

LOCAL CIVIL RULES OF PRACTICE
FOR THE CRAWFORD CIRCUIT COURT
THE 77TH JUDICIAL CIRCUIT
CRAWFORD COUNTY, INDIANA
(Updated effective February 1, 2019)

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LR13-TR01-1
APPLICABILITY OF RULES

- A. SCOPE. The following local rules of practice and procedure shall apply to cases filed in the Circuit Court of Crawford County, Indiana, but shall not apply to criminal cases or cases on the Small Claims Docket unless otherwise indicated.
- B. EFFECTIVE DATE. These local rules shall be effective January 1, 2007, and shall supersede such rules heretofore enacted by said Court.
- C. CITATION. These rules may be cited as Local Rule____, The Indiana Rules of Trial Procedure are hereinafter referred to as Trial Rule _____.
- D. PURPOSE. These rules are promulgated pursuant to Trial Rule 81 of the Indiana Rules of Trial Procedure and are intended to supplement the Indiana Rules of Trial Procedure.

LR13- AROO-2
ADMISSION TO PRACTICE

A. GENERALLY. No attorney shall be permitted to practice before the Court as an attorney, except on his own behalf when a party, unless he is a member in good standing of the Bar of the Supreme Court of Indiana.

B. FOREIGN ATTORNEYS. An attorney who is a member in good standing of the bar of the highest court of another state may appear, in the trial court's sole discretion, as an attorney in the Court in a particular proceeding so long as said attorney appears with a member in good standing of the Bar of the Supreme court of the State of Indiana after petitioning the trial court for the courtesy and disclosing in said petition all pending causes in Indiana in which said attorney has been permitted to appear. Indiana counsel shall sign and be jointly responsible for the contents of all pleadings, motions, briefs, and papers filed in the proceeding, and shall also appear in person with the attorney at each stage of the proceeding.

LR13-TR03-1
APPEARANCE AND WITHDRAWAL OF APPEARANCE

A. INITIAL APPEARANCE. An attorney entering an appearance for any party, or a party appearing pro se, shall file a written appearance in compliance with Trial Rule 3.1 and Criminal Rule 2.1. Forms for appearances are contained in the Appendix.

B. WITHDRAWAL OF APPEARANCE. Excepting appearances in estates, guardianships, or criminal matters, an attorney desiring to withdraw his appearance in any other proceeding shall file a written motion requesting leave to do so accompanied by a notice of hearing or proof satisfactory to the Court that at least ten (10) days prior written notice has been given to the client and to all other parties of record in advance of the withdrawal date, which date shall be set forth in the written notice.

C. WITHDRAWAL IN ESTATE, GUARDIANSHIP OR CRIMINAL CASES. An attorney desiring to withdraw his appearance in an estate, guardianship or criminal matter shall file a written motion requesting leave to do so accompanied by a notice of hearing which shall be served upon the personal representative, guardian, or criminal defendant directing said person to appear at the hearing.

D. WAIVER OF RULE. A motion for leave to withdraw an appearance accompanied by a written appearance of successor counsel and, excepting appearances in estate, guardianship or criminal matters, a motion to withdraw an appearance accompanied by a written consent of the client shall constitute a waiver of the requirements of this local rule.

LR13-AROO-3
DUTIES OF ATTORNEYS
PREPARATION OF ENTRIES

A. STATUS OF PROCEEDINGS. Each attorney appearing of record and each party to a proceeding shall at all times keep themselves informed of the status of the proceeding and shall be particularly bound by hearing dates orally set by the Court from the bench in their presence.

B. PREPARATION OF ENTRY. When opposing counsel has appeared in a proceeding, the attorney who has agreed to prepare an entry as requested by the Court shall place on the last page of the entry appropriate signature lines indicating “prepared by” and “reviewed by” and shall submit the entry to opposing counsel for examination. Opposing counsel shall promptly examine the entry when submitted, shall sign the entry, and shall submit the entry to the Court within five (5) days of receiving same.

C. FAILURE TO SUBMIT ENTRY. If opposing counsel shall fail or refuse to submit the entry without advising the Court as to objections thereto, the preparing attorney shall submit the entry to the Court advising the Court by letter of opposing counsel’s failure or refusal and the

Court shall accept the entry without opposing counsel's signature.

D. **FAILURE TO PREPARE ENTRY.** If an attorney agrees to prepare an entry and then fails to do so within fifteen (15) working days of the Court's request, opposing counsel may prepare the entry and submit same to the Court advising the Court by letter of the efforts made to gain preparation of the entry. Failure of counsel to prepare an entry as agreed may subject counsel to sanctions including the assessment of reasonable attorney fees for counsel who prepared the entry.

LR13-AR00-4 PAYMENT OF FEES

A. **INITIAL FEES.** All fees associated with the filing of a case shall be prepaid to the Clerk when the case is filed.

B. **TRANSFER FEES.** All fees and costs associated with the transfer of a case to another county or transfer of a case from the small claims docket to the civil plenary docket shall be paid within twenty (20) days of the Order directing transfer and the failure to pay such costs shall result in the rescinding of the Order directing transfer and jurisdiction of the case shall remain with the Court.

LR13-TR05-1 PROOF OF SERVICE

A. **TRIAL RULE 5 REQUIREMENTS.** Proof of service of pleadings or papers required to be served by Trial Rule 5 may be made either by:

[1] a certificate of service signed by an attorney of record which certificate shall identify by name and address the person or persons to whom service is directed; or

[2] an acknowledgment of service signed by the party served or the attorney of record if such party is represented by an attorney.

B. **SERVICE OF PROCESS.** Except for proof of service of process which may appear on computerized records, court personnel shall not be required to review court files to determine if a party has acquired service of process.

LR13-AR11-01 FORM AND STYLE OF PLEADINGS FILING OF PLEADINGS

A. **SIGNATURE REQUIRED.** Any pleading, motion, brief or paper not signed by an attorney admitted to practice pursuant to the terms of Local Rule 2 shall not be accepted for filing, or, if inadvertently accepted for filing, shall upon discovery be stricken from the record by the Court upon its own motion.

B. PAPER SIZE. All pleadings, motions, entries, orders, judgments and other papers shall be filed on letter size [8 ½ x 11] paper.

C. FLAT FILING. The files of the Clerk of the Court shall be kept under the flat filing system. All pleadings presented for filing with the Clerk or the Court shall be flat and unfolded.

D. CERTIFICATE OF SERVICE. All certificates of service shall identify by name and address the person or persons to whom service is directed.

E. IDENTIFICATION. Every pleading, motion, brief, and paper filed shall clearly identify the name, office address, telephone number, and Indiana Supreme Court Attorney Number of the individual attorney or attorneys filing same.

F. USE OF PARALEGAL. All pleadings, motions, briefs and papers may be filed by the attorney's secretary or paralegal.

G. ORDERS AND ENTRIES. Except as required by Local Rule 4, all proposed orders and entries shall reflect the name of the preparer under the indication "tendered by", shall be submitted in sufficient number for each person entitled to service and shall contain a distribution list identifying by name and address each person entitled to service.

H. SCHEDULING ORDERS. Proposed orders accompanying motions for the scheduling of matters for hearing, pretrial conference and trial shall contain adequate space for the insertion of a time and date for a primary setting of the matter and a secondary setting, if desired.

I. SERVICE ON SPECIAL JUDGE. Unless otherwise directed by a special judge, after qualification by a special judge, a copy of each document filed thereafter in the proceeding shall be served on the special judge at his private office or at the Court where he regularly presides and the proof of service shall reflect such service.

LR-13-AR00-5
PRE-TRIAL CONFERENCES
ASSIGNMENT OF CASES FOR TRIAL

A. COURT CALENDAR. A calendar of cases assigned for bench trial or jury trial shall be kept by the Court and the Court Reporter shall enter on the calendar at the direction of the Court, the style, cause number, and the time and date the trial is assigned to commence.

B. REQUIRED PRE-TRIAL CONFERENCE. No case shall be assigned for jury trial without the Court having conducted a pretrial conference thereon and any party or attorney of record desirous of acquiring a jury trial shall first file a motion requesting a pretrial conference accompanied by a proposed order.

C. OTHER PRE-TRIAL CONFERENCES. The Court, in its discretion, may require a pretrial conference on certain cases to be heard at bench trial and the Court shall, sua sponte, set such cases for conference. Any party or attorney of record desirous of having a pretrial conference for such cases may file a motion requesting same accompanied by a proposed order.

D. ATTENDANCE AT PRE-TRIAL CONFERENCE. At least one attorney for each party who is a member of the Indiana Bar and who will participate in the trial shall appear at the pretrial conference. An attorney who fails to attend a pretrial conference shall be bound by the trial date set by the Court as well as such other matters as contained in the Court's Pretrial Order.

E. REQUESTS FOR BENCH TRIAL. The assignment of a case for bench trial may be had by motion duly filed and accompanied by a proposed order. Said motion shall reflect an estimate of the trial time required.

F. TRIAL ASSIGNMENTS. The Court may assign a case for trial by jury on a primary or secondary basis. Ten (10) days prior to the schedule trial date, an attorney whose case has been assigned for trial on a primary basis may file a Certificate of Readiness indicating the intention of proceeding to trial as scheduled. The failure to file such Certificate may result in forfeiture of the primary trial date if an attorney whose case has been assigned on a secondary basis files such Certificate and in such event the case assigned on a secondary basis shall be heard.

G. CERTIFICATE OF READINESS. If a Certificate of Readiness is filed pursuant to subsection F of this Local Rule, the Certificate shall be served on all parties in a cause and shall contain a certificate of service. The Certificate shall state:

[1] that the cause is at issue;

[2] that discovery has been completed or will be completed by the scheduled trial date

and

[3] that opposing counsel was advised of the party's intention to file the Certificate five (5) days prior to its filing.

H. CRIMINAL TRIALS. Criminal trial settings shall take precedence over civil trial settings.

LR13-AROO-6 MOTIONS

A. **GENERALLY.** Except motions made during the course of a recorded proceeding, all motions shall be in writing.

B. **PROPOSED ORDERS REQUIRED.** Proposed Orders shall accompany motions or applications in the following matters:

- [1] to enlarge or shorten time
- [2] for setting of hearing, conference or trial
- [3] for continuance
- [4] for default judgment
- [5] to compel discovery
- [6] to withdraw appearance
- [7] of dismissal
- [8] for change of venue
- [9] for restraining order, temporary injunction
- [10] for summary judgment
- [11] for such other orders, judgments or decrees as the Court may direct.

C. **HEARINGS REQUIRED.** Excepting motions to correct error, motions for summary judgment or other motions described in subsection F, subsection G and subsection H of this rule, all motions shall be set for hearing at the time of their filing and shall be accompanied by a separate instrument requesting a hearing and an order for the setting of a hearing date.

D. **NOTICE OF MOTION AND ORDER.** In lieu of the requirement of subsection C of this rule, an attorney may utilize a Notice of Motion and Order for routine matters such as a motion for continuance, motion to amend pleading, motion to shorten time, motion to add parties, motion to compel discovery and the like. The Notice of Motion shall indicate that the Court will rule on the motion and enter its order beginning at 9:00 a.m. on the Monday which is not less than five (5) working days from the date of the Court's actual receipt of the Notice of Motion.

E. **MOTION TO CORRECT ERROR.** Any party may request a hearing upon a Motion to Correct Error by filing a written request therefore by separate instrument at any time before the Court has ruled upon such motion. It shall be discretionary with the Court whether a hearing shall be held on such Motion to Correct Error.

F. HEARING NOT REQUIRED. At the time of filing, the following motions shall be summarily granted or denied ex parte unless the Court, in its discretion, determines a hearing should be scheduled on any such motion and schedules such hearing:

- [1] Motion for Enlargement of Time (initial request)
- [2] Motion to Reconsider (denial of)
- [3] Motion for Change of Venue from Judge/County
- [4] Motion for Default Judgment
- [5] Joint Motion for Continuances
- [6] Motion to Dismiss Settled
- [7] Motion to Set Hearing/Pre-Trial Conference/Bench Trial
- [8] Motion for Temporary Restraining Order/Joint Preliminary Injunction in domestic matters in accordance with Local Rule 12
- [9] Motion to Withdraw Appearance excepting Estate, Guardianship or Criminal matters
- [10] Such matters as permitted by statute or Trial Rule.

G. MOTIONS UNDER TRIAL RULES 12, 24, 42 AND 60. Motions seeking relief under Trial Rules 12, 24, 42, and 60 shall be accompanied by a brief and proof of service upon opposing counsel. An adverse party shall have fifteen (15) days after service of the movant's brief to file an answer brief, and the movant shall have seven (7) days after service to file a reply brief.

Upon expiration of the time provided by the briefing schedule, the proponent of the motion shall file a written request to schedule the matter for hearing.

H. MOTIONS FOR SUMMARY JUDGMENT. Motions for Summary Judgment and any supporting affidavits, exhibits and briefs shall be accompanied by proof of service upon opposing counsel. An adverse party may file a response and any opposing affidavits, exhibits and briefs, with proof of service upon opposing counsel, within thirty (30) days after service of the motion.

A hearing on a Motion for Summary Judgment shall be held not less than ten (10) days after the time for the filing of a response and the proponent of the motion shall file a written request to schedule the matter for hearing accompanied by an order for the setting of a hearing date.

Motions for Partial Summary Judgment shall be accompanied by proposed findings of fact and conclusions of law.

LR13-AROO-7 CONTINUANCES

A. **GENERALLY.** A motion for continuance of a hearing or trial shall be accompanied by an order which shall contain adequate space for insertion of a new time and date for rescheduling purposes.

B. **CONTENT OF MOTION.** A motion for continuance shall set forth the scheduled date, the reason for continuance, the specific length of time the moving party desires the cause to be delayed, and reference as to whether opposing counsel agrees or disagrees to a continuance of the scheduled hearing or trial. It shall be the duty of the moving party to obtain a mutually acceptable future date if and when the motion is granted.

C. **TIMING OF MOTION.** No continuance shall be granted at the request of a party unless a written motion for same is filed not less than ten (10) days prior to the scheduled hearing or trial, unless it is made to appear by affidavit that the facts which are the basis of the motion did not then exist or were not then known by the moving party.

D. **SANCTIONS.** All delays and continuances of a cause shall be at the cost of the party causing the same, except where otherwise provided by law, and the adverse party may have such costs taxed and judgment rendered therefore upon motion duly made.

LR13-TR52-1 FINDINGS OF FACT

In all cases where findings of fact by the Court are requested or required, counsel of record shall submit to the Court proposed findings setting forth all facts claimed to have been established and the conclusions of law thereon. Such form of findings shall be submitted to the Court within such time as directed by the Court.

LR13-FLOO-1
DISSOLUTION OF MARRIAGE

**APPLICATION FOR PROVISIONAL ORDER,
EXPEDITED HEARINGS AND MANDATORY
EXCHANGE OF FINANCIAL DECLARATION FORM**

A. NOTICE OF RULING DATE. An application for provisional order in a dissolution action shall be accompanied by a notice of ruling date. Said notice shall indicate the date for ruling thereon and shall further indicate (1) that the Court will rule on the application without conducting a hearing thereon and (2) that the Court will consider a written response to the application filed before the ruling date. The date set forth in the notice shall be selected by the attorney filing the application but shall not be less than ten (10) working days from the date of filing.

B. RESPONSE/REPLY. If a response to an application for a provisional order is filed on or before the ruling date, the Court shall extend the ruling date by five (5) working days from the date of the filing of the response within which time the applicant may file a reply to the response.

C. CONTENT OF PROVISIONAL PLEADINGS. When an application for a provisional order requests child support or other monetary assistance, the application and the response to the application, if any, must be accompanied by:

- [1] a child support guideline worksheet in forms consistent with that adopted by the Court in the Appendix of these Local Rules; and
- [2] an affidavit of indicating when last employed and average weekly gross income.

D. REQUEST FOR A HEARING. The Court shall grant an oral hearing on an application for a provisional order upon the timely filing of a written motion and proposed order setting hearing.

E. EXTENSION OF RULING DATE. The Court shall not enter a ruling on an application for provisional order until ten (10) days have passed from the date of service of summons. If service of summons occurs on a date beyond the selected ruling date, the ruling date shall be automatically extended to a day which is ten (10) days from the date of service of summons and notice of such extension upon the adverse party shall not be required.

F. CHANGE OF VENUE/EMERGENCY MATTER. In that a change of venue from the Judge and/or County results in a delay of the entry of a ruling in a provisional matter, an application for child support may be deemed to be in the nature of an emergency upon the filing of a written request for such determination within five (5) working days of the filing of the adverse party's Motion for Change of Venue. Upon such finding by the Court, the Court shall retain jurisdiction in such instance and enter its findings on child support in accordance with this Local

Rule.

G. MANDATORY EXCHANGE OF VERIFIED FINANCIAL DISCLOSURE FORM.

In all dissolution proceedings, each party shall prepare and exchange respectively within forty-five (45) days of the filing of the Petition for Dissolution of Marriage, a Verified Financial Declaration Form as set forth in the Appendix to these rules. The forty-five (45) day time limit may be extended or shortened by the Court for good cause shown. In those cases where there is service, but no appearance by counsel for the opposing party, it is the responsibility of Petitioner's Attorney to serve the completed form on the other party and to notify that party of the duty to prepare and serve one as well. The exchange of the Verified Financial Declaration Form constitutes mandatory discovery. Thus, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26 E(2) and (3), the form shall be supplemented if additional material becomes available. Further, any additional financial discovery, such as a Motion to Produce, Interrogatories, or Depositions of the parties shall not commence until the forms are exchanged. No contested marriage dissolution action will be set for trial unless counsel for either or both parties certifies to the Court that the form has been completed by both parties.

However, a copy of a completed Verified Financial Disclosure Form, when served upon the opposing party, shall also be deemed to be a Request for Admissions. Therefore, in the event a party does not prepare and serve his or her respective Form within the time period provided in this rule, then the form for the complying party may be filed with the Court and the factual information contained in said form shall be deemed admitted as fact by all parties after notice of motion and order pursuant to Local Rule 9(D). When the form is filed with the Court, it shall be sealed and designated "Confidential."

H. INDIANA CHILD SUPPORT GUIDELINES. All orders establishing or modifying child support shall be made in accordance with the Indiana Child Support Guidelines established by the Indiana Supreme Court and Indiana Code . All orders

establishing or modifying child support shall be effective as of the date the request for said establishment or modification was filed.

I. CHILD VISITATION GUIDELINES. Unless the Court enters specific orders to the contrary, any order of the Court providing for custody of children shall be deemed to provide, by operation of this rule, for the implementation of access and companionship with said children by the non-custodial parent in accordance with the Child Visitation Guidelines set forth in the Appendix to these rules. Whenever an existing decree provides for visitation with children at "reasonable times and places" or uses language of similar intent, or when no other more specific visitation schedule is set forth, the Child Visitation Guidelines shall be presumed to apply.

J. CHILDREN COPE WITH DIVORCE SEMINAR. In any dissolution, separation or post dissolution proceeding where orders are requested regarding unemancipated children, both parties to the proceeding shall attend and complete the Visiting Nurses Association Seminar "Children Cope with Divorce," unless a party has attended within the prior two (2) years. Failure to register and attend may constitute cause for denial of requested relief including provisional orders and final decrees. This rule shall not be construed to permit any party to delay legal proceedings by not registering or attending the seminar. A party, with leave of Court, may attend a similar seminar or program. Failure to comply with this section can result in a continuance or

such other relief as the Court may deem necessary.

K. **EXPEDITED HEARING.** An expedited hearing is a proceeding in open court. At such hearing, the evidence shall be presented in summary fashion by the attorneys, or the parties if pro se, who shall summarize the evidence in a narrative statement. The Court may then question the parties or the attorneys and may require the presentation of brief testimony. Documentary evidence may also be received by the Court. Formal rules of evidence and procedure shall not apply, except that the Court shall endeavor to insure that traditional concepts of trustworthiness of evidence and fundamental fairness are observed.

All requests for enforcement or modification of existing orders and decrees shall first be scheduled for an “expedited” hearing. Each party shall bring to the expedited hearing all documentary evidence as required by these Local Rules. All persons seeking relief, and any party opposing the relief sought, are required to attend the expedited hearing. The parties shall first meet in a settlement conference at least thirty (30) minutes prior to the scheduled hearing. If they are unable to agree, the Court will hear and determine the matters at issue between the parties at the expedited hearing.

Any party, in open Court at the commencement of the expedited hearing, may demand an evidentiary hearing at which all rules of trial procedure and evidence will be observed. If such demand is made, the matters then at issue between the parties will be scheduled, heard, and determined at such evidentiary hearing. The Court may, however, conduct an expedited hearing to consider and determine any emergency matters or other necessary temporary orders until the evidentiary hearing can be held. The Court may, on its own motion, either before or after the expedited hearing, decline to determine any issues on the evidence presented at such hearing and shall thereafter schedule such issues for evidentiary hearing.

LR13-FLOO-2 DISSOLUTION OF MARRIAGE FINAL HEARING

A. **SCHEDULING.** A final hearing on a Petition for Dissolution of Marriage shall be set by the Court in accordance with Local Rule 8 if the cause is contested. If the cause is not contested, a final hearing shall be held at such time as is mutually convenient to the parties and the Court or at such other time as generally set by the particular court for hearings on uncontested matters.

B. **EXPEDITED HEARING.** Any party may request that the trial on a Petition for Dissolution of Marriage be held under the procedure for an expedited hearing. Such request shall be made in writing and filed with the Court. Unless the other party files, within ten (10) working days, a written objection to proceeding in expedited fashion, the Court will schedule the trial for an expedited hearing under the procedures outlined in Local Rule 12K.

C. **NOTICE IN UNCONTESTED ACTION.** In an uncontested action, written notice of an intention to proceed to final hearing on a date and time certain shall be given to a party not represented by counsel. The written notice shall be sent to the last known address of the party not represented and proof of service shall not be required; however, a copy of said notice shall be

presented to the Court at the time of the final hearing.

D. SUMMARY DISPOSITION. A summary disposition on a Petition for Dissolution shall be entered by the Court upon submission of the appropriate documentation to the Court in accordance with the statutory requirements.

LR13-FLOO-3
DISSOLUTION OF MARRIAGE
SERVICE ON REDOCKETED MATTERS

Service of process of post-dissolution actions such as petitions for modification and applications for rule to show cause must be on a party pursuant to Trial Rule 4. Service of process of such actions upon the attorney who represented the party in the underlying dissolution action shall be deemed insufficient.

LR13-PR00-1
PROBATE

A. CLOSING WITHIN ONE YEAR. All estates shall be closed within one (1) year unless for good cause shown. Good cause for not closing an estate within one (1) year shall be shown by the verified statement setting forth the facts as to why said estate cannot be closed and an estimate of the time required for the closing of the estate.

B. INTERMEDIATE ACCOUNTING. The Court may order an intermediate accounting within thirty (30) days of the expiration of one (1) year of the opening of the estate if good cause is not shown. Such accounting shall comply with the provisions of IC 29-1-16-4 and 29-1-16-6 and such accounting shall also state facts showing why the estate cannot be closed.

C. NONCOMPLIANCE. Failure to comply with this Rule shall be grounds for removal of the personal representative, pursuant to IC 29-1-10-6, and for reduction or forfeiture of personal representative fees and attorney fees.

D. UNSUPERVISED ESTATES. Unsupervised estates shall become supervised estates if not closed within one (1) year unless good cause shown in accordance with paragraph A herein.

LR13-PR00-2
PROBATE
CONVEYANCE/COURT APPROVAL

A. DOCUMENTS OF CONVEYANCE. The signature of a judge shall not be necessary on any deed, lease, bill of sale or other conveyance of real estate or personal property by a personal representative. This Local Rule shall be applicable in supervised and unsupervised administration.

B. COURT APPROVAL. The approval of the Court for the sale, mortgage, lease, etcetera of estate property, evidenced by a Court order shall continue to be necessary except in those situations exempted by IC 29-1-15-2 and IC 29-1-7.5-3 as amended.

LR13-PR00-3
PROBATE
(reserved)

LR13-TR26-1 DISCOVERY

A. **USE OF FORM DISCOVERY.** No “form” discovery shall be served upon a party unless all discovery requests on such forms are consecutively numbered and applicable to the case in which the same are utilized. The intent and purpose of this rule is to prohibit the use of form discovery unless applicable to the case at bar or where the nature of the case or the number of the parties makes the use of such forms necessary and appropriate.

B. **ADMISSIONS FORMAT.** Answers or objections to requests for admissions filed and served pursuant to Trial Rule 36 shall set forth in full the requests for admissions being answered or objected to immediately preceding the answer or objection.

C. **MOTIONS FOR DISCOVERY.** The Court shall refuse to rule on any and all motions for discovery concerned with the production of documents or things, permission to enter upon the land or other property for inspection and other purposes, for physical or mental examination, or to compel discovery provided in Trial Rules 26 and 37, unless moving counsel shall first advise the Court in writing that after personal consultation and sincere attempts to resolve differences with opposing counsel, they are unable to reach an accord.

D. **LIMITATION ON INTERROGATORIES.** The number of interrogatories which may be served pursuant to Trial Rule 33 shall be limited so as to require the answering party to make no more than forty (40) answers, each sub-part of an interrogatory counseling as one (1) answer. Waiver of this limitation will be granted by order of the Court in cases in which such limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case. Each motion requesting waiver of this limitation shall contain as an exhibit the interrogatories which the party proposes to serve.

LR13-TR32-1 PUBLICATION OF DEPOSITIONS

The seal on depositions shall be broken and the deposition deemed published upon filing with the Court. When depositions are utilized in support of, or in opposition to, a motion for summary judgment or other matter, the pleading and/or memoranda filed in support or opposition to such motion shall make specific reference by page and line or question number to those places in such deposition which purport to demonstrate the presence or absence of material fact.

LR13-TR34-1 SUBPOENAS

Pursuant to Trial Rule 45, the Clerk shall issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it or his or her attorney, who shall fill it in before service. An attorney admitted to practice law in this state, as an officer of the Court, may also issue and sign such subpoena on behalf of (a) a court in which the attorney has appeared for a party; or (b) a court in which a deposition or production is compelled by the subpoena, if the deposition or production pertains to an action pending in a court where the attorney has appeared for a party in that case.

LR13-JR-1 JURY INSTRUCTIONS

Proposed final instructions, special or pattern, shall be submitted on letter size (8 ½ x 11) paper, double-spaced, with all designations including indications for the Court's disposition placed on the bottom three (3) inches of the instruction.

The parties shall submit a second set of proposed final instructions containing no designation of who submitted them, or other identifying references, and shall contain only the statement of law. This set of jury instructions may be sent with the jury to the jury room for use during deliberations.

LR13-AR15-1 PRAECIPES/TRANSCRIPTS

A. CONTENT. All praecipes and requests for transcripts shall be in writing and filed with the Clerk of the Court. Such praecipes and requests for transcripts relating to trials by jury shall not include voir dire, opening statements and closing statements unless specifically requested.

B. COSTS. The party requesting a transcript shall obtain an estimate of the cost of the transcript from the Court Reporter and shall pay a deposit equal to one-half of the estimated cost of the transcript before the transcription process is undertaken by the Court Reporter. The remaining estimated cost of the transcript shall be paid upon notification by the Court Reporter to the requesting party that one-half of the transcript has been completed. The actual total cost of the transcript shall be paid in full before the transcript is released to the requesting party.

EX PARTE ORDERS (Repealed)

**LR13-TR37-1
SANCTIONS**

A. **COURT ACTION.** When a party or counsel for a party fails to comply with any of these Local Rules, the Court, after advising the party of the noncompliance, may direct the Clerk of the Court to refuse to accept the pleadings or papers to be filed, or, if inadvertently accepted for filing, direct that such pleadings or papers be stricken from the record.

B. **COSTS.** In addition to the foregoing, the Court may order the party or counsel for the party failing to comply with these Local Rules to pay reasonable expenses, including attorneys' fees, caused by the failure.

**LR13-CR2.2-1
CHANGE OF JUDGE IN CRIMINAL CASES**

- A. This Local criminal rule has the purpose to comply with and to augment Indiana Criminal Rules Number 12 and 13, and is not to supersede the same.
- B. In criminal, post conviction, infraction and ordinance violation cases where a change of venue from judge motion has been granted, and in instances where a judge recuses or is disqualified, a special judge shall be selected from the following:
- 1) Judge of Harrison Circuit Court;
 - 2) Judge of Harrison Superior Court;
 - 3) Judge of Orange Circuit Court;
 - 4) Judge of Orange Superior Court;
 - 5) Judge of Washington Circuit Court;
 - 6) Judge of Washington Superior Court;
 - 7) Judge of Perry Circuit Court;
 - 8) Judge of Dubois Circuit Court;
 - 9) Judge of Dubois Superior Court; and
 - 10) Senior Judges approved for the Crawford Circuit Court that agrees to accept criminal cases.
- C. Judges previously assigned to the case shall be ineligible for reassignment to that case.

- D. In each instance where a defendant's change of venue from the judge motion has been granted in criminal, post conviction, infraction and ordinance violation case(s), or where a judge has disqualified or recused himself from criminal, post-conviction, infraction and ordinance violation case(s), the same judge shall be selected as the special judge under this rule for all criminal, infraction, and ordinance violation cases pending against the defendant in that court for which the regular judge is disqualified. In addition, in any instance where a special judge has already been appointed for a defendant in a pending criminal, infraction and ordinance violation case(s), the same judge shall be selected as special judge if any new criminal, infraction, and ordinance violation case(s) are filed against the defendant and the regular judge grants a change of venue from the judge or disqualifies or recuses himself from any criminal, infraction, and ordinance violation case(s).
- (Amended effective December 14, 2016)*

LR13-TR79-1
APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES

- A. **Selection of Administrative Judge.** On or before October 1st of each year, (or as soon thereafter as possible) the Judge of the Circuit Court of Crawford County shall meet in person or electronically with the presiding judges of Administrative District 24 for the purpose of selecting a judge who is designated as the Administrative Judge. The Administrative Judge shall serve for a period of twelve (12) months, ending December 31 or until a replacement is selected after December 31.
- B. **Section H Appointments.** In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure or Indiana Rules of Criminal Procedure, the judge before the case is pending shall send notice of the need of the appointment of a Special Judge to the District's Administrative Judge who shall then make such assignment within five (5) days of receiving said notice.
- C. **Method of Assignment.** The District's Administrative Judge shall select special judges from a roster of the available Judges in the Administrative District. The assignments shall be a sequential order beginning with the name of the Judge following the last Judge so assigned. A Judge who disqualifies is expected to take the next needed assigned case from the Administrative Judge. This will, in effect, require a Judge to take the same number of Special Judge cases as he/she disqualifies in. If a Judge is otherwise disqualified to hear a particular case, that Judge shall be deemed to be the next in sequence until assigned a case. The assignment Judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.

D. Roster of Available Judges. The roster of available judges in Administrative District 24 shall be maintained by Court designation in the following sequential order and shall include Senior Judges as available:

- | | | | |
|-----|--------------------|-----|---|
| (1) | Harrison Circuit | (2) | Harrison Superior |
| (1) | Orange Circuit | (4) | Orange Superior |
| (1) | Washington Circuit | (6) | Washington Superior |
| (1) | Crawford Circuit | (8) | Senior Judges approved for the requesting Court |

Appointment Order. Upon selecting a Special Judge, the assignment Judge shall prepare an Order of Appointment and forward said Order to the Judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the Special Judge and the attorneys of record.

E. Acceptance of Jurisdiction. The Order of Appointment, when entered by the Judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed Special Judge unless the Judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.

F. Form of Order. The Order of Appointment shall be in the following form:

IN THE _____ COURT FOR _____ COUNTY

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

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

SO ORDERED THIS ____ DAY OF _____, _____.

Judge, _____ Court

Assigned this ____ day of _____, _____.

Administrative District #24
Administrative Judge

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

LR13-FL00-4
DOMESTIC RELATIONS CASES WITH CHILDREN

In all Domestic Relations cases wherein child custody is at issue, both parents shall be required to participate in the FAMILIES IN TRANSITION PROGRAM. This program will be offered by the Crawford County Youth Services Bureau. The focus of the program is to make both parents aware of the impact the dissolution has on their children, and to teach parents how to develop skills to cope with the changes that divorce brings.

The Clerk of the Court shall inform each party of the requirement to attend this program by form letter. The form letter shall be served with the summons. It will explain the program and the necessary steps each party must complete. Attorneys will make their clients aware of this requirement. The cost shall be \$55.00 per family with each party paying one-half (\$15.00 for families receiving TANF or Food Stamps).

This program is mandatory and must be completed before the final hearing. In the event a party refuses or fails to complete the program as ordered by the Court, a Rule to Show Cause may be filed by the complying party compelling a party's attendance. This program is required in all dissolutions, including pro se dissolutions. The Clerk shall serve a copy of this order upon local attorneys and shall notify all other attorneys when they file a dissolution action. Furthermore, a party may petition the Court to order parties into this program for dissolutions filed before January 1, 1999. This order shall take effect January 1, 1999.

LR13-AR00-8
COURT REPORTER SERVICES

1. Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours or overtime hours.
2. Regular working hours shall be 36 hours per week. Gap hours shall be hours worked in excess of 36 hours per week. Overtime hours shall be hours worked in excess of 40 hours.
3. That for any gap or overtime hours worked, the Court and the Court Reporter shall enter into a written agreement whereby compensation for such work shall be as follows:
 - a. Compensatory time off from regular work hours shall be given in an amount equal to the number of gap hours worked.
 - b. Compensatory time off from regular work hours shall be given in the amount of one and one-half (1 ½) times the number of overtime hours worked.
4. The Court Reporter shall be compensated at the rate of \$5.00 per page for any county indigent, state indigent or private ordinary transcripts prepared. Index and Table of Contents pages shall be charged at the rate of \$3.50 per page. The Court Reporter shall submit directly to the county a claim for the preparation of the county indigent transcripts as other county claims are submitted. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$10.00 where the transcript must be prepared within 24 hours or less and \$7.00 where the transcript must be prepared within 3 working days; provided however that there shall be a minimum fee of \$45.00 for expedited transcripts. A minimum fee of \$40.00 will be charged for ordinary transcripts less than seven pages in length.
5. An additional labor charge approximating the hourly rate based upon the Court Reporter's annual compensation shall be charged for the time spent binding the transcripts and the exhibit binders.
6. The Court Reporter may charge a reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the Transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29. The costs for these supplies shall be determined pursuant to a Schedule of Transcript Supplies which shall be established and published annually by the Judge of Crawford County.

7. If a transcript is prepared for the purposes of appeal, the original paper transcript shall be forwarded to the Clerk upon completion. The Court Reporter is also directed to produce two copies of an electronically formatted transcript, one of which shall become an official record of the court proceedings and kept in the Court where said proceedings was held, and the other of which shall be submitted to the Clerk along with the original paper transcript.
8. Any transcript prepared for reasons other than appeal shall be delivered to the requesting party.
9. Each Court Reporter who receives income from the preparation of transcripts shall report such amounts, at least annually, to the Indiana Supreme Court Division of State Court Administration on forms prescribed by such Division.
10. This rule is purposefully silent as to the hours during which court reporters may prepare transcripts, as to whether court reporters must reimburse the Court for use of its equipment and work space in preparing transcripts, and as to whether the court reporters must furnish their own supplies when preparing transcripts. The Judge of Crawford Circuit Court retain their individual authority to make rules on such matters applicable only to their particular Court.
11. Should any Court Reporter elect to engage in the private business of recording and/or transcribing depositions, they shall do so outside the employee's scheduled working hours, on the employee's time off, or the employee may elect to use compensatory time. Each Court shall be responsible for setting the amount of reimbursement and fees for the use of the Court's equipment and work space. The Court Reporter shall furnish her own supplies for such purposes.

LR 13-AR00-9
ALCOHOL AND DRUG PROGRAM FEES

1. The Crawford Circuit Court sets the following schedule of fees pursuant to the authority granted by I.C. 12-23-14-16.

2. The alcohol and drug program fee in misdemeanor and felony cases will be \$400.00
3. All Court Alcohol and Drug Program Fees are payable to the Clerk of the Crawford Circuit Court.

(Effective February 1, 2019)

LR13-JR-2 LOCAL JURY RULES

The Indiana Supreme Court adopted jury rules that take effect January 1, 2003 and require local rules to implement. The Crawford Circuit Court does now adopt the following Local Jury Rules for the Crawford Circuit Court.

1. The Clerk of the Circuit Court is hereby appointed Jury Administrator for the Crawford Circuit Court.
2. Pursuant to Indiana Jury Rule 4, the Crawford Circuit Court selects by Local Rule the two-tier notice and summons procedure.
3. The Jury Administrator for the Crawford Circuit Court shall compile the jury pool annually by randomly selecting names from the Master List as described in the Indiana Supreme Court's order approving the Master List for Jury Pool Assembly and Jury Reporting Requirements dated October 26, 2005. The Jury Administrator shall compile the jury pool more often than annually, if necessary.
4. The jury pool compiled may be used for either petit or grand jury.
5. The Jury Administrator shall mail a jury qualification form and notice of the period during which any service may be performed after names are drawn from the jury pool as required by the Judge of Crawford Circuit Court.
6. As needed, the Crawford Circuit Court shall inform the Jury Administrator periodically to summon prospective jurors for trials and summonses shall be forwarded by regular mail to the prospective jurors together with a jury information sheet to be furnished by the Crawford Circuit Court.
7. The Crawford Circuit Court shall furnish to the Jury Administrator the form of the summons, jury qualification form, notification form and juror information form.
8. This Local Rule shall be effective beginning February 1, 2006 and until further order of the Court.