA – COUNTY OF SHELBY
IN THE SHELBY CIRCUIT AND SUPERIOR COURTS
73C01-1805-CB-19; 73D01-1805-CB-20; 73D02-1805-CB-18

Order Amending Local Rules
July 15, 2025

The judges of the Shelby Circuit and Superior Courts, pursuant to Admin Rule 1(E) and Trial Rule 81, do hereby amend and give notice of said amendments to the Shelby County Local Court Rules. Supreme Court approval is required for Local Rules concerning caseload allocation plans and court reporter transcripts. Unless otherwise indicated, these changes will be effective January 1, 2026 and if necessary, upon approval by the Supreme Court. The rules regarding law enforcement cameras in the courtroom, bail matters, and probation fees will be effective July 15, 2025. The rule regarding court reporter transcripts will be effective upon approval by the Indiana Supreme Court.

These rule amendments cover caseload allocation, cameras in the courtroom, small claims, court reporter transcripts, bail matters, discovery in criminal cases, and other miscellaneous matters.

It is so Ordered this 15th day of July, 2025 by the Judges of Shelby County, 16th Judicial Circuit.

_____/s/_____ Trent Meltzer Judge Shelby Circuit Court	_____/s/_____ R. Kent Apsley Judge Shelby Superior Court 1	_____/s/_____ David N. Riggins Judge Shelby Superior Court 2
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SHELBY COUNTY CIRCUIT AND SUPERIOR COURTS LOCAL RULES

Administrative Rules

[Trial Rules](#)

[Family Law Rules](#)

[Criminal Rules](#)

[Small Claim Rules](#)

SHELBY COUNTY LOCAL ADMINISTRATIVE RULES

Amendments effective as stated

Caseload Allocation Plan effective upon approval by the Supreme Court on January 1, 2024

Rules

LR73-AR15 RULE 1 COURT REPORTER SERVICES

LR73-AR00 RULE 2 LOCAL CASELOAD PLAN

LR73-AR00 RULE 3 EXCEPTIONS TO LOCAL CASELOAD PLAN

LR73-AR00 RULE 4 EVIDENCE IN POSSESSION OF COURT REPORTER RETENTION

LR73-AR00 RULE 5 AUDIO & VIDEO RECORDINGS OF COURT PROCEEDINGS

LR73-AR15 RULE 1 COURT REPORTER SERVICES¹

1.1 Definitions

The definitions contained in Administrative Rule 15(B) are adopted for use in this Rule and control any question of interpretation. For the purposes of this Rule, the Regular Hours worked by the Court Reporting Staff shall be Monday through Friday from 8:00 a.m. until 12:00 noon and from 1:00 p.m. until 4:00 p.m. or as otherwise ordered by the Court. The Work Week shall be a seven day period beginning on Sunday and ending on Saturday of each week and shall contain thirty-five (35) hours for which salaried compensation shall be paid.

1.2 Compensation

The Court Reporter shall work under the control, direction and direct supervision of the Court during all hours of employment and shall be paid an annual salary for regular hours worked during a Work Week. The salaries shall be set by the Court and approved by the County Council. Gap Hours (the 5 hours between 35 and 40 hours per week) shall be compensated by time off from work in an amount equal to the number of Gap Hours worked or by payment of regular time as directed by the court. Overtime Hours shall be compensated in an amount equal to one and one-half (1 ½) times the number of Overtime Hours worked in excess of 40 hours per week.

1.3 Duties and Responsibilities

The duties of a Court Reporter shall include Reporting the evidence presented in Court proceedings; Preservation and storage of reported testimony and any physical evidence presented in Court proceedings; Preparation of Chronological Case Summary entries at the direction of the Court and providing notice thereof as required by the Rules of Trial Procedure; Preparation of written documents to effectuate the rulings, orders and judgments of the Court or to comply with the Rules of the Indiana Supreme Court; Preparation of transcripts of evidence presented in Court proceedings requested pursuant to the Rules of Trial Procedure; and, Such other functions and responsibilities as required by law or the Court for its effective administration.

1.4 Maximum Per Page Fee

1.4.1 A Court Reporter shall not charge more than the following per page:

1.4.1.1 \$8.00 for a transcript of evidence for appealed cases. The Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts of evidence.

1.4.1.2 \$8.00 for state/county indigent transcript of evidence for appealed cases;

1.4.1.3 \$8.00 for civil transcripts of evidence for appealed cases;

1.4.1.4 \$8.00 for non-appeal transcripts:

1.4.1.5 \$7.00 for deposition transcripts and \$1.50 for copies if Reporter elects to use Court facilities, equipment and/or supplies in the exercise of her private practice;

1.4.1.6 \$13.00 for expedited transcripts. If the requestor needs the transcript in 20 days or less, it is considered expedited.

1.4.1.7 \$1.75 for copies of transcripts.

2. In addition to the page charges the Court Reporter shall be allowed \$15.00 for each physical device provided and \$5.00 for each copy emailed.

3. Court Reporter's Certification fee for transcripts shall be \$10.00.

4. Each Court Reporter shall annually report all compensation received for transcripts to the Indiana Supreme Court Division of State Court Administration.

As amended April 18, 2017 Amended May 1, 2025, Effective upon approval by the Indiana Supreme Court.

1.5 Private Practice

5.1 A Court Reporter may elect to engage in the private practice of recording of and preparation of deposition transcripts. Such activity, regardless of whether the deposition concerns a case pending before the Court, shall be conducted outside of regular working hours. If a Reporter, in the exercise of such private practice, utilizes, with the consent of the Court, Court facilities, equipment and/or supplies, the Reporter shall reimburse the Court for such usage pursuant to a written agreement between the Court and Reporter.

5.2. Such agreement shall establish the:

5.2.1 Reasonable market rate for the use of equipment, facilities and supplies;

5.2.2 Method by which records are kept for the use of the same; and,

5.2.3 Method by which the Reporter shall reimburse the Court for such usage.

Adopted May 28, 1998, effective June 1, 2008. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended effective December 17, 2007. Amended, Jan 1, 2012; Amended effective May 1, 2013.

¹ See, also Rule 2

LR73-AR1(E) RULE 2 LOCAL CASELOAD PLAN

2.1 Evaluation of Caseload Allocation

2.1.1 The Allocation of Judicial Resources described herein should place the Shelby County Courts in compliance with guidelines issued by the Indiana Supreme Court's Order for Development of Local Caseload Plans. No later than March 1 of each year, the judges of the courts of record in Shelby County shall meet and evaluate the caseload data as reported to the Indiana Supreme Court Office of Judicial Administration.

2.1.2 The caseload evaluation shall factor in the allocation of administrative duties among the judges as well as any special circumstances such as death penalty cases.

2.1.3 Special service by Shelby County judges outside their own courts or special, senior judges or transfer judges serving in the Shelby County Courts shall also be considered. Such service shall be calculated in accordance with the weighted caseload worksheet and criteria established by the Indiana Supreme Court Office of Judicial Administration.

- 2.1.4 Modification or changes necessary for the Shelby County Courts to remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judges and shall become effective on April 1 of each year.

2.2 Caseload Allocation

2.2.1 Criminal Cases

- All A, B & C and Level 1-5 felonies and murder as defined in Local Rule 73-CR2.2-1, shall be filed in the respective courts in the following percentages:
 - 45% in Shelby Circuit Court
 - 45% in Shelby Superior Court No. 1
 - 10% in Shelby Superior Court No. 2
- All D and Level 6 felonies shall be filed in the respective courts in the following percentages:
 - 45% in Shelby Circuit Court
 - 10% in Shelby Superior Court 1
 - 45% in Shelby Superior Court 2
- All misdemeanor, (CM) infraction (IF), and ordinance violation (OV, OE) cases shall be filed in Superior Court 2.
- All XP cases shall be filed as per statute.
- All search warrants issued outside of normal hours by the Shelby County Magistrate Shall be filed in Superior Court 2.
- All Miscellaneous criminal cases (MC) and red-flag cases (RF) shall be filed as directed by the initiating party.
- The most serious level of charge filed determines where the case is assigned.
- When the State of Indiana dismisses a felony case and chooses to refile that case, the case shall be assigned to the court from which dismissal was taken;
- All co-defendants in felony cases shall be assigned to the same court based upon a single random assignment by the case management system;
- The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the cases involve co-defendants. Each person will be assigned an individual cause number. For purposes of this Rule, the cases involve co-defendants as provided by I.C. 35-34-1-9 and amendments thereto.
- Except in felony cases involving co-defendants as defined above, any new felony case filed against a defendant who has an open felony case already pending in any Court, shall be assigned to the Court where the current case is pending. The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the defendant has a pending felony case.
- The prosecuting attorney or the defendant may seek to transfer a case, and upon good cause shown, a case may be transferred to any of the other courts for consolidation with a companion case, or with other cases pending in that court against the defendant with the acceptance of the judges or magistrate of the receiving and sending courts.
- In the event a motion for change of judge is granted the case shall be reassigned pursuant to Local Rule or District Rule DR17-CR12-00003 Appointment of a Special Judge In Criminal Cases.
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2.2.2 Civil Cases

2.2.2.1. *Juvenile Cases.* The following Juvenile case types (JC, JD, JM, JQ, JS, JT and JP,) shall be filed in Shelby Superior Court No. 1.

2.2.2.2 *Remaining Civil Cases*

2.2.2.2.1 All Plenary (PL) cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1

- 2.2.2.2.2 All Domestic Relations (DR) (DC) (DN) (GV) cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court No. 1.
- 2.2.2.2.3 All Reciprocal Support (RS) cases shall be filed in Shelby Circuit Court.
- 2.2.2.2.4 All Protective Orders (PO) and Juvenile Protective order (JQ) cases shall be filed in Shelby Superior Court I.
- 2.2.2.2.6 If a JC or JT is pending in Shelby Superior Court 1, any GU involving the same minor named in the JC or JT case shall be filed in Shelby Superior Court 1. All other guardianships shall be filed in Shelby Circuit Court.
- 2.2.2.2.7 All Mortgage Foreclosure (MF) Cases shall be filed in Shelby Circuit Court.
- 2.2.2.2.8 All Small Claims (SC) shall be filed in Shelby Superior Court No. 2
- 2.2.2.2.9 All Tax Sale (TS) and Tax Deed Petitions (TP) shall be filed in Shelby Superior Court 1.
- 2.2.2.2.10 All CC cases shall be filed 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court 2.
- 2.2.2.2.11 EV cases with a small claims filing fee shall be filed in Superior Court 2. EV cases with a full filing fee shall be filed in Superior Court 1.
- 2.2.2.2.12 All remaining types of civil cases (AD, AH, CE, CT, ES, EU, EM, MH, MI, RA, and TR) shall be filed as requested by the initiating party. If no request is made by the initiating party, the remaining cases shall be assigned 50/50 on a random basis in Shelby Circuit Court and Shelby Superior Court 1.
- 2.2.2.2.12 All 72 hour (MH) holds issued outside of normal hours by the Shelby County Magistrate shall be filed in Superior Court 1.

Adopted as local Rule 1991-1, September 8, 1999, effective November 1, 1999. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005. Amended and renumbered as LR73-AR00 Rule 2 effective Sept 1, 2011. Amended April 18, 2017. Amended May 1, 2018. Effective January 1, 2019. Amended January 7, 2019, effective February 15, 2019. Amended May 25, 2021- Effective Upon adoption by the Supreme Court. Amended May 5, 2023. Effective upon adoption by the Indiana Supreme Court January 1, 2024. Amended May 1, 2025, Effective January 1, 2026 upon adoption by the Indiana Supreme Court.

LR73-AR1(E) RULE 3 EXCEPTIONS TO LOCAL CASELOAD PLAN

In addition to the authority granted by Indiana Code 33-29-1-9 and Indiana Code 33-29-1-10 and notwithstanding the caseload allocation plan, a judge of Shelby Circuit or a Superior Court may transfer and reassign to any other court or judge or magistrate in the county with jurisdiction to hear the matter in dispute, any case subject to acceptance by the receiving court, where the interests of justice or the interest of judicial economy so require. For cases filed after January 1, 2014, if the intent is to transfer the entire case to the other court, the clerk shall change the court identifier characters to reflect the new receiving court pursuant to Indiana Administrative Rule 8. Such a change shall be noted in the CCS as well. *Effective September 1, 2011, amended effective July 1, 2014; Amended February 2015-effective April 1, 2015. As Amended April 18, 2017*

LR73-AR7-RULE 4: EVIDENCE HANDLING, RETENTION AND DESTRUCTION

In all cases, the Court shall proceed pursuant to these Rules unless the Court directs a longer retention period after motion by any party or on its own motion. This section shall not apply to exhibits that are on 8.5 x 11 inch paper or that can otherwise be easily stored in a flat court file.

4.1 CIVIL CASES, INCLUDING ADOPTION, PATERNITY, AND JUVENILE PROCEEDINGS.

All models, diagrams, documents, or material not on 8 ½ by 11 paper 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 will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

Small Claims cases. Exhibits capable of being scanned into the Odyssey case management system will be discarded by the Court after scanning unless the party requests the items to be returned either on the record at the hearing or in writing prior to the hearing. Exhibits that are not able to be scanned must be taken away by the party tendering the exhibit not later than 45 days after entry of judgment or the exhibits will be discarded by the court. *Amended May 21, 2021*

4.2 RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL MISDEMEANOR, CLASS D, CLASS C FELONIES AND LEVEL 3,4,5 AND 6 FELONIES.

Unless otherwise agreed to by the parties, and except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 ½ by 11 paper and 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, 180 days after the case is dismissed or the defendant is found not guilty. If the defendant is sentenced, unless an appeal is taken, exhibits shall be taken away after two (2) years. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court will notify the parties at their last known address, including last known email address, when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

4.3 RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL CLASS B AND A FELONIES AND LEVEL 1 AND 2 FELONIES.

Unless otherwise agreed to by the parties, and except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 ½ by 11 paper and 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, one (1) year after the case is dismissed or the defendant found not guilty. If the defendant is sentenced, unless an appeal is taken they shall be taken away after 10 years. If an appeal is taken, all such exhibits shall be retained by the court reporter for ten (10) 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 will notify the parties at their last known address, including last known email address, when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7. The court reporter will either scan or photograph as much evidence as possible and courts and parties reminded of the requirements of Appellate Rule 29(B).

4.4 MURDER

Except for deoxyribonucleic acid (DNA) evidence, all models, diagrams, documents, or material not on 8 ½ by 11 paper and 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, 2 years after the case is dismissed or the defendant is found not guilty. If the

defendant is sentenced, the exhibits shall be taken away after fifty (50) years. If an appeal is taken, all such exhibits shall be retained by the court reporter for fifty (50) 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 will notify the parties at their last known address when the items need to be removed. The court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The court or the parties may substitute photographs for the actual exhibits if approved by the court.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7. The court may photograph as much evidence as possible and remind parties of the requirements of Appellate Rule 29(B).

4.5. NON-DOCUMENTARY AND OVERSIZED EXHIBITS.

Non-documentary and oversized exhibits shall not be sent to the Appellate level Court but shall remain in the custody of the trial court or Administrative Agency during the appeal and shall be disposed of pursuant to the preceding rules. 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.

4.6. NOTIFICATION AND DISPOSITION.

In all cases, the Court shall provide notice, by mail or email, to all attorneys of record and to parties if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and parties have the duty to keep the Court informed of their current addresses and notice to the last current address or email address shall be sufficient. Counsel's last known address or email address shall be ascertained by reference to the Indiana Roll of Attorneys maintained by the Indiana Supreme Court. Court reporters should maintain a log of retained evidence and scheduled disposition date and evidence shall be held in a secure area. At the time of removal, the party receiving and removing the evidence shall give a detailed receipt to the court reporter, and the receipt will be made part of the court file. In all cases, the Court, or the sheriff on the Court's order, should dispose of evidence that is not retaken after notice. The sheriff may destroy evidence if its possession is illegal or if it has negligible value. The sheriff should auction evidence of some value with proceeds going to the county general fund. These Rules and their retention periods will implement the exception under Indiana Code I.C. 35-33-5-5(d)

4.7 BIOLOGICALLY CONTAMINATED EVIDENCE.

A party who wants to offer biologically contaminated evidence shall notify the trial court that the evidence may be biologically contaminated prior to offering the evidence at trial. A party can show contaminated evidence or pass photographs of it to jurors, but no such evidence, however contained, shall be handled or passed to jurors or sent to the Jury Room unless specifically ordered by the Court.

As amended April 18, 2017; As Amended Effective June 1, 2023

LR73-AR10-RULE 5: AUDIO AND/OR VIDEO RECORDINGS OF COURT PROCEEDINGS

As proscribed by Indiana Judicial Conduct rule 2.17 and because the court is further required to prohibit broadcasting or televising court proceedings, any distribution of audio and video recordings of court proceedings shall not occur without explicit leave of court and accompanying protective orders regarding such recordings. Unauthorized distribution of such recordings may be punishable as a contempt of court matter.

Except for an authorized court reporter, Audio and/or video recording of any court proceeding by any person for any reason without pre-approved leave of court is punishable by contempt of court. A person that aids, induces, or causes the unauthorized recording of court proceedings or a person that possesses or distributes an unauthorized recording of a court proceeding is also subject to contempt of court proceedings. To help enforce Rule 5, cell phones and other devices capable of making audio or visual recordings are prohibited in the courtroom except by law enforcement officers, attorneys admitted to the Bar, and courthouse employees. Upon application, the court may create additional exceptions. Persons that possess such a device in the courtroom may be held in contempt.

Code of Judicial Conduct Rule 2.17 prohibits broadcasting, televising, recording, digital streaming, or photographing of court proceedings or the courtroom while court is in session. Requests to photograph the courtroom when court is not in session may be granted at the Court's discretion.

A member of the news media may request permission to broadcast a court session by submitting a written request at least 7 days in advance of the hearing or proceeding. The request shall be made using the request form found on the court's website. The Court has discretion to approve or deny a request. Affirmative approval is required; otherwise, the request is deemed denied. The Court has discretion to modify the request period. If granted, the Court will post notice in the courtroom that news media personnel may be present for broadcast of court proceedings, and filming, photographing, and recording is limited to the authorized news media personnel.

News media is defined as persons employed by or representing a newspaper, periodical, press association, radio station, television station, or wire service and covered by Ind. Code § 34-46-4-1.

Representatives of news media organizations may be required to wear and/or display identification. The Court has discretion to determine who may be eligible to be admitted as news media and under what conditions. Broadcast is defined as any broadcasting or recording of court proceedings by news media using still, video or audio equipment.

If approved, all broadcasting shall take place in an area designated by the Court. The Court has discretion to limit or terminate broadcast by a news media organization at any time during the proceeding. The Court may direct the manner in which the proceedings are covered by news media. News media are to be unobtrusive and quiet. News media may not move around the courtroom during proceedings. News media may not conduct interviews in the courtroom. All cameras shall be on a fixed mounting. Handheld cameras are not permitted. Once the court session starts, the camera or recording device may not be moved, tilted or panned. Devices shall use ambient lighting only. Power, internet and other utilities will not be provided by the Court. No cords or boom microphones are allowed.

Broadcasting, recording, digitally streaming, or photographing proceedings will always be prohibited in proceedings that are closed to the public, either by state statute or Indiana Supreme Court rules. This prohibition also applies to:

1. minors;
2. juvenile delinquency and child in need of services matters;
3. protective order proceedings;
4. guardianship proceedings;
5. civil proceedings in which children are involved;
6. alleged victims of violent offenses, sex offenses, and domestic abuse;
7. jurors and prospective jurors and the jury selection process;
8. proceedings or portions of proceedings where the court deems it necessary for the administration of justice (i.e., to protect a witness, other persons or confidential information);
9. attorney-client communications;
10. bench conferences; and
11. materials on counsel tables and judicial bench.

Notwithstanding any departmental policy to the contrary, all law enforcement body cameras located in the courtroom shall be turned off and shall not record during any court proceeding. Upon application, the court may allow an exception as circumstances dictate. In the event of any imminent threat of a physical altercation or security breach, courthouse security personnel, law enforcement officers, and or jail custodial officers are authorized to activate a body camera and record any such altercation or security breach. Said officer shall attempt to obtain pre-approval of the presiding judicial officer if reasonably possible, prior to activating any recording device.

Any violation of this rule may be punishable by contempt of court or sanctions. Sanctions may include suspension and/or termination of broadcast privileges.

Amended Effective Jan 1, 2019. Amended Effective July 7, 2023 Amended May 1, 2025, Effective July 9, 2025.

LR73-AR00 RULE 6 WEAPONS IN THE COURTHOUSE

Except for law enforcement and judicial officers, and other individuals excepted by the Court, it shall be unlawful for any person to carry or to attempt to carry into the Shelby County Courthouse a firearm, a knife, or other edged weapon. Law enforcement officers who are a party to a court case unrelated to their duties as a law enforcement officer are prohibited from carrying a weapon into the courthouse. Individuals that violate this order may be subject to criminal charges and/or contempt of court.

As amended April 18, 2017

SHELBY COUNTY LOCAL TRIAL RULES

LR73-TR76 RULE 1. SELECTION OF SPECIAL JUDGE

LR73-TR-33 RULE 2 INTERROGATORIES

LR 73 TR-69 RULE 3 SEQUENTIAL NUMBERING OF PROCEEDINGS SUPPLEMENTAL AND GARNISHMENT PETITIONS

LR 73-TR-10 RULE 4 MOTION AND ORDER FORMS

Joint Local Rule No. 1, amended effective October 1, 2001. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended September 1, 2011, effective Jan 1, 2012. repealed April 18, 2017

LR73-TR79 RULE 1. SELECTION OF SPECIAL JUDGE

1.1 Selection of a Special Judge in a Civil Case shall be conducted pursuant to Indiana Judicial Administrative District Rule DR17 – TR79 – 00002.

Adopted as Coordinated Local Rule, 1995. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005. Amended effective April 8, 2009. Amended December 4, 2012; Approved May 13, 2012; Effective May 1, 2013.

LR73-TR33-RULE 2. INTERROGATORIES

- 2.1 **Number Limited.** Interrogatories shall be limited to a total of 25 including subparts and shall be used solely for the purpose of discovery and shall not be used as a substitute for the taking of a deposition. For good cause shown and upon leave of Court additional interrogatories may be propounded.
- 2.2 **Answers and Objections.** Answers or objections to interrogatories under Rule TR 31 or 33 shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objection.
- 2.3 **Duplicated Forms.** No duplicated forms containing interrogatories shall be filed or served upon a party unless all interrogatories on such forms are consecutively numbered and applicable to the cause in which the same are filed and served.

LR73-TR-69 RULE 3. SEQUENTIAL NUMBERING OF PROCEEDINGS SUPPLEMENTAL AND GARNISHMENT PETITIONS

- 3.0 All Proceedings Supplemental, including without limitation Orders to Appear and Orders to Answer Interrogatories Motions and Petitions shall be numbered sequentially in the title. E.g. 1st Order to Appear for Proceedings Supplemental, 2nd Order to Appear for Proceedings Supplemental; 1st Verified Motion for Interrogatories, 2nd Verified Motion for Interrogatories; etc... . Filings that do not comply with this rule may be summarily denied by the court.
- 3.1 For a 4th and every garnishment sought thereafter, the requesting party must certify on their Motion for Interrogatories that they have complied with Indiana Code IC 33-37-4-6 which requires a ten-dollar \$10 fee for each garnishee or garnishee defendant in excess of three (3). Multiple requests from the same employer are not counted as a single garnishee defendant but are counted separately.

LR73-TR-10 RULE 4. MOTION AND ORDER FORMS

- 4.0 The practice of including Petitions/Motions and orders on the same page shall cease immediately. Motions and proposed orders shall be tendered separately. Failure to abide by this rule may result in a denial of the relief sought.
- 4.1 Proceedings supplemental motions shall not be combined. For example, a "Motion for Debtor to Appear" and a "Motion for Garnishee Defendant to Respond to Interrogatories" shall not be combined on a single motion. Each should have an independent motion and order.

4.2 Attachments. Exhibits and attachments may either be part of the motion itself or shall be e-filed as separate attachments. Attachments should not be submitted as proposed orders. If an order requires an attachment (for example, interrogatories), then it is acceptable to place the interrogatories within the proposed order or as page 2 of the order.

4.3 Small Claims forms and orders should be in substantial compliance with the language and formatting as shown on the forms found on the small claims section of the Court's website <http://co.shelby.in.us>. Parties should check the website from time to time to make sure that they are using the most recent form. *Amended May 1, 2025, Effective July 15, 2025*

SHELBY COUNTY FAMILY RULES

Effective Jan 1, 2012

Rules

LR73-FL00 RULE 1. ADR IN DOMESTIC RELATIONS

LR73-FL00 RULE 2. GUARDIAN AD LITEM FEES

LR73-FL00 RULE 3 AUTOMATIC WITHDRAW

LR73-FL00 RULE 1. ALTERNATIVE DISPUTE RESOLUTION (ADR) IN DOMESTIC RELATIONS

1.1 PROGRAM OVERVIEW.

The purpose of the ADR Plan is to provide alternative dispute resolution opportunities to litigants involved in dissolution of marriage, legal separation and paternity cases. The goal is to offer litigants the opportunity to resolve conflict amicably, arrive at acceptable resolutions, have ownership of outcomes, and provide a basis upon which to resolve later issues all with the overriding goal of furthering the best interests of children. A primary aspect of the program is to provide alternative dispute services to litigants of modest means.

The forms of alternative dispute to be used are mediation, arbitration, and family counseling in high conflict cases. Mediation will be the favored process. The parties may agree to submit to non-binding arbitration. Courts may require the parties submit to non-binding arbitration.

Court may require the parties to participate in counseling in high conflict matters. If mediation or arbitration are used, the Indiana Rules for Alternative Dispute Resolution apply.

The ADR Plan is to be effective with cases filed after September 1, 2005. The Clerk of Shelby County shall commence collecting the additional \$20.00 alternative dispute resolution fee, pursuant to Indiana Code 33-23-6-1, on September 1, 2005.

1.2 MEDIATION REQUIRED.

All domestic relations litigants with custody and/or visitation disputes reasonably expected to take one hour or more of court time to litigate their custody and/or visitation dispute shall be required to participate in the ADR Plan. A party currently charged with or convicted of a crime under Indiana Code 35-42- et seq. or a substantially similar crime in another jurisdiction may not participate in the ADR Plan. If this subsection applies, as a condition precedent to the setting of a final hearing, each party shall certify to the court that they have participated in the ADR plan.

1.3 FINANCIAL QUALIFICATIONS.

Litigants whose income is less than 125% of the federal poverty guidelines and have less than \$10,000.00 of assets will participate without cost. Litigants whose income is between 125% and 175% of the federal poverty guidelines and have less than \$20,000.00 of assets will pay a co-payment of \$50.00 per hour for the services of the mediator. Litigants whose income is less than 125% and have \$20,000.00 or more in assets will co-pay \$50.00 per hour for the services of the mediator. Litigants whose income is greater than 175% of the federal poverty guidelines or who own more than \$20,000.00 in assets will pay the mediator the normal hourly rate of the mediator.

1.4 REFERRAL AND PLAN ADMINISTRATION.

The administrator of the Shelby County Public Defender Program will be the Plan Administrator. She will be responsible for the initial intake of litigants. If a litigant is determined to qualify for no-cost or reduced rate mediation, they will be referred to a volunteer mediator. If the litigant is determined not to qualify for no-cost or reduced rate mediation, the litigant may choose the alternative dispute resolution facilitator of their choice. If one party qualifies but one does not, they shall be referred to a volunteer mediator and the non-qualifying party shall pay the mediator the normal hourly charge of the mediator. Attorneys and

Judges shall refer the appropriate cases to the ADR Plan. All registered domestic law mediators, including Senior Judges, are eligible to act as mediators under the plan. Funds generated by the Plan shall be managed by the Shelby County Auditor.

1.5 PLAN EDUCATION.

Information about the Plan, including the additional \$20.00 filing fee, its implementation, purpose and goals will be presented to the Shelby County Bar Association, the Shelby County Clerk, and local mental health counselors. The general public will be advised through newspaper and radio outlets.

1.6 PLAN COORDINATION.

The ADR Plan facilitates the resolution of domestic relations cases without the necessity of extended court hearings. Participants will be required to participate in the ADR Plan to attempt an amicable resolution of the case. The ADR Plan will provide a funding source for resolution of high conflict disputes for litigants of modest means.

1.7 PROJECTED BUDGET.

The Shelby Circuit Court estimates \$3,000.00 will be collected annually. These figures are based on the total number of domestic cases filed in 2004 in Shelby Circuit Court (160) and Shelby Superior Court No. 1 (158). There were approximately 5 private paternity actions filed in 2004. There were approximately 20 domestic relation cases filed in which the filing fee was waived or reduced. (256 DC DN & DR cases in 2017)

1.8 PROJECTED ANNUAL BUDGET

Income \$6,200.00

Expenses 6,200.00

Compensation for intake and referral

Coordinator \$13.28/hour x 5 hours/week x 52 weeks = 3,452.80

Publicity regarding program 250.00

High conflict counseling 1,497.20

Mediation 1,000.00

\$6,200.00

1.9 PROGRAM EVALUATION AND REPORTING.

An annual Report containing data related to the Plan shall be submitted to the Judicial Conference of Indiana by December 31 of each year. It shall be the responsibility of the Judge of Shelby Superior No. 1 to prepare and submit the Annual Report. The Annual Report shall be used to evaluate the program in conjunction with ongoing discussions with the Plan. Exit surveys will be done by a random sampling of participants *Adopted as ADA Plan. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005. As Amended April 18, 2017. Renumbered as Rule 1, January 1, 2024.*

LR73-FL00 RULE 2. GUARDIAN AD LITEM FEES

The Shelby County Courts, recognizing it is appropriate to require parents and custodians of children who are involved in litigation and use the services of the Shelby County Guardian Ad Litem to be financially responsible for those services, hereby establishes a standard fee schedule for the services¹ of the Shelby County Guardian Ad Litem in cases other than Child in Need of Services cases.

- 1) For custody and/or visitation evaluations, each parent/custodian shall pay the sum of \$325.00.
- 2) For cases in which the services of the Guardian Ad Litem is required on an ongoing basis, each parent/custodian shall pay the sum of \$75.00 per month.
- 3) The Court in which the case is pending retains the discretion to deviate from the schedule in a particular case based upon the circumstances of the parties.

Adopted effective November 18, 1997. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005. Amended May 1, 2018, effective July 1, 2018. Renumbered as Rule 2, Jan 1, 2024

LR73-FL00-RULE 3. AUTOMATIC WITHDRAWAL OF APPEARANCE

In Domestic Relation (DR) cases and Paternity (JP) cases, an attorney's Appearance in the case shall automatically be deemed to be withdrawn thirty-five (35) days after the conclusion of the pending action, i.e., Final Decree, Modification, or Citation. If a new action, i.e., Modification or Citation, is filed more than thirty-five (35) days after the conclusion of a prior action, an attorney will need to re-enter his or her Appearance to represent a party in the new action. *Renumbered as Rule 3, January 1, 2024.*

SHELBY COUNTY LOCAL CRIMINAL RULES

Except for Caseload Allocation, Effective Jan 1, 2012

Rules

- LR73-CR00 RULE 1 PRESUMPTIVE BOND SCHEDULE
- LR73-CR00 RULE 2 PROMPT DETERMINATION OF BAIL
- LR73-CR02 RULE 3 SERVICE OF SUBPOENAS IN CRIMINAL CASES
- LR73-CR00 RULE 4 PROBATION FEES
- LR73-CR-00 RULE 5 LATE PAYMENT FEES
- LR73-CR00 RULE 6 SCHEDULE OF FEES FOR COURT ALCOHOL AND DRUG ASSESSMENT
- LR73-CR00 RULE 7 COMMUNITY TRANSITION VIOLATIONS
- LR73-CR00 RULE 8: AUTOMATIC WITHDRAWAL OF APPEARANCE

73-CR00 RULE 1 BOND SCHEDULE

THE FOLLOWING IS THE PRESUMPTIVE BOND SCHEDULE FOR ALL SHELBY COUNTY COURTS:

- 2.1 Bond Schedule. Unless otherwise ordered by a Judge, the following shall be the amounts set for the bail bonds:

Charge	Bond Amount
Class C Misdemeanors.....	\$3,000.....10% Cash
Class B Misdemeanors.....	\$4,000.....10% Cash *
Class A Misdemeanors	\$6,000.....10% Cash *
Class D Felony	\$7,50010% Cash *
Level 6 Felony	\$7,500.....10% Cash *
Level 5 Felony.....	NO BOND
Class C, B, A Felony.....	NO BOND
Level 1-4 Felonies.....	NO BOND
Murder.....	NO BOND

* Bond Schedule does not apply if person is arrested for crime of Domestic Violence as set forth below. Indiana Code 35-33-8-6.5. Domestic violence.

(a) The court, or a facility having custody of a person, may not release a person on bail for at least twenty-four (24) hours from the time of the person's arrest if the person is arrested for one (1) or more of the following offenses committed against a family or household member:

- | | |
|--|---|
| <i>(1) A crime of domestic violence (as described in IC 35-31.5-2-78).</i> | <i>(7) Sexual battery (IC 35-42-4-8).</i> |
| <i>(2) Battery (IC 35-42-2-1).</i> | <i>(8) Invasion of privacy (IC 35-46-1-15.1).</i> |
| <i>(3) Domestic battery (IC 35-42-2-1.3).</i> | <i>(9) Criminal stalking (IC 35-45-10-5).</i> |
| <i>(4) Aggravated battery (IC 35-42-2-1.5).</i> | <i>(10) Criminal recklessness (IC 35-42-2-2).</i> |
| <i>(5) Strangulation (IC 35-42-2-9).</i> | <i>(11) Criminal confinement (IC 35-42-3-3).</i> |
| <i>(6) Rape (IC 35-42-4-1).</i> | <i>(12) Burglary (IC 35-43-2-1).</i> |
| | <i>(13) Residential entry (IC 35-43-2-1.5).</i> |

(b) A court may not release a person described in subsection (a) on bail until the court has conducted a bail hearing in open court.

Indiana Code 35-31.5-2-128. Family or household member defined.

(a) An individual is a "family or household member" of another person if the individual:

- (1) is a current or former spouse of the other person;*
- (2) is dating or has dated the other person;*
- (3) is or was engaged in a sexual relationship with the other person;*

(4) is related by blood or adoption to the other person;

(5) is or was related by marriage to the other person;

(6) has or previously had an established legal relationship:

(A) as a guardian of the other person;

(B) as a ward of the other person;

(C) as a custodian of the other person;

(D) as a foster parent of the other person; or

(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or

(7) has a child in common with the other person.

(b) An individual is a “family or household member” of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.

a. In the event that an arrest is made without a warrant signed by a judge endorsing a specific bond, the charts above shall establish the bond for a “preliminary charge”. In the event that the individual is arrested on more than one “preliminary charge”, the bond shall be set in the amount of bond for the most serious offense

2.2 In the event that the arresting officer believes that the above schedule is not appropriate for a specific arrest based upon facts known to the officer or surrounding circumstances, the officer may complete an affidavit in a form substantially conforming to the form attached hereto ([Form A](#)) and provide it to the Sheriff’s Department and the Sheriff is authorized to hold such arrestee until the sooner of forty-eight (48) hours (excluding weekends and holidays) or until further order of a Judge.

2.3 No bond: this bond schedule shall not be used for nor applicable to the following cases:

2.3.1 A person arrested for a crime while on probation, parole, bond, or while released on their own recognizance or on the pre-trial release program . Persons on parole or probation shall have an immediate 15 day probation/parole hold placed upon them by jail staff, including but not limited to persons arrested pursuant to a warrant.

2.4 Court Assignments

a. All misdemeanor arrestees will be scheduled by jail personnel into Superior Court 2.

b. All felony arrestee case assignments will be determined by the clerk. Such arrestees shall report to the Shelby County Clerk at the date and time designated by the jail staff when released for information regarding their assigned court, failure to do so may be punished by contempt or additional criminal charges including but not limited to escape.

2.6 Subject to paragraph 2.3, the bond stated on a warrant shall be allowed in all warrant arrests and the arrested person shall report to the appropriate court as instructed by the jail staff.

2.7 Nolle Pros--Upon notification by an authorized representative of the Shelby County Prosecutor’s Office that no charges will be filed in the immediate future, the jail may release any person upon their own recognizance. If the prosecutor’s office notifies the jail or the court after the arrestee has already posted bond, then such bond shall be held by the clerk until further order of the court.

2.8 Pursuant to Indiana Code 35-33-8-3.6, a defendant who bonds out under the above presumptive bail schedule and who is charged with committing a violent crime (as defined in IC 5-2-6.1-8) that results in bodily injury to a person shall refrain from any direct or indirect contact with the victim for ten (10) days after release, or until the initial hearing whichever occurs 1st. The jail shall notify the defendant of this restriction upon their release. At the initial hearing, the court may reinstate or modify the condition that the defendant refrain from direct or indirect contact with the victim.

Amended May 1, 2025, Effective July 15, 2025.

73-CR00 RULE 2 PROMPT DETERMINATION OF BAIL-

Because violent arrestees arrested on Level 1-5 felonies, and persons arrested for domestic violence may not post bond until a bail hearing has been conducted in open court, the Prosecuting Attorney shall promptly file with a court either:

- (1) formal criminal charges under the appropriate case type; or
- (2) a probable cause affidavit bearing the law enforcement case number under an MC case along with a request for additional time to investigate; or
- (3) a Notice of Nolle Prosequi under an MC case, bearing the law enforcement case number which the arrestee was arrested.

Effective July 15, 2025.

FORM A**AFFIDAVIT FOR HOLD FOR PRELIMINARY CHARGE**

Arrestee Name: _____

Arrestee DOB: ____ - ____ - ____ Arrestee OLN/ID Card _____

Arrestee Home address: _____

Street: _____

Arrestee City State Zip Code _____

The undersigned law enforcement officer makes this affidavit for the purpose of requesting that the Shelby County Sheriff hold the named arrestee, and that said arrestee shall not be allowed to post bond pursuant to the schedule set by the judges of this county. In support the undersigned states the bond schedule is not appropriate for:

Name _____ (hereinafter arrestee) in that said arrestee:

___ is not a resident of this community and/or appears to have no significant ties to the community and /or appears to the undersigned to present a higher than normal risk to fail to return; or

___ has made threats of violence to this officer or to another person which if carried out would warrant a substantially higher charge and bond, and it appears likely to the undersigned that the arrestee would carry out these threats if permitted to post the standard bond; or

___ is suspected of additional or more serious charges which will require further investigation, and the bond for the offense for which the arrestee is now held is not likely to be sufficient to assure attendance at proceedings for the suspected offense; or

___ other grounds not set forth above: _____

_____.

I affirm under penalties for perjury that the above is true to the best of my knowledge this ____ day of _____, 20__ at _____ o'clock __m.

Signature_____
Print name

LR73-CR02 RULE 3 SERVICE OF SUBPOENAS IN CRIMINAL CASES

The Shelby County Sheriff's Department shall serve subpoenas without cost in criminal cases where a defendant is represented by a public defender. Personal service on an individual means physically handing the subpoena to the person named on the subpoena.

Adopted as Joint Local Rule No. 8, effective February 22, 2000. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.

LR73-CR00 RULE 4 PROBATION FEES

- 5.1 Any probationer who requests their probation be transferred to a department outside the state of Indiana shall pay a \$125 fee to the Clerk of Shelby County for distribution consistent with Indiana Code 11-13-4.5-4.
- 5.2 Any probationer who lives in Indiana and outside Shelby County for whom a transfer of probation is sought to another probation department in Indiana, shall pay a \$75.00 transfer fee to the receiving probation department per Indiana Administrative Rule 22(D).
- 5.3 Each person who is placed on probation as a result of a felony conviction shall pay a \$100.00 administrative fee. Each person who is placed on probation as a result of a misdemeanor conviction shall pay a \$50.00 administrative fee. Said fees shall be paid to the Shelby County Probation Department through the Clerk of Shelby County and shall be applied first before all other fees.
- 5.4 The parents of each child adjudicated a delinquent and placed on probation shall be required to pay a \$100.00 administrative fee to Shelby County Probation through the Clerk of Shelby County.
- 5.5 The above fees are in addition to the probation user fees.

Adopted effective July 30, 2003. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005. Renumbered as LR73-CR00 Rule 4 March 16, 2011. Renumbered as LR73-CR00 Rule 5 April 18, 2017 Amended May 5, 2025, effective July 15, 2025.

LR73-CR00-RULE 5 LATE PAYMENTS—ADDITIONAL FEE

- 6.1 Any defendant found to have committed a crime; violated a statute defining an infraction; violated an ordinance of a municipal corporation; or committed a delinquent act; and the defendant is required to pay: court costs, including fees; a fine; or a civil penalty; and the defendant is not determined by the Court imposing the court costs, fine, or civil penalty to be indigent; and the defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:
 - (1) The end of the business day on which the Court enters the conviction or judgment.
 - (2) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the Court; then the defendant shall pay an additional \$25.00 late payment fee pursuant to IC 33-37-5-22 and the Clerk of the Court shall collect the late payment fee.
- 6.2 The late payment fees imposed under this rule are authorized for deposit in the clerk's record perpetuation fund under IC 33-37-7-2 and the clerk may use any money in the fund for the following purposes: **(1)** The preservation of records. **(2)** The improvement of record keeping systems and equipment. *Renumbered as LR73-CR00 Rule 6 April 18, 2017*

LR73-CR00 RULE 6 SCHEDULE OF FEES FOR COURT ALCOHOL AND DRUG PROGRAM SERVICES

The schedule of fees set forth under Indiana Code 33-37-4-1 and Indiana Code 35-38-2-1 shall be applicable in all court alcohol and drug program services and shall not exceed \$400.00.

Renumbered as LR73-CR00 Rule 7 April 18, 2017

LR73-CR00 RULE 7 COMMUNITY TRANSITION VIOLATIONS

Pursuant to Indiana Code 11-10-11.5-11.5 regarding the procedure for offenders who have violated the rules of the Community Transition Program, the Judges of Shelby County authorize the detention of an offender who has violated the rules of the Shelby County Transition Program in the Shelby County Criminal Justice Center pending their return to the Department of Correction upon request of the Director of Shelby County Community Corrections or the Shelby County Prosecutor or Deputy thereof.

Adopted effective June 5, 2003. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005. Amended and Renumbered as LR73-CR-00-Rule 4, March 16, 2011. Amended and Renumbered as LR73-CR-00-Rule 8, January 2, 2019

LR73-CR00 RULE 8: AUTOMATIC WITHDRAWAL OF APPEARANCE

In all criminal cases, except for the prosecutor, an attorney's appearance in the case shall automatically be deemed to be withdrawn thirty-five (35) days after the conclusion of the pending action, i.e., not guilty verdict, sentencing. If a new action, i.e., Modification or probation violation, is filed more than thirty-five (35) days after the conclusion of a prior action, an attorney will need to re-enter his or her Appearance to represent a party in the new action. *As amended and renumbered April 18, 2017*

SHELBY COUNTY LOCAL SMALL CLAIMS RULES

Effective Jan 1, 2012

Rules

LR73-SC08 RULE 1. POLICIES AND PROCEDURES FOR IMPLEMENTATION OF SMALL CLAIMS RULES

LR73-SC8 RULE 1. POLICIES AND PROCEDURES FOR IMPLEMENTATION OF SMALL CLAIMS RULE 8

Parties that fail to comply with Indiana Small Claim Rule 8 may have their case dismissed or be subject to an adverse judgment against the parties that fail to follow the rule. Also, cases are subject to dismissal for failure to comply with Indiana Trial Rule 41.

Adopted effective October 8, 2004. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended Jan 1, 2012 Amended April 18, 2017. Amended May 15, 2023. Effective January 1, 2024