

STATE OF INDIANA – COUNTY OF DUBOIS
IN THE DUBOIS CIRCUIT AND SUPERIOR COURTS

**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
February 8, 2024**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Dubois Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) on case allocation plan, criminal case assignment, special judge assignment in criminal cases, special judge assignment in civil cases, court alcohol and drug program fees, court security, ADR in domestic relations cases, and parenting classes for the courts of record of Dubois County, effective March 22, 2024.

All new text is shown by underlining and deleted text is shown by ~~strikethrough~~. Supreme Court approval is required for Local Rules concerning the caseload allocation plan, criminal case assignments, special judge in criminal cases, and special judge in civil cases, and will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Dubois County Clerk and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the Dubois County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Dubois County, One Courthouse Square, Jasper, Indiana 47546, during normal business hours.

The time period for the bar and the public to comment shall begin on February 12, 2024, and shall close on March 14, 2024. The proposed amendments to the rule will be adopted, modified, or rejected before March 19, 2024, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval no later than March 19, 2024.

Comments by the bar and the public should be made in writing to:

Hon. Nathan Verkamp, Judge of the Dubois Circuit Court, Attn: Public Comment on Local Rules, Dubois County Courthouse, One Courthouse Square, Jasper, Indiana 47546.

DATED this 8th day of February 2024 on behalf of the Judges of Dubois County.

 /s/ Nathan A. Verkamp
Judge, Dubois Circuit Court

LR19-AR1 CASELOAD ALLOCATION

In order to ensure an even distribution of judicial workload between the two Courts in Dubois County, pursuant to Administrative Rule 1, the Courts are adopting the local rule as follows:

1. Dubois Circuit Court shall have exclusive jurisdiction of all probate and juvenile matters;
2. Dubois Superior Court shall have exclusive jurisdiction of all traffic and small claims cases;
3. Both Courts shall have concurrent jurisdiction for all other civil matters.
4. Criminal cases shall be assigned to the Dubois Circuit Court or the Dubois Superior Court pursuant to LR19-AR1-2.

ADDITIONAL JUDICIAL RESOURCES: Additional judicial resources may be needed from time to time to ensure the efficient adjudication of cases in Dubois County. At such times, a judicial officer of a court of record in District 25 may serve as action Judge in Dubois County upon mutual agreement of the Judges. The authority to sit as acting judge in Dubois County Courts is granted even when the sitting judge is present and available.

**LR19-AR00-6 _____ SCHEDULE OF FEES FOR COURT ALCOHOL & DRUG
PROGRAM-PROBLEM SOLVING COURT SERVICES**

The schedule of fees set forth under ~~Indiana Code 33-37-4-1, Indiana Code 35-38-2-1,~~
and Indiana Code Section 33-23-16 and the Problem-Solving Court Rules shall be applicable in
all alcohol and drug Drug Court cases.

In addition, the following schedule of fees shall be applicable in all cases referred to the
Court Alcohol and Drug Program:

Alcohol and Drug Program Participation Fee

(includes initial drug screen) \$400.00

Additional Drug Screen \$ 25.00 (per screen)

Transfer Fee \$100.00

The Dubois County Drug Court shall require eligible individuals to pay a problem-
solving court services fee of Fifty Dollars (\$50.00) per month per referral to the problem-solving
court as well as \$25.00 per drug screen.

The foregoing Rule shall become effective January 10, 2011 or as soon thereafter as it is
determined that compliance with the provisions of Administrative Rule 81(B)(1) and 81(D) has
been accomplished.

12. State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
13. Private transcript means a transcript, including but not limited to, a deposition transcript, that is paid for by a private party.

Section Two — Salaries and Per Page Fees:

1. Court reporters shall be paid an annual salary for time spent working under the control, direction, and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e., monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee for a court reporter for the preparation of a county indigent transcript shall be \$3.50 per page. However, if the transcript is prepared for appeal purposes, the maximum per page fee shall be \$4.00. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
3. The maximum per page fee for a court reporter for the preparation of a state indigent transcript shall be \$3.50 per page. However, if the transcript is to be prepared for appeal purposes, the maximum per page fee shall be \$4.00.
4. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.50 per page. However, if the transcript is to be prepared for appeal purposes, the maximum per page fee shall be \$4.00.
5. An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent in binding a transcript and exhibit binders for appeal purposes.
6. 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 Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three — Private Practice:

1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, workspace and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into an agreement which must, at the minimum, designate the following:

LR19-AR00-3 COURT FACILITY SECURITY ORDER

The Judges of the Dubois County Circuit and Superior Courts (“the Courts”) have promulgated this local court rule as required by Indiana Trial Rule 81. It is intended to provide for the orderly operation of the Courts, the safety of the public, the litigants, the witnesses, and the Court staff.

1. Anyone entering the locations listed below (collectively “the courtroom facilities”) must consent to search of their person, including any package, briefcase, or purse:
 - (a) The Dubois County Courthouse;
 - (b) The Dubois County Annex.

2. If a courtroom facility has more than one entrance/exit, the Courts may designate one or more of the entrances/exits to be used for restricted purposes.

3. Unless exempt under Paragraph 6, below, anyone entering a courtroom facility is prohibited from having any of the following in his/her possession while in the courtroom facility:
 - (a) A loaded or unloaded firearm; or
 - (b) A weapon, device, taser (as defined in I.C. § 35-47-8-3) or electronic stun weapon (as defined by I.C. § 35-47-8-1), equipment, chemical substance, or other material, including a knife, razor, box-cutter, and switchblade, that in the manner it is used, or could ordinarily be used, is readily capable of causing serious bodily injury.

4. Anyone refusing to comply with this Order is to be denied entrance to the courtroom facilities.

5. Anyone violating this Order may be found to be in contempt of court and punished for that contempt pursuant to the inherent power of the Courts and/or pursuant to I.C. § 34-47, I.C. §34-47-2 and/or I.C. § 34-47-3.

6. The following individuals are exempt from this Order:
 - (a) A law enforcement officer, as defined in I.C. § 35-31.5-2-185;
 - (b) A judicial officer, as defined in I.C. § 35-31.5-2-177.7;
 - (c) A probation officer appointed pursuant to I.C. § 11-13-1-1 who has satisfied all of the conditions listed in I.C. § 11-13-1-3.5;
 - (d) An employee of a locally or regionally operated Community Corrections Program, who is authorized to carry a firearm by his or her supervisor.

7. Any person listed in this paragraph 6 SHALL NOT BE EXEMPT whenever they or any member of their family is a party to any proceeding taking place. This does not include appearing in the individual's official capacity.

8. The statute cited above may change from time to time. This local court rule shall automatically refer to the relevant statutes in effect at any given time.

LR19-CR-2.2AR1-2 ASSIGNMENT OF CRIMINAL CASES

Pursuant to ~~Criminal Rule 2.2~~Administrative Rule 1(E), the following categories of charges shall be filed in the Dubois Circuit Court and Dubois Superior Court respectively:

~~Pursuant to current policy, all cases which involve juveniles, domestic violence, and check deception shall be filed in Dubois Circuit Court. All cases involving traffic related offenses, small claims, conservation violations, and all alcohol related offenses shall be filed in Dubois Superior Court.~~

In addition, beginning July 1, 1995, the following categories of charges shall be filed in the Dubois Circuit Court and Dubois Superior Court respectively:

CIRCUIT COURT

- Homicide
- Mischief
- Burglary
- Trespass
- Forgery
- Battery
- Kidnapping
- Sex Crimes
- Robbery
- Crimes against Public Administration
- Bribery and other Official Misconduct
- Perjury
- Interference with Governmental Operation
- Article 46 – Miscellaneous Offenses
- Weapons and Violence
- Check Deception
- Domestic Violence
- Red Flag

SUPERIOR COURT

- Arson
- Theft
- Home Improvement Fraud
- Offenses against Public Health, Order and Decency
- Public Order
- Communications
- Pollution
- Public Indecency
- Prostitution
- Gambling
- Racketeering
- Loan sharking
- Gang Control
- Stalking
- Controlled Substances
- Alcohol related offenses
- Obscenity and Pornography
- Traffic related offenses
- Conservation violations

The most serious level of charge filed determines where the case is filed.

The prosecuting attorney or defense attorney may seek to transfer a case, and upon good cause shown, a case may be transferred to the other court for consolidation with a companion case, or other cases pending in that court against the same defendant with the acceptance of the judges of the receiving and sending court.

In the event of dismissal and re-filing of a criminal case, it shall be re-filed in the same court in which it was originally filed.

LR19-CR00-3 CRIMINAL DISCOVERY AND PRETRIAL PROCEDURE

In all criminal cases, pretrial discovery shall be conducted as follows:

I. INFORMATION TO BE PROVIDED BY THE STATE WITHIN FORTY (40) DAYS:

The State of Indiana shall provide to the defendant, in written form, within forty (40) days of the initial hearing, the following discovery information:

1. The names and last known addresses of all persons whom the State of Indiana intends to use as witness in the prosecution of this case.
2. A list of names and last known addresses of those persons that the State believes to have knowledge pertinent to this cause, but who may not be called as a witness in the trial of this cause.
3. A copy of all written statements, transcripts of recorded statements, memoranda, and summaries of oral statements of persons whom the prosecuting attorney intends to call as witnesses in the prosecution of this case.
4. A list of criminal convictions, if any, of all witnesses whom the State plans to call to testify at trial. Also, a list of crimes, wrongs, or acts, if any, of the defendant which the State intends to offer into evidence, pursuant to Indiana Evidence Rule 404(b), and the general nature of such evidence.
5. Any and all written or recorded statements and the substances of any oral statements made by the defendant to agents of the State of Indiana or to private individuals assisting the aforesaid authorities, including any warnings of rights read to or alleged waivers obtained from the defendant, and a list of witnesses to the making and/or acknowledgment of such statements.
6. State whether or not the use of an informant is in any way involved in the State's case, and if so, upon motion by the defendant, make available for deposition.
7. State the name and address of each and every person who was present and/or who took part in or witnessed the criminal act which the defendant is accused of committing.
8. All written reports, notes, memorandum, maps, drawings, or diagrams written, drawn, or otherwise prepared by any law enforcement agency or individual in connection with or pertaining to the investigation of the crimes charged against the defendant.
9. Copies of all photographs which the State of Indiana intends to or may offer into evidence at the trial of this case, and all other photographs relevant to the subject matter of this case, including any photographs of physical evidence in the State's possession.

experiments or comparisons, or any other reports or statements of experts which defense counsel has in his possession or control, except those parts which defendant does not intend to use.

~~2. Inform the State of any defense which the defendant intends to make at a hearing or trial.~~

~~3.2. Furnish the State with the names and last known addresses of persons the defense intends to call as witnesses, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements, and any record known of prior criminal convictions of said witnesses.~~

~~4.3. Furnish the State with all books, papers, documents, photographs, or tangible objects the defendant intends to use as evidence or for impeachment at a hearing or trial.~~

~~5.4. A list of names and last known addresses of those persons that the defendant believes to have knowledge pertinent to this cause, but who may not be called as a witness in the trial of this cause.~~

~~6.5. Inform the Court and State of any objection to evidence which the State has given notice of intent to offer, pursuant to Evidence Rule 404(b), by filing of a motion in limine.~~

~~7.6. True, accurate and complete copies of any exhibits that the defendants intends to introduce at the trial of this cause.~~

~~8.7. The name, address, and area of expertise of any expert witness that the defendant intends to call as a witness in this cause; the subject on which the expert is expected to testify, the substance of the facts and opinions which said expert is expected to testify.~~

~~9.8. Any evidence which the defendant intends to offer pursuant to Evidence Rule 702, including true, accurate and complete copies of any reports, examination results, test results or experiment results compiled or prepared by an expert at the request of the defendant, and disclose any objection he or she may have pursuant to Evidence Rule 702(b) to the State's experts.~~

IV. NOTICE OF COMPLIANCE BY DEFENDANT.

Within sixty (60) days of the initial hearing, counsel for the defendant shall provide the Court, in writing, with notice of defendant's compliance with the foregoing provisions of this discovery order.

V. FINAL WITNESS AND EXHIBIT LIST.

Final witness and exhibit lists shall be exchanged by the parties and filed with the Court no later than ten (10) days following the final pretrial conference in this cause.

VI. SUPPLEMENTATION OF DISCOVERY RESPONSES.

LR19-JR4-1 SUMMONING JURORS

Pursuant to Jury Rule 4, the Dubois Circuit and Superior Courts choose, by local rule, "The Two Tier notice and summons" procedure, as its procedure for summoning jurors. (Jury Rule 4b)

LR 19-FL-2 REQUIRED PARENTING CLASS IN DISSOLUTION OF
MARRIAGE CASES

In all marriage cases involving minor children or cases involving children born out of wedlock, each party shall, at their own expense, attend and complete a parenting class provided through the Purdue Extension Office or other comparable program approved by the court prior to entry of a final order being entered. Upon application, the Court may, at its discretion, waive this requirement or allow participation in an equivalent program. Each party shall be individually responsible for complying with this requirement and provide proof of compliance with the Court.