LOCAL COURT RULES
FOR THE
JEFFERSON CIRCUIT COURT
AND
JEFFERSON SUPERIOR COURT
INDIANA

(Updated effective July 10, 2017)

MICHAEL J. HENSLEY, JUDGE
JEFFERSON SUPERIOR COURT

DARRELL M. AUXIER, JUDGE
JEFFERSON CIRCUIT COURT

TABLE OF CONTENTS

LR39-AR00-1	**Ban on Weapons and Exceptions**
LR39-CF2.2-CR-2	**Assignment and Reassignment of Criminal Cases**
LR39-CF-2.2-CR-2.1	**Temporary Special Judge Assignment in Criminal Cases**
LR39-TR-79-TR-3	**Special Judge Assignment in Civil Cases**
LR39-PT01-DR-4	**Parent Visitation Guidelines**
LR39-DR00-DR-5	**Parenting Seminar Requirement**
LR39-AR15-AD-6	**Court Reporter Services**
LR39-AR-1-AD-7	**Caseload Allocation**
LR39-AR-1-AD-7.5	**Domestic Relations Cases**
LR 39-CR 2-8	**Jefferson County Problem-Solving Court**
LR 39-AR 2-9	**Jefferson County Problem-Solving Court Fees**
LR39-AR00-10	**District 22 Southeastern Indiana Veterans Treatment Court**

LR39-AR00-AD-1
BAN ON WEAPONS AND EXCEPTIONS

A. No person shall enter the Jefferson County Courthouse Carrying a deadly weapon of any kind or type, whether carried openly or concealed.

B. Exceptions to A: This rule does not apply to individuals who qualify under Indiana Code 5-2-1 as Law Enforcement Officers or individuals who qualify under Indiana Code 34-47-16-1.

(Amended effective June 1, 2017)

LR39-CF 2.2-CR-2
ASSIGNMENT AND REASSIGNMENT OF CRIMINAL CASES

Pursuant to Criminal Rules 2.2, 12 and 13, Jefferson Circuit Court and the Jefferson Superior Court hereby amend Local Rule No. 2 to read as follows:

A. Except as hereinafter 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 workload of each Court, or convenience in handling the case, make such a reassignment judicially desirable.

When a motion for 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. Either judge of the Jefferson Circuit Court or the Jefferson Superior Court depending from whom the change has been taken.

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.

(Amended effective July 10, 2017)

LR39-CF-2.2-CR-2.1
TEMPORARY SPECIAL JUDGE ASSIGNMENT IN CRIMINAL CASES

For criminal cases filed prior to June 30, 2015, in the event it becomes necessary to assign another judge in a felony or misdemeanor proceeding in the Jefferson Superior Court due to a conflict arising from the sitting judge's previous association with the law firm Jenner, Pattison, Hensley & Wynn, LLP the case shall be assigned to Senior Judge Fred H. Hoying, and if he cannot serve, then 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 Superior 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 Jefferson Circuit Court.

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.

Certification shall be made to the Indiana Supreme Court of cases in which no judge is eligible to serve as special judge on the particular circumstance of a case warrant selection of a special judge by the Indiana Supreme Court.

(Amended effective July 10, 2017)

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 case is 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 special judge or the particular circumstances of a case warrants 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-PT01-DR-4
PARENT VISITATION GUIDELINES

In the event the parties are unable to agree on visitation rights to which a non-custodial parent is entitled, or in joint custody situations for the parent not having primary physical custody, the following shall be the Court's presumptive visitation guidelines. The Court shall alter same for good cause shown by either party.

(1) ALTERNATING WEEKENDS from 6:00 P.M. on Friday until 6:00 P.M. on Sunday.

(2) YEARS ENDING IN ODD NUMBER:
- (A) The night before each child's birthday from 6:00 P.M. until 9:00 P.M.
- (B) Memorial Day weekend from 6:00 P.M. on Friday until 6:00 P.M. on Monday.
- (C) Independence Day from 6:00 P.M. on July 3 until 6:00 P.M. on July 5.
- (D) Thanksgiving from 6:00 P.M. on Wednesday until 6:00 P.M. on Sunday.
- (E) Christmas from 6:00 P.M. on December 20 until 6:00 P.M. on December 24.
- (F) Martin Luther King holiday from 6:00 P.M. the day before until 6:00 P.M. the day of the state holiday itself.

(3) YEARS ENDING IN EVEN NUMBER:
- (A) Each child's birthday from 10:00 A.M. until 6:00 P.M.
- (B) Easter weekend from 6:00 P.M. on Good Friday until 6:00 P.M. Easter Sunday.
- (C) Labor Day weekend from 6:00 P.M. on Friday until 6:00 P.M. on Monday.
- (D) Halloween evening from 6:00 P.M. until 9:00 P.M.
- (E) Christmas from 6:00 P.M. on December 24 until 6:00 P.M. on January 1.
- (F) Spring Break as set by the school.

(4) EVERY YEAR on non-custodial parent's BIRTHDAY and MOTHER'S or FATHER'S DAY from 10:00 A.M. until 6:00 P.M. Likewise, the custodial parent shall have visitation on the custodial parent's BIRTHDAY and MOTHER'S DAY or FATHER'S DAY when such day conflicts with the non-custodial parent's visitation schedule.

(5) ONE EVENING PER WEEK DURING THE REGULAR SCHOOL TERM, FROM 6:00 P.M. TO 9:00 P.M. IN THE EVENT THE PARTIES CANNOT AGREE ON THE DAY OF THE WEEK, THAT DAY SHALL BE WEDNESDAY.

(6) IN THE SUMMERTIME FOR PRE-SCHOOL AGE CHILDREN FOR TWO WEEKS IN JUNE AND TWO WEEKS IN JULY EACH YEAR TO BE DETERMINED BY THE NON-CUSTODIAL PARENT ON OR BEFORE MAY 1 OF EACH YEAR.

(7) IN THE SUMMERTIME FOR SCHOOL AGE CHILDREN FOR TWO NON-CONSECUTIVE TWO WEEK PERIODS OR ONE CONSECUTIVE THREE WEEK PERIOD TO BE DETERMINED BY THE NON-CUSTODIAL PARENT ON OR BEFORE MAY 1 OF EACH YEAR. THE CUSTODIAL PARENT IS LIKEWEISE ENTITLED TO SIMILAR EXTENDED ACCESS. THESE VISITATION PERIODS SHALL BE WITHOUT INTERRUPTION BY ANY OTHER VISITATION RIGHT INCLUDING WEEKENDS OR HILIDAY, ETC.

(8) EACH PARENT SHALL ALLOW LIBERAL BUT REASONABLE TELEPHONE AND MAIL PRIVILEGES WITH THE CHILDREN.

(9) AT EACH CHANGE OF POSSESSION, THE PARENT TAKING POSSESSION OR OBTAINING ACCESS SHALL PICK UP THE CHILD, THE PARENT YIELDING POSSESSION OR ACCESS SHALL HAVE THE CHILD READY AT THE APPROPRIATE TIME.

(10) NOTICE OF INTENT TO NOT EXERCISE VISITATION SHALL BE GIVEN AT LEAST 3 DAYS PRIOR TO SCHEDULED VISITATION UNLESS AN EMERGENCY EXISTS; IN WHICH EVENT NOTICE SHALL BE AS SOON AS POSSIBLE UNDER THE CIRCUMSTANCES.

(11) THE CUSTODIAL PARENT SHALL SUPPLY COPIES OF ALL SCHOOL REPORTS TO THE OTHER PARENT WITHIN 10 DAYS OF THEIR RECEIPT. THE CUSTODIAL PARENT SHALL NOTIFY THE OTHER PARENT OF MEDICAL CONDITIONS OF A CHILD WITHIN A REASONABLE TIME, BUT NOT LATER THAN THE NEXT SCHEDULED VISITATION. EMERGENCY MEDICAL CONDITIONS MUST BE REPORTED IMMEDIATELY.

WHERE GEOGRAPHICAL DISTANCES MAKE COMPLIANCE WITH THESE GUIDELINES IMPRACTICAL, THE NON-CUSTODIAL PARENT SHALL HAVE SIX WEEKS OF SUMMER VISITATION, ONE WEEK AT SPRING BREAK BEGINNING THE FRIDAY THE SCHOOL WEEK ENDS PRIOR TO SPRING BREAT AT 6:00 P.M., ONE WEEK AT CHRISTMAS BEGINNING ON DECMEBER 25 AT 6:00 P.M., ALTERNATE THANKSGIVING HOLIDAYS BEGINNING AT 6:00 P.M. WEDNESDAY UNTIL 6:00 P.M. SUNDAY, ONE WEEKEND PER MONTH FROM 6:00 P.M. FRIDAY UNTIL 6:00 P.M. SUNDAY, AND ANY OTHER REASONABLE TIMES THE PARTIES MAY AGREE TO.

WHERE CHILDREN ARE LESS THAN ONE YEAR OLD, VISITATION SHALL BE ALTERNATE SATURDAYS OR ALTERNATE SUNDAYS FROM 10:00 A.M. UNTIL 6:00 P.M. IF THE CHILD IS LESS THAN THREE MONTHS OLD SUCH PERIOD SHALL BE FROM 2:00 P.M. UNTIL 6:00 P.M.

[NOTE: Superceded by the Indiana Parenting Time Guidelines as of March 31, 2001. Kept for reference for orders issued prior thereto.]

LR39-DR00-DR-5
PARENTING SEMINAR REQUIRMENT

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 at issue, both parties shall attend and complete the seminar unless a party 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 a 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-AR15-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 Content pages and the Volume cover pages). Court Reporter 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 must 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.

(As amended effective August 31, 2007)

LR 39-AR-1-AD-7
CASELOAD ALLOCATION

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

1. All probate, paternity, CHINS, juvenile, and mental health cases shall be filed in the Jefferson Circuit Court.
2. All small claims cases shall be filed in the Jefferson Superior Court.
3. All criminal case shall be filed pursuant to LR39-CF-2.2-CR-2.
4. All other cases may be filed in either Court.
5. The Judges of the Jefferson Circuit and Superior Courts retain authority to reassign all types of cases between the courts whenever the workload of each court or convenience in handling the case make such a reassignment judicially desirable.

LR 39-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.

(Amended effective July 10, 2017)

LR 39-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 and 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.

LR 39-AR 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 a program fee of $50 per month, as well as any additional costs associated with 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-AR00-10
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 the 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 of 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 the 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 sentence are imposed.

(Adopted effective August 1, 2016)