STATE OF INDIANA – COUNTY OF LAPORTE
IN THE LAPORTE CIRCUIT AND SUPERIOR COURTS

Notice of Proposed New Rule or Amendments to Local Court Rules
November 9, 2026

In accordance with Trial Rule 81 of the Indiana Court Rules, the LaPorte Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rules on the assignment of special judges in civil and criminal cases for the LaPorte Circuit and Superior Courts, effective January 1, 2027.

All new text is shown by underlining and deleted text is shown by ~~strikethrough~~. Supreme Court approval is required for Local Rules concerning special judge assignments and will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the LaPorte County Clerk and at the Indiana Judiciary webpage for Local Rules (https://www.in.gov/courts/publications/local-rules/), and by furnishing a copy to the officers of the LaPorte County Bar Association. A paper copy of the proposed amended local rules will be made available for viewing in the office of the LaPorte County Clerk's Office, Courthouse, 809 State Street, LaPorte, Indiana 46350, during normal business hours.

The time period for the bar and the public to comment shall begin on November 18, 2026, and shall close on December 18, 2026. The proposed amendments to the rule will be adopted, modified, or rejected before December 18, 2026, and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than December 18, 2026.

Comments by the bar and the public should be made in writing to:
Hon. Richard Stalbrink, Judge of the LaPorte Superior Court 2, Attn: Public Comment on Local Rules, LaPorte Superior Court 2, Courthouse, 300 Washington Street, Michigan City, IN, 46360, or by email to kstewart@laporteco.in.gov.

DATED this 6th day of November, 2026, on behalf of the Judges of LaPorte County.

/s/Richard R. Stalbrink, Jr.
Richard R. Stalbrink, Jr., Judge
LaPorte Superior Court 2

LAPORTE COUNTY

CIRCUIT AND SUPERIOR COURTS

Local Rules of Practice and Procedure

(Updated 2026~~3~~)

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LR46 – TR 79(H) – 1 Selection of Special Judges in Civil Cases

Change of judge and recusal or disqualification of a judge

A. In the absence of an agreement under Trial Rule 79(D) resulting in a Special Judge accepting jurisdiction of the case, the Clerk of the Court shall assign the case to one of the other LaPorte County Judges or Magistrates on a rotating basis.

B. If a Special Judge is not selected and qualified from among the LaPorte County Judges or Magistrates, then the Clerk shall select a Special Judge on a rotating basis from the full-time Pulaski County judicial officers in the following sequence on a rotating basis:

Pulaski Circuit Court
Pulaski Superior Court

C. If a Special Judge is not selected and qualified from among the full-time Pulaski County judges, then the Clerk shall select a Special Judge on a rotating basis from the Starke County full-time judicial officers in the following sequence on a rotating basis:

Starke Circuit Court
Starke Circuit Court Magistrate

D. If a Special Judge is not selected from Starke County, a full-time judicial officer from a contiguous county who has agreed to serve may be selected.

E. A judge appointed under this procedure must accept jurisdiction in the case unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible to serve under Trial Rule 79, or excused from service by the Indiana Supreme Court.

F. In cases in which no full-time judicial officer is eligible to serve as Special Judge, or the particular circumstance of a case warrants selection of a Special Judge by the Indiana Supreme Court, the regular sitting Judge under Trial Rule 79(H) may certify the case to the Supreme Court for appointment of a Special Judge.

~~**LR46 – TR 79(H) – 1 Selection of Special Judges in Civil Cases**~~

~~**Change of judge and recusal or disqualification of a judge**~~

~~A. In the absence of an agreement under Trial Rule 79 (D) resulting in a Special Judge accepting jurisdiction of the case, the Clerk of the Court shall assign the case to one of the other LaPorte County Judges or Magistrates on a rotating basis. If a Special Judge is not selected and qualified from among the LaPorte County Judges or Magistrates, then the Clerk shall select a~~

~~Special Judge on a rotating basis from fulltime judicial officers from contiguous counties and counties within the administrative district as follows:~~

~~Pulaski Circuit Court~~
~~Pulaski Superior Court~~
~~Starke Circuit Court~~
~~Starke Circuit Court Magistrate~~

~~B. A judge appointed under this procedure must accept jurisdiction in the case unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible to serve under Trial Rule 79, or excused from service by the Indiana Supreme Court.~~

~~C. In cases in which no full time judicial officer is eligible to serve as Special Judge, or the particular circumstance of a case warrants selection of a Special Judge by the Indiana Supreme Court, the regular sitting Judge under Trial Rule 79 (H) may certify the case to the Supreme Court for appointment of a Special Judge.~~

(*Amended effective January 1, 2027~~3~~.*)

LR 46 — AR01 — 2 Assignment of Judges in Criminal Cases

A. Pursuant to Administrative Rule 1, Assignment of Cases, and in conjunction with the weighted caseload measures, the Judge of the LaPorte Circuit and the LaPorte Superior Courts No. 1, 2, 3, and 4, adopt the following.

B. The assignment of all misdemeanor and Level 6 felony cases filed in LaPorte County shall be pursuant to the line of demarcation which runs east and west as follows: The line of demarcation is I-94 east to the intersection of Highway 20 and 35; east to the intersection of Highway 20 and State Road 2; east to the county line.

1. All Level 6 felonies occurring south of the line of demarcation are assigned to LaPorte Circuit Court.
2. All misdemeanors occurring to the south of the line of demarcation are assigned to LaPorte Superior Court No. 3.
3. All Level 6 felonies and misdemeanors occurring north of the line of demarcation are assigned to LaPorte Superior Court No. 4.

C. The assignment of Level 1-5 felony cases filed in LaPorte County shall be pursuant to the line of demarcation which runs east and west as follows: The lines of demarcation are I-94 east to the intersection of Highway 20 and 35; east to the intersection of Highway 20 and 39; then north along Highway 39 to the State line.

1. All Level 1-5 felonies occurring south and east of the lines of demarcation are assigned to LaPorte Circuit Court.

2. All Level 1-5 felonies occurring north and west of the lines of demarcation are assigned to LaPorte Superior Court No. 1.

D. Murder, felonies, and misdemeanors arising out of the State Penal Institutions in LaPorte County are assigned to the LaPorte Superior Court No. 2.

E. If the State of Indiana dismisses a criminal action and thereafter re-files the same charge, said charge must be re-filed per the "lines of demarcation".

F. In the event a change of Judge or the disqualification or recusal of a Judge pursuant to Administrative Rule 21, the assignment of a successor Judge shall be as follows:

1. If from LaPorte Circuit Court, the Judge of LaPorte Superior Court 1 shall become the successor Judge and vice versa.

2. If from LaPorte Superior Court No. 2, the Judge of Superior Court No. 4 shall become the successor Judge and vice versa.

3. If from Superior Court No. 3, the Judge of the LaPorte Circuit Court shall become the successor Judge.

G. If after the above transfer, the Judge of the transferee Court is unable to hear the case, then the Clerk of the Court shall assign the case to one of the other LaPorte County Judges or Magistrates on a rotating basis.

H. If the above procedures do not result in the assignment of a successor Judge, then the Clerk of the Court shall select a Special Judge from:

1. the full-time judicial officers in Pulaski County in the following sequence on a rotating basis:

Pulaski Circuit Court
Pulaski Superior Court

2. the full-time judicial officers in Starke County in the following sequence on a rotating basis:

Starke Circuit Court
Starke Circuit Court Magistrate

3. the full-time judicial officers in contiguous counties in the following sequence on a rotating basis:

Porter Circuit Court

Porter Circuit Court Magistrate Porter
Superior Court No. 1
Porter Superior Court No. 1 Magistrate Porter
Superior Court No. 2
Porter Superior Court No. 2 Magistrate Porter
Superior Court No. 3
Porter Superior Court No. 4
Porter Superior Court No. 5
Porter Superior Court No. 6
St. Joseph Circuit Court
St. Joseph Circuit Court Magistrate
St. Joseph Circuit Court Magistrate 2
St. Joseph Circuit Court Magistrate 3
St. Joseph Superior Court Judge 1 – Mishawaka
St. Joseph Superior Court Judge 1 – South Bend
St. Joseph Superior Court Judge 2 – South Bend
St. Joseph Superior Court Judge 3 – South Bend
St. Joseph Superior Court Judge 4 – South Bend
St. Joseph Superior Court Judge 5 – South Bend
St. Joseph Superior Court Judge 6 – South Bend
St. Joseph Superior Court Judge 7 – South Bend
St. Joseph Superior Court Magistrate 1
St. Joseph Superior Court Magistrate 2 St. Joseph Superior Court Magistrate 3 St. Joseph Superior Court Magistrate 4

I. A Judge appointed under this procedure must accept jurisdiction in the case unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible to serve under Administrative Rule 21, or excused from service by the Indiana Supreme Court.

J. In cases in which no full-time judicial officer is eligible to serve as Special Judge, or the particular circumstance of a case warrants selection of a Special Judge by the Indiana Supreme Court, the regular sitting Judge under Administrative Rule 21(B) may certify the case to the Supreme Court for appointment of a Special Judge.

~~LR 46 — CR 2.2 — 2 Assignment of Judges in Criminal Cases~~

~~A. Pursuant to Criminal Rule 2.2, Assignment of Cases, and in conjunction with the weighted caseload measures, the Judge of the LaPorte Circuit and the LaPorte Superior Courts No. 1, 2, 3, and 4, adopt the following.~~

~~B. The assignment of all misdemeanor and Level 6 felony cases filed in LaPorte County shall be pursuant to the line of demarcation which runs east and west as follows: The line of demarcation is I-94 east to the intersection of Highway 20 and 35; east to the intersection of Highway 20 and State Road 2; east to the county line.~~

1. All Level 6 felonies occurring south of the line of demarcation are assigned to LaPorte Circuit Court.

2. All misdemeanors occurring to the south of the line of demarcation are assigned to LaPorte Superior Court No. 3.

3. All Level 6 felonies and misdemeanors occurring north of the line of demarcation are assigned to LaPorte Superior Court No. 4.

C. The assignment of Level 1-5 felony cases filed in LaPorte County shall be pursuant to the line of demarcation which runs east and west as follows: The lines of demarcation are I-94 east to the intersection of Highway 20 and 35; east to the intersection of Highway 20 and 39; then north along Highway 39 to the State line.

1. All Level 1-5 felonies occurring south and east of the lines of demarcation are assigned to LaPorte Circuit Court.

2. All Level 1-5 felonies occurring north and west of the lines of demarcation are assigned to LaPorte Superior Court No. 1.

D. Murder, felonies, and misdemeanors arising out of the State Penal Institutions in LaPorte County are assigned to the LaPorte Superior Court No. 2.

E. If the State of Indiana dismisses a criminal action and thereafter re-files the same charge, said charge must be re-filed per the "lines of demarcation".

F. In the event a change of Judge or the disqualification or recusal of a Judge, the assignment of a successor Judge shall be as follows:

1. If from LaPorte Circuit Court, the Judge of LaPorte Superior Court 1 shall become the successor Judge and vice versa.

2. If from LaPorte Superior Court No. 2, the Judge of Superior Court No. 4 shall become the successor Judge and vice versa.

3. If from Superior Court No. 3, the Judge of the LaPorte Circuit Court shall become the successor Judge.

G. If after the above transfer, the Judge of the transferee Court is unable to hear the case, then the Clerk of the Court shall assign the case to one of the other LaPorte County Judges or Magistrates on a rotating basis.

H. If the above procedures do not result in the assignment of a successor Judge, then the Clerk of the Court shall select a Special Judge, on a rotating basis, from contiguous counties and counties within the administrative district of the court, as follows:

Pulaski Circuit Court
Pulaski Superior Court
Starke Circuit Court
Starke Circuit Court Magistrate
Porter Circuit Court
Porter Circuit Court Magistrate
Porter Superior Court No. 1
Porter Superior Court No. 1 Magistrate
Porter Superior Court No. 2
Porter Superior Court No. 2 Magistrate
Porter Superior Court No. 3
Porter Superior Court No. 4
Porter Superior Court No. 5
Porter Superior Court No. 6
St. Joseph Circuit Court
St. Joseph Circuit Court Magistrate 1
St. Joseph Circuit Court Magistrate 2
St. Joseph Circuit Court Magistrate 3
St. Joseph Superior Court Judge 1 – Mishawaka
St. Joseph Superior Court Judge 1 – South Bend
St. Joseph Superior Court Judge 2 – South Bend
St. Joseph Superior Court Judge 3 – South Bend
St. Joseph Superior Court Judge 4 – South Bend
St. Joseph Superior Court Judge 5 – South Bend
St. Joseph Superior Court Judge 6 – South Bend
St. Joseph Superior Court Judge 7 – South Bend
St. Joseph Superior Court Magistrate 1
St. Joseph Superior Court Magistrate 2
St. Joseph Superior Court Magistrate 3
St. Joseph Superior Court Magistrate 4

I. A Judge appointed under this procedure must accept jurisdiction in the case unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible to serve under Criminal Rule 13, or excused from service by the Indiana Supreme Court.

J. In cases in which no full-time judicial officer is eligible to serve as Special Judge, or the particular circumstance of a case warrants selection of a Special Judge by the Indiana

~~Supreme Court, the regular sitting Judge under Criminal Rule 13 (D) may certify the case to the Supreme Court for appointment of a Special Judge.~~

(*Amended effective January 1, 2027~~3~~.*)

LR46 – AR 15 – 3 Court Reporting Services

A. Definitions: The following definitions shall apply under this local rule:

1. A Court Reporter is a person who is specifically designated by a Court to perform the official court reporting services for the Court including preparing a transcript of record.

2. Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, and any other device used for recording, storing, and transcribing electronic data.

3. Work Space means that portion of the Court's facilities dedicated to each court reporter and shall include, but not be 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 within the county but remain the same for each work week.

7. Gap hours worked means those hours worked that are in excess of the regular hours worked but are hours not in excess of forty (40) hours per work week.

8. Overtime hours worked means those hours worked in excess of forty (40) hours per work week.

9. Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

10. Court means the particular court for which the court reporter performs services.

11. County indigent transcript means a transcript that is paid for from county funds and is to be used on behalf of a litigant who has been declared indigent by a Court.

12. State indigent transcript means a transcript that is paid for from state funds and is to be used on behalf of a litigant who has been declared indigent by a Court.

13. Private transcript means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

14. Expedited transcripts are those which are requested to be completed within five (5) days.

B. 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.

2. The maximum per page fee a court reporter may charge for the preparation of a county or state indigent transcript shall be a regular page rate of $4.50 per page; $4.75 per page, appellate page rate; and an expedited rate of $7.00 per page for expedited transcripts.

3. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be a regular page rate of $5.00 per page; $5.25 per page, appellate page rate; and an expedited rate of $8.00 per page fey expedited transcripts.

4. A minimum fee of $50.00 shall be required for any transcript ordered. (This includes county and state indigent transcripts).

5. An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for time spent binding the transcript and exhibit binders.

6. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

C. Private Practice

1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript 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 purpose, the Court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

    a. The reasonable fair market rate for the use of equipment, work space and supplies;

    b. The method by which records are to be kept for the use of equipment, work space and supplies; and

    c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space 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 January 1, 2023.)

LR 46 – AR 1(E) Caseload Allocation Plan

A. This matter came before the Judges of the courts of record of this county pursuant to the "Order for Development of Local Caseload Plans" issued by the Indiana Supreme Court on the 16th day of July, 1999, in Indianapolis, Indiana, and the Judges of this county having met and considered that order, together with the data and advisory materials related thereto provided by the Office of Judicial Administration of the Indiana Supreme Court and those particular local factors that pertain to the efficient administration of justice, and being duly advised in the premises, now issue the following findings and rules pertaining to local caseloads of the courts of this county:

1. Based on the 2025~~1~~ statistical data provided by the Office of Judicial Administration of the Indiana Supreme Court, the average weighted caseload utilization for LaPorte County Courts is 115~~92~~%.

2. Consistent with the stated policy and purposes of the Indiana Supreme Court's "Order for Development of Local Caseload Plans" issued July 16, 1999, the following considerations bear import to the effective use of judicial resources and the effective access of La Porte County citizens to the Courts:

~~d.~~a. La Porte County's five courts and their companion clerk's offices are located in two separate county complexes: LaPorte Circuit Court and LaPorte Superior Court 3 at the Circuit Courthouse in La Porte, Indiana, and LaPorte Superior Courts 1, 2 and 4 located in the Superior Courthouse in Michigan City, Indiana. A distance of approximately thirteen miles separates Michigan City from La Porte; four separate clerk's offices service the five courts, which in terms of square mileage, serve the second largest county in the State of Indiana. That geographical configuration has attendant considerations of administrative necessity for the allocation of the county's personnel, financial, and space resources; for example, the maintenance of court records in four separate clerk's offices and assignment of the clerk's personnel, the offices of both the Deputy Prosecutors and Public Defenders and assignment of their personnel, the offices of the courts' respective Probation Departments, and the warrant divisions of the Sheriff's Department are each located and based on access to particular courts on a geographical basis; likewise, those geographic considerations underlie La Porte County's Local Court rule for the assignment of criminal cases, which provides for the distribution of cases on the basis of demographic considerations and the nature of the charge. A wholesale restructuring of caseloads to provide for specialization of courts by case type is precluded by considerations of space, personnel allocation, and geography; fortunately, the present general distribution of cases generally has served the courts, its support services, and the citizens of La Porte County in an effective fashion.

~~a.~~b. Complicating the configuration of the courts and matters of caseload distribution is the additional workload created by the various correctional facilities located in La Porte County that house approximately 7,000 offenders and generate a criminal caseload and unique pro se civil litigation that defies the weighted case-load study assignments of time necessary to process particular case-types.

~~b.~~c. La Porte County should benefit from specialization in the handling of all Children in Need of Services and Delinquency proceedings by a single court; that caseload, with its attendant demands for interaction with a variety of social service agencies and its administration of the Juvenile Services Center, as well as the distinct need for those cases to be processed in an expeditious fashion and reviewed on a continuing basis, warrant the singular focus of one judicial officer.

~~c.~~d. Similarly, the need for specialization in family issues and the existing "high volume" caseloads of LaPorte Superior Courts 3 and 4 warrant the restructuring of existing caseloads, albeit with consideration for the demographic and geographic considerations discussed herein.

~~d.~~e. This plan embodies recognition of geographically-based caseloads and specialization.

~~e.~~f. Currently, La Porte County's judiciary benefits from the General Assembly's addition of two non-juvenile Magistrates to its judicial workforce; the existence of those Magistrates is recognized as the most useful tool in apportioning caseloads equitably amongst the Courts.

~~f.~~g. The resources of Senior Judges and the sharing of judicial resources in the Judicial District provide a potential and additional vehicle for accomplishing the policy and purposes of the Supreme Court's "Order for Development of Local Caseload Plans."

~~g.~~h. This plan provides additional vehicles for the reduction in disparity of caseloads; it provides for the consensual transfer of cases between courts and provides for the Judges of the respective Courts to sit as Judge in another Court with the consent of the respective Judges.

~~h.~~i. The geographically-based distribution of criminal cases and filing patterns in civil caseloads warrant that a semi-annual review of caseload disparity be conducted by La Porte County Judges and adjustments made as needed for the efficient administration of justice.

3. Upon approval of this rule, one non-juvenile Magistrate shall continue to be assigned completely to Superior Court 4. The other non-juvenile Magistrate shall serve LaPorte+ Circuit Court. (*A periodic review of caseloads by the judicial officers of this county may adjust the assignments of these Magistrates as new caseload data may demand).

4. All juvenile matters will be assigned to the LaPorte Circuit Court. The caseload of Juvenile Magistrate shall include all Delinquency and Child in Need of Services proceedings filed in La Porte County, as well as those cases otherwise assigned to herim by the Judge of the LaPorte Circuit Court.

5. The caseloads of LaPorte Circuit Court, Superior Court 1, and Superior Court 2 shall include all new civil filings for probate, protective orders, dissolutions of marriage, paternity, custody, and/or support; the Clerk of La–Porte County Courts and the deputy clerks are directed to inform litigants of the provisions set forth herein; given that the various courts of La–Porte County are, by statute, courts of general jurisdiction, it is recognized that the Clerk is not empowered to prohibit the filing of a particular type of case in a particular Court; in the event a filing occurs that is not in compliance with the provisions set forth herein, the Judge of La Porte Superior Court 3 or 4 that receives that filing shall cause it to be transferred to an appropriate court.

6. Efforts to reduce caseload disparity shall include utilizing judicial officers within the Judicial District and requests to the Indiana Supreme Court for the appointment of present Senior Judges to serve various courts of La Porte County, as opposed to a singular designated court.

7. The judicial officers of this county shall meet at least on a semi-annual basis to review the issue of caseload disparity and shall continue in the endeavor to accomplish not only a statistical parity in the respective caseloads of the Courts, but, moreover, a caseload distribution that enhances citizen access to the Courts in a timely and expeditious manner and recognizes the particular geographic and demographic needs of the populace.

8. All criminal charges arising out of a single criminal event or instance of criminal activity shall be filed in a single Court, that Court being the appropriate Court under Local Rule 1 for the highest charge filed.

9. In cases where defendants have criminal charges in multiple Courts, the cases may be consolidated to one court with consent of the parties and approval of the Courts.

10. Small Claims filings shall be reviewed on a quarterly basis after the effective date of this revision, and if deemed necessary by a majority of judges, may be assigned to either Superior Court 3 or Superior Court 4 based upon the same line of demarcation used for the filings of criminal cases in those courts. Eviction cases will be filed in Superior Court 3 and Superior Court 4.

ALLOCATION UNDER CURRENT PLAN

COURT	NEED	HAVE	UTILIZATION
Circuit Court	**3.422.32**	**3.009**	**1.14.75**
Superior 1	**1.4215**	**1.0014**	**1.4201**
Superior 2	**.991.23**	**1.0011**	**.991.11**
Superior 3	**1.3811**	**1.006**	**1.3805**
Superior 4	**1.942.06**	**2.0019**	**0.974**
TOTAL	**9.157.88**	**8.0060**	**1.140.92**

11. Effective January 27, 2017, Rule I(E) no longer contains a prohibition on variance greater than .40. The rule still requires that a CAP ensures an even distribution of cases between all courts of record. The Judges of the Circuit and Superior Courts unanimously agree that this current plan does provide for that even distribution. Thus, no changes from the current plan are necessary.

12. Special Circumstances. The committee shall consider in addition to the actual caseload data, any special circumstances relevant to evaluating the various caseloads of the various Courts and Judges in La Porte County. These special circumstances shall

include such matters as death penalty cases, administrative and Special Judge service, availability of physical resources, and any other relevant factors.

13. Statistical Deviation. Based upon the foregoing caseload evaluation for each Court within the County, the committee shall determine whether or not a sufficient statistical deviation occurs between the Courts which would warrant a transfer of cases within La Porte County from one court to another or a limitation during the following year upon what case types may be filed in certain courts or before certain Judges in order to more effectively and efficiently provide services to the citizens of La Porte County.

14. Caseload Allocation Plan and Transfer of Cases. In the event the committee determines a significant statistical deviation exists and is likely to continue to exist the following year, the committee shall unanimously adopt a written plan providing for the assignment of cases and/or for the transfer of cases from one Court to another in order to more equally distribute cases among and between the various Courts within La Porte County or requiring that certain types of cases only be filed in certain courts or assigned to certain Judges therein. Such transfer of cases or limitation on filing shall take into consideration the specialized jurisdictional attributes of any of the five Circuit and Superior Courts of La Porte County and endeavor to transfer cases that fit within a receiving Judge's jurisdiction.

    In the event that either cases transferring in or out of a Court are outside the normal jurisdiction of the receiving Judge, the committee shall designate the receiving Judge as a Special Judge of the Court that retains jurisdiction over the original proceeding. The committee shall also take into consideration the impact of such transfer upon other local agencies such as the Prosecutor's Office, Public Defender's Office, Sheriff's Department, Local Law Enforcement, County Clerk's Office, Probation Departments, as well as the general citizenry and the cost of such transfers. The caseload allocation plan may be memorialized as an appendix to this rule.

15. Procedures Following Transfer. Once a case is assigned or transferred pursuant to the caseload allocation plan adopted by the committee into another Court, the case shall be heard and processed as all other cases originally filed within that Court.

(*Amended as approved on January 1, 2027~~3~~.*)

LR46 – JR 4 – 4 Selection of Juries

The judges of La Porte County adopt, pursuant to Jury Rule 4, the two-tier notice and summons method of jury selection.

LR46 – AR 00 – 5 Establishment of Fee Schedule for LaPorte County Alcohol and Drug Service

EVALUATION

$150.00 LEVEL I	Evaluation/Assessment for Court/Other Referrals, Alcohol & Drug Screening, Follow-up Appointments, Exit Interview
$200.00 LEVEL II	8-hour Change Program Flex Module
$300.00	16-hour Prime for Life Program

MARIJUANA EDUCATION

$200.00	8-hour Prime for Life 420 Program

OTHER FEES

$100.00	In and Out of State Transfers
$ 25.00	Missed Office Appointments/ Appointments Canceled Without 24 Hours' Notice
$ 25.00	Random Drug Screen
$ 50.00	Evaluation Updates not Included in Original Contract
$100.00	Monitoring of LADS Clients Referred to Outside Agencies

The Program fees for LADS are payable at the Superior No. 3 Clerk's Office located on the second floor of the La Porte County Courthouse. All payments must be made in cash or money order. Fees are determined at the time of the plea agreement and deadlines are determined at the time of the evaluation.

(*Amended effective April 5, 2020*)

LR46 – AR 00 – 6 Establishment of Fee Schedule for La Porte County Problem-Solving Courts

A. The LaPorte County Courts have established the Re-Entry Court, the LaPorte Problem Solving Court and LaPorte County Veterans Treatment Court, Mental Health Court, Family Recovery Court, and Youth Wellness Court pursuant to I.C. 33-23-16 and the Problem-Solving Court Rules. Additional Problem-Solving Courts may be established in the future.

B. Participants admitted to a LaPorte County Problem-Solving Court may be assessed a problem-solving court administration fee of $100.00 for initial problem-solving court services upon admission into the program.

C. Participants admitted to a LaPorte County Problem-Solving Court may be assessed a monthly user fee of $50.00 beginning with the second month of participation and for each month thereafter for the duration of their participation in the program.

D. Participants admitted to a LaPorte County Problem-Solving Court may be responsible for all chemical testing fees. Participants may be responsible for the cost of any confirmatory test.

E. Participants may be assessed a fee for services received as a result of referrals made by the Court, including mental health services, health services and monitoring services. Fees for those services are payable to the entity providing the service.

(*Amended effective January 1, 2027~~3~~.*)

LR 46 – FL 00 – 7 LAPORTE COUNTY LOCAL FAMILY LAW RULES

LR 46 – FL 00 – 7 Rule 1: Statement of Policy

A. Consistent with Indiana Code 31-15-2-17 which provides for the settlement of divorce disputes by agreement of the parties, it is the decided preference of the courts of LaPorte County that the attorneys and parties engaged in a divorce proceeding strive to resolve their disputes concerning their children and property by agreement. That preference rests upon the belief that when divorced parents are able to communicate, cooperate and compromise with each other, their children are less likely to be psychologically harmed by the break-up. Conversely, where parents adopt an adversarial approach toward each other in the divorce process, children are much more prone to suffer a loss of confidence, self-esteem, to fare poorly at school and in their interpersonal relationships, to suffer emotionally and financially and, ultimately, to resent their parents.

B. Consistent with that philosophy of encouraging a cooperative approach to divorce, it is noted that Indiana Code 31-15-2-4 provides as follows: "A proceeding for dissolution of marriage is commenced by the filing of a petition entitled, 'In Re the marriage of_____ and _____.'" Accordingly, counsel and parties are directed to utilize the word "and" in all dissolution and post-dissolution pleadings, as opposed to the adversarial term "versus" or its

abbreviated versions of "v." or "vs.". Pleadings improperly captioned may be returned by the court for corrections and refiling.

LR 46 – FL 00 – 7 Rule 2: Mandatory Parenting Class Attendance

A. In any cause of action for dissolution of marriage (divorce) or paternity involving a minor child or children under the age of sixteen (16) years, both parents, prior to the issuance of the final dissolution decree, shall attend a parenting education program or other program approved by the court. Each parent shall be responsible for the timely payments of their individual fees for the program unless, by reason of indigence, the agencies waive those fees.

B. The parties may contact Family Focus at [800] 582-4198 or https://familyfocusinc.net/transparenting-schedule/, or any other court authorized agency.

C. A parent shall file a copy of the certificate of attendance with the court in which his or her dissolution action is pending within five (5) days after attending the program.

~~D.~~ The failure to timely attend the parenting education program may result in an order that the parent appear and show cause why he/she should not be found in contempt of court and punished for such contempt. Evidence that a party has failed to timely attend the parenting education program may be considered in ruling on custody and parenting time matters. A parent who fails to attend the program prior to Final Hearing shall be ordered to attend the program post dissolution.

D.

E. Waiver of the obligation set forth herein may be had only by written motion or oral motion in court setting forth good cause for such waiver.

LR 46 – FL 00 – 7 Rule 3: Cooperative Family Law Obligations

A. In any cause of action for dissolution of marriage (divorce) or paternity involving a minor child or children under the age of sixteen (16) years, both parents shall complete the worksheet at www.UpToParents.org for divorce matters and www.proudtoparent.org for paternity matters print and save a copy of their work, and provide a copy of their work to the other party within forty-five (45) days of the date the petition for dissolution of marriage is filed.

B. If a parent lacks personal computer access to the Internet, they may gain that access at any public library branch.

C. In the parties' settlement discussions, at the mandatory settlement conference, or any mediation conference that may be ordered by the court regarding custody, the parties, attorneys, and mediators should utilize the parties' respective worksheets and the commitments set forth therein as reference points for stipulations and as a foundation for an amicable and cooperative post-dissolution parenting relationship.

D. The failure to timely satisfy the obligation set forth in subparagraph 3(A) may result in an order that a parent appear and show cause why he/she should not be found in contempt of court. Evidence of a parent's failure to comply with the obligation defined in subparagraph 3(A) may be considered in ruling on custody and parenting time matters.

LR 46 – FL 00 – 7 Rule 4: Mandatory Conferences

A. Prior to any contested provisional hearing, the parties and counsel must meet for a "Mandatory Preliminary Conference" to attempt to resolve, in whole or part, provisional issues and exchange discovery documents. Certification that the "Mandatory Preliminary Conference" was held must be filed prior to the contested preliminary hearing. That certification may be filed in a form that substantially complies with "Appendix A" attached hereto.

B. Prior to a contested hearing in any family related matter, including divorce, paternity, grandparent visitation, child support, parenting time, and custody, as well as any modifications, the parties and counsel must meet for a "Mandatory Final Conference" for the purpose of resolving, in whole or part, all issues involving minor children and the marital assets and liabilities, as well as to resolve any evidentiary issues which may arise at a contested hearing. Certification that the "Mandatory Final Conference" was held must be filed prior to the contested hearing in a form that substantially complies with "Appendix A" attached hereto. No contested final hearings will be scheduled until the certification has been filed.

C. The mandatory conferences may be waived upon written motion that establishes good cause for such waiver, including but not necessarily limited to: facts establishing that opposing counsel has repetitively failed to return telephone calls or otherwise acted in an uncooperative fashion to schedule the mandatory conference and that delay in the scheduling of a final hearing works to the advantage of opposing counsel's client for a stated reason or conversely, to the prejudice of the moving party for stated reasons.

D. The mutual failure of the parties to participate in a "Mandatory Final Conference" may constitute cause for the court, acting sua sponte, to continue the contested hearing until after that conference is held. These conferences are mandatory even when one or both of the parties are not represented by counsel.

LR 46 – FL 00 – 7 Rule 5: Custody Evaluations, G.A.L. Intervention, Court-Ordered Counseling, and Mediation

A. Custody Evaluations: The use of custody evaluations should be reserved for cases in which cooperative measures (such as mediation, counseling and parenting education classes) have been exhausted or shown to be without promise, dangerous, or otherwise inappropriate. No requirement or presumption exists that custody evaluations should occur in any given case

involving custody or parenting time dispute. If counsel or the parties agree that an evaluation shall occur, they should file that agreement, including a statement of the purpose of the evaluation, allocation of the costs of such evaluation, and the name of the evaluator selected by the parties and the stipulation that the custodial evaluation shall be admissible into evidence without need for authentication, foundation, without regard for hearsay information that may be contained therein. A hearing on the stipulation should be scheduled by the parties and the court, in its discretion, may accept, reject, or propose modifications to the stipulation and implement those modifications after providing notice and the opportunity to be heard by each party. A seventy-five (75) day time period shall be set for completion for the evaluation, absent good cause for a court order to the contrary.

The parties shall timely execute any requests for releases, waivers and access to otherwise confidential records as reasonably necessary to accomplish the purposes of the evaluation.

B. A motion for a custodial evaluation or appointment of a guardian ad litem may be made by either party or the court on its own motion. If the motion for a custodial evaluation or appointment of a guardian ad litem is made by the court, sua sponte, it shall notify the parties of that fact and provide the parties with the opportunity to be heard regarding the need for such evaluation, the identity of the evaluator or guardian ad litem, and the allocation of costs for the evaluation.

C. A custodial evaluation that the parties have stipulated will be admissible may be sent by the evaluator to the court and placed in the record of the proceeding. Absent such stipulation, the court should not be sent a copy of the evaluation by the evaluator or any other person, and it should not be made part of the court record. The order directing that the evaluation should occur shall include a directive as to whom should receive copies of the completed evaluation.

D. A motion for court-ordered counseling, either joint or individually, may be made by the parties or the court sua sponte. The court may, without notice to the parties, enter an order for counseling or other therapeutic family intervention as part of any order following an evidentiary hearing.

E. The parties may engage in mediation without the benefit of a court order.

F. The parties shall complete mediation prior to scheduling any hearing for a divorce or for a paternity case that would require a half (½) day or more of court time.

LR 46 – FL 00 – 7 Rule 6: Mandatory Filings

A. The Court may order that not later than thirty (30) days prior to a contested Final Hearing date in which issues are contested, each party complete, sign, and file a "Pretrial Statement of Facts and Issues" utilizing the form attached hereto as "Appendix B." If a party intends to seek a deviation from the statutory presumption that marital assets and liabilities are to be

divided equally, a verified statement setting forth the specific factual and legal bases for the proposed deviation shall be filed at least thirty (30) days prior to a contested Final Hearing date.

B. In any Petition to Modify Child Custody or Child Support, the party filing such petition shall set forth the specific legal bases for such modification (See I.C. 31-17-2-21) and a general statement of the factual bases underlying each particular legal basis regarding any alleged substantial changes in statutory factors which bear on the petition.

C. At least twenty-one (21) days prior to any hearing in which a party intends to seek restricted parenting time [less than Parenting Time Guidelines] or supervised parenting time, that party shall file, and contemporaneously serve upon opposing counsel or on subject parent, if that parent is not represented by counsel, a verified motion for restricted parenting time which sets forth the factual basis upon which the request is predicated.

   The twenty-one (21) days advance notice may be waived by the Court for good cause or where circumstances arise immediately prior to the hearing indicate that, absent restrictions on parenting time, a minor child or children's psychological and/or physical wellbeing and/or development may be in significant peril.

D. At least twenty-one (21) days prior to any Final Hearing in which a party intends to seek an order for maintenance, that party shall file a verified motion setting forth that request for relief and the factual basis of bases upon which the request is predicated.

LR 46 – FL 00 – 7 Rule 7: Child Support Worksheets & Income Withholding Orders

A. Contemporaneous with any stipulations regarding child support orders, a child support worksheet shall be completed, verified, signed by the parties, and filed with the stipulation. If the parties have agreed to a weekly support amount that varies from that amount due per the guidelines, the reasons for that deviation shall be set forth in the parties' agreement. The party who is to pay the child support shall file an Income Withholding Order.

B. In all contested hearings regarding child support, the parties shall on or before the hearing:

   1. Complete, verify, sign, and file a Child Support Obligation Worksheet, including, when appropriate, a Parenting Time credit Worksheet and/or a Post-Secondary Education Worksheet; and

   2. File or provide the Court with supporting documentation to establish proof of current income and income earned during the prior tax year.

   3. Within 7 days after the Court has decided the child support issues, the party who is to pay the child support shall file an Income Withholding Order.

LR 46 – FL 00 – 7 Rule 8: Continuances

Any Motion to Continue must comply with the rules regarding continuances outlined in Local Rule 12 below.

LR 46 – FL 00 – 7 Rule 9: Termination of Representative Capacity

A. Upon entry of a final dispositional order or an order of modification of any custody, parenting time and/or child support order, the representative capacity of all attorneys appearing on behalf of any party shall be deemed terminated upon an order of withdrawal granted by the presiding court.

B. Any withdrawal of appearance shall include the last known address and telephone number of the party.

C. All withdrawals of appearance shall be in writing, by leave of Court, and in compliance with Indiana Trial Rule 3.1(H). Permission to withdraw shall be given only after the withdrawing attorney has given his client ten (10) days written notice of his intention to withdraw and has filed a copy of the notice with the court, except in the following cases:

1. when another attorney has already filed an appearance for the same party; or

2. when the withdrawing attorney files a pleading indicating that he or she has been terminated from the case by the client; or

3. when the appearance of an attorney is deemed withdrawn upon conclusion of an action or matter.

The court will not grant a request to withdraw an appearance unless the same has been filed with the court at least (10) days prior to trial date or date of hearing, except for good cause. A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of this requirement. All withdrawals of appearance shall comply fully with the provisions of Rules of Professional Conduct.

LR 46 – FL 00 – 7 Rule 10

These rules supersede and supplant all other prior standing local family law rules of the courts of LaPorte County, regarding family law whether issued by individual courts or as joint orders. All such prior local rules or orders are vacated with the exception of the "Family Court" Program rules and caseload distribution rules regarding dissolution actions.

(*Amended effective January 1, 2023.)*

LR 46 — AR 00 — 8 Miscellaneous Administrative Rules

A. Filings by Fax. The LaPorte County Courts do not accept filings by fax.

B. Noncompliant Filings. Filings which are submitted as informal CCS entries or Notices shall not be accepted as formal motions.

C. Special Findings of Fact. In all cases in which the court is required to enter special findings of fact or the parties request the Court to issue special findings of fact, counsel shall e-file and submit to the Court by electronic mail in an electronic word processing format Proposed Special Findings embracing all the facts that they allege to have been proved and relevant conclusions of law thereon. Such Proposed Special Findings shall be submitted to the Court, pursuant to Trial Rule 52(C), and shall be submitted within such time as the court shall direct.

(*Amended effective January 1, 2023.)*

LR46 – AR 00 – 9 Security Cameras in the Courtroom

Pursuant to Indiana Judicial Conduct Rule 2.17, Judges are prohibited from allowing the broadcast, televising, recording or taking of photographs in the courtroom and areas immediately adjacent to the courtroom without the prior approval of the Indiana Supreme Court or unless certain exceptions have been met. Security cameras in the courtroom and in areas immediately adjacent to the courtroom fall within an exception as an administrative function. In accordance with Indiana Administrative Rule 9(G)(2)(b), La Porte Circuit and Superior Courts declare the recordings from security cameras confidential and exclude public access to the recordings, unless a court order from the court respective to the recording allows access.

(Amended effective January 1, 2023.)

LR46 – AR 00 – 10 Bond Schedules

A. Felony Bond Schedule

MURDER - a FELONY	$1,000,000 Cash Only
Level 1 FELONY	$100,000
Level 2 FELONY	$50,000
Level 3 FELONY	$25,000

Level 4 FELONY	$20,000
Level 5 FELONY	$15,000
Level 6 FELONY	$7,500 cash with 10% cash option

B. Misdemeanor Bond Schedule

Indiana Resident	**Surety**	**Cash**
OWI A Misdemeanor (.20 or refusal)	$3500 +$300	$600+$5+$300
All other A Misdemeanors	$3500	$600+$5
Class B Misdemeanor	$2500	$300+$5
Class C Misdemeanor	$1500	$200+$5
Out-Of-State Residents	**Surety**	**Cash**
OWI A Misdemeanor (.20 or refusal)	$15000 +$300	$1500+$5+$300
All other A Misdemeanors	$15000 ~~+$200~~	$1500+$5~~+$200~~
Class B Misdemeanor	$8000	$1200+$5
Class C Misdemeanor	$6000	$1000+$5

First offense for Public Intoxication shall be released on OR after eight (8) hours.

Any form of Operating a Vehicle While Intoxicated AND Operating a Vehicle as a Habitual Traffic Violator will be $2,500 cash only.

B. Cases with Multiple Charges; Revocation, Fees. Bond is set for the highest charge only. Charges are not combined. Revocation will result in a bond set at 150% of the standard bond schedule.

C. Cash Option. Defendants facing felony charges of Levels 1-5 may file a request with the Court that Defendant be permitted to post a cash bond equivalent to ten percent (10%) of the scheduled bond amount. Unless otherwise ordered by the Court, the Felony Bond Schedule shall apply and no ten percent (10%) cash option shall apply. Murder Charges are not eligible for a ten percent (10%) cash option. Level 6 Felony bonds shall be permitted a 10% cash option, as set forth in the LaPorte County Felony Bond Schedule.

D. Bond Eligibility While Already Out on Bond. A defendant arrested for a felony is not eligible for bond until the Defendant appears before the Court if he or she is out on bond or on probation with any LaPorte County Court.

E. Bond Conditions. Specific bond conditions may be set by the Court. Bond conditions may include, but may not be limited to: Pretrial Supervision, while being subject to the rules established therewith; Reporting to Probation; Weekly/Random Drug Screens; Travel Restrictions; No Contact Orders; Fines, Costs, and/or Fees assessed for bond conditions, extradition, probation supervision, or Public Defender costs; or any condition as the Court deems proper.

F. Ignition Interlock Device, Scram, Electronic Monitoring. Any felony of Operating a Vehicle While Intoxicated will be charged a deposit in the amount of $3~~2~~00.00 for an Ignition Interlock Device, scram or some equivalent device. A condition of bond in those cases will be that the device be installed within 72 hours of posting bond, if it has been ordered by the court.

(*Amended effective January 1, 2027~~3~~*)

LR 46 – AR 00 – 11 EVIDENCE HANDLING, RETENTION AND DISPOSITION

1. Preamble. 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.

2. Retention Periods for Evidence introduced in Civil Proceedings

a. Civil Cases, Including Adoption, Paternity, and Juvenile Proceedings. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later.

The Court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

b. Retention Periods for Evidence Introduced in Criminal Misdemeanor, Class D and Class C Felonies, and Attempts.

All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence except as otherwise ordered by the court, three (3) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken, If an appeal is taken, all such exhibits shall be retained by the court reporter for three (3) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.

The Court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

c. Retention Periods for Evidence Introduced in Criminal Class B and A Felonies, Level 1-6 Felonies, Murder, and Attempts

All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, twenty (20) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty (20) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

Courts should be encouraged to photograph as much evidence as possible and courts and parties reminded of the requirements of Appellate Rule 29(B).

3. Non-documentary and Oversized Exhibits. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court, but shall remain in the custody of the trial court or Administrative Agency during the appeal. Such exhibits shall be briefly identified in the Transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits.

Under no circumstances should drugs, currency, or other dangerous or valuable items be included in appellate records.

4. Notification and Disposition. In all cases, the court shall provide actual notice, by mail, to all attorneys of record and to parties only if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and parties have the duty to keep the court informed of their current addresses and notice to the last

current address shall be sufficient. Court reporters should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area. At the time of removal, a detailed receipt shall be given to the court reporter by the party receiving and removing the evidence, the receipt will be made part of the court file.

In all cases, evidence which is not retaken after notice should be disposed of by the sheriff on the court's order. The sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. Evidence of some value should be auctioned by the sheriff with proceeds going to the county general fund. These Rules and their retention periods will take precedence over inconsistent language in statutes, ct I.C. 35-33-5-5(c)(2).

5. **Biologically Contaminated Evidence.** A party who offers biologically contaminated evidence must file a pretrial notice with the trial court and serve all the parties so that the court can consider the issue and rule appropriately before trial. A party can show contaminated evidence or pass photographs of it to jurors, but no such evidence, however, contained, shall be handled or passed to jurors or sent to the Jury Room.

(*Amended effective January 1. 2023*)

LR46 – TR 73 – 12 Motions and Continuance

A. Motions not likely to require hearing.

1. Motion for Enlargement of Time
2. Motion for Pro Hac Vice
3. Motion for Change of Judge
4. Motion for Change of Venue from the County
5. Motion to Dismiss Complaint by Plaintiff when no Answer has been filed
6. Motion to Dismiss Counterclaim by Defendant when no Reply has been filed
7. Motion to Compel Responses to Interrogatories or Requests for Production
8. Motion to Reconsider

Such motions may be summarily granted or denied *ex parte* and without the necessity for hearing, unless the Judge, in his or her discretion, determines that a hearing should be scheduled on any such motion and schedules a hearing on the Court's own motion.

B. Motions to correct error. It is within the sound discretion of the assigned Judge whether a hearing shall be held on a motion to correct error; however, any party may request a hearing upon a motion to correct error by filing a written request by separate motion at any time before the Court has ruled upon such motion or the time for making a ruling has expired and the motion has been deemed denied.

C. Motion for enlargement of time. An initial written motion for enlargement of time pursuant to Indiana Trial Rule 6(B)(1) to answer a claim shall be routinely granted for an additional thirty (30) days from the original due date or other period the assigned Judge deems reasonable by written order of the Court. Any motion for enlargement of time shall state the date when such response is due and the date to which time is requested to be enlarged. The motion must be filed on or before the original due date or this Rule shall be inapplicable. All subsequent motions for enlargement of time shall be so designated and will only be granted for good cause shown or in the interest of justice. The motion must set forth whether opposing counsel objects to such subsequent enlargement of time.

D. Continuances. A Motion to Continue a hearing or trial shall contain the following:

1. The date and time of the hearing or trial for which a continuance is sought;

2. The reason for the continuance;

3. A motion to continue shall not contain any other requests;

4. A good-faith estimate of the time needed for such hearing or trial when rescheduled;

5. The date and time opposing counsel/party was notified that the party would seek a continuance;

6. Whether opposing counsel/party agrees with or objects to the continuance; and

7. Contact information, including at least one telephone number and e-mail, for any unrepresentetd opposing party, or an explanation of why that information is not available on diligent inquiry.

8. A Motion to Continue based on a scheduling conflict with another case shall specify the other case name and cause number, the date on which the conflicting hearing or trial date was set by another court, and the type of hearing or trial. Any such motion for continuance shall be filed within seven (7) days of the scheduling conflict becoming apparent.

9. If there is an objection to a continuance, the objecting party may ask the court to set a telephonic or zoom hearing to consider the objection.

(*Adopted effective January 1, 2023.)*

LR46-TR 26 - 13 Discovery Requests. *Filing with the Court.*

As envisioned by the Trial Rules, requests for discovery shall be served upon the parties and **should not be filed** with the Court, unless in connection with a dispute concerning compliance with prior discovery requests. Notice of service of discovery should not be filed, unless in connection with a dispute concerning compliance.

(*Amended effective January 1, 2023.)*

LR 46-TR 56- 14 Notice for Summary Judgment. *Self-Represented Litigants*.

When a movant files a Motion for Summary Judgment and the opposing party is a self-represented litigant, the movant shall send the opposing party the Notice Regarding Summary Judgment Motion as set forth in Appendix C below with the Motion for Summary Judgment. The time within which the opposing party is to respond shall be adjusted to the appropriate time frame set forth in the Indiana Trial Rules if the party is served other than by mail.

(Amended effective January 1, 2023.)

LR46-TR 77- 15 Proposed Orders

A. Matters In Which Proposed Orders Required. Prior to entry by the Court of orders granting motions or applications, the moving party or applicant (or his or her attorney) shall, unless the Court directs otherwise, furnish the Court with proposed orders in the following matters:

1. enlargement of time;

2. pro hac vice;

3. continuance;

4. default judgment;

5. summary judgment;

6. compel discovery;

7. dismissal;

8. appointment of receiver;

9. appointment of guardian;

10. restraining order, temporary, or permanent injunction;

11. immediate possession of real estate;

12. immediate possession of personal property;

13. findings of fact and conclusions of law;

14. petition for certification of interlocutory appeals;

15. staying further proceedings by reason of bankruptcy, appeal, or other cognizable grounds;

16. withdrawal of appearance of counsel;

17. such other orders, judgments, or decrees as the Court may direct.

Unless otherwise directed by the Court, this rule does not apply to Judgments on general verdicts of the Jury, to Judgments rendered following trial to the bench, or to matters taken under advisement by a Court.

B. Form of Proposed Order. Any proposed order shall be a document that is separate and apart from the motion or application to which it relates and shall contain a caption showing the name of the Court, the case number assigned to the case, and the title of the case as shown by the Complaint. If there are multiple parties, the title may be shortened to include only the first name plaintiff and defendant with appropriate indication that there are additional parties.

The proposed order shall be e-filed and electronically mailed to the Court in a word processing format, and each page shall be numbered. The last page of the proposed order shall contain a line for the date, either "Dated ____" or "So Ordered _____." On the last page there also shall be a line for the signature of the Judge under which shall be typed,

"Judge, LaPorte [Circuit or Superior] Court." If the proposed order contains a recommendation from a Magistrate Judge, the last page shall have a line for the signature of the Magistrate Judge under which shall be typed "Magistrate Judge, LaPorte [Circuit or Superior] Court," to the left of which shall be the following, "So Recommended:" and beneath and to the left of which shall be typed, "Approved. So Ordered." To allow compliance with the notice requirements of Rule 72(D), Indiana Rules of Trial Procedure, the proposed order shall include a distribution list at the end of the order after the signature line. It shall also include a prepared proof of notice under T.R. 72(D).

C. Proposed Orders on Motions for Summary Judgment. The Court may require that the attorney for the prevailing party prepare a form of order on a Motion for Summary Judgment in accordance with the provisions of T.R. 56 if one has not been filed pursuant to A. above. A proposed order on a Motion for Summary Judgment may contain the language called for in T.R. 56(C) that there is no just reason for delay and directs entry of final judgment as to less than all the issues, claims, or parties.

D. Orders Following Other Hearings. As directed by the Court, a party or an attorney for a party shall prepare a proposed order based on the decision rendered by the Court. The party so directed shall prepare the proposed order in a timely manner.

Unless otherwise directed or given leave of the Court, proposed Orders in emergency matters shall be filed within forty-eight (48) hours after a hearing; proposed Orders in other matters shall be filed within seven (7) days as computed by Indiana Trial Rule 6.

(*Amended effective January 1, 2023.)*

LR46-TR 53.1- 16 Matters Under Advisement

A. Judges. Each Judge will endeavor to rule promptly on all matters submitted for his or her determination. However, if ruling is reserved in a matter and a decision has not been rendered or a matter has not been scheduled for hearing as the times fixed by Indiana Trial Rule 53.1, 53.2, 53.3 and 53.4 approach, counsel or an unrepresented party are encouraged and invited to contact the chambers of the assigned Judge and remind him or her of the approaching deadline. It shall be the responsibility of counsel or the unrepresented party to advise the assigned Judge, in writing, by motion or other appropriate notice of the approaching or passed deadline prior to filing a praecipe (Notice of Appeal) under Indiana Trial Rule 53.1(E).

B. Magistrate Judges. Where a Magistrate Judge has been assigned to issue recommendation in a pending matter, and a decision has not been received by counsel or an unrepresented party as the times fixed by Indiana Trial Rules 53.1, 53.2, 53.3, and 53.4 approach, counsel or the unrepresented party are encouraged and invited to contact the chambers of the

assigned magistrate judge and remind him or her of the approaching deadline. In the alternative, counsel or the unrepresented party are invited to contact the chambers of the regularly presiding Judge of the Circuit Court or Superior Court, as appropriate.

Appendix A

CERTIFICATION OF MANDATORY CONFERENCE

Pursuant to LaPorte County Local Rule 46-PLOO-7 Rule 04: Mandatory Conference:

1. The Petitioner_____ the –Respondent _____ certifies that a Mandatory Conference was held on _____ relative to the Petition for _____ currently pending before the Court. The parties reached

- _____ no agreement
- _____a partial agreement, and file herewith a signed copy of their partial agreement.
- And request a hearing on the following contested issues_____
- _____ a complete agreement on all issues and will be filing a stipulation.

2. The parties estimate that _____ hours of court time will be necessary.

3. _____ Counsel for the parties request a Pre-Trial Conference with the Court

    - _____ three weeks prior to the hearing
    - _____ at which the hearing date will be coordinated with all parties
    - _____ to appoint a Mediator as a one-half (1/2) day or more is requested for the hearing.

4. _____In the event of a Final Dissolution of Marriage Hearing request, the parties file herewith their certificates of completion for Transparenting and UpToParents.org.

5. _____In the event of a Provisional Hearing Request, the parties certify that they are aware of the obligation to attend Transparenting and UpToParents.org programs and to file their certificates of completion prior to a request for a Final Hearing.

6. _____In the event of a Final Hearing on a Petition to Establish Paternity, the parties file herewith their certificates of completion for UpToParents.org.

7. _____ All certificated of completion have been previously filed with the Court.

Appendix B

PRE-TRIAL STATEMENT OF FACTS AND ISSUES

Comes now _____, Husband/Wife (circle one) in this case, and files the following pretrial statement under penalties of perjury:

A. **ISSUES:** The following matters are "Agreed", "Contested", "Partially Agreed", or "Not Applicable" in this case (write in the appropriate status):
   a. Custody: _____
   b. Visitation: _____
   c. Weekly Child Support: _____
   d. Health Expenses of Minor Child: _____
   e. Educational Expenses: _____
   f. Maintenance: _____
   g. Real Property:

      _____
   h. Vehicles: _____
   i. Debts: _____
   j. Pension or Retirement Plan: _____
   k. Attorney Fees: _____
   l. Other (Specify below): _____
   m. Anticipated stipulations presently include: _____

B. **ISSUES RELATING TO CHILDREN:** Please state the result requested by your client:
   a. Custody: _____
   b. Visitation: _____
   c. Child Support (attach a Child Support Obligation Worksheet): _____
      Please note: All Child Support Obligation Worksheets and accompanying Parenting Time Credit Worksheet must be filled out completely and legibly. The form must be the most current version available on the Indiana Supreme Court

website: https://indianalegalhelp.org/self-help-landing-page/. It is preference of the Court that the Worksheet be computer generated.

d. Health expenses: _____

e. Educational Expenses: _____

C. **DECLARATION OF REAL PROPERTY:**

a. Parcel One: Common Address of Real Property: _____

_____

i. Opinion of Fair Market Value: $_____

ii. Amount of Indebtedness Thereon: $_____

iii. Indebtedness Owed to: _____

iv. My proposal for distribution of this property:

1. Award to Husband: _____
2. Award to Wife: _____
3. Sell and Divide Proceeds: _____

b. Parcel Two: Attach additional pages for additional parcels of real property.

D. **VEHICLES:** All vehicles should be valued in accordance with Kelly Blue Book available at www.kbb.com. The private person value should be used to determine the fair market value of the vehicle.

a. Vehicle One: Year and Make: _____

i. Fair Market Value: $_____ Amount Debt: $_____

ii. Indebtedness Owed to: _____

iii. Proposal for Distribution-Award to Husband_____ Wife_____

b. Vehicle Two: Year and Make: _____

i. Fair Market Value: $_____ Amount Debt: $_____

ii. Indebtedness Owed to: _____

iii. Proposal for Distribution-Award to Husband_____ Wife_____

(Attach additional pages for additional vehicles, if applicable)

E. **BANK/CREDIT UNION ACCOUNTS:** (Report Balance as of Date Divorce was Filed)

a. Account One: Name of Institution:

_____

i. Account No. _____ Type of Account: _____

ii. Balance: $_____ Proposal: Award to Husband:_____

Wife:____

b. Account Two: Name of Institution:

_____

i. Account No. _____ Type of Account: _____

ii. Balance: $_____ Proposal: Award to Husband:_____

Wife:____

(Attach additional pages for additional accounts, if applicable)

F. **HOUSEHOLD FURBISHINGS, PERSONALTY, AND MISCELLANY:**

List all household furnishings, personalty, and miscellany that are contested, and provide opinion of the value and proposed distribution of the item.

ITEM	VALUE	AWARD TO HUSBAND OR WIFE
a.		
b.		
c.		
d.		
e.		
f.		

g. _____

h. _____

i. _____

j. _____

k. _____

l. _____

m. _____

n. _____

(Attach additional pages, if necessary, to identify all items for which ownership or valuation is contested.)

G. **LIFE INSURANCE:**

a. Policy one: Company: _____ Policy No. _____

i. Face Value: $_____ Cash Surrender Value: $_____

ii. Owner: _____ Primary Beneficiary: _____

iii. Insured: _____ Outstanding Loans: _____

1. Proposal: Award to Husband_____ Wife_____

b. Policy two: Company: _____ Policy No. _____

i. Face Value: $_____ Cash Surrender Value: $_____

ii. Owner: _____ Primary Beneficiary: _____

iii. Insured: _____ Outstanding Loans: _____

1. Proposal: Award to Husband_____ Wife_____

H. **DEBTS:** List all debts of the marriage, whether in individual or joint names:

Creditor/Account No.	Monthly Payment	Balance
a. _____		
b. _____		
c. _____		
d. _____		
e. _____		
f. _____		
g. _____		
h. _____		

Your Proposal: Award the following debts to:

Husband:

Wife:

I. **EMPLOYMENT PROGRAMS:** Retirement and Pensions Plans:

a. Name of Employer: _____

i. Name and Type of Plan: _____

ii. Address of Trustee: _____

iii. Ownership (Husband or Wife?): _____ Vested? Yes_____ No____

iv. Present Value: _____ Earliest Retirement Date:_____

v. Monthly Benefit at Earliest Retirement Date: _____

vi. Proposal: _____

b. Name of Employer: _____

i. Name and Type of Plan: _____

ii. Address of Trustee: _____

iii. Ownership (Husband or Wife?): _____ Vested? Yes_____ No____

iv. Present Value: _____ Earliest Retirement Date:_____

v. Monthly Benefit at Earliest Retirement Date: _____

vi. Proposal: _____

(Attach documents from each plan verifying the above information.)

J. **BUSINESS OR PROFESSIONAL INTERESTS:** Indicate Name, Share, Type of Business, Value less indebtedness, and proposed distribution:

_____

_____

_____

(Attach additional pages if necessary)

K. **SECURITIES (STOCKS, BONDS, ETC.):** Indicate Company, Number of Shares, Value per share, ownership per title, and proposed distribution:

_____

_____

_____

(Attach additional pages if necessary)

L. **OTHER ASSESTS:** Specify any assets of unusual nature or value (that is coin or stamp collection, art, artifacts, gun collection, boats, motorcycles, etc.). Name the items, list their value, and state your proposed distribution:

_____

_____

_____

(Attach additional pages if necessary)

M. **INCOME:** (State all relevant details of your employment):

a. Employer:

_____

b. Address:

_____

c. Weekly gross income :$_____ Weekly Net Income: $_____

d. Income from other sources: Source:_____ Amount per month:_____

e. Entire Gross Income from Previous Calendar Year:$ _____

(Attach prior years federal tax return filed by you)

N. **VERIFICATION:** I declare, under the penalty of perjury, that the foregoing, including any valuations and attachments, is true and correct, and that I have made a complete disclosure of all the assets of myself and this marriage. I acknowledge that this document shall remain part of the permanent record of this proceeding and that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation, and prosecution of any claim or action that proves my failure to disclose assets or liabilities.

Date: _____ _____

(Party's Signature)

O. **ATTORNEY'S CERTIFICATION:** I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligations under Trial Rule 11.

Date:_____ _____

(Attorney's Signature)

Attorney's Name:_____

Attorney Number:_____

Address:_____

Telephone No._____

Fax No._____

The Pre-Trial Statement of Facts & Issues must be signed by the attorney and the submitting party. Documentation to substantiate all information provided in the Pre-Trial Statement of Facts & Issues must be attached.

A proposed Child Support Obligation Worksheet should be provided to the Court, and must be signed by the attorney and the party.

Appendix C

NOTICE REGARDING SUMMARY JUDGMENT MOTION

READ THIS NOTICE AND THE ENCLOSED PAPERS -A MOTION FOR SUMMARY JUDGMENT HAS BEEN FILED AND, IF UNOPPOSED, THIS MOTION MAY RESULT IN JUDGMENT BEING ENTERED AGAINST YOU WITHOUT A HEARING OR TRIAL.

The Courts of LaPorte County, Indiana, require that this notice be sent to you about the Motion for Summary Judgment that was filed by the opposing party. This notice does not contain legal advice, but does provide Important information about your legal options. Please read it carefully.

The opposing party has filed a Motion for Summary Judgment pursuant to Indiana Trial Rule 56(C). The motion alleges that the facts are not in dispute and the Court can rule as a matter of law. The motion asks the Court to enter Judgment in favor of the opposing party without a trial.

As you are not represented by counsel, you are hereby advised of your obligation to respond to the Summary Judgment motion. Your previous answer, denial or even counter-claim in response to the original complaint is not sufficient to defend a Motion for Summary Judgment. Unless you submit your own affidavits (or other documentary evidence) or a response that specifically identifies information within the existing court records that contradict the factual assertions of the evidence designated in the Motion for Summary Judgment and supporting materials, any factual assertions in our motion and supporting documentation will be accepted by the Court as true. In essence, your failure to respond to the pending Motion for Summary Judgment would be equivalent to failing to present any evidence in your favor at a trial.

If you wish to file a response to the motion, the Court must receive your response within thirty-three (33) days after your opponent's motion was mailed to you. Failure to meet this

timeframe will result in the Court being unable to consider your response or any attachments thereto.

Either party may request a court hearing on the Summary Judgment motion. A written request for a hearing must be received by the Court no later than ten (10) days after the response was filed or is due. The hearing will not be a trial, and neither party will be able to present evidence at the hearing. However, either party may make legal argument and refer to the evidence designated with the Summary Judgment motion or with any response. If no request for a hearing is filed with the Court, the Court may decide the motion without a hearing based on the affidavits and documents filed by the parties.

Any response or request for hearing must be served (or mailed) on the attorney for the opposing party. A response (or other pleading) filed with the Court must include a statement that you have complied with this requirement. Your statement may be in the following form: "I delivered a copy of this response to (Attorney Name) by United States Mail on this ____ day of _____, 20__."

As with any legal matter, you may wish to consult with and/or retain an attorney to represent you in this lawsuit to assist you in responding to our Motion for Summary Judgment.

(If appropriate under the Federal Fair Debt Collection Act, the following Identifying Information should be Included with the Notice: Notice Provided by:

Attorney Name

Law Firm {if any)

Address

Telephone Number

Our Law Firm is a debt collector. This Notice is provided as part of an attempt to collect a debt, and any information obtained by us will be used for that purpose. As we represent an opposing party, we cannot provide you with legal advice.]

/s/Julianne K. Havens
Julianne K. Havens, Judge
LaPorte Circuit Court

/s/Jaime M. Oss
Jaime M. Oss, Judge
LaPorte Superior Court No. 1

/s/Richard R. Stalbrink, Jr.
Richard R. Stalbrink, Jr., Judge
LaPorte Superior Court No. 2

/s/Jeffrey L. Thorne
Jeffrey L. Thorne, Judge
LaPorte Superior Court No. 3

/s/Greta S. Friedman
Greta S. Friedman, Judge
LaPorte Superior Court No. 4