

LOCAL COURT RULES FOR THE JEFFERSON CIRCUIT & SUPERIOR COURTS INDIANA

**BLAINE S. GOODE, JUDGE
JEFFERSON SUPERIOR COURT**

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JEFFERSON CIRCUIT COURT**

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LR39-AR00-1

Ban on Weapons and Exceptions

- A. No person shall enter the Jefferson County Courthouse carrying a concealed weapon of any kind or type, whether carried openly or concealed.
- B. This rule does not apply to individuals who qualify under Indiana Code as Law Enforcement Officers.

LR39-CF-2.2-CR-2

Assignment & Reassignment of Criminal Cases

- A. Except as herein set forth, all misdemeanor cases shall be filed in the Jefferson Superior Court.
- B. Any Title 35 offenses where the defendant is under the age of eighteen shall be filed in the Jefferson Circuit Court. All Level 5 and Level 6 felony non-support cases shall be filed in the Jefferson Circuit Court.
- C. All other Level 6 and Level 5 felonies shall be filed in the Jefferson Superior Court.
- D. All murder and Level 1, Level 2, Level 3 and Level 4 felony cases shall be filed in the Jefferson Circuit Court.
- E. Any criminal charge based upon the issuance of a protective order issued by either Court shall be filed in the Court that issued the protective order. Any criminal case against a person who has a pending petition to revoke probation case in either Court shall be filed in the Court where the probation revocation is pending, except murder and Level 1 felony charges which shall be filed in the Jefferson Circuit Court.
- F. Any cases which may be joined by statutes shall be treated as one case for purposes of determining which Court shall be selected. The highest charge filed shall determine selection.
- G. The judges of the two courts shall retain authority to reassign cases between the courts whenever the work load of each Court, or convenience in handling the case, makes such a reassignment judicially desirable.

When a motion for a change of Judge has been granted pursuant to Criminal Rule 12(B), or an order of disqualification or recusal has been entered, the Clerk shall assign a judge randomly from the following list:

1. Judge of the Scott Circuit Court
2. Judge of the Scott Superior Court
3. Judge of the Switzerland Circuit Court
4. Judge of the Jennings Circuit Court
5. Judge of the Jennings Superior Court
6. Judge of the Ripley Circuit Court
7. Judge of the Ripley Superior Court

8. Judge of the Clark Circuit Court 1
9. Judge of the Clark Circuit Court 2
10. Judge of the Clark Circuit Court 3
11. Judge of the Clark Circuit Court 4

H. In the event a case is dismissed and re-filed, the judge last having jurisdiction in the dismissed case shall be the judge in the new case.

LR39-TR-79-TR-3
Special Judge Assignment in Civil Cases

Whenever a special judge is to be selected pursuant to Trial Rule 79(H), the following method shall be used:

- A. The Jefferson County Clerk shall select a Special Judge by making a random selection from the following list, excluding the then presiding judge of the Court and the judge before whom the cases then pending:
 1. Judge of the Jefferson Circuit Court;
 2. Judge of the Jefferson Superior Court;
 3. Judge of the Dearborn and Ohio Circuit Courts;
 4. Judge of the Dearborn Superior Court – No. 1;
 5. Judge of the Dearborn Superior Court – No. 2;
 6. Judge of the Switzerland Circuit Court
 7. Judge of the Ripley Circuit Court
 8. Judge of the Ripley Superior Court

- B. In the event no judge listed above is eligible to serve as a special judge or the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court, that situation shall be certified to the Indiana Supreme Court for selection of a special judge.

LR39-DR-00-DR-5
Parenting Seminar Requirement

In any dissolution, paternity, or separation proceeding involving children under the age of eighteen, where custody or visitation is at issue, both parties shall attend and complete the *Transparenting* seminar. In any post-dissolution proceeding where custody is an issue, both

parents shall attend and complete the seminar unless a parent has attended the seminar within the past two years. The parties are responsible for the payment of all fees required for attendance.

Failure to attend and complete the seminar may constitute cause for the denial of the granting of the dissolution or the custodial or visitation relief requested. Action may also be continued until attendance is accomplished. A party, with leave of Court, may attend a similar seminar or program. A party, with leave of Court, upon motion and for cause shown, may be excused from attending such seminar.

At the time of the filing of the dissolution, paternity, or separation proceeding or a post-dissolution proceeding where custody is an issue, the moving party shall serve a notice upon the opposing party of this requirement.

LR39-AR-15-AD-6
Court Reporter Services

1. Court Reporters shall be paid an annual salary.
2. Court Reporters shall do all transcripts on their own time using their own equipment.
3. Court Reporters may charge \$5.00 per page for appellate transcripts including table of contents pages and the volume cover pages. Court Reporters may charge \$5.00 per page for other transcripts and \$2.50 per page for copies of transcripts. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$8.00 per page where the transcript must be prepared within 24 hours or less and \$6.50 Per page where the transcript us be prepared within 3 working days. A minimum fee of \$50.00 may be charged for transcripts of ten pages or less. An hourly rate of \$22.00 per hour may be charged for time spent binding the transcript and exhibit volumes.
4. Court Reporters shall submit directly to the county claims for indigent transcripts.
5. Court Reporters on a form prescribed by the state, shall on an annual basis report income for transcripts to the Indiana Supreme Court Division of State Court Administration.
6. Court Reporters shall not engage in the private practice of recording depositions or of typing deposition transcripts.
7. The Court can also contract transcript preparation to non-employees at the prices heretofore stated.
8. The Court and the Court Reporter shall enter into a separate written agreement that will regulate the terms and conditions by which gap and overtime hours are governed.

LR39-AR-1-AD-7
Caseload Allocation

Pursuant to AR1, the Courts of Jefferson County, Indiana adopt the following local rules as to caseload allocation:

1. All Child in Need of Services (CHINS), juvenile, mental health, probate, paternity and cases for which the Prosecuting Attorney's IV-D office has entered an appearance shall be filed in Circuit Court.
2. Any DR, DC, or RS case, in which the Prosecuting Attorney's IV-D office enters an appearance subsequent to the initial filing, shall be transferred to the Jefferson Circuit Court upon the entry of appearance by the Prosecuting Attorney's IV-D office.
3. All small claims cases and evictions where the damages alleged are less than ten thousand dollars (\$10,000.00) shall be filed in the Jefferson Superior Court.
4. All criminal cases shall be filed pursuant to LR 39-CF-2.2-CR-2.
5. All other cases may be filed in either Court.
6. The Judges of the Circuit and Superior Courts retain authority to reassign all types of cases between the courts whenever the workload of each court or convenience in the handling the case makes such a reassignment judicially desirable.

LR39-AR-1-AD-7.5
Domestic Relations Cases

- A. All Domestic Relations With Children cases (DC) shall alternate between Circuit and Superior Court.
- B. All Domestic Relations No Children (DN) shall alternate between Circuit and Superior Court.
- C. The method of assigning alternating domestic relations actions shall be by blind random draw done by the Clerk or one of the Clerk's deputies.

LR39-CR-2-8
Jefferson County Problem-Solving Court

1. A "Problem-Solving Court" is established to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination in case management for eligible defendants as determined by its written policy and procedures.
2. The day-to-day operation and management of the Problem-Solving Court shall be assigned to the Jefferson Superior Court.

3. All criminal charges shall be filed as otherwise provided in this rule. However, after a charge has been filed, a judge may refer the defendant to Problem-Solving Court, and if accepted by the Problem-Solving Court Team, transfer the defendant's case to the Problem-Solving Court for services in accordance with the Problem-Solving Court Policy and Procedures Manual.

LR39-CR-2-9

Jefferson County Problem-Solving Court Fees

Pursuant to Ind. Code §33-23-16-23, participants in the Jefferson County Problem-Solving Court Program shall pay program fee of \$50 per month, as well as any additional costs associated with the recommended treatment. The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established for that purpose.

LR39-AR-00-10

District 22 Southeastern Indiana Veterans Treatment Court

The Dearborn Superior Court No. 1 Veterans Treatment Court, hereinafter named the Southeastern Indiana Veterans Treatment Court, shall be available for all other courts in District 22 to refer cases to. If any referring district court identifies a potential United States Veteran with a pending felony or misdemeanor criminal charge, and the referring judge, prosecuting attorney, and defense attorney agree to the referral for potential placement in Veterans Court, then the referring judge, prosecuting attorney, or defense attorney shall contact the Veterans Court Coordinator to arrange assessments to determine eligibility and appropriateness.

If a participant is accepted into the Veterans Treatment Court, the referring court shall maintain jurisdiction of the case, and hold a guilty plea and potential sentencing hearing. All court costs, fines, restitution, and probation fees shall be collected and received by the referring court. If a participant is accepted into the Southeastern Indiana Veterans Treatment Court, the Judge of the Dearborn Superior Court No. 1 shall oversee all the participant's Veterans Treatment Court proceedings, hearings, incentives, sanctions, potential termination hearing and potential graduation hearing.

The Judge of the Dearborn Superior Court No. 1 shall have authority to issue arrest warrants when necessary for a sanction or termination. Sanctions involving incarceration shall be served inside the Dearborn County Law Enforcement Center. The schedule of fees set forth under Indiana Code 33-23-16-23 shall be applicable in the Southeastern Indiana Veterans Treatment Court and procedures of assessment and collection of fees pursuant to Problem Solving Court Rules Section 16 shall be followed and received by the Southeastern Indiana Veterans Treatment Court.

All guilty plea and sentencing hearings shall be held in the courtroom of the referring court. All other Veterans Treatment Court hearings shall be held in the Dearborn Superior Court No. 1 courtroom. If a participant is terminated from Veterans Treatment Court, then the referring court shall maintain jurisdiction over the case and shall be responsible for sentencing. If the participant graduates from Veterans Treatment Court, then the referring court shall ensure that any appropriate dismissal of charges or imposition of the appropriate plea agreement terms of the sentence are imposed.

LR39-JR-4-JR-5

Jury Pool Selection Summoning Procedures

In accordance with Jury Rule 4, the Jefferson Circuit and Superior Courts will use a two-tier procedure for summoning jurors and obtaining juror qualification forms as set forth in Jury Rule 4(b).