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LR67-1(Indiana T.R. 1)

Scope of Rules

Except as otherwise provided, these rules govern the procedure or practice in all cases, including criminal, civil, and juvenile, filed or pending in the Putnam Circuit, Superior, and/or Magistrate Court. These rules are to be read in conjunction with and supplement to the Indiana Rules of Court.

LR67-2 (Adm. Rule)

Commencement of Action/Assignment of Cases

A. Circuit Court

1. Civil

- a. all causes filed as a CC or a CT, except for
 - i. cases in which involve Putnam County Hospital or its employed doctors is/are a party;
- b. All PL matters (except Quiet Title, Boundary Line Disputes, and other matters involving to real estate)
- c. 50% of Dissolution of Marriage actions
- d. Mental Health Commitments
- e. Probate
- f. Trust
- g. Guardianship
- h. Juvenile – JM’s, JD’s, JS’s, 50% of JP’s
 - i. All JC, JT, and JM of Department of Child Services
 - j. Protective Orders if a Dissolution or Juvenile matter involving the same parties is pending
- k. Adoption
 - l. 100% Reciprocal Support
- m. 100% Tax Petitions and Tax Sale
- n. 50% of MI cases
- o. 50% of RF cases- every other case

2. Criminal

- a. Murder- every other one (if co-defendant, then filed together)
- b. Felonies- 50% Class A, B, C, D Felonies (by random draw through Odyssey System) and 50% of Level 1, 2, 3, 4, 5, 6 (by random draw Through Odyssey system)
- c. 50% Criminal Miscellaneous (MC) (search warrant applications, probation transfers, etc.)
- d. Misdemeanors if conflict or Defendant already has a pending filing in Circuit or it is an allegation of compulsory school attendance.
- e. 50% of RF cases- every other case

B. Superior Court

1. Civil

- a. CT's naming Putnam County Hospital /its doctors as a party
- b. 50% of Dissolution of Marriage actions
- c. 50% of JP's
- d. Small claims
- e. Rent/eviction
- f. Protective Orders, except where a dissolution or Juvenile matter is pending in the Putnam Circuit Court
- g. Actions filed by Jail or Penal institution inmates (MI cases)
- h. 50% MI cases
- i. Mortgage Foreclosures (MF), Quiet Title (PL), Boundary Line Disputes (PL) and other matters involving title to real estate
- j. 50% of RF cases- every other case

2. Criminal

- a. Murder every other one (if co-defendant, then filed together)
- b. Felonies- 50% of all Class A, B, C, D Felonies (by random draw through Odyssey system) and 50% of Level 1, 2, 3, 4, 5, 6 (by random draw through Odyssey system)

- c. All A, B, C misdemeanors; Except conflict or Defendant already has a pending filing in Circuit or it is an allegation of compulsory school attendance
 - d. 50% of Criminal Miscellaneous MC (search warrant applications, probation transfers, etc.)
 - e. 50% of RF cases- every other case
- C. Prior to filing a new criminal charge, the prosecutor's office is required to determine if the Defendant is on probation or already has a pending criminal case or on probation in one of the courts. If so, the prosecutor's office shall file the new case in the same court as the prior pending case/probation. Prior civil cases are not included/counted for assignment.
- D. * Magistrate Judge shall hear JC's, DC's, AD's, SC's, PO's, IF's, JM's w/ DCS, OV's, JP's and MI's.

LR67-3 (Adm. Rule) Late Payment Fee for Court Costs, Fines and Civil Penalties

- A. Pursuant to I.C. 33-37-5-22, the Clerk of the Court shall collect a late payment fee of \$25.00 in every infraction, misdemeanor or felony case in Putnam Circuit or Superior Court in which an individual fails to pay in a timely fashion the fines and court costs assessed by the Court.
- B. The late payment fee shall be assessed when the defendant fails to pay the costs, fine or civil penalty in full before the later of the following: (a) the end of the business day on which the Court enters the conviction or judgment; or (b) the end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties adopted for the operation of the Courts of Putnam County.
- C. The Clerk of the Court shall not collect a late payment fee from any person found to be indigent by the Court or from any person found by the Court to have good cause for failing to timely pay the fines and costs.
- D. The Clerk may take all appropriate steps to collect late payment fees, including without limitation the retention of legal counsel to effectuate collection proceedings.
- E. The Court that imposed the costs, fine or civil penalty may suspend the late payment fee required by this Rule if the Court finds that the Defendant has demonstrated good cause

for failure to make a timely payment of the previously assessed costs, fine or civil penalty and issues an order to that effect directing the Clerk of the Court to suspend the assessment and collection of the Late Payment Fee.

LR67-4 (Indiana T.R. 3.1) Appearance of Representation

A. **Appearances** Shall be on the State prescribed form.

B. Withdrawal of Appearance by Counsel

1. **Written Motion and Compliance with Trial Rule 3.1.** Permission to withdraw an appearance by counsel shall be requested by written motion. Permission to withdraw shall be given only after the petitioning attorney has complied with the requirements of T.R. 3.1(H), including a certification of the last known address and telephone number of the party, subject to the confidentiality requirements of T.R. 3.1.
2. **Motions Filed Prior to the Appearance of Other Counsel.** Permission to withdraw shall be given only after the petitioning attorney has given his/her client no less than 10 days' written notice of the intent to withdraw. A copy of the written notice shall be attached to the petition to withdraw. The written notice to the client shall explain the possible effects of failure to secure new counsel and shall set forth any hearing or trial dates and any pleading, discovery or other pre-trial deadlines.
3. **Motions Filed Subsequent to the Appearance of Other Counsel.** Motions to withdraw an appearance filed subsequent to the proper appearance of other counsel shall constitute a waiver of the requirements of paragraph (B) of this rule.
4. **Criminal Cases: Withdrawal Due to Defendant's Failure to Fulfill an Obligation with Respect to Counsel's Fee.**
 - a. Absent exceptional circumstances, no attorney in a criminal case should expect permission to withdraw the attorney's appearance based on his or her client's failure to fulfill an obligation with respect to the attorney's fee unless the motion to withdraw is filed at least 60 days prior to any trial setting.

- b. Paragraph (4) of this local rule applies only to criminal cases and is designed to minimize the inconvenience and delay caused to the parties and court by the withdrawal of counsel shortly before trial due to nonpayment of counsel's fee, while also recognizing the realities faced by counsel and their clients in meeting fee obligations. The requirements of paragraphs (1), (2) and (3) of this local rule are in addition to the requirements and provisions of I.C. 35-36-8-2 in criminal cases.
5. **Civil Cases:** Withdrawal due to parties' failure to fulfill an obligation with respect to Counsel's fees: Absent exceptional circumstances, no attorney in a civil case should expect permission to withdraw the attorney's appearance based on his or her client's failure to fulfill an obligation with respect to attorney fees unless motion to withdrawal is filed at least 10 days prior to any evidentiary hearing/trial.

LR67-5 (Indiana T.R.)

Motion Practice

- A. The filing of any motion with the Clerk of the Court or with the Court shall be brought to the attention of the Judge by the moving party within five (5) days following the filing of the motion.
- B. The time and length of hearing motions shall be fixed by the Court. Dates of hearings shall not be specified in the notice of hearing of the motion unless prior authorization shall be obtained from the Judge or Court Reporter. Any party may request oral argument upon a motion, but the granting of oral argument is wholly discretionary with the Court. Any party requesting oral argument shall advise the Court Reporter of the estimated time necessary for hearing. The Court shall determine the amount of time allotted for the hearing.
- C. Counsel desiring to file a brief in support of or in opposition to any motion must file the brief prior to or at the time of hearing on the motion, unless otherwise ordered. A copy shall be promptly served upon the opposing party. If the opposing party desires to file a brief or memorandum, that party must do so within thirty (30) days of service of the movant's brief or memorandum. If the moving party desires to file a reply brief or memorandum, that party must do so within seven (7) days of service of the response, brief or memorandum. Time shall be computed as provided in Rule 6, Indiana Rules of Trial Procedure. Extensions of time shall be granted only by order of the assigned or presiding Judge for good causes

known. Failure to file an answer brief in opposition to a motion within the time prescribed shall subject the motion to summary ruling.

D. Except by permission of the Court, no brief shall exceed fifteen (15) pages in length (exclusive of any pages containing a table of contents, table of authorities, and appendices), and no reply brief shall exceed ten (10) pages. Permission to file briefs in excess of these page limitations will be granted only upon motion supported by extraordinary and compelling reasons. Briefs exceeding twenty (20) pages in length (exclusive of any pages containing the table of contents, table of authorities, and appendices) shall contain:

1. a table of contents with page reference;
2. a statement of issues; and
3. a table of cases (alphabetically arranged), statutes and other authorities cited, with reference to the pages of the brief where they are cited.

LR67-6 (Indiana T.R. 4 and 5) Service and filing of pleadings; Court Office Service boxes Submission of Proposed Orders

A. **Service at Service box in Offices of Circuit and Superior Court.** Any attorney choosing to use the service slots made available in the offices of the Putnam Circuit or Superior Court shall be considered to have designated that attorney's mail slot as a suitable place for delivery and service of pleadings pursuant to T.R. 5(B)(1).

B. **Submission of Proposed Orders.** All motions, petitions, and requests for action by the Court, must be accompanied by an original proposed order, sufficient copies for each party and person required to receive notice, and an extra copy for the Court (for the RJO). Proposed orders shall include a complete distribution list including all parties, or if represented, their counsel, and all other persons/entities to whom the order should be distributed. All proposed orders shall identify the motion or petition to be ruled on, and, if a hearing is requested, a description of the specific hearing to be set and a statement of the anticipated length of the hearing.

LR67-7 (Indiana T.R. 37) Sanctions for Discovery Violations

In all cases in which sanctions are requested, the moving party must, in its motion, set forth with specificity what the alleged violation, what attempts were made to rectify the situation prior to motion, and anything else the moving party believes relevant. See T.R. 37. The party alleged to

commit the violation shall have five (5) days to respond. The court will, at its discretion, either issue its order without hearing or promptly set a hearing on this matter at which time both counsels shall attend.

LR67-8 (Indiana T.R.) Continuances

- A. **Written Motions.** A motion for continuance, unless made on record during the hearing of the cause or otherwise specifically authorized by the court, shall be in writing and signed. Such motion shall comply in all respects with T.R. 4 and T.R. 53.5 of the Indiana Rules of Trial Procedure.
- B. **Scheduling Conflicts.** A motion for continuance based on a scheduling conflict with another cause shall specify the Court, the case name, the cause number, the date the hearings or trials in both cases was set, and the type of conflicting hearing or trial. **Case set earliest takes precedent.**
- C. **Duty to Confer.** Before requesting a continuance, the moving party shall confer with counsel for all other parties and with any parties appearing pro se, to determine any objections and to ascertain dates for rescheduling when all parties are available. Such objections and alternative dates shall be reported in the motion for continuance. If it is the first requested continuance and the opposing counsel does not object, the matter shall be continued. All other requests shall be determined case by case, at the discretion of the presiding judge.
- D. **Time.** Continuances must follow time constraints/requirements of Indiana Trial Rule 6.

LR67-9 (Adm. Rule) Telephonic pretrial conferences

In order to expedite the Court's business, and in conjunction with T.R. 73, the Circuit and Magistrate Courts encourage the use of telephone or video conferencing for the conducting of pre-trial conferences and for other matters which may be reasonably conducted by use of telephone or video conferencing software. Telephone and video conferences for conducting pre-trial conferences and for other matters may be set at the discretion of the Court upon the Court's own motion or upon request of a party. The requesting/initiating party shall initiate the call unless otherwise by agreement of the parties. The Court shall not initiate the call.

Telephonic or video conferences are not used in the Superior Court.

LR67-10 (Indiana T.R. 79) Selection of a Special Judge Pursuant to Trial Rule 79 (H)

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

Presiding Judge shall assign the case to the first eligible Judge or Magistrate on the list.

2. The order of appointment shall be filed in the court where the case originated. The order of appointment shall constitute acceptance, and neither oath nor additional evidence of acceptance is required.
- D. A Senior Judge may elect to participate in District 19 special judge selection by submitting a written petition to the Presiding Judge no later than January 15 of any calendar year indicating that the Senior Judge wishes to participate during the year.
 - E. When a Judge or Magistrate vacates the bench and is certified as a Senior Judge, that Judge may retain jurisdiction of all previously existing Special Judge cases as provided by Administrative Rule 5. In the event the Judge or Magistrate vacates the bench and is not certified as a Senior Judge or is unavailable as indicated under Trial Rule 79 (L), then the successor Judge may assume jurisdiction over all previous Special Judge cases of the vacating Judge or Magistrate. The county's judicial personnel shall first attempt to absorb conflicts of interest of the Successor Judge within the county without undue hardship.
 - F. If no Judge or Magistrate is eligible to serve as a Special Judge, or if the Presiding Judge determines the selection of a Special Judge by the Indiana Supreme Court is warranted under the particular circumstances of a case, the Presiding Judge shall certify the case to the Indiana Supreme Court for appointment of a Special Judge.

LR67-11 (Crim. Pro.) Selection of a Special Judge in Criminal Cases

- A. The Presiding Judge in Administrative District 19 shall administer the reassignment of cases pursuant to Crim. R. 2.2 and Crim. R. 13 from a list of Judges and Magistrates in District 19, contiguous counties, and senior judges. The Presiding Judge shall be selected from the full-time Judges and Magistrates within District 19.
- B. Pursuant to Crim. Rule 13(C), the District 19 and contiguous counties Judges and Magistrates shall certify to the Presiding Judge cases for reassignment and special judge appointment. When the Presiding Judge receives a certification requiring reassignment, the Presiding Judge shall appoint a Judge or Magistrate in the following manner:
- C. At the beginning of each calendar year, the Presiding Judge shall create a list of all judicial officers in District 19 and contiguous counties. The principle that each Judge or Magistrate will receive a new case for each case from which he or she has been removed

- a one-off, one-on formula shall be followed. Upon receiving a certification, the Presiding Judge shall assign the case to the first eligible Judge or Magistrate on the list.
- D. The order of appointment shall be filed in the court where the case originated. The order of appointment shall constitute acceptance, and neither oath nor additional evidence of acceptance is required.
- E. A Senior Judge may elect to participate in special judge selection pursuant to this rule by submitting a written petition to the Presiding Judge no later than January 15 of any calendar year indicating that the Senior Judge wishes to participate during the year.
- F. When a Judge or Magistrate vacates the bench and is certified as a Senior Judge, that Judge may retain jurisdiction of all previously existing Special Judge cases as provided by Administrative Rule 5. In the event, the Judge or Magistrate vacates the bench and is not certified as a Senior Judge or is unavailable, then the successor Judge may assume jurisdiction over all previous Special Judge cases of the vacating Judge or Magistrate. The county's judicial personnel shall first attempt to absorb conflicts of interest of the Successor Judge within the county without undue hardship.
- G. If no Judge or Magistrate is eligible to serve as a Special Judge in a criminal case, or if the Presiding Judge determines the selection of a Special Judge by the Indiana Supreme Court is warranted under the particular circumstances of a case, the Presiding Judge shall certify the case to the Indiana Supreme Court for appointment of a Special Judge.

LR67-12 (Indiana T.R. 69) Procedure for Proceedings Supplemental

Unless the participation of the judge in the hearing is specifically requested by the judgment holder or judgment debtor, the hearing on a proceeding supplemental will be conducted informally by the parties, without the presence of the judge. Proceeding supplemental hearings may be conducted in the courtroom, but unless record is requested by any party, the proceeding supplemental hearing will not be on the record. The hearings will be scheduled by the court. Counsel shall inform court staff of the result of the proceeding supplemental. If the action is against a *pro se* litigant, the moving counsel shall inform the *pro se* party that a judge will hear the matter if a settlement is not produced. Furthermore, counsel shall inform the *pro se* litigant of the opportunity to go before the judge.

LR67-13 (Adm. Rule)**Dress and Conduct**

- A. Lawyers and litigants shall be appropriately attired during all court appearances. The judge may, at his/her discretion, choose to continue the matter to allow for proper attire.
- B. Lawyers, litigants, and spectators shall at all times speak and behave in such a manner as to respect the dignity and authority of the Courts, Judges, Magistrates, and all judicial personnel.
- C. No person shall bring food or beverage into any courtroom without the prior approval of the judge, magistrate or commissioner of that court.
- D. All cell phones, pagers and any other personal electronic devices shall be turned off during all court proceedings. Court reserves the right to confiscate these electronic devices for failure to abide by this local rule. This does not apply to computers used by attorneys and officers of the court for the business of the court.

LR67-14 (Adm. Rule)**Hearings/Trials**

- A. Pretrial/Status conferences
 - 1. At any time after the issues are finally closed on the merits of any civil case, Court shall automatically issue the Court's initial pretrial order for counsel to call for a jury trial date that works with calendars. Counsel will have 30 days to file a case management plan with disclosure/discovery dates.
 - a. The case management plan shall include:
 - i. A mediation date;
 - ii. A Final in-person pretrial date;
 - iii. Filing date for motions in limine;
 - iv. Dispositive motions/replies which allow time to be heard prior to trial;
 - v. Proposed jury instructions;
 - vi. Expert witnesses, disclosure, etc.
 - 2. Deadlines established at the status conference shall not be extended, except by agreement of the parties and the Court, or for good cause shown.

3. Status conferences may be conducted by telephone or video conference software if both parties agree. Plaintiff shall initiate unless parties agree otherwise.
4. Any discovery disputes not settled shall be heard at the request of any party.

B. Trial Settings

1. Except for good cause shown, the parties and counsel involved in any civil jury trial shall be prepared to begin the trial when scheduled.
2. All attorneys and all parties appearing pro se shall be responsible for discovering the sequence of cases and shall be prepared to try their cases on the date scheduled.
3. No dispositive motions, including but not limited to, Motions for Summary Judgment, shall be filed later than the date established at the pretrial, without leave of court. Leave of court may be granted or denied with or without hearing, at the option of the court.

Local Rule 15-26

**REGARDING DISSOLUTION OF MARRIAGE AND
JUVENILE PATERNITY MATTERS**

LR67-15 (Adm. Rule) Setting of Hearings

Provisional Hearings shall not be set unless requested by petition.

LR67-16 (Adm. Rule) Pro Se/Self Represented Filings

All *pro se* petitions for dissolution (where children are involved) will automatically be referred to the Putnam County Facilitation Project, and be scheduled with a facilitator as quickly as possible, in order to establish support and parenting time guidelines, etc, when necessary.

LR67-17 (Adm. Rule) Requested Court Time for Hearing

Attorneys shall advise the Court in the text of any preliminary or contempt petition if the matter cannot be heard on the regularly scheduled docket and shall provide an estimate of the time required in the event that more than 15 minutes is necessary. The Court will make the final determination of the amount of time allotted for the hearing.

LR67-18 (Trial Rule) Temporary Restraining Orders

- A. Parties may on motion request a restraining order regarding a prohibition against encumbering property or temporary possession of personal property. Said motion may or may not be granted by Court prior to evidentiary hearing.
- B. If requesting a protective order, which would exclude a party from the residence or any other place and enjoining a party from any contact, pursuant to 31-15-4-1, a petition is to be filed Under 1C 34-26-5.
- C. In an action for dissolution of marriage, separation, or child support, the court may issue a Temporary Restraining Order, without hearing or security, if either party files a verified petition alleging an injury would result to the moving party if no immediate order were issued. See Indiana Trial Rule 65(E) and Protective Order statutes.

LR67-19 (Trial Rule) Termination of Counsel's Representation

- A. Unless otherwise indicated by counsel, upon the entry of a final Decree of Dissolution of Marriage, Legal Separation or Paternity, or an order of permanent modification of any custody, visitation and/or child support order, the representative capacity of all attorneys appearing on behalf of any party shall be deemed terminated upon:
 - 1. An order of withdrawal granted in accordance with the Local Rules of Practice for the Putnam Circuit and Superior Court; or
 - 2. The expiration of time within which an appeal of the Order may be preserved or perfected pursuant to the Indiana Rules of Trial Procedures and/or the Indiana Rules of Appellate Procedure; or
 - 3. The conclusion of any appeal of the Order commenced pursuant to Indiana Rules of Trial Procedure and/or the Indiana Rules of Appellate Procedure.
- B. Attorneys shall be responsible for providing a statement in the final decree or disposition of any pending matter that all Counsel of record are deemed to have withdrawn pursuant to Local Rule 67-TR3.1-GEN 3 in order to authorize the Clerk to withdraw an attorney's appearance pursuant to this rule.
- C. Counsel for initiating and responding parties shall be required to file a new appearance in any post dissolution action.

- D. The service of any post dissolution pleadings upon any party not represented by counsel pursuant to this local rule shall be made upon that person pursuant to the Indiana Rules of Trial Procedure.
- E. Any copy served upon original counsel will be deemed to be a matter of professional courtesy only.

LR67-20 (Adm. Rule) Attendance of Helping Children with Divorce and Paternity Class

- A. The court finds it is in the best interests of minor children of divorcing parents and minor children involved in paternity cases to encourage conciliation and cooperation between the parents, and that attendance of the parents at the Helping Children with Divorce class will aid in such cooperation. Therefore, both parents in all dissolution of marriage cases and paternity cases in which there are minor children **shall attend** the Helping Children with Divorce and Paternity class.
- B. At the time the action is filed, the Clerk of the Putnam Circuit Court shall provide the parties with contact information to arrange the class.
- C. The parties are ordered to complete the class within sixty (60) days of the filing of the Dissolution / Paternity.
- D. The parents shall pay the costs of the class.
- E. The class must be completed prior to the hearing determining custody, and unless otherwise ordered, the court will not conduct the final hearing or grant the Decree of Dissolution of Marriage until the class has been completed.
- F. Acceptable online programs will also satisfy this requirement

LR6721 (Adm. Rule) Discovery Limitation

- A. No party shall engage in excessive use of interrogatories, motions for production, or requests for admissions.
- B. Each party shall meet with his/her attorney prior to discovery being submitted to opposing counsel/other party in an effort to determine what relevant information needs to be requested.

LR67-22 (Adm. Rule)**Attorney Fees**

- A. Preliminary attorney fees may be awarded when just cause is shown, such as no income by one party or a large disparity in income.
- B. Attorney fees may be requested at final hearing.
- C. In the absence of contradictory evidence, a reasonable attorney fee for prosecution of a post dissolution rule to show cause /contempt shall be pursuant to local rates for preparation for and one court appearance.

LR67-23 (Adm. Rule)**Decree Provisions for Minor Children cases
Regarding Parental Relocation**

Each decree/settlement of dissolution of marriage shall contain the following provision:

“Neither party shall relocate the residence of any minor child of the parties without first filing a written notice of the party's intent to relocate and serving a copy of the notice on any other party who has been granted rights of visitation or temporary custody pursuant to Ind. Code 31-17-2.2-1 et. seq, known as the ‘Relocation Statute’.”

Service shall be made through any method authorized by the Indiana Rules of Trial Procedure.

LR67-24 (Adm. Rule)**Contested Custody Cases**

- A. No contested custody cases shall be heard until the parties certify to the court that they have attempted A.D.R./mediation.
- B. The court may grant the request for a custody evaluation by either party or on its own motion on a case-by-case basis.
- C. Initial costs shall be split pursuant to income percentages.

LR67-25 (Adm. Rule)**ADR and Facilitation Procedures for Dissolution of Marriage**

Matters in addition to all other ADR procedures, Putnam County family law matters such as summary property settlement trials, visitation modifications and disputes, support modifications or computations of support arrearages, and college expense determinations, may be submitted to Alternate Dispute Resolution or the Court’s Facilitation Project. Mediators may be selected by the respective parties or by the court if the parties are unable to agree.

LR67-26 (Adm. Rule) Parenting-Time Guidelines

- A. Except in unusual circumstances, contact between minor children and non-custodial parents shall be based upon "reasonable parenting time with reasonable notice."
"Reasonable parenting time" contemplates that parties shall take into consideration their respective schedules, economic circumstances, and geographic locations, as well as the schedules and activities of the minor children. "Reasonable parenting time" shall be interpreted not to require any particular pattern of contact, but rather that pattern which best fits the needs of the parents and the children at that specific time.
- B. Except when otherwise ordered by the Court, visitation shall be as set forth in the Indiana Supreme Court Parenting Time Guidelines as Adopted by Putnam County.
- C. Each Settlement Agreement shall contain language similar to, "each party has received and read a copy of the Indiana Supreme Court Parenting Time Guidelines as Adopted by Putnam County."
- D. It is the respective counsel's responsibility to provide a copy to the client. Unrepresented parties shall have to certify to the court that he/she has read the Guidelines either in print or online. Counsel, or unrepresented parties, submitting such a form of order or decree are encouraged to reduce the number of pages required to reproduce the Guidelines by using, smaller type, so long as the resulting document remains legible. Using both sides of each page upon which the Guidelines are printed is also encouraged.
- E. The Courts of Putnam County collectively acknowledge that the parenting time guidelines may be changed from time to time. Those Guidelines, which are in effect at the time the custody visitation order is entered, shall govern the conduct of the parties until modified through order of the appropriate court.

**Local Rule 27-31 RELATING TO THE INDIANA RULES OF
CRIMINAL PROCEDURE**

LR6727 (Crim. Pro.) Criminal Rule 4 Notice

It shall be the sole responsibility of the Prosecutor's office to inform the Court of any Defendant being held in custody pending trial of any C.R. 4-time limitation no less than 20 days prior to the expiration of the time limitation so the court may immediately set a trial date. Failure to notice the court shall result in defendant being released and/or discharged, chargeable to the State.

LR67-28 (Crim. Pro.) Discovery

The Court shall issue its standard Discovery Order when defense counsel is appointed or enters his/her appearance. At the first Pretrial Conference, scheduled by Court pursuant to statute, the prosecutor who is assigned to/handling the case and the defense attorney shall indicate to Court what discovery has yet to be provided and the estimated time of compliance. Failure to inform opposing counsel of inability to produce promised discovery, or motion to extend time for discovery compliance shall subject violating party to sanctions including exclusion of evidence and monetary or imprisonment for contempt.

LR67-29 (Crim. Pro.) Preliminary Criminal Pretrial Conferences

At the initial hearing, unless otherwise ordered, all criminal cases will be set for a preliminary pretrial conference. This conference shall be held approximately 45-60 days after the initial hearing pursuant to statute. The preliminary pretrial conference will be conducted with the prosecutor and defense counsel and the defendant present in court. Matters to be addressed at the preliminary pretrial conference include compliance with any previously issued discovery orders, outstanding discovery issues, witness and exhibit lists, possible plea agreements, setting of the final pretrial/plea cut-off date and jury trial date.

LR67-30 (Crim. Pro.) Final Pretrial Conferences

At the Final Pretrial Conference, the parties shall indicate to the Court if the case is going to be dismissed, pled, or tried. All tendered plea agreements shall be reduced to writing prior to the hearing. If parties indicate they are requesting the matter be tried, the parties shall file their respective exhibit lists, witness list, any pre-trial motions, and proposed preliminary and final instructions at this conference. If any additional evidence/witnesses are first disclosed at this date, then the presumption shall be that the evidence/witness shall be excluded, unless good cause shown. Court shall not accept plea agreement after this conference.

A. Bond Schedule

1. **No Bond.** Unless otherwise ordered by the court, individuals arrested and taken into custody will not be allowed to post bond prior to initial hearing for:

- a. all felony sex crimes,
- b. probation violations,
- c. domestic battery,
- d. battery on a child,
- e. sexual battery,
- f. battery causing serious bodily injury,
- g. invasion of privacy,
- h. felony intimidation and
- i. felony driving while intoxicated.

2. **Murder and Felony.** The initial Bond Schedule prior to court appearance is:

- a. Murder: none,
- b. A felony: \$40,000 cash;
- c. B Felony: \$30,000 cash;
- d. C Felony: \$20,000 cash and
- e. D Felony: \$10,000 cash.

For Putnam County residents 10% allowed on D Felony only, subject to modification, or \$7,500 surety **except** those excluded in section (A)(1).

For level 1, \$40,000 cash;

For level 2 \$30,000 cash;

For level 3 \$30,000 cash;

For level 4 \$20,000 cash;

For level 5 and 6, \$10,000.00.

3. **Misdemeanors.**

- a. **A misdemeanors** – if Putnam County resident, \$500.00 cash or \$3,000.00 surety; if non-resident of Putnam County, \$800.00 cash or \$5,000.00 surety.
- b. **B and C misdemeanors** – if Putnam County resident, own recognizance, if non-residents, \$500.00 cash or \$3,000.00 surety. Except operating a vehicle with a BAC of .08 or Operating with a Controlled Substance, then follow A misdemeanor schedule.

4. **Exception.** If the Sheriff, Chief Deputy or Jail Commander has good cause to believe an offender has severe medical problems, is at risk regarding his/her own health or of others at the jail, is not unlikely to fail to appear, and there is no Judge available to approve release, the above-named officers may approve the release upon written promise to appear and summons for initial hearing is provided to offender.

5. **Forty-Eight Hour Rule.** There must be a judicial determination of probable cause to hold the offender beyond forty-eight hours of his/her arrest in the absence of a court issued warrant or writ for his/her arrest. It is the responsibility of the arresting officer or his/her agency to contact the judge on duty to secure the probable cause hold.

B. No Contact and No Violent Contact as a Condition of Bond on Crimes of Violence

Unless otherwise ordered by the judge, it shall be a condition of pretrial release and bond for any individual arrested for a felony offense involving either violence against an individual or a threat of violence against an individual, including but not limited to domestic violence, that the person bonding be prohibited from having any contact whatsoever, directly or indirectly, with the alleged victim of the crime and that the person bonding be prohibited from possessing any firearms or deadly weapons.

C. Time for Posting Bond Unless otherwise ordered by the judge, or reasonably required by the Putnam County Sheriff, individuals shall be entitled to post bond as soon as practical following arrest and processing **except:**

- 1. **Individuals who are Under Any Influence of Alcohol, Drugs, or Controlled Substances.** In accordance with state statutes and the policy of the Putnam County Sheriff, any individual reasonably believed to be under any influence of

alcohol, drugs or controlled substances when arrested may be detained without bond until he or she is no longer under such influence.

2. **Family Violence.** Anyone arrested for an offense involving family violence (as defined in I.C. 34-6-234.5 to include attempting, threatening or causing physical harm to another family or household member, placing a family or household member in fear of physical harm, or causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress) shall not be allowed to post bond until the initial hearing. The court finds this cooling off period is needed because of the unique nature of family violence, which often involves high emotions between individuals who live in close physical proximity.

D. Special Conditions of Bond

These standard conditions restricting contact between an accused and an alleged victim in crimes of violence are subject to review on an individual basis at the initial hearing or at any other time necessary.

1. **Felony Crimes of Violence or No Contact Order** Unless otherwise ordered by the court, it shall be a condition of bond/bail for any felony offense involving violence or a threat of violence, including but not limited to domestic violence, that the accused have no contact, directly or indirectly, with the alleged victim pursuant to the terms of the attached Local Rule. The Sheriff shall be responsible for serving a copy of the Local Rule on the accused prior to release.
- E. **Misdemeanor Crimes of Violence or No Violent Contact Order** Unless otherwise ordered by the court, it shall be a condition of bond/bail for any misdemeanor offense involving violence or a threat of violence, including but not limited to domestic violence, that the accused have no violent contact, directly or indirectly, with the alleged victim pursuant to the terms of the attached Local Rule. The Sheriff shall be responsible for serving the Local Rule on the accused prior to release. The no contact order may be modified as the statutory provisions are changed.
- F. **Bond modifications** Court may modify original bond after pretrial services report is filed and/or initial hearing is conducted.
- G. **Bonds issued by a judge take precedence over the bond schedule.**

- H. **Dismissal** If case/count is dismissed by State (including successful pretrial deferments), State is required to file a proposed expungement order contemporaneously with dismissal.

Local Rule 32 RELATING TO THE INDIANA JURY RULES

LR6732 (Indiana Jury Rules) Notice of Selection for Jury Pool; Summons for Jury Service

- A. The Putnam Circuit and Superior Court shall utilize a single tier system for mailing notice and summons to prospective jurors as referenced in Jury Rule 4(a). Each year when names of prospective jurors are drawn from the jury pool, the jury administrator shall simultaneously send to those prospective jurors whose names have been drawn notice of the period of their possible jury service, a jury qualification form, and a summons.
- B. The notice, qualification form and summons shall be mailed not later than ten (10) days after the date the prospective jurors' names were drawn from the jury pool and at least six (6) weeks before jury service.

Local Rules 33-34 Relating to the Indiana Administrative Rules

LR67-33 (Adm. Rule) Court Reporter Services

Section One. Definitions. For purposes of this local rule, the following definitions shall apply:

- (1) ***A Court Reporter*** is a person who is specifically designated by the 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 limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.
- (3) ***Work space*** means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

- (4) **Page** means the page unit of transcript, which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) **Recording** means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) **Regular hours worked** means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court and county to county, but remain the same for each work week.
- (7) **Comp hours worked** means those hours worked that are in excess of the regular hours worked of thirty-five (35) hours per work week.
- (8) **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.
- (9) **Court** means the particular court for which the court reporter performs services.
- (10) **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.
- (11) **State indigent transcript** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who is declared indigent by a court.
- (12) **Private transcript** means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

Section Two. Court Reporter Salaries and Per Page Fees

- (1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, comp hours.
- (2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be Four Dollars and Fifty Cents (\$4.50); 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 Four Dollars and Fifty Cents (\$4.50).

- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Five Dollars (\$5.00), plus the actual cost of paper used at a per page cost.
- (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 Court Administration. The reporting shall be made on forms prescribed by the Office of Court Administration.

Section Three. Private Practice.

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such a purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - a. The reasonable market rate for the use of the equipment, workspace and supplies;
The method by which records are to be kept for the use of equipment, work space and supplies; and
 - b. The method by which the court reporter is to reimburse the court for the use of the equipment, workspace and supplies.
- (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 practice work shall be conducted outside of regular working hours.

(Amended effective July 1, 2017)

LR67-34 (Adm. Rule) Removal of Files

No court files may be removed from the Courthouse by any attorney or employee or agent of any attorney. The files may be signed for and examined in the Courthouse, or in the law library, after having duly been authorized through the office of the Clerk or the Circuit or Superior Court.

Local Rules 35 - 45 Relating to Probate and Guardianship Procedures

LR67-35 (Probate) Notice

Whenever notice by publication and/or written notice by U.S. Mail is required to be given, the attorney shall prepare such notice and ensure that the notice is properly published and/or served as required by statute or Supreme Court Rule. It shall be the attorney's responsibility to ascertain and provide adequate proof of notice prior to bringing a matter to the Court.

LR07-36 (Probate) Bond

To facilitate the Court's determination of the amount of bond to be required in any estate or guardianship, all petitions to open an estate or guardianship shall set forth the probable assets of the estate and the value of such assets, including the value of all personal property plus the estimated annual rents and profits to be derived from the property in the estate or guardianship. In certain circumstances, at the discretion of the court, bond may be set even if the testator expressed an intention that bond may be waived.

LR67-PR00-37 (Probate) Inventory

An inventory shall be filed by the fiduciary in all estates (within 60 days of opening) and guardianships (within 90 days of hearing).

LR67-PR00-38 (Probate) Real Estate

In supervised estates and guardianships in which real estate is to be sold, a written appraisal shall accompany the petition.

LR67-PR00-39 (Probate) Accountings/Failure to close estate within one (1) year

- A. Whenever an estate cannot be closed within one (1) year, an intermediate account shall be filed with the Court within thirty (30) days after the expiration of one (1) year and each succeeding six (6) months thereafter. Such accounting shall comply with the requirements of I.C. 29-1-16-4 and 29-1-16-6 and shall:
1. State facts showing why the estate cannot be closed and an estimated date of closing;
and
 2. Propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants.

3. In order to minimize the number of open estates before the Court, failure to comply with this rule will require, without exception, attorney and personal representative to appear in person to explain why the estate is not closed.

LR67-PR00-40 (Probate) Sale of Assets

In supervised estates and guardianships, all petitions to sell personal property shall be accompanied by an appraisal unless the sale is to be conducted by public auction or unless the value is readily ascertainable such as stocks/bonds/other publicly traded investments.

LR67-PR00-41 (Probate) Fees of Attorneys and Fiduciary

- A. No fees for fiduciaries or attorneys shall be paid out of any supervised estate or guardianship without prior written order of the Court. Absent exceptional circumstances, no attorney or fiduciary fees will be determined and authorized for payment by the Court in any unsupervised estate. Unless otherwise ordered by the Court, the fees awarded to fiduciaries and attorneys in supervised estates shall be just and reasonable pursuant to I.C. 29-1-10-13. Factors to consider include, but not limited to
 1. Attorney's knowledge and expertise,
 2. generally accepted fee ranges within the community,
 3. the complexity of the case,
 4. hours spent on the case and
 5. other factors that may come up from time to time. It is advisable that a fee agreement be entered into early into the case, which agreement can be modified when extraordinary services are needed.
- B. **Miscellaneous Extraordinary Services** Miscellaneous and extraordinary services should be billed at a reasonable rate. Attorneys are required to notify the Court of the hourly or other rate of compensation and the services provided when requesting fees in excess of the schedule listed above. Miscellaneous or extraordinary services will vary but may include sale of personal property, sale of real property, partial distribution, defending a will, construing a will, contesting claims, adjusting tax matters, any contested hearing, petition for instructions, heirship determination, generating additional income for the estate, etc.

C. Personal Representative Fees

1. **Professional:** An applicable reasonable rate will be established in each case considering all circumstances.
2. **Non-professional:** An amount not in excess of one-half (1/2) of the attorney's fee.
3. **Attorney:** When an attorney also serves as the Personal Representative, an additional amount not in excess of one-third (1/3) of the attorney fee may be allowed, provided the attorney has performed additional services normally performed by the Personal Representative and the assets of the estate warrant the allowance of additional fees.

Limitation on Total Fees Absent truly exceptional circumstances, the combined total of all fees allowed to the Personal Representative and the attorney for the administration

LR67-42 (Probate) Closing Estate

The final accounting and closure of the estate action shall not be approved until the attorney and the personal representative verify that all assets have been collected and all chargeable debts have been paid.

LR67-43 (Probate) Presence of Alleged Incapacitated Person at Guardianship Hearing

In all guardianship matters seeking to declare an adult incapacitated for any reason, the allegedly incapacitated person shall be present at the hearing or sufficient evidence shall be presented showing that the incapacitated person is unable to appear and verified by doctor's statement or caregiver.

LR67-44 (Probate) Annual Reports

In all guardianships, an annual report shall be prepared and filed with the court by the guardian or the attorney. Forms are available at the Circuit Court.

LR67-45 (Probate) Unsupervised Estates

No Petition for an Unsupervised Estate shall be granted unless all heirs consent to its filing. The personal representative shall prepare an inventory for inspection as in a supervised estate.

LR67-46 (Adm. Rule) Substance Abuse Program Schedule of Fees

Fees are determined by the Court and the Type of Services Rendered. Such fees change from time-to-time as Vendors offer different types of testing.

SERVICE	FEES
Evaluation Only	\$150.00
Assessment with referral and/or case management Probation, PTD or PTR supervision	\$270.00
PRIME for Life 8 or 12 hour Information	\$130.00
Advantage Counseling 20 hour Advanced Education	\$150.00
Urine/Oral Drug Testing	\$ 20.00
Transfer Fee- In-state	\$75.00
Transfer Fee- Out-of-state	\$150.00
PRIME for Life Outside Referral	\$180.00

(Amended effective February 1, 2020)

LR67-47 (Adm. Rule) Court Building Security

Pursuant to the inherent power of the Courts to provide for the orderly operation of the Courts and for the safety of litigants, witnesses, court staff, and the public, the judges of the Putnam Circuit and Superior Courts (“the Courts”) enter the following orders

- A. Everyone entering the Putnam County Courthouse and any other location where a judicial officer of any of the Courts maintains an office or conducts court proceedings (collectively “the courtroom buildings”), must consent to a search of their person, including any package, briefcase, or purse.
- B. If a courtroom building has more than one entrance/exit, the Courts may designate one or more of the entrances/exits to be used only for restricted purposes, as the Courts deem to be appropriate.

C. Unless exempt under Paragraph 6, below, everyone entering a courtroom building is prohibited from having any of the following in their possession when in the courtroom building:

1. body armor as defined by I.C. § 35-31.5-2-28 & I.C. § 35-47-5-13(a)
2. a bomb as defined by I.C. § 35-31.5-2-31
3. a Chinese throwing star as defined by I.C. § 35-31.5-2-41 & I.C. § 35-47-5-12
4. a dangerous device as defined by I.C. § 35-31.5-2-82 & I.C. § 35-47-6-1.1(a)
5. a dangerous gas as defined by I.C. § 35-31.5-2-83
6. a deadly weapon as defined by I.C. § 35-31.5-2-86
7. a destructive device as defined by I.C. § 35-31.5-2-92 & I.C. § 35-47.5-2-4
8. a detonator as defined by I.C. § 35-31.5-2-93 & I.C. § 35-47.5-2-5
9. an electronic stun weapon as defined by I.C. § 35-47-8-1
10. an explosive as defined by I.C. § 35-31.5-2-125 & I.C. § 35-47.5-2-7
11. a firearm as defined by I.C. § 35-31.5-2-133, I.C. § 35-47-1-5, & I.C. § 35-47-15-1
12. a handgun as defined by I.C. § 35-31.5-2-148 & I.C. § 35-47-1-6
13. a knife as defined by I.C. § 35-31.5-2-180 & I.C. § 35-47-5-2.5(a) and (b)
14. a stun gun as defined by I.C. § 35-31.5-2-112 & I.C. § 35-47-8-1
15. a taser as defined by I.C. § 35-31.5-2-324 & I.C. § 35-47-8-3
16. a tear gas device such as Mace® or pepper spray
17. and 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 I.C. § 35-31.5-2-292) as determined by the Putnam County Sheriff's Officers and as approved by any of the judges of the Courts.

D. Anyone refusing to comply with this Order is to be denied entrance to the courtroom buildings.

E. Anyone violating this Order may be found to be:

1. in direct contempt of court under I.C. § 34-47-2, if the violation occurs in the presence of a judicial officer; or
2. in indirect contempt of court under I.C. § 34-47-3, if the violation is willful and occurs out of the presence of a judicial officer.

F. The following individuals are exempt from this order:

1. Any law enforcement officer appearing at any of the courtroom buildings on official duty is exempt. The term “law enforcement officer” is defined in I.C. § 35-31.5-2-185 as follows:

- a. a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general,
- b. a deputy of the people listed in Paragraph 6(a)(1),
- c. an investigator for a prosecuting attorney or for the inspector general,
- d. a conservation officer,
- e. an enforcement officer of the alcohol and tobacco commission, and
- f. an enforcement officer of the securities division of the office of the Secretary of State.
- g. Any federal enforcement officer as defined in I.C. § 35-31.5-2-129 is a “law enforcement officer”. This includes a Federal Bureau of Investigation special agent, a United States Marshals Service marshal or deputy, a United States Secret Service special agent, a United States Fish and Wildlife Service special agent, a United States Drug Enforcement Agency agent, a Bureau of Alcohol, Tobacco, Firearms and Explosives agent, a United States Forest Service law enforcement officer, a United States Department of Defense police officer or criminal investigator, a United States Customs Service agent, a United States Postal Service investigator, a National Park Service law enforcement commissioned ranger, a United States Department of Agriculture–Office of Inspector General special agent, a United States Citizenship and Immigration Services special agent, and any individual who is an employee of a federal agency and is authorized to make arrests and carry a firearm in the performance of the individual’s official duties;
- h. Indiana Department of Correction Officers,
- i. Community Correction officers,
- j. judicial officers,

- k. probation officers,
 - l. employees of the courtroom buildings, who carry chemical spray devices for personal protection are also exempt, and
 - m. any other person authorized by at least three (3) full-time judicial officers of the Courts shall be exempt until at least three (3) full-time judicial officers of the Courts withdraw the exemption. The judicial officers are to provide the Putnam County Sheriff with a copy of the authorization and/or the withdrawal of the authorization for the exemption to be valid.
- G. Any person listed in Paragraph 6 **SHALL NOT BE EXEMPT** whenever they or any member of their family is a party to any proceeding taking place. This does not include appearing in the individual's official capacity.
- H. The statutes cited above may change from time to time. This local court rule shall automatically refer to the relevant statutes in effect at any given time.

LR67-48 (Adm. Rule) Evidence Handling, Retention, and Disposal

- A. In all cases, the Court shall proceed pursuant to these Rules unless the Court directs a longer retention period after motion by any party or on its own motion.
- B. Civil Cases, Including Adoption, Paternity, and Juvenile Proceedings.**
- 1. 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 will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The Court or the parties may substitute photographs for the actual exhibits if approved by the Court. 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 Misdemeanor, Class D, Class C Felonies and Level 3, 4, 5 and 6 Felonies.

1. Unless otherwise agreed to by the parties, and except for deoxyribonucleic acid (DNA) evidence, 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, 180 days after the case is dismissed or the defendant is found not guilty. If the defendant is sentenced, unless an appeal is taken, exhibits shall be taken away after two (2) years. 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, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The Court will notify the parties at their last known address, including last known email address, when the items need to be removed. The Court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The Court or the parties may substitute photographs for the actual exhibits if approved by the Court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

D. Retention Periods for Evidence Introduced in Criminal Class B and A Felonies and Level 1 and 2 Felonies.

1. Unless otherwise agreed to by the parties, and except for deoxyribonucleic acid (DNA) evidence, 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, one (1) year after the case is dismissed or the defendant found not guilty. If the defendant is sentenced, unless an appeal is taken they shall be taken away after ten (10) years. If an appeal is taken, all such exhibits shall be retained by the court reporter for ten (10) 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 will notify the parties at their last known address, including last known email address, when the items need to be removed. The Court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The Court or the parties may substitute photographs for the actual exhibits if approved by the Court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7. The court reporter will either scan or photograph as much evidence as possible and remind parties of the requirements of Appellate Rule 29(B).

E. Murder

1. Except for deoxyribonucleic acid (DNA) evidence, 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, 2 years after the case is dismissed or the defendant is found not guilty. If the defendant is sentenced, the exhibits shall be taken away after fifty (50) years. If an appeal is taken, all such exhibits shall be retained by the court reporter for fifty (50) 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 will notify the parties at their last known address when the items need to be removed. The Court will destroy or otherwise dispose of items not removed by the parties within a reasonable time of the notice. The Court or the parties may substitute photographs for the actual exhibits if approved by the Court. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7. The Court may photograph as much evidence as possible and remind parties of the requirements of Appellate Rule 29(B).

F. Non-documentary and Oversized Exhibits.

1. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court, but shall remain in the custody of the trial court during the appeal and shall be disposed of pursuant to the preceding rules. 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.

G. Notification and Disposition.

1. In all cases, the Court shall provide notice, by last known mail or email address, 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 or email address shall be sufficient. Counsel's last known address or email address shall be ascertained by reference to the Indiana Roll of Attorneys maintained by the Indiana Supreme Court. Court reporters should maintain a log of retained evidence and scheduled disposition date and evidence shall 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. In all cases, the Court, or the sheriff on the Court's order, should dispose of evidence that is not retaken after notice. The sheriff may destroy evidence if its' possession is illegal or if it has negligible value. The sheriff should auction evidence of some value with proceeds going to the county general fund.