

**STATE OF INDIANA – COUNTY OF SULLIVAN
IN THE SULLIVAN CIRCUIT AND SUPERIOR COURTS
LOCAL COURT RULES**

SECTION I: CIVIL RULES OF PROCEDURE

LR77-TR79-1 Trial Rule 79(H) Local Reassignment Rules
LR77-TR53.5-2 Motion for Continuances

SECTION II: FAMILY LAW RULES

LR77-FL00-1 Statement of Contested Issues
LR77-FL00-2 Adoption of Indiana Parenting Time Guidelines
LR77-FL00-3 Alternative Dispute Resolution
LR77-FL00-4 Parental Counseling

SECTION III: CRIMINAL LAW RULES

LR77-CR00-1 Bond Schedule
LR77-CR00-2 Late Payment Fee
LR77-CR00-3 Domestic Battery 48 Hour Bond Requirement
LR77-CR00-4 Special Judge Assignments in Criminal Cases

SECTION IV: ADMINISTRATIVE RULES

LR77-AR15-1 Court Reporter Services
LR77-AR1-1 Caseload Allocation Plan

SECTION I: CIVIL RULES OF PROCEDURE

LR77-TR79-1 Local Reassignment Rules for Civil Cases

- A. The Presiding Judge in Administrative District 19 shall administer reassignment of cases pursuant to T.R. 79(H). The Presiding Judge shall be selected from the sitting Judges and Magistrates in District 19. The initial Presiding Judge's term shall commence April 1, 2013, and terminate December 31, 2013. All subsequent terms shall be for a calendar year. Should the Presiding Judge leave the bench during the term, a successor Judge shall be selected to fulfill the balance of that term as well as the entirety of the next term. A Judge may not refuse to serve as Presiding Judge.
- B. During his or her term of service, the Presiding Judge shall maintain a record of the cause number of each case certified for reassignment and appointment of a special judge, the Judge who certified the case, and the Judge to whom the case was reassigned. The Presiding Judge shall submit a written semi-annual report to all District 19 Judges and Magistrates no more than ten (10) days following the end of the first and third quarters of each calendar year. The Presiding Judge may assign administrative duties to local court support staff to assist in fulfilling these responsibilities. The Presiding Judge shall transfer the records maintained during his or her term of service to the succeeding Presiding Judge.
- C. Pursuant to Trial Rule 79 (H), the District Judges and Magistrates shall certify to the Presiding Judge cases for reassignment and special judge appointment. The certification shall include a prepared order of appointment, as exhibited in Appendix A. When the Presiding Judge receives a certification requiring reassignment, the Presiding Judge shall appoint a Judge or Magistrate in the following manner:
1. At the beginning of each calendar year, the Presiding Judge shall create a list of all judicial officers in District 19. The District will follow the principle that each Judge or Magistrate will receive a new case for each case from which he or she has been removed – a one-off, one-on formula. Upon receiving a certification, the Presiding Judge shall assign the case to the first eligible Judge or Magistrate on the list.
 2. Sullivan County Judges shall not be eligible for assignment to cases from Putnam County. Putnam County Judges shall not be eligible for assignment to cases from Sullivan County.

The order of appointment shall be filed in the court where the case originated. The order of appointment shall constitute acceptance, and neither oath nor additional evidence of acceptance is required.

- D. A Senior Judge may elect to participate in District 19 special judge selection by submitting a written petition to the Presiding Judge no later than January 15 of any calendar year indicating that the Senior Judge wishes to participate during the year.
- E. When a Judge or Magistrate vacates the bench and is certified as a Senior Judge, that Judge shall retain jurisdiction of all previously existing Special Judge cases as provided by Administrative Rule 5. In the event the Judge or Magistrate vacates the bench and is not certified as a Senior Judge or is unavailable as indicated under Trial Rule 79 (L), then the successor Judge shall assume jurisdiction over all previous Special Judge cases of the vacating Judge or Magistrate. The county's judicial personnel shall first attempt to absorb conflicts of interest of the Successor Judge within the county without undue hardship.
- F. If no Judge or Magistrate is eligible to serve as a Special Judge, or if the Presiding Judge determines the selection of a Special Judge by the Indiana Supreme Court is warranted under the particular circumstances of a case, the Presiding Judge shall certify the case to the Indiana Supreme Court for appointment of a Special Judge.

(Amended effective May 1, 2013)

LR77-TR53.5-2 Motion for Continuances

The Presiding Judge of the Sullivan Circuit Court, and the Presiding Judge of the Sullivan Superior Court, now issue the following local Court Rule effective January 1, 2007, and thereafter until further order:

In order to expedite the setting of hearings and to eliminate the need for motions to continue hearings in all civil matters, the Courts hereby Order that all "Motions to Set Hearing" and "Motions to Continue" include dates at least sixty (60) days in the future that the party filing said motions will **not** be available. Also, when filing "Motions to Continue", the party requesting a continuance shall inform the Court whether the continuance is agreed to or objected to by the other party and include dates the opposing party is **not** available.

SECTION II: FAMILY LAW RULES

LR77-FL00-1 Statement of Contested Issues

The Presiding Judge of the Sullivan Circuit Court, and the Presiding Judge of the Sullivan Superior Court, now issue the following Orders and Local Court Rule, effective January 1, 2007, and thereafter until further order:

From this date forward, in all Contested Dissolution and Contested Post-Dissolution Modifications, or in any matter financially affecting the parties in the cause of action, the Court Orders the parties to file an exchange on or before five (5) days prior to the date of the Contested Hearing/Trial, a pleading entitled "STATEMENT OF CONTESTED ISSUES" which shall include the following information, as applicable:

1. An itemized statement of the parties' gross income from all sources per week.
2. An itemized statement of the parties' expenses per week.
3. A list of all properties, real and personal, that the parties possessed at the time of separation along with the parties' own value of each item.
4. A list of all properties, real and personal, that party is requesting the Court award to the Petitioner/Plaintiff, including the value of each item.
5. A list of all properties, real and personal, that the party is requesting the Court award to Respondent/Defendant, including the value of each item.
6. A list of all marital debts, including the balance of the debt, the name of the creditor, and the method of payment.
7. A list of the marital debts the party is requesting the Court Order the Petitioner/Plaintiff to assume, including the balance of the debt.
8. A list of the marital debts the party is requesting the Court Order the Respondent/Defendant to assume, including the balance of the debt.
9. If the parties have children, a statement regarding the parties' position on the issues of custody, support, and visitation. A proposed Child Support Worksheet should also be attached to the STATEMENT OF CONTESTED ISSUES.
10. Any other statement/explanation of property, income, and/or expenses that the party wishes for the Court to consider during the course of the Contested Hearing/Trial.

In the event that the parties or a party fails to file and exchange a STATEMENT OF CONTESTED ISSUES five (5) days prior to the date of the Contested Hearing/Trial, the Court in its discretion, will decide whether this cause shall be heard at the Contested Hearing/Trial scheduled or continued for not more than thirty (30) days or in accordance to the Judge's trial calendar.

This pleading must be verified by the party submitting the same.

LR77-FL00-2 Adoption of Indiana Parenting Time Guidelines

The Indiana Supreme Court having issued an Order Adopting Parenting Time Guidelines on December 22, 2000, and upon review of said Parenting Time Guidelines, we, the undersigned Judges of Sullivan County, hereby adopt the Indiana Parenting Time Guidelines as written to be utilized in dissolution proceedings involving children filed in the Sullivan Circuit and Superior Courts.

LR77-FL00-3 Alternative Dispute Resolution

The Presiding Judge of the Sullivan Circuit Court and the Presiding Judge of the Sullivan Superior Court hereby order that prior to conducting a contested Preliminary Hearing involving a custody dispute or a contested Final Hearing in Juvenile Paternity Actions and Dissolution Actions, the parties will be ordered to attend Alternative Dispute Resolution to be conducted by a certified Family Law Mediator either selected by the parties or appointed by the Court.

In the event a party to a Juvenile Paternity Action or Dissolution Action claims financial hardship, the Courts have established an Alternative Dispute Resolution Fund Plan where in the Clerk is assessing a Twenty Dollar (\$20.00) fee in all dissolution and juvenile paternity actions to be utilized primarily for indigent or low-income litigants, whether represented by counsel or not, to assist them in paying for the costs of Alternative Dispute Resolution. The Courts have further established a Sliding Scale Fee Schedule that will be used to determine each litigant's contribution towards the costs of Alternative Dispute Resolution. Those parties having the financial resources will be responsible for directly paying for the costs of Alternative Dispute Resolution.

LR77-FL00-4

Parental Counseling

The Presiding Judge of the Sullivan Circuit Court and the Presiding Judge of the Sullivan Superior Court hereby order that prior to conducting a Final Hearing in a Dissolution Action in which the parties have children, the parties will be ordered to attend, complete, and report the completion of parental counseling. The class will be offered monthly to the parties at a minimal cost. In the alternative that a party to a Dissolution Action claims financial hardship, the Courts have established an Alternative Dispute Resolution Fund Plan where in the Clerk is accessing a Twenty Dollar (\$20.00) fee in all dissolution and juvenile paternity actions to be utilized primarily for indigent or low-income litigants, whether represented by counsel or not, to assist them in paying for the costs of parental counseling. The Courts have further established a Sliding Scale Fee Schedule that will be used to determine each litigant’s contribution towards the costs of Alternative Dispute Resolution. Those parties having the financial resources will be responsible for directly paying for the costs of parental counseling.

SECTION III

CRIMINAL LAW RULES

LR77-CR00-1

Bond Schedule

The Judge of the Sullivan Circuit Court, the Judge of the Sullivan Superior Court, and the Magistrate of the Sullivan Circuit/Superior Courts, now issue the following Order, effective January 1, 2014, and thereafter until further Order:

The Courts now Order that the Bond Schedule for the Sullivan Circuit Court and the Sullivan Superior Court shall be as follows:

MURDER	NO BOND
Level 1 Felony	\$50,000.00
Level 2 Felony	\$40,000.00
Level 3 Felony	\$30,000.00
Level 4 Felony	\$20,000.00
Level 5 Felony	\$15,000.00
Level 6 Felony	\$8,000.00
All Misdemeanor Offenses	\$4,000.00

The Court further Orders that in lieu of property of surety bonds in the face amount shown above, cash bonds in the amount of 10% of the amounts shown above will be accepted. **HOWEVER**, if a Criminal Defendant has posted a bond on a previous unrelated pending charge and is re-arrested, he/she shall not be entitled to post a second cash bond in the amount of 10% of the amounts shown above. Bond on the subsequent charges shall be set pursuant to this Bond Schedule without 10% cash allowed. Cash Bonds will only be accepted from the Defendant and said cash bonds will be treated as property of the Defendant.

It is the further Order of the Courts that all Criminal Defendants arrested without an arrest warrant shall be bonded to appear in the Sullivan Superior Court, First Floor, Sullivan County Courthouse, Sullivan, Indiana, unless designated to appear otherwise by the Sullivan County Prosecutor and all misdemeanor Criminal Defendants arrested without an arrest warrant shall be bonded to appear in the Magistrate's Court, Second Floor, Sullivan County Courthouse.

The Court now directs the Sheriff of Sullivan County that in any case involving the offense of Battery or Domestic Abuse, that an additional term of the Criminal Defendant's cash or surety bond shall be that the Defendant have NO CONTACT with the victim.

All prior Bond Schedules are hereby deemed revoked.
(Amended effective July 1, 2014)

LR77-CR00-2 Late Payment Fee

The Presiding Judge of the Sullivan Circuit Court, and the Presiding Judge of the Sullivan Superior Court, now issue the following Local Court Rule, effective January 1, 2007:

- (1) If a Defendant is found, to have:
 - (A) committed a crime;
 - (B) violated a statute defining an infraction;
 - (C) violated an ordinance of a municipal corporation; or
 - (D) committed a delinquent act.
- (2) The defendant is required to pay:
 - (A) court costs, including fees;
 - (B) a fine; or
 - (C) a civil penalty.
- (3) The defendant is not determined by the court imposing the court costs, fine, or civil penalty to be indigent.
- (4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:
 - (A) The end of the business day on which the court enters the conviction or judgment.
 - (B) 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.

The clerk of a court shall collect a late payment fee of twenty-five dollars (\$ 25) from the Defendant.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

LR77-CR00-3

Domestic Battery 48 Hour Bond Requirement

The Presiding Judge of the Sullivan Circuit Court and the Presiding Judge of the Sullivan Superior Court hereby order that any criminal Defendant arrested on a preliminary charge of Domestic Battery shall not be released from custody for a cooling off period of 48 hours. If the criminal Defendant posts a cash bond, he shall be released on his cash bond at the expiration of 48 hours and a No Contact Order with the alleged victim shall be made a term and condition of his pretrial release. Law enforcement shall make a reasonable effort to notify the alleged victim that the criminal Defendant will be released at a minimum in 48 hours from his initial arrest with a No Contact Order entered as a term and condition of his pretrial release.

LR77-CR00-4

Special Judge Assignments in Criminal Cases

A. Pursuant to Ind. Criminal Rule 2.2(D) and Ind. Criminal Rule 13(C), in the event a change of judge is granted, or a disqualification or recusal is entered, the case shall be reassigned as follows:

- (1) Circuit Court: When it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the Sullivan Circuit Court, the case shall be reassigned to the Sullivan Superior Court.
- (2) Superior Court: When it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the Sullivan Superior Court, the case shall be reassigned to the Sullivan Circuit Court.
- (3) Alternative: In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned in consecutive order to the following Judges:
 - Judge of the Greene Circuit Court
 - Judge of the Greene Superior Court
 - Judge of the Vigo Superior Court #1
 - Judge of the Vigo Circuit/Superior Court #3
 - Judge of the Vigo Superior Court #4
 - Judge of the Vigo Superior Court #5
 - Judge of the Vigo Superior Court #6 and
 - Judge of the Clay Circuit Court
 - Judge of the Clay Superior CourtSenior Judges eligible and who have agreed to serve as special judge in the Sullivan Circuit Court or the Sullivan Superior Court.

B. Pursuant to Ind. Criminal Rule 13 (D), in the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

(Adopted effective July 1, 2015)

SECTION IV

ADMINISTRATIVE RULES

LR77-AR15-1

Court Reporter Services

The Presiding Judge of the Sullivan Circuit Court, and the Presiding Judge of the Sullivan Superior Court, now issue the following local Court Rule, effective January 1, 2007:

SECTION ONE: Court Reporter Services

- (1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including, but not limited to preparing a transcript of the record.
- (2) Equipment means all physical items owned by the court or other governmental entity and used by a Court Reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) Work space means that portion of the court's facilities dedicated to each Court Reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) Recording means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) Gap hours worked means those hours worked that are in excess of the regular hours worked, but hours not in excess of forty (40) hours per work week.
- (8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
- (9) Work week means a seven day consecutive day week that consistently begins on Sunday and ends on the following Saturday.
- (10) Court means the particular court for which the Court Reporter performs services. Court may also mean all of the courts in Sullivan County.

- (11) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (12) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (13) Private transcript means a transcript, including but not limited to a deposition transcript that is paid for by a private party.
- (14) Expedited transcript means a transcript which has been requested to be completed within fourteen (14) days.

SECTION TWO: Salaries and Per Page Fees

- (1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours, or overtime hours. The supervising court may enter into a written agreement with the Court Reporter which outlines the manner in which the Court Reporter is to be compensated for gap and overtime hours.
- (2) The standard per page fee a Court Reporter may charge for the preparation of a county indigent transcript shall be \$4.75; the Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
- (3) The standard per page fee a Court Reporter may charge for the preparation of a state indigent transcript shall be \$4.74.
- (4) The standard per page fee a Court Reporter may charge for the preparation of a private transcript shall be \$4.75.
- (5) The maximum per page fee a Court Reporter may charge for the preparation of an expedited transcript shall be Eight Dollars (\$8.00); and an additional \$3.00 per page fee where the transcript must be prepared within 3 working days.
- (6) The standard per page fee a Court Reporter may charge for the copy of a transcript shall be one-half (1/2) of the cost of the original transcript.
- (7) Pursuant to T.R. 74(A)(C) as a requirement of a Court Reporter's job to prepare transcripts, the Court Reporter shall be allowed to use all equipment, work space and supplies provided for all regular duties required of the Court Reporter. Reimbursement for use of equipment, work space and supplies shall be limited to private practice.
- (8) Each Court Reporter shall report, at least on an annual basis, all transcript fees received for preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

SECTION THREE: Private Practice

If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, the Court Reporter may elect to perform such private practice work outside of regular working hours and on private equipment and shall pay no fees to the County. However, if the Court Reporter elects to use court equipment for such purposes, the Court Reporter shall reimburse the court for the use of the equipment, work space, and supplies at the rate of five cents (\$.05) per page.

**Sullivan County Plan for
Allocation of Judicial Resources
(Effective July 1, 2015)**

- A. **Sullivan Circuit Court:** The Sullivan Circuit Court shall have exclusive jurisdiction over the following Court dockets:
1. Juvenile Cases: Delinquency, Paternity, Chins
 2. Probate Cases: Estates, Guardianships, Adoptions
 3. Civil Commitments (Mental Health cases)
 4. Infractions
- B. **Sullivan Superior Court:** The Sullivan Superior Court shall exclusive jurisdiction over the following Court dockets:
1. Small Claims
 2. Felony and Misdemeanor offenses charged under I.C. 9-30-5-3 and I.C. 9-30-5-4
- C. **CONCURRENT JURISDICTION:** The Sullivan Circuit Court and the Sullivan Superior Court will each have jurisdiction over the following Court dockets:
1. Civil
 2. Criminal Felony & Misdemeanor except as stated above in B, #2.
 3. Civil Venue cases from Vigo County
 4. Protective Orders
 5. Divorces and Legal Separations
- D. **Random Case Assignment:** Cases involving concurrent jurisdiction shall be assigned randomly by the Clerk of the Sullivan Circuit and Superior Courts. This shall be accomplished by utilizing JTS Case Tracking Software which randomly assigns cases on a 50:50 ratio between Sullivan Circuit Court and the Sullivan Superior Court. However, there are some instances in which random case assignment will not be conducted. Those Exceptions are as follows:
1. **Criminal Felony Case Assignment:** If a criminal non-support of a dependent child case is filed and Sullivan Court has an pending case in which the child support obligation was either established or enforced, then the criminal non-support case shall be filed in the same Court in which the child support obligation was established or enforced. The Clerk of the Court will override the random case assignment process and assign the criminal non-support case to the appropriate Court.

2. Companion Civil Filings: In the event two or more civil causes are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will utilize random case assignment to assign a Court to the first cause. The Clerk of the courts will then override the random case assignment process and assign any companion cases the same Court.
 3. Subsequent Criminal Filings: The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal cases pending against an individual filed in the same Court. Therefore, when a criminal case is filed, the Prosecuting Attorney and the Clerk shall determine if the accused has additional criminal charges pending. When the new criminal charge is filed in the Court where the additional criminal charges are pending, the Clerk shall override the random case assignment and assign the new criminal charge to the appropriate Court.
- E. Transfer: The Judge of the Sullivan Circuit Court or the Sullivan Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.
- F. Refilings: When the filing party and/or the State of Indiana dismisses a case and chooses to refile that case, the case shall be reassigned to the Court from which the dismissal was taken.