

**STATE OF INDIANA – COUNTY OF JACKSON
IN THE JACKSON CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
May 1st 2024**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Jackson Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) on LR 36-ARI(E)-1 case allocation for the courts of record of Jackson County, effective January 1, 2025.

All new text is shown by underlining and deleted text is shown by ~~strikethrough~~. Supreme Court approval is required for Local Rules concerning LR 36-ARI(E) on case allocation 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 Jackson 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 Jackson 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 Jackson County, 109 S Sugar St. Suite 130 Brownstown, IN. 47220 during normal business hours.

The time period for the bar and the public to comment shall begin on June 1, 2024, and shall close on June 30, 2024. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2024, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2024.

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

Hon. Bruce MacTavish, Judge of the Jackson Superior Court 2, Attn: Public Comment on Local Rules, Jackson County Courthouse, 109 S. Sugar St. Suite 120 Brownstown, IN. 47220, 812-803-2971, or chayes@jacksoncounty.in.gov.

DATED this 22nd day of April, 2024 on behalf of the Judges of Jackson County.

/S/
Bruce MacTavish, Judge
Jackson Superior Court 2

JACKSON COUNTY INDIANA LOCAL COURT RULES

RULES SUPPLEMENTING INDIANA RULES OF TRIAL PROCEDURE

Effective September 1, 2022

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RULES OF TRIAL PROCEDURE

TITLE II – COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS

LR36-TR3.1-1: Leave to Withdraw Appearance

- (a) Motion to Withdraw.** All withdrawals of an appearance must be made in the form of a motion filed with the Court. Permission to withdraw is at the discretion of the Court.
- (b) Form of Motion.** Motions shall comply with Indiana Rules of Trial Procedure 3.1(H). Failure to conform to this rule may result in the denial of the motion to withdraw as counsel. The Court, in its discretion, may decide to grant the motion notwithstanding an attorney's failure to comply with this rule.
- (c) Rules of Professional Conduct.** All withdrawals of appearance shall comply fully with the provisions of the Rules of Professional Conduct.

LR36-TR00-TR-2: Automatic Withdrawal of Appearance

In all plenary docket cases an attorney's appearance in the case shall automatically be deemed withdrawn thirty-five (35) days after the entry of judgment. (*Effective April 1, 2018*)

LR36-TR5-2: Special Provisions Regarding Filing of Pleadings, Motions, and Other Papers

- (a) Special Judge.** When a special judge is selected, a copy of all pending pleadings, motions, and other papers must be mailed or delivered to the office of the special judge with a certificate of forwarding attached and made a part of the original papers. All proposed orders must be forwarded to the special judge as well.
- (b) Filing by Mail.** When pleadings, motions, or other papers are sent by mail for filing with the Court, the filing attorney or party must include a self-addressed, stamped envelope for the return of documents to the attorney or party. If there are any deficiencies in the pleading, motion, or paper that precludes filing, the Clerk is not responsible for such deficiencies. The Clerk and the Court are under no obligation to inform the filing attorney or party of any deficiencies or to correct any deficiencies.
- (c) Filing by Facsimile Transmission.** Pleadings, motions, or other papers may not be filed by facsimile transmission.
- (d) Case Numbers.** Except for the initial pleading (Complaint, etc.), no pleadings shall be accepted by the Clerk or the Court unless it has a Case Number placed in at least **twelve (12) point type** prominently on the face of the pleading.

LR36-TR5-3: Time for Ruling

Any motion, pleading or paper which requires a ruling will be held for seven (7) working days from the file date. If no response is filed by an opposing party within the said seven (7) days, the Court will act upon the assumption that no response will be filed. This rule does not apply in situations which require immediate action or where an Ind. Trial Rule directs otherwise.

TITLE III – PLEADINGS AND MOTIONS

LR36-TR10-1: General Rules for the Format of Pleadings, Motions, and Other Papers.

(a) Paper Size, Line Spacing and Margins. All pleadings, motions, and other papers

filed with the Court which are to be retained by the Court must;

- (1)** Use white, opaque paper (except those filed on green paper to conform to Administrative Rule 9);
- (2)** Use 8 ½ by 11-inch paper;
- (3)** Be spaced 1.5, if more than one page when single-spaced. Quotations may be single-spaced if they are indented. Headings and footnotes may be single-spaced;
- (4)** Have one-inch margins on all four sides. Page numbers may be placed in the margins, but no other text may appear there;
- (5)** Be printed only on the front side of the sheet; and
- (6)** Include page numbers that are centered in the bottom margin of each page.

(b) File Stamp Space. All pleadings shall allow sufficient blank space to the right of the case title to allow the clerk to file stamp the pleading without stamping over the caption or case number. The space shall be a minimum of three inches width and two and one-half inch height.

(c) Type Styles. All pleadings, motions, and other papers filed with the Court must be legibly printed in non-cursive or be typed using:

- (1)** A plain style font;
- (2)** 10 point font;
- (3)** Black-colored font, and,
- (4)** Contain italics or underlines for case names or where otherwise appropriate according to the Uniform System of Citation. Italics and underlines may also be used for emphasis.

LR36-TR10-2: Special Rules for the Format of Pleadings with Special Judge Presiding

Special Judge. If the case is before a special judge, all pleadings, motions, and other papers shall contain the following to the right of the case title:

“BEFORE SPECIAL JUDGE _____”

LR36-TR10-3: Prepared Entries

Entries (Orders) prepared by parties or their counsel are not to be placed on the same document as is the underlying Motion or Petition unless said underlying Motion or Petition is one page in length and the Entry can be placed on that same page. If the Entry cannot be placed on the one page, then said Entry is to be placed on a separate sheet of paper and captioned as an Order.

TITLE V – DEPOSITIONS AND DISCOVERY

LR36-TR26-2: Disclosure of Expert Testimony in CT Cases

(a) Disclosure of Identity. Each party shall disclose to other parties the identity of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Indiana Rules of Evidence.

(b) Written Report. Except as otherwise stipulated or directed by the Court, this disclosure shall, with respect to a witness who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony, be accompanied by a written report prepared and signed by the witness. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefore, the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

TITLE VI – TRIALS

LR36-TR40-1: Assigning Cases for Trial

A case shall be assigned for trial and placed upon the trial calendar by the Court upon written request of a party and notice to all other parties. Except in Small Claims, such request must:

- (1)** Contain the type of trial or hearing requested (e.g., jury trial, bench trial);
- (2)** Contain a good-faith estimate of the time needed for the trial or hearing;
- (3)** State when it is expected that all parties will be prepared for trial.

LR36-TR40-2: Mediation Requirements in Civil Cases

All Civil cases which will require more than three (3) hours of trial time are required to complete mediation unless written waiver is granted by the Court. In the event that the parties request a trial setting of two hours or less and the hearing has not concluded within the time allotted, then the Court shall recess the trial and refer the matter to mediation. In its discretion, the Court may hear the balance of the evidence without resort to mediation.

LR36-TR40-3: Settlement and Removing the Case from the Docket

Counsel for the parties shall be responsible for notifying the appropriate Court immediately upon settlement of a case so that the docket can be cleared and a new case set therein.

LR36-TR41(E)-1: Suggestion of Bankruptcy

(a) Filing. A Party shall file a suggestion of bankruptcy whenever a party believes that the bankruptcy or automatic stay provisions of the United States Bankruptcy Code has an effect on a case in the Courts of Jackson County. The suggestion of

bankruptcy shall include the name of the court in which the bankruptcy was filed and the bankruptcy case number.

- (b) Service.** Each party to the case and the special judge, if any, shall be served in accordance with Ind. Trial Rule 5.
- (c) Trustee.** The identity and address of the bankruptcy trustee shall be disclosed, with instructions on the disposition of any monies of the debtor held by the Clerk, if known at the time of filing.
- (d) Period of Stay.** Upon the filing of a suggestion of bankruptcy, all action against the debtor shall be stayed for one hundred and twenty (120) days unless otherwise ordered by the Court.
- (e) Duty of Plaintiff.** Within one hundred and twenty (120) days of the filing of the suggestion of bankruptcy, the Plaintiff shall file proof that the lawsuit in question is not subject to the bankruptcy or that the Plaintiff has sought relief from the automatic stay. Failure to do so shall result in a dismissal of the suit without prejudice.

LR36-TR53-5.1: General Requirements for Motions for a Continuance

- (a) Scheduling Conflicts.** See LR36-TR53-5.2(b)
- (b) Time.** In order for a motion for a continuance to be considered by the Court, it must be filed:
 - (1) At least seven (7) days before the court trial or hearing to which the motion pertains, or
 - (2) At least 10 days before the jury trial to which the motion pertains; or
 - (3) As controlled by a pretrial conference order.
- (c) Information in Motion.** Motions for a continuance shall contain the following information:
 - (1) The date and time of the hearing or trial for which a continuance is being sought;
 - (2) A good-faith estimate of the time needed for such hearing or trial when rescheduled;
 - (3) The date and time opposing counsel was notified that the party would be seeking a continuance; and
 - (4) Whether opposing counsel agrees with or objects to the request.

LR36-TR53-5.2: Exceptions to the General Requirements for Motions for a Continuance

- (a) Domestic Matters.** For all domestic matters involving final hearings, modifications, or contested contempt citations in Dissolution or Paternity cases, a motion for continuance upon agreement by all the parties must be signed by the attorneys for both parties with a verification that each attorney has consulted with his or her client concerning the requested continuance. Failure to have both attorneys sign the motion may result in the denial of the motion by the Court. The Court in its discretion may grant the motion notwithstanding the lack of a party's signature.
- (b) Conflicting Trials in Other Courts.** When counsel for a party requests a continuance because he or she has a conflicting trial scheduled in another court, the motion for a continuance must be filed within twenty-one (21) days after the case in this Court is set for trial or hearing. The motion must also state the name and case number of the other case, as well as the date that the other court set the conflicting case for trial.

Failure to timely file may result in a denial of the motion for a continuance. The Court, in its discretion, may choose to grant the motion notwithstanding the lack of timely filing under exceptional circumstances.

LR36-TR69-1: Proceedings Supplemental

A Petition for Proceedings Supplemental may only be filed once in every twelve months. Provided however, if the judgment creditor has evidence of a substantial change in financial circumstances of the judgment debtor, the creditor may file a verified petition setting forth the change, with a request for hearing. The Court will review the petition and enter an appropriate order.

(As adopted effective April 1, 2015)

TITLE IX – TRIAL COURTS AND CLERKS

LR36-TR72-1: Court Hours

- (a) Hours of Operation.** The Jackson County Courts shall be open to the public to conduct business Monday through Friday, legal holidays excluded, from 8:00 A.M. until 4:30 P.M.
- (b) Exception to Hours of Operation.** When staff meetings are necessary or when unforeseen circumstances occur, the judge of the Court in question may direct court closings for a specified time or for the day. The Court shall make a reasonable effort to notify litigants scheduled for court that day.

TITLE X – VENUE, CHANGE OF VENUE, CHANGE OF JUDGE

LR36-TR76-1: Assigning a Court for Cases Transferred to this County

When a case is transferred to this county under a change of venue from the County, the Clerk of the Court shall docket the case in the same manner as a newly filed case in the County.

LR36-TR77-1: Costs for Obtaining Copies of any Pleading, Order, or Recording

- (a) Pleadings and Orders.** On the application of any person, the Jackson County Clerk shall make copies of any non-confidential pleading or order in the Clerk's custody at the expense of the person so requesting the same.
- (b) Recordings.** On the application of any person, the court reporter of a Court shall make copies of any non-confidential recording in the court reporter's custody at the expense of the person so requesting the same. The person requesting a recording must make the request in writing.
- (c) Payment in Advance.** All costs shall be paid in advance or at the time of receipt of the copied pleading or order. All costs shall be paid in advance for copied recordings.

LR36-TR77-2: Removal of Original Pleadings, Papers, and Records

No person shall withdraw any original pleading, paper, or record from the custody of the Clerk of the Court or other officer of the Court except upon the order of the judge of the Court.

LR36-TR79(H)-1 Special Judge Appointment in Civil Case

In the event a special judge appointment is necessary under Trial Rule 79(H), the Clerk or the Deputy Clerk of the court where the case is pending shall first assign the case to one of the other Jackson County Judges on a rotating basis, and if neither judge is able to serve due to reasons set forth in TR 79(H), then the Clerk shall appoint on a rotating basis a special judge from the following list of presiding judges in the respective courts:

Bartholomew Circuit Court Superior Court 1 Superior Court 2 Magistrate Juvenile Magistrate	Brown Circuit Circuit Court Magistrate	Decatur Circuit Court Superior Court Magistrate	Jennings Circuit Court Superior Court Magistrate

If the judge selected to serve is disqualified or is excused from service, then the sitting judge in cases other than recusal or disqualification, and the clerk of the court in cases where there is a recusal or disqualification by the sitting judge, shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then sitting judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

(As amended effective September 1, 2022)

LR36-TR79-2: Forwarding of Materials to Special Judge

After a special judge has accepted jurisdiction, a copy of the Chronological Case Summary shall be mailed or delivered to the office of that special judge by the Court.

LR36-TR00-TR-1: Pro Se Litigant Responsibilities

The Court cannot treat pro se litigants differently than it treats persons represented by an attorney. The Court and staff cannot assist litigants in a way that would put the other side at a disadvantage. The Court cannot talk to litigants about the case without the other party being present. In many cases, the Court cannot act upon a letter from litigants. The court will comply with the Indiana Code of Judicial Conduct Rule 2.2.

TITLE XI- FAMILY LAW RULES

LR36-TR00-FL-1: Family Court Project Rules

(a) Definitions:

(1) Family Court. “Family Court” is the court or courts before which cases involving a family or household are linked together for purposes of case coordination. The individual cases maintain their separate integrity and separate docket number, but may be given a common family court designation. The individual cases may all be transferred to one judge, or may remain in the separate courts in which they were originally filed.

(b) Family Court Proceeding. A “Family Court Proceeding” is comprised of the individual cases of the family or household which have been assigned to Family Court Rules.

(1) Exercise of Jurisdiction. The Family Court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case (Child In Need of Services, Delinquency, Status, and Paternity) involving the family.

(2) Concurrent Hearings. The Family Court may, in the court’s discretion, set hearings on related cases to be heard concurrently, take evidence on the related cases at these hearings, and rule on the admissibility of evidence for each cause separately as needed to adequately preserve the record for appeal. This rule applies only when the cases are pending before the same judicial officer.

(3) Designation of Family Court and Change of Judge for Cause. Once notice is sent to the parties that a case has been selected for Family Court, no motion for change of venue from the judge may be granted except to the extent permitted by Indiana Trial Rule 76.

Within ten (10) days after notice is sent that a case has been selected for Family Court, a party may object for cause to the Family Court designation.

A motion for change of venue from the judge in any matters arising in the Family Court proceeding or any future cases joined in the Family Court proceeding after the initial selection of cases, shall be granted only for cause.

If a special judge is appointed, all current and future cases in the Family Court proceeding may be assigned to the special judge.

(4) Judicial Notice and Access to Records.

i. **Notice of Case Assignment.** Within a reasonable time after a case is assigned to Family Court, the court shall provide to all parties in the Family Court proceeding a list of all cases that have been assigned to that Family Court proceeding.

ii. **Judicial Notice.** Any court having jurisdiction over a case assigned to Family Court may take judicial notice of any relevant orders or Chronological Case Summary (CCS) entry issued by any Indiana Circuit, Superior, County, or Probate Court. If a court takes judicial notice of:

a court order, the court shall provide a copy of that court order; or a CCS or CCS entry(s), the court shall provide a copy of the entire CCS.

The court shall provide copies of the order or CCS to the parties to the case at or before the time judicial notice is taken.

iii. **Access to Records.** Parties to a Family Court proceeding shall have access to all cases within the Family Court proceeding, with the exception of confidential cases or records to which they are not a party. Parties may seek access to the confidential cases or records in another case within the Family Court proceeding in which they are not a party, by

written petition based on relevancy and need. Confidential records shall retain their confidential status and the Family Court shall direct that confidential records not be included in the public record of the proceedings.

LR36-TR00-FL-2: Witness and Exhibit Exchange

In all contested Family Law cases except for provisional hearings, counsel for the parties are to exchange names and addresses of all witnesses as well as actual copies of all exhibits at least seven (7) days prior to trial. They are further ordered to file the list of witnesses and exhibits with the Court at least seven (7) days prior to trial. Failure to include a witness or exhibit shall preclude the witness from testifying or the exhibit from being introduced, unless the Court waives such requirement for good cause shown.

LR36-TR00-FL-3: Marital Balance Sheet

In all contested Dissolution of Marriage cases, counsel for the parties are to file with the Court a marital balance sheet, including date-of-filing asset values and debt values, as well as a proposed property and debt division. Said documents are to be filed at least seven (7) days prior to trial. Failure to comply shall subject the non-complying party to sanctions.

LR36-TR00-FL-4: Parenting Class Requirements

- (a) Parenting Classes.** All parents who are seeking custody or parenting time with their minor children in Dissolution of Marriage and Paternity actions are required to attend a parenting class prior to the final hearing on the case. Said parenting class shall be "Children First" or an equivalent thereto.
- (b) Notification of Clients.** All attorneys who represent parties with minor children in Dissolution of Marriage or Paternity actions shall notify their client of this requirement within seven (7) days of entering their appearance in the case. An attorney who fails to notify their client of this requirement may be sanctioned.

LR36-TR00-FL-5: Continuances

See LR36-TR53-5.2(a).

LR36-TR00-FL-6: General Rules

- (a) Ex Parte Temporary Restraining Orders.** Pursuant to Ind. Code 31-15-4-7 and Trial Rule 65(E), if a party files the appropriate affidavit and Motion For a Temporary Restraining Order, the Court will issue an order that complies with Ind. Trial Rule 65(E)(2).
- (b) Protective Orders.** Pursuant to Ind. Code 31-15-5-1, either Party may also request a Protective Order.
- (c) Emergency Provisional Hearings.** If a provisional hearing is set and the other party moves for a change of venue from the judge, the Court will consider that the matter is an emergency and the hearing will remain on the docket. The hearing will then be held in a bifurcated fashion and the party seeking the provisional order must show that an emergency exists. If there is no showing that an emergency exists, then the second part of the hearing will not take place. The Court will generally consider the need for support or maintenance as an emergency.

(d) Court Costs. If court costs are initially waived, they may be addressed at the Provisional Hearing and/or the Final Hearing at the discretion of the Court.

(e) Required Language in Every Decree

(1) Tax Exemptions. If a non-custodial parent is granted a child as a dependent for their income taxes, the Decree shall state: "X shall be entitled to claim C as a dependent on his/her state and federal income taxes so long as he/she is current in child support obligations as the end of said tax year. Y shall execute and return to X the necessary tax documents, upon receipt from him/her, on or before January 31st after the close of said taxable calendar year."

(2) Payment of Child Support through Withholding Orders.

Income Withholding Orders shall contain the following language. "The Court having issued an Order, ordering X, SS # XX-XX-XXXX (place only the last four numbers of Obligor's Social Security number here) (hereinafter called "Support Obligor") to pay for the benefit of the parties' minor child(ren) in the sum of xxx Dollars (\$x.00) per week, and the Court further having determined that said Support Obligor is employed by Y, (address of Employer) (hereinafter called "Income Payor") and regularly receives income from said Income Payor.

And the Court orders that Income Payor, until further order of this Court, is to withhold the following amount of x Dollars (\$x.00) from Support Obligor's weekly check and forward same to the Indiana State Central Collection Unit, P.O. Box 6219, Indianapolis, IN, 46206-6219 with **Obligors Social Security #** XX-XX-XXXX (place only the last four numbers of Obligor's Social Security number here) and ISETS # posted on his check, each week.

Said Income Payor may also collect from Support Obligor, for the Income Payor's benefit and upon the decision of said Income Payor, the sum of Two Dollars (\$2.00) each time the Income Payor forwards money to the Jackson County Clerk.

The Court further orders that this wage withholding order is binding upon the Income Payor until further notice of the Court; that the Support Obligor may recover One Hundred Dollars (\$100.00) from the Income Payor in a civil action if the Income Payor discharges, refuses employment, or disciplines the Support Obligor because of this Order; that the Income Payor is liable for any amount that the Income Payor fails to forward to the Clerk of the Jackson County Courts; that this order has priority over any claim on the Support Obligor's income except claims for federal, state and local taxes; that said Income Payor may combine payments hereunder with other payments for all Support Obligors in one payment, provided, however, each portion of said payment is identified for each said Support Obligor; that said Income Payor shall comply on a "first come, first serve" basis for any competing withholding orders.

The Court further orders that said Income Payor shall implement the withholding hereunder no later than the first pay period that accrues after fourteen (14) days hereof; and that said Income Payor shall notify the Court if said Support Obligor terminates his employment within ten (10) days thereof, and shall provide the last known address of Support Obligor and name and address of said Support Obligor's new employer, if known."

(3) Payment of Child Support through Clerk's Office. In each case where a party pays child support through the Clerk of the Court, the Decree should state:

"X" is ordered to pay \$x.00 per week through the Office of the Jackson County Clerk, Courthouse, Brownstown, IN. 47220, by cash, which payments are to commence on the day of, 20 , and be paid on or before each Friday thereafter. X shall pay any yearly fees that are required by the Jackson County Clerk's Office."

(f) Property Settlement Agreements. Property Settlement Agreements should not have a line for the Judge to sign. The proposed Decree of Dissolution should contain language which incorporates the Property Settlement Agreement into the Decree. The Courts prefer and encourage the filing of a verified waiver of final hearing signed by both parties which recites the jurisdictional requirements of the Indiana Code.

LR36-TR00-FL-7: Automatic Withdrawal of Appearance

In all dissolution of marriage or paternity cases an attorney's appearance in the case shall automatically be deemed withdrawn thirty-five (35) days after the entry of a dissolution of marriage or paternity decree is entered in the case.

(Effective April 1, 2018)

RULES OF CRIMINAL PROCEDURE

LR36-CR00-1: Bond Schedule

The following schedule is established for bail bonds for the indicated classification of offenses that occur after April 1, 2018. All amounts are subject to review and modification by the Court in individual cases. The review and modification may come before or after the information or indictment is filed.

If no information has been filed against a person arrested and held in custody for a period of twenty-one (21) days from the date of arrest, regardless of whether probable cause has been found by a judge, that person shall be released upon their own recognizance. No bail bond shall be set in any felony matter except as determined by a Judicial Officer at the Initial Hearing. The Court shall consider factors found in I.C. 35-33-8-4 in setting appropriate bond in all cases.

If no Initial Hearing is conducted within ninety-six (96) hours of a person's arrest for a felony, the following shall be the amounts set for the bail bond, unless otherwise ordered by the Court:

Felonies Charge	Bond Amount	Murder	NO BOND
Level 1 or A	\$150,000.00	Surety or 10% cash	
Level 2	\$100,000.00	Surety or 10% cash	
Level 3 or B	\$50,000.00	Surety or 10% cash	
Level 4	\$40,000.00	Surety or 10% cash	
Level 5 or C	\$20,000.00	Surety or 10% cash	
Level 6 or D	\$1,500.00		

Misdemeanors

The following Class A misdemeanors and no others: \$700.00 Cash only

1. Operating a motor vehicle while intoxicated as defined by I.C. 9-30-5-2;
2. Operating a motor vehicle with a blood alcohol concentration equivalent as defined by I.C. 9-30-5-1;
3. Battery with injury as defined by I.C. 35-42-2-1;
4. Invasion of privacy as defined by I.C. 35-46-1-15.1;
5. Resisting law enforcement as defined by I.C. 35-44.1-3-1; and
6. Criminal trespass as defined by I.C. 35-43-2-2, with the exception of entering upon agricultural property of another as defined by I.C. 35-43-2-2(5)(A).
7. Criminal mischief as defined by I.C. 35-43-1-2.

The following Class B misdemeanors and no others: \$350.00 Cash only

1. Public intoxication as defined by I.C. 7.1-5-1-3.
2. Criminal mischief as defined by I.C. 35-43-1-2.
3. Disorderly conduct as defined by I.C. 35-45-1-3.

The following Class C misdemeanors and no others: \$350.00 Cash only

1. Operating a motor vehicle while intoxicated as defined by I.C. 9-30-5-2; and 2. Operating a motor vehicle with a blood alcohol concentration equivalent as defined by I.C. 9-30-5-1.

Stalking and Domestic Battery

The bail bond in stalking and domestic battery cases, whether a Level 6 felony or a misdemeanor, shall be \$1,500.00 cash.

(Amended effective August 14, 2018)

Meaningful First Hearings/Bond Review

Whenever possible, an attorney from the Jackson County Public Defender's Office (JCPDO) shall attend Initial Hearings for in-custody criminal defendants. However, the Court may complete an Initial Hearing whether or not an attorney from the JCPDO attends. The attorney from the JCPDO is not the attorney of record for in-custody criminal defendants, however he or she will appear on behalf of an in-custody criminal defendant for the limited purpose of addressing the issue of bond.

Except for defendants being held without bond as a result of execution of a failure to appear warrant, defendants being held without bond as the result of the execution of warrant for alleged violation of probation, and defendants that have allegedly committed a new offense whilst released on bond or on own recognizance release, a member of the Jackson County Probation Department shall complete the Indiana Risk Assessment System-Pretrial Assessment Tool (IRAS-PAT) on in-custody criminal defendants unable to make bond after 48 hours and shall e-file same as a confidential document.

Before the completion of the Initial Hearing, the Court shall inquire with the attorney from the JCPDO isif he or she wishes to be heard regarding Bond. The Court

shall consider the IRAS-PAT, in addition to the other requirements of the Indiana Code 35-33- 8 *et seq.* in determining the appropriate bond, conditions of bond, or release on own recognizance.

LR36-CR00-2: Reciprocal Pre-Trial Discovery

(a) How Made. In all criminal cases, mandatory reciprocal pre-trial discovery must be furnished by the State within thirty (30) days of the date of the earlier of the omnibus date or the appearance by an attorney on behalf of the defendant and the defendant's pre-trial discovery must be made within 30 days after the State's production.

(b) State's Mandatory Obligations. The State must furnish the following to the defendant or the attorney for the defendant as though a Request For Production was filed:

- (1) The names, last known addresses, and telephone number of persons whom the State may call as witnesses, together with their relevant written or recorded statements;
- (2) 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 any witnesses to the making or acknowledgment of such statements;
- (3) Any reports or statements of experts, made in connection with the particular case, including the results of physical or mental examinations and of scientific tests, experiments or comparisons;
- (4) Any books, papers, documents, photographs or tangible objects which the prosecuting attorney intends to use in the hearing, or trial, or which were obtained from or belong to the accused;
- (5) Any 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;
- (6) The terms of any agreements made with co-defendants or other State's witnesses to secure their testimony;
- (7) Any material or information within the State's possession that tends to negate the guilt of the accused as to the offense charged or would tend to reduce the defendant's punishment.

(c) Defendant's Mandatory Obligations. The defendant must furnish to the State the following materials as though a Request For Production was filed:

- (1) The names, last known addresses, and telephone numbers of the persons whom the defendant intends to call as witnesses along with their relevant written or recorded statements, and any record of prior criminal convictions of such witnesses, if known;
- (2) Any books, papers, documents, photographs, or tangible objects the defendant intends to use as evidence or for impeachment at hearing or trial;
- (3) Medical, scientific, or expert witness evaluations, statements, reports, or testimony, which may be used at hearing or trial.

(d) Defendant's Obligations upon Request of the State. Upon request by the State, the defendant must produce the person of the accused, subject to constitutional and statutory limitations, for purposes of:

- (1) Appear in a line-up;
- (2) Speaking for identification by witnesses to an offense;
- (3) Being fingerprinted;

- (4) Posing for photos not involving reenactment of a scene;
- (5) Tying on an article of clothing;
- (6) Permitting samples of blood, hair, buccal swabs, or other materials of his body, which involve no unreasonable intrusion;
- (7) Providing a sample of the defendant's handwriting; and
- (8) Submitting to a reasonable physical or medical inspection of the defendant's body.

(e) **Reasonable Notice.** Whenever the person of the accused is required for the foregoing purposes, reasonable notice shall be given by the State to the accused and his counsel, who shall have a right to be present.

LR36-CR00- 3: Plea Agreement Deadlines in Felony Cases

- (a) **Plea Bargain.** A "Plea Bargain" is defined as an offer by the State to the defendant that sets parameters on the sentence that the Court can impose if accepted by the defendant and approved by the Court.
- (b) **Charge Bargain.** A "Charge Bargain" is defined as an offer by the State to the defendant that dismisses certain Counts and/or cases, or reduces the charge to a lesser-included offense.
- (c) **Offers in Felony cases:**
 - (1) The State shall notify the defendant in writing at least seven (7) days prior to the pretrial conference of any plea or charge bargain it is offering to the defendant.
 - (2) Counsel for the defendant shall notify the defendant of each plea offer extended to the defendant and shall be prepared to notify the Court at the final pretrial conference as to whether the defendant shall accept or reject the standing offer.
 - (3) The Court will not accept a plea agreement after the plea deadline.

LR36-CR00-4: Presence at Initial Hearing

In all Level 5 or C Felony or higher cases and all driving felony cases, the defendant is ordered to be present at the initial hearing. In all other Level 6 or D felony and misdemeanor cases the defendant is required to be present at the initial hearing unless a Waiver is filed, signed by the defendant and his attorney.

LR36-CR00-5: Detention in Certain Types of Cases

An individual arrested with or without a warrant for Battery, Sexual Battery, Domestic Battery, Invasion of Privacy or Stalking shall be detained for twenty-four (24) hours or until appearance in Court, whichever is earlier. Twenty-Four (24) hours following the arrest, the arrestee may post the appropriate bond set for the offence.

LR36-CR00-6: 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 by plea or verdict and sentencing or a finding of not guilty. *(Effective April 1, 2018)*

LR36-CR2.1-1: Leave to Withdraw Appearance

- (a) Motion to Withdraw.** All withdrawals of an appearance must be made in the form of a motion filed with the Court. Permission to withdraw is at the discretion of the Court.
- (b) Form of Motion.** Motions shall comply with Indiana Rules of Trial Procedure 3.1(H). Failure to conform to this rule may result in the denial of the motion to withdraw as counsel. The Court, in its discretion, may decide to grant the motion notwithstanding an attorney's failure to comply with this rule.
- (c) Rules of Professional Conduct.** All withdrawals of appearance shall comply fully with the provisions of the Rules of Professional Conduct.

LR36-~~CR2.2~~AR21-4: Criminal Case Reassignment

In any criminal proceeding in the Jackson Circuit or Superior Courts when a change of judge is granted, or it becomes necessary to assign another judge, the case shall be reassigned to a full-time judicial officer from either a contiguous county or from the judicial district. Each regular sitting judge shall maintain a list of all eligible special judges.

SMALL CLAIMS RULES

LR36-SC2(B)-1: Trial Dates

The date set in the Notice of Claim is the trial date unless otherwise ordered by the Court. Parties and counsel are to be prepared to try the case on the date set in the Notice of Claim.

LR36-SC11(C)-1: Proceedings Supplemental

A Petition for Proceedings Supplemental may only be filed once in every twelve months. Provided however, if the judgment creditor has evidence of a substantial change in financial circumstances of the judgment debtor, the creditor may file a verified petition setting forth the change, with a request for hearing. The Court will review the petition and enter an appropriate order.

LR36-SC11(C)-2: Payment Agreements

Payment agreements may not ~~enforce~~be enforced by contempt proceedings, however, a failure to make payments as provided in a payment agreement is grounds for the institution of a proceeding supplemental, Local Rule LR36-SC11(C)-1 notwithstanding.

LR36-SC11(C)-3: Writs of Attachment

If service is not confirmed in the record, no writ of attachment will ~~issue~~be issued for a failure to appear. Under any circumstance, a writ of attachment will not ~~issue~~be issued more than thirty (30) days after the date of a failure to appear.

LR36-SC11(C)-4: Suggestion of Bankruptcy

- (a) Filing.** A Party shall file a suggestion of bankruptcy whenever a party believes that the bankruptcy or automatic stay provisions of the United States Bankruptcy Code has an effect on a case in the Courts of Jackson County. The suggestion of bankruptcy

shall include the name of the court in which the bankruptcy was filed and the bankruptcy case number.

(b) **Service.** Each party to the case and the special judge, if any, shall be served in accordance with Ind. Trial Rule 5.

(c) **Trustee.** The identity and address of the bankruptcy trustee shall be disclosed, with instructions on the disposition of any monies of the debtor held by the Clerk, if known at the time of filing.

(d) **Period of Stay.** Upon the filing of a suggestion of bankruptcy, all action against the debtor shall be stayed for thirty (30) days unless otherwise ordered by the Court.

(e) **Duty of Plaintiff.** Within thirty (30) days of the filing of the suggestion of bankruptcy, the Claimant shall file proof that the lawsuit in question is not subject to the bankruptcy or that the Claimant has sought relief from the automatic stay. Failure to do so shall result in a dismissal of the suit without prejudice.

LR36-SC11(C)-5: Automatic Withdrawal of Appearance

In all small claims cases an attorney's appearance in the case shall automatically be deemed withdrawn thirty-five (35) days after the entry of judgment. *(Effective April 1, 2018)*

ADMINISTRATIVE RULES

LR36-AR00-1: Appropriate Attire for Attorneys

Attorneys are officers of the court. With the privilege of practicing before the bar comes the responsibility to be professional in every aspect of practice. When appearing in court, Attorneys are expected to dress in a manner which shows due respect for the dignity of the State of Indiana

LR36-AR00-2: Judges and Presiding Judge

The three judges of Jackson County shall independently manage and control the court over which he or she presides. Each shall prepare his or her budget and present it to the Jackson County Council. Each shall be responsible for his or her staff and the employment or termination of employment of staff members.

On those matters that affect the courts of Jackson County collectively, decisions shall be made by a majority vote of the three judges. Meetings shall be conducted by the "Presiding Judge" who shall be the judge with the most seniority as a judge in Jackson County.

(Added effective January 1, 2013)

LR36-AR00-3: Juvenile Referee "This matter came before Referee _____ (name) for hearing...." At the end of the order or decree the following shall appear:
"RECOMMENDED FOR APPROVAL"

/s/ _____
Referee

"THE COURT NOW ENTERS ITS ORDER OR JUDGMENT ON THE REFEREE'S FINDINGS AND RECOMMENDATIONS"

/s/

Judge

(Proposed Amendment Pending)

LR36-AR00-4: Probation Department

The Judges of Jackson County shall collectively be responsible for the employment and termination of Probation Department personnel. All employees of the Probation Department serve at the pleasure of the Judges of Jackson County. The Judges of Jackson County, by majority vote, will select the county's Chief Probation Officer. The Judges of Jackson County delegate authority to the Chief Probation Officer to make final decisions regarding the number and positions of Probation Department personnel. As directed by the Judges of Jackson County, the Chief Probation Officer shall supervise employees of the Probation Department and may delegate certain supervisory responsibilities to the staff. The Chief Probation Officer shall be responsible for the preparation and presentation of the department's budget.

(Added effective January 1, 2013)

LR 36-AR1 (E)-1: Case Allocation for Jackson County Courts.

- (a) Circuit Court.** All new case filings designated as MR, F1, F2, F3, F4, F5, F6, FA, FB, FC, FD, ES, EU, GU and TR shall be filed in the Circuit Court.
- (b) Superior Court 1.** All new case filings designated as PL, MF, CC, CT, EV, CM (except OWI), SC, OV and IF, and every other MI shall be filed in Superior Court 1.
- (c) Superior Court 2.** All new case filings designated as JC, JD, JS, JP, JM, DN, DC, RS, JT, MH, PO, XP, RF, PC, TP and AD, CM (OWI), and every other MI shall be filed in Superior Court 2.
- (d) Unequal Allocation.** All new case filings designated as MC and PC shall be given the cause number of the Court in which it is filed.
- (e) Transfer of Cases.** Except as provided in section (g), all active cases pending on January 1, 2008 or after of the types designated for filing in Superior Court 2 shall be transferred to Superior Court 2. Inactive cases shall be transferred at the time the case is re-docketed.
- (f) Retention of Cases.** The presiding judge of the Circuit Court or Superior Court 1 may retain any pending or re-docketed case if, in the discretion of that judge, the interests of justice are best served by such retention.

(As amended effective September 1, 2022)

LR36-AR7-1: Evidence Handling, Retention and Destruction

In all cases, the Courts of Jackson County shall proceed pursuant to these Rules unless a Court of the County directs a longer retention period after motion by any party or on its own motion:

- (a) Civil Cases, Including Adoption, Paternity, and Juvenile Proceedings.** All models, diagrams, documents, or material 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 reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

(b) Retention Periods for Evidence Introduced in Criminal Misdemeanor, Level 6 and Level 5 Felonies and Attempts. Misdemeanor, Level 6 and Level 5 Felonies and Attempts. All models, diagrams, documents, or material 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, three (3) years after the case is dismissed, the defendant is found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for three (3) 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 reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

(c) Retention Periods for Evidence Introduced in Criminal Level 1, Level 2, Level 3, and Level 4 Felonies and Murder Attempts. All models, diagrams, documents, or material 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, twenty (20) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty (20) 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 reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

(d) 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. 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.

(e) Notification and Disposition. In all cases, the Court shall provide actual notice, by mail or by notice through the e-file system, 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 shall be sufficient. Court reporters should maintain a log of retained evidence and scheduled disposition date and evidence should 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.

(f) Disposal. In all cases, the Court, or the sheriff on the Court's order, should dispose of evidence that is not retaken after notice.

(g) Biologically Contaminated Evidence. A party who offers biologically contaminated evidence must file a pretrial notice with the trial court and serve all the parties so that the Court can consider the issue and rule appropriately before 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.

LR36-AR11-1: Paper and Filing Requirements

See LR36-TR10-1

LR36-AR12-1: Fax Filings Not Accepted

The Courts of Jackson County do not accept facsimile filing unless prior authorization is obtained. Facsimile filing must be followed by mailing and/or e-filing of an original document.

LR36-AR15-1: Compensation of Court Reporters

(a) Definitions. The following definitions shall apply under this local rule:

- (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 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 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 week.
- (8) **Overtime hours worked** means those hours worked that are in excess of forty (40) hours per week.
- (9) **Work week** means 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** means the particular court for which the court reporter performs services. Court may also mean all of the courts in Jackson 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.

(b) Salaries and Per Page Fees.

- (1) Court Reporters shall be paid an annual salary for time working under the control, direction and direct supervision of their supervising court during regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporters are 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 a court reporter may charge for the preparation of a county indigent transcript 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 a court reporter may charge for the preparation of a state indigent transcript shall be \$4.00.
- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.00.
- (5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Office of Judicial Administration.
- (6) The reporting shall be made on forms prescribed by the Office of Judicial Administration. All court transcript preparation work shall be performed outside of regular working hours.

(c) 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, the court reporter shall not use any equipment owned by the court or any governmental entity.
- (2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private work shall be conducted outside of regular working hours.

LR36-AR16-1: Electronic Filing

The courts of Jackson County accept electronic filing.

DE NOVO RULES

LR36-DN00-1: Security Guidelines

- (a) Applicability.** All persons entering the Jackson County Courthouse and/or Jackson County Judicial Center consent to an inspection of their person, any package, briefcase, or purse.

(b) Prohibitions. All persons, except those persons noted in paragraph (D), are prohibited from entering the Jackson County Courthouse and/or Jackson County Judicial Center while carrying any of the following:

- (1) A deadly weapon as defined by Indiana Code 35-41-1-8,
- (2) A firearm as defined by Indiana Code 35-47-1-5,
- (3) An electric stun weapon as defined by Indiana Code 35-47-8-1,
- (4) A stun gun as defined by Indiana Code 35-47-8-2,
- (5) A taser as defined by Indiana Code 35-47-8-3
- (6) A knife,
- (7) An explosive device,
- (8) A club, or
- (9) Any other material that, in the manner in which it is used, could ordinarily be used or is intended to be used and is readily capable of causing serious bodily injury (as defined by Indiana Code 35-41-1-25) as determined by any judicial or law enforcement officer.

(c) Entrance Denied. Any person refusing to comply with this Order will be denied entrance into the Jackson County Courthouse and/or Jackson County Judicial Center, and anyone knowingly violating this Order will be subject to contempt of Court pursuant to Indiana Code 34-47-3.

(d) Exemption. The following persons are exempt from this order:

- (1) Law enforcement officers under Indiana Code 35-41-1-17, Indiana Department of Corrections Officers, Community Correction officers, Judicial Officers, and Probation Officers who are in the courthouse for official business and duly authorized to carry deadly weapons.
- (2) Employees of the courthouse who carry chemical spray devices for personal protection are also exempt.

(e) Exception to Exemption. The persons described as exempt from this Order *shall not be exempt* if they or any member of their family is a party to any proceeding taking place in court.

LR36-DN00-2: Jackson County Alcohol and Drug Court Services Program Fees

Participants in the Jackson County Alcohol and Drug Court Services Program will be charged the following fees as applicable:

CASE MANAGEMENT FEE:	\$200.00
ADMINISTRATIVE FEE:	\$100.00
ASSESSMENT FEE:	\$100.00
CIRCUIT COURT REFERRAL FEE:	\$150.00
JUVENILE FEE:	\$50.00
TRANSFER FEE:	\$50.00
PROGRAM FEE FOR OUT OF COUNTY REFERRALS:	\$200.00
PRE-TRIAL DIVERSION FEE – Initial (Misdemeanor):	\$50.00
PRE-TRIAL DIVERSION FEE – Initial (Felony):	\$75.00
PRE-TRIAL DIVERSION FEE – Monthly:	\$20.00