

In the  
Indiana Supreme Court

IN THE MATTER OF                    )  
AMENDED LOCAL RULES            )  
FOR COURTS OF RECORD IN        )  
SCOTT COUNTY                        )

**NOTICE OF PROPOSED LOCAL RULE AMENDMENTS, FINDING OF GOOD  
CAUSE TO DEVIATE FROM THE SCHEDULE FOR AMENDING RULES, AND  
REQUEST FOR SUPREME COURT APPROVAL**

The judges of the courts or record of Scott County give notice of proposed amendments to various local court rules, find good cause to deviate from the schedule for amending local rules, and request Supreme Court approval as required for certain rule amendments. All new text is shown by underlining and deleted text is shown by ~~strikethrough~~.

The time for the bar and the public to comment will begin on **November 15, 2016**, and will close on **December 20, 2016**.

The proposed effective date for the rule amendments is **January 1, 2017**.

Comments may be made to Scott Circuit Court Judge Roger L. Duvall, One E. McClain Avenue, Suite 212, Scottsburg, IN 47170 or by email at: [duvall.roger@gmail.com](mailto:duvall.roger@gmail.com).

Submitted this 15th day of November, 2016.

\_\_\_\_\_/S/\_\_\_\_\_  
ROGER L. DUVALL, JUDGE  
SCOTT CIRCUIT COURT

\_\_\_\_\_/S/\_\_\_\_\_  
MARSHA OWENS HOWSER, JUDGE  
SCOTT SUPERIOR COURT

## TABLE OF CONTENTS

|                                      |  |
|--------------------------------------|--|
| <b>Local Rule No. LR72-CR2.2-1</b>   | <b>Assignment of Criminal Cases</b>            |
| <b>Local Rule No. LR72-CR00-2</b>    | <b>Discovery</b>                               |
| <b>Local Rule No. LR72-AR15-3</b>    | <b>Court Reporter Services</b>                 |
| <b>Local Rule No. LR72-AR1-4</b>     | <b>Allocation of Judicial Resources</b>        |
| <b>Local Rule No. LR72-JR2-5</b>     | <b>Jury System</b>                             |
| <b>Local Rule No. LR72-AR00-6</b>    | <b>Transfer</b>                                |
| <b>Local Rule No. LR72-AR00-7</b>    | <b>Authority to Act as Sitting Judge</b>       |
| <b>Local Rule No. LR72-AR12-8</b>    | <b>Facsimile Transmission</b>                  |
| <b>Local Rule No. LR72-TR4-9</b>     | <b>Service of Process</b>                      |
| <b>Local Rule No. LR72-TR-7-10</b>   | <b>Motions</b>                                 |
| <b>Local Rule No. LR72-TR53.5-11</b> | <b>Motions to Continue</b>                     |
| <b>Local Rule No. LR72-TR79-12</b>   | <b>Appointment of Special Judges</b>           |
| <b>Local Rule No. LR72-FL01-13</b>   | <b>Scott County Co-Parenting Program</b>       |
| <b>Local Rule No. LR72-AR00-14</b>   | <b>Unruly or Disruptive Conduct Prohibited</b> |
| <b>Local Rule No. LR72-AR00-15</b>   | <b>Courthouse Security</b>                     |
| <b>Local Rule No. LR72-AR00-16</b>   | <b>Photography and Broadcasting Prohibited</b> |
| <b>Local Rule No. LR72-CR00-17</b>   | <b>Drug and Alcohol Program Fees</b>           |

**LOCAL RULE NO. LR72-CR2.2-1  
ASSIGNMENT OF CRIMINAL CASES**

The Courts of Scott County, Indiana, adopt the following rules for the assignment of criminal cases and the selection of special judges in criminal cases:

(A) All criminal cases (MR, F1, F2, F3, F4, F5, F6, CM) ~~wherein the most serious charge is Murder or a Class A, B, or C Felony or a Level 1, 2, 3, 4 or 5 Felony~~ shall be filed in Circuit Court regardless of the level of felony or misdemeanor except as set forth in Paragraph (C) of this rule.

~~(B) All cases wherein the person is charged under Indiana Code title 9, Motor Vehicles, regardless of the class or level of felony offense shall be filed in Superior Court.~~

~~(C) All cases wherein the factual basis for the criminal charges, also, is the factual basis in the Circuit Court under Indiana Code 31-34 et. seq., Child In Need of Services, shall be filed in Circuit Court.~~

~~(D) All cases wherein a person is charged under Indiana Code Title 20, Compulsory School Attendance Law, shall be filed in Circuit Court.~~

~~(E) All juvenile delinquency cases shall be filed in Circuit Court and if there is a waiver from juvenile court into adult court, the case shall be filed in Circuit Court.~~

~~(F)~~(B) All other criminal cases or proceedings including ~~Misdemeanors, Class D Felonies and Level 6 Felonies~~ and infractions (IF), miscellaneous criminal (MC), expungements (EX) and post-conviction relief (PC) shall be filed in ~~Superior~~ Circuit Court except as set forth in Paragraph (C) of this rule.

~~(G)~~ Any cases which may be joined by statute shall be treated as one case for purposes of determining which court shall be selected. The highest charge filed shall determine selection of the Court in which the charge is to be filed.

(C) The following criminal cases shall be assigned to a panel of Senior Judges:

1. Criminal cases pending in the Circuit Court or the Superior Court as of 12:00 midnight, December 31, 2016;

2. Criminal cases in the Circuit Court or the Superior Court for which there was a disposition prior to January 1, 2017 and for which there is filed a motion, pleading or notice of any nature;

3. Criminal cases filed on or after January 1, 2017 for which the factual basis of the criminal case arose before January 1, 2017.

~~(H)~~(D) When there is a recusal by the sitting Judge; or when a motion for change of Judge has been granted; or where a Senior Judge declines to assume jurisdiction for any case identified in Paragraph (C) of this Rule, then, pursuant to Rule 13 of the Indian Rules of Criminal Procedure, the Clerk shall assign a judge randomly from the list of sitting and elected judges of the following Courts consisting of Courts in contiguous counties and Courts within the Administrative District:

1. Jennings Circuit Court
2. Jefferson Circuit Court
3. Jefferson Superior Court
4. Washington Circuit Court
5. Washington Superior Court

6. Jackson Superior Court 1
7. Jennings Superior Court
8. Jackson Superior Court 2
9. Jackson Circuit Court
10. Clark Circuit Court 1
11. Clark Circuit Court 2
12. Clark Circuit Court 3
13. Clark Circuit Court 4
14. Floyd Circuit Court
15. Floyd Superior Court 1
16. Floyd Superior Court 2
17. Floyd Superior Court 3

~~\_\_\_\_\_ (I) In the event a case is dismissed and refiled, the Judge last having jurisdiction in the dismissed case shall be the judge in the new case.~~

~~\_\_\_\_\_ (J) Criminal cases in the Scott Circuit Court or the Scott Superior Court for which there was a disposition prior to the date that the respective Judge of each Court assumed office, and for which there is filed a motion, pleading or notice of any nature, other than a petition for post conviction relief or a probation revocation proceeding, shall, if accepted, be transferred to or addressed by the other court or referred to a Senior Judge for further disposition or assigned to a new Judge pursuant to Section H of this Rule. A probation revocation proceeding in the Scott Superior Court, shall be heard by a senior judge assigned to the Scott Superior Court. A probation revocation proceeding which is declined by a senior judge or a petition for post~~

~~conviction relief shall be assigned a new Judge pursuant to Section H of this Rule. A petition for post conviction relief or a probation proceeding in the Scott Circuit Court shall be assigned a new Judge pursuant to Section H of this Rule.~~

## **LOCAL RULE NO. LR72-CR00-2 DISCOVERY**

(A) Generally. At the time of the Initial Hearing, the Court shall enter its general order on discovery applicable to both the State of Indiana and the defendant.

(B) Compliance by State. The State of Indiana shall comply with the Court's discovery order and provide discovery to the defendant within thirty (30) days of the initial hearing. Such discovery shall be supplemented as it becomes available to the State.

(C) Compliance by Defendant. The Defendant, by counsel, shall comply with the Court's discovery order and provide discovery to the State of Indiana within forty-five (45) days of the initial hearing. Such discovery shall be supplemented as it becomes available to the Defendant.

### **I. STATE DISCLOSURE**

The State shall disclose to the defense the following material and information within its possession or control on or before 30 days of the date of the initial hearing in this cause.

a). The names and last known addresses of persons whom the State may call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements and a list of memoranda reporting or summarizing their oral statements.

b). Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgement of such statements.

c). A transcript of those portions of Grand Jury minutes containing testimony of persons whom the prosecuting attorney may call as witnesses at the hearing or trial, as designated by the defense after listening to the recording of testimony.

d). Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons.

e). And books, papers, documents, photographs or tangible objects which the prosecuting attorney intends to use in hearing or trial or which were obtained from or belong to the accused.

f). A record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial.

g). Any evidence which tends to negate the guilt of the accused as to the offense charged or would tend to mitigate his punishment.

The State may perform these obligations in any manner mutually agreeable to itself and defense counsel or by notifying defense counsel that material and information described in general terms may be inspected, obtained, tested, copied or photographed, at specified reasonable times and places.

## II. DEFENDANT DISCLOSURE

The defense shall disclose to the State the following material and information within its possession or control on or before 45 days of the date of the initial hearing in this cause.

a). The names and addresses of persons whom the defendant may call as witnesses along with a copy of their written statements or a summary of their oral statements and a record of their prior criminal convictions.

b). Any books, papers, documents, photographs, or tangible objects which are intended to be used at a hearing or trial.

c). Any medical or scientific reports relating to defendant or defendant's evidence which may be used at a hearing or trial.

d). A defense, procedural or substantive, the defendant intends to make at a hearing or trial.

III. Any objections to discovery order must be filed within 21 days of the date of the initial hearing in this cause.

IV. Discovery is a continuing Order through trial. No written motion is required except to compel discovery for a protective order or for an extension of time.

### **LOCAL RULE LR72-AR15-3 COURT REPORTER SERVICES**

(A) Definitions. The following definitions shall apply under this Local Rule.

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

[3] *Work space* – 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* – the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

[5] *Recording* – the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

[6] *Regular hours worked* – 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* – those hours worked that are in excess of the regular hours worked but not in excess of forty (40) hours per work week.

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

[9] *Work week* – 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* – the particular court for which the court reporter performs services. Court may also mean all the courts in Scott County.

[11] *County indigent transcript* – 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* – a transcript that is paid for from state funds and is for the use of a litigant who has been declared indigent by a court.

[13] *Private transcript* – a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

(B) Salaries. Court reporters shall be paid an annual salary for regular hours spent working under the control, direction and direct supervision of the Court. Said salary shall be determined annually by the Court and shall be paid as other County salaries are paid.

1. a. Regular working hours shall be 35 hours per week.
- b. Gap hours shall be hours worked in excess of 35 hours but not in excess of 40 hours per week.
- c. Overtime hours shall be hours worked in excess of 40 hours.

2. That for any gap or overtime hours worked, the Court and the Court Reporter shall enter into a written agreement whereby compensation for such work shall be as follows:
  - a. Compensatory time off from regular work hours shall be given in an amount equal to the number of gap hours worked, and
  - b. Compensatory time off from regular work hours shall be given in the amount of one and one half (1 ½) times the number of overtime hours worked.

(C) Per Page Fees. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be five dollars and fifty cents (~~\$5.00~~ 50) per page. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be five dollars and fifty cents (~~\$5.00~~ 50) per page.

The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be five dollars and fifty cents (~~\$5.00~~ 50) per page.

If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be ten dollars and fifty cents (~~\$10.00~~ 50) per page where the transcript must be prepared within 24 hours or less and seven dollars and fifty cents (\$7.50) per page where the transcript must be prepared within three working days. Index and Table of Contents will be charged at the same rate as the other pages.

(D) Minimum fee. A minimum fee of fifty dollars (\$50.00) will be charged for transcripts less than ten (10) pages in length or seventy five dollars for an expedited transcript of less than ten (10) pages in length.

(E) Binding and Disk Fees. An additional fee shall be added to the costs of the transcript for:

1. The time spent binding the transcript and the exhibit and index and index volumes at an hourly rate based on the court reporter's hourly rate.

2. The costs of office supplies required and utilized for binding and transmission of the transcript pursuant to Indiana Rules of Appellate Procedure 28 and 29. Said costs shall be pursuant to a Schedule of Transcript Supplies, established and published annually by the courts.

(F) Annual Report Requirements. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

(G) Private Practice. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing a deposition transcript, all such private practice work shall be conducted outside regular working hours and the Court's equipment, work space and supplies shall not be used for such purposes.

(H) Disk as Official Record. Upon the filing of a written request or praecipe for transcript, the court reporter shall transcribe any court proceeding requested and produce an original paper transcript along with an electronically formatted transcript. Multiple disks containing the electronically formatted transcript shall be prepared and designated as "Original Transcript", "Court Reporter's Copy", and "Court's Copy". Each disk shall be labeled to identify the case number, the names of parties, the date completed, the court reporter's name and the disk number if more than one disk is required for a complete transcript. The court's copy of the electronic transcript shall become the official record of the court proceeding, in lieu of a paper copy of the transcript, and shall be retained in the court where said proceeding was held. The court reporter's copy shall be retained by the court reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the Clerk of the transcript was prepared for the purposes of appeal. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requesting party.

**LOCAL RULE NO. LR72-AR1-4**  
**ALLOCATION OF JUDICIAL RESOURCES**

(A). Not later than May 15 of each year, all regular Judges of the Scott Circuit and Superior Court shall meet, in person, telephonically, or other means, and shall evaluate each Court's caseload data, as reported to the Division of State Court Administration.

(B). The caseload evaluation shall factor in any special circumstances such as death penalty cases.

(C). Service as transfer judge or special judge. Time spent doing special or transfer judge service by each Judge outside his or her court and special judge service or transfer judge service in each Court shall also be included.

(D). Based upon the foregoing caseload evaluation for each court within the county, the designated Judge shall develop and maintain a roster reflecting the weighted caseloads of each court and the judicial officer need or surplus in each court. Any plan for adjustment of caseload should then compare that need or surplus to the utilization range established in Administrative Rule 1(E).

(E). Should the above said evaluation indicate that the weighted caseloads of any Court are not within the county range, the Judges shall adopt a plan whereby (a) case type filings are shifted, (b) causes are transferred between courts pursuant to I.C. 33-29-1-9, (c) Judges sit as Judge of the other court pursuant to I.C. 33-29-1-10, as to bring all courts within the range.

(F). Civil Cases: All Civil Plenary, Mortgage Foreclosure, Civil Collection, Civil Tort, and Miscellaneous cases (CP, MF, CC, CT, MI) shall be filed in Superior Court. ~~The following listed civil case types shall be filed in Circuit and Superior Court will participate in open filing of all Civil Tort, Civil Plenary, Mortgage Foreclosure and Miscellaneous cases (CT, CP, PL, CC, MF, MI) except as provided by statute. Other civil proceedings as identified by Rule 8 of the Indiana Administrative Rules shall be filed as follows:~~

1. Domestic Relations Cases: All Domestic Relations Cases, Divorces with Children and Divorces Without Children shall be ~~Divorce cases may be~~ filed in ~~either the Circuit or~~ Superior Court, (DR, DC, DN).
2. Small Claims: All Small Claims cases shall be filed in Superior Court, (SC).
3. Mental Health: All Mental Health cases shall be filed in Circuit Court, (MH).
4. Juvenile Delinquency: All Juvenile Delinquency and non-child in need of services-related Juvenile Miscellaneous shall be filed in Circuit Court ~~shall have exclusive jurisdiction over all juvenile matters,~~ (JC, JD, JS, JT, JP, JM).
5. Juvenile Paternity: All Juvenile Paternity cases shall be filed in Circuit Court, (JP).
6. Child in Need of Services: All Child in Need of Services, Terminations, and child in need of services-related Juvenile Miscellaneous cases shall be filed in Superior Court, (JC, JT, JM).
- ~~5.7. Probate, Guardianships and Estates: All Guardianship, Trust, and Estate cases shall be filed in Circuit Court (ES, EU, EM, GU, TR). ~~shall have exclusive jurisdiction over all Adoption, Guardianship, Trust and Estate (supervised and unsupervised) proceedings,~~ (AD, ES, EU, EM, GU, TR).  
All Adoptions shall be filed in Superior Court (AD).~~
- ~~6.8. Reciprocal Support Cases: All Reciprocal Support cases shall be filed in Circuit Court, ~~shall have exclusive jurisdiction in Reciprocal Support Cases,~~ (RS).~~
- ~~7.9. Ordinances: All Ordinance violations shall be filed in the Superior Court, (OV, OE).~~

(G). Any action involving a land contract as defined in I.C. 24-4.4-1-301(36) shall be filed as a civil action and not as a small claims case.

(H). Proceedings for an order of protection under I.C. 34-26-2-1 et. seq., (PO) shall be filed on an alternating basis between the Circuit and Superior Courts, with the exception that the protective order proceeding shall be filed in the court where there is a pending dissolution (DR) or paternity (JP) case. The Clerk of Courts shall inquire of a petitioner if such dissolution or paternity case is pending in this county or any other county before assigning the case to a court. Prior to referring a petitioner in a protective order proceeding to the appropriate court, the Clerk of Courts shall review the petition as to the completion of that petition to insure that the petition contains all appropriate and available information.

(I) The following juvenile and domestic relations cases shall be assigned to a panel of Senior Judges:

1. Juvenile cases of any nature pending in the Circuit Court as of 12:00 midnight, December 31, 2016;

2. Juvenile cases of any nature in the Circuit Court for which there was a disposition prior to January 1, 2017 and for which there is filed a motion, pleading or notice of any nature;

3. Juvenile cases of any nature filed on or after January 1, 2017 for which the factual basis of the criminal case arose before January 1, 2017.

4. Paternity (JP) and Reciprocal (RS) cases filed before January 1, 2017.

5. Domestic Relations (DR) cases filed before January 1, 2017 for which there was representation by the Title IV-D Office of the Scott County Prosecuting Attorney's Office between January 1, 2005 and December 31, 2016.

6. When there is a recusal by the sitting Judge or when a motion for change of Judge has been granted or where a Senior Judge declines to assume jurisdiction for any case identified sub-paragraph (I) of this Rule, then, a Special Judge shall be selected pursuant to LR72-TR-79-12.

**LOCAL RULE NO. LR72-JR2-5  
JURY SYSTEM**

(A). Pursuant to Indiana Jury Rules 2 and 4 the Courts adopt the Single Tier Notice and Summons provision. That is the Jury Administrators shall send a Summons at the same time the Jury Qualification form and notice is mailed. The Judges of the Scott Circuit Court and the Superior Court hereby appoint the Clerk of the Scott County Courts as the Jury Administrator under Indiana Jury Rule 2.

(B). Juror questionnaires shall be handled in accordance with Jury Rule 10 and Indiana Administrative Rule 9(G) (1) (b) (xii). Thus, juror questionnaires may not be recopied, duplicated or distributed by counsel or the parties, and shall be returned to the Court at the conclusion of trial in order to safeguard juror privacy.

**LOCAL RULE NO. LR72-AR00-6  
TRANSFER**

The Judge of the Circuit Court or Superior Courts in accordance with I.C. 33-29-6 et.seq. ~~33-5-9.7-14~~, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to another court of record in the county a pending felony, misdemeanor or infraction, provided the receiving court has jurisdiction to hear such case and accepts jurisdiction of such matter.

**LOCAL RULE NO. LR72-AR00-7  
AUTHORITY TO ACT AS SITTING JUDGE**

The Judge of Circuit Court or Superior Court may in accordance with I.C. 33-29-1-10 sit as Judge of the other court in any matter as if that judge were elected to that court.

**LOCAL RULE NO. LR72-AR12-8  
FACSIMILE TRANSMISSION**

Pursuant to Rule 5 of the Indiana Rules of Trial Procedure and Indiana Administrative Rule 12; the Scott Circuit Court and the Scott Superior Court authorize electronic facsimile filing and designate 812-752-8431 for the Scott Circuit Court and 812-752-8425 for the Scott Superior Court. Filing by electronic facsimile transmission shall be subject to the requirements of Indiana Administrative Rule 12. In addition to the provisions, the party submitting the filing by electronic facsimile transmission shall submit an original document to the respective court. The courts may by joint order assess an electronic facsimile transmission fee pursuant to Indiana Administrative Rule 12(E).

**LOCAL RULE NO. LR72-TR4-9**  
**SERVICE OF PROCESS**

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

**LOCAL RULE NO. LR72-TR7-10**  
**MOTIONS**

(A). The Judges of the Circuit and Superior Court recognize that there are many motions and proceedings that are filed that are non-dispositive, routine and/or procedural in nature (by way of example: motions to extend time for discovery or responses, amendments). In lieu of requesting a hearing on such motions, the movant may submit a notice of ruling stating that the respective court will rule on the motion and enter its order upon such motion on a Monday at 1:00 p.m. which date shall be no earlier than seven (7) days from the filing of the motion.

(B). This rule does not apply to motions to continue or to motions and time periods otherwise provided in the Indiana Trial Rules, Criminal Rules or Statutes. This rule does not apply to provisional proceedings in dissolution or paternity proceedings.

**LOCAL RULE NO. LR72-TR53.5-11**  
**MOTIONS TO CONTINUE**

(A). A motion for a continuance of a hearing or trial shall be in writing and accompanied by an order which shall contain adequate space for the insertion of a new time and date for rescheduling purposes and the time required for the hearing. A motion to continue shall be filed no later than ten (10) days prior to the scheduled hearing date for a trial on the merits or seven (7) days on any other hearing, unless the movant can show good cause as to why the motion could not have been timely filed.

(B). A motion to continue shall set forth the scheduled date, the reason for the continuance, and the specific length of time the moving party desires the case to be continued. Every motion to continue shall contain a statement of agreement or objection from the opposing parties, obtained by the moving party after having made inquiry of opposing parties. Failure to state a position of opposing parties will prevent any court action on a motion to continue.

(C). If the parties do not agree on a continuance of a hearing, either party may schedule a telephone conference with the Court for the purpose of discussing the motion to continue or the objection to the continuance.

**LR72-TR79-12 9**  
**APPOINTMENT OF SPECIAL JUDGES**

- A. Selection of Assignment Judge. On or before October 1<sup>st</sup> of each year, the Judges of the Circuit and Superior Courts of Scott County shall meet with the presiding judges of Administrative District 23 for the purpose of selecting a judge designated as the assignment judge who shall serve the Administrative District for a period of twelve (12) months.
- B. Section H Appointments. In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before the case is pending shall send notice of the need of the appointment of a special judge to the Administrative District's assignment judge who shall then make such assignment within five (5) days of receiving said notice.
- C. Method of Assignment. The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall be a sequential order beginning with the name of the judge following the last judge so assigned. If, however, a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case. The assignment judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.
- D. Roster of Available Judges. The roster of available judges in Administrative District 23 shall be maintained by Court designation in the following sequential order and shall include senior judges as available.
- (1) Clark Circuit #1
  - (2) Circuit #2
  - (3) Circuit #3
  - (4) Circuit #4
  - (5) Floyd Circuit
  - (6) Floyd Superior #1
  - (7) Floyd Superior #2
  - (8) Floyd Superior #3
  - (9) Scott Circuit Court
  - (10) Scott Superior Court
  - (11) Senior Judges who agree to serve as Special Judge
- E. Appointment Order. Upon selecting a special judge, the assignment judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending and enter an Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

- F. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.
- G. Form of Order. The Order of Appointment shall be in the following form:

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedures, the Honorable \_\_\_\_\_ of the \_\_\_\_\_ Court of \_\_\_\_\_ County is hereby appointed to serve as special judge in the above-captioned case.

SO ORDERED AND ASSIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_ BY THE ASSIGNMENT JUDGE FOR THE 23<sup>RD</sup> JUDICIAL DISTRICT.

\_\_\_\_\_  
Assignment Judge

- H. Implementation of Rule. In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.
- I. Certification to Supreme Court. If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special judge.  
If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstances this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.

**LR72-FL01-13**  
**SCOTT COUNTY CO-PARENTING PROGRAM**

In any dissolution of marriage, paternity or legal separation proceeding where there remain minor children born of the marriage or relationship, both the father and mother shall complete the Scott County Co-Parenting Program or equivalent program approved by the Court within sixty (60) days of the filing of the petition and file with the Court a certificate of completion. Each party shall bear their own costs for the program. No final hearing shall be conducted until both parties have completed the program. Failure to complete the program for the purposes of delay or vexation shall be punishable by contempt. The Courts may also require parties to an existing dissolution of marriage or paternity case that was filed prior to the institution of this program, to participate in the program as a part of the Court's continuing jurisdiction of these cases.

**LR72-AR00-14**  
**UNRULY OR DISRUPTIVE CONDUCT PROHIBITED**

The Judges of Scott County, including any duly appointed Referee, Judge Pro Temp, Special Judge or Senior Judge, or any Judicial Officer, Law Enforcement, Courthouse Security or Court Staff, have the authority to remove any person whom in their opinion is being unruly, disruptive, disorderly, disrespectful or otherwise using profanity or engaging in conduct which disturbs or hinders the operation of the Courts.

**LR72-AR00-15**  
**COURTHOUSE SECURITY**

No guns, knives or weapons of any kind shall be allowed in the Scott County Courthouse except those in possession of law enforcement or other persons duly authorized by the Judges or the Scott County Commissioners to possess the same in the Courthouse. Law enforcement, Courthouse Security or Court Staff are authorized to conduct searches of anyone in the Courthouse to insure compliance with this Rule.

Security cameras, in keeping with professional judicial standards are authorized within the Courtrooms and under such terms and conditions as approved by the Judges. The provisions of this rule apply to the security devices within the Courtrooms. No recordings or reproductions from such security cameras shall be made without the approval of the Judges and no recordings made from such cameras shall be used for any purpose without the approval of the Judges.

**LR72-AR00-16**  
**PHOTOGRAPHY AND BROADCASTING PROHIBITED**

(A). The Judges of the Scott Circuit and Superior Courts hereby specifically adopt RULE 2.17 OF THE INDIANA CODE OF JUDICIAL CONDUCT as if re-written herein. The Rule provides in part that a judge should prohibit the broadcasting, televising, and recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court and recesses between sessions except as provided in sections (1) through (3) of that Rule. In compliance with this rule, excluding the area within the office of the Scott County Prosecuting Attorney, broadcasting, televising, recording and taking of photographs are prohibited on the entire second floor of the Scott County Courthouse, given the limited space and the close proximity of the courtrooms, jury room, and offices of the court staff.

(B). All phones or electronic devices shall be turned off, silent and not in use while within the Circuit and Superior Courtrooms.

(C). On a limited basis, photographs may be taken when authorized by the Judges.

**LR72-CR00-17 10**  
**DRUG AND ALCOHOL PROGRAM FEES**

Comes now the SCOTT County Courts, who collectively find and order as follows:

SCOTT SUPERIOR COURT  
ALCOHOL AND DRUG PROGRAM

|     |  |          |
|-----|--|----------|
| 1.  | DRIVING WHILE INTOXICATED, DUI/OWI                       | \$400.00 |
| 2.  | POSSESSION OF A CONTROLLED SUBSTANCE<br>OR PARAPHERNALIA | \$400.00 |
| 3.  | PUBLIC INTOXICATION                                      | \$300.00 |
| 4.  | ILLEGAL CONSUMPTION OR POSSESSION                        | \$300.00 |
| 5.  | OTHER ALCOHOL AND/OR DRUG OFFENSE                        | \$400.00 |
| 6.  | TRANSFER FEE   | \$100.00 |
| 7.  | PRE TRIAL DIVERSION PLAN                                 | \$300.00 |
| 8.  | ASSESSMENT W/RECOMMENDATION                              | \$150.00 |
| 9.  | TREATMENT REFERRAL & CASE MANAGEMENT                     | \$175.00 |
| 10. | EDUCATION REFERRAL &-CASE MANAGEMENT                     | \$300.00 |