

**IN THE CIRCUIT COURT AND SUPERIOR COURTS OF HENDRICKS COUNTY  
LOCAL ADMINISTRATIVE RULES**

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**LR32-AR1 Rule 1**                      **Plan for Allocation of Judicial Resources**

**Definitions**

- A.**        **"Week"** shall mean 12:01 a.m. Friday until 12:00 a.m. the following Friday.
  
- B.**        The **"weekly rotation"** for assignment of cases shall be:
  - 1. **"Week 1"** means Hendricks Circuit Court.
  - 2. **"Week 2"** means Hendricks Superior Court No. 2.
  - 3. **"Week 3"** means Hendricks Superior Court No. 4.
  - 4. **"Week 4"** means Hendricks Superior Court No. 5.

**Criminal Cases.** Criminal case assignment will operate as specified in LR32-CR2.2 Rule 1.

**Juvenile Cases.**

- 1. All JCs, JDs, JSs, JPs, JMs, and JTs shall be filed in Hendricks Superior Court No. 3.
- 2. In the event a judge enters an order of disqualification or recusal on a pending JC, JD, JS, JP, JM, or JT, that case shall be transferred to Hendricks Superior Court No. 3 unless the judge of Hendricks Superior Court No. 3 enters the order of disqualification or recusal, in which case the case shall be transferred to another local judge.

## **Remaining Civil Cases**

- A. Civil Plenary.** PLs shall be filed in Hendricks Circuit Court and Hendricks Superior Court No. 2 and Hendricks Superior Court No. 4 subject to the case type limits set forth in Appendix A.
- B. Civil Tort.** CTs shall be filed in Hendricks Superior Court No. 1 and Hendricks Superior Court No. 4 subject to the case type limits set forth in Appendix A.
- C. Civil Collection.** CCs shall be filed in Hendricks Circuit Court and Hendricks Superior Court No. 5 subject to the case type limits set forth in Appendix A.
- D. Domestic Relations**
  - 1. Except as set forth below, Domestic Relations With Children (DCs) shall be filed in Hendricks Circuit Court, Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, and Hendricks Superior Court No. 4 subject to the case type limits set forth in Appendix A.
  - 2. Except as set forth below, Domestic Relations No Children (DNs) shall be filed in–Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, and Hendricks Superior Court No. 4 subject to the case type limits set forth in Appendix A.
  - 3. Except as set forth below, DCs or DNs involving the same parties as a pending PO shall be filed in the court presiding over the PO.
  - 4. Except as set forth below, DCs or DNs involving the same parties for which an order of protection has been issued shall be filed in the court that issued the order of protection.
  - 5. DCs involving children who are the subject of a pending JC or JT shall be filed in Hendricks Superior Court No. 3 regardless of that court’s case type limit.
- E. Miscellaneous.** All MIs shall be filed in Hendricks Superior Court No. 5.
- F. Mortgage Foreclosure.** All MFs shall be filed in Hendricks Superior Court No. 2.
- G. Order of Protection**
  - 1. POs shall be filed in Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 on an even and random basis.
  - 2. POs filed by a party to a previously-filed (and not dismissed) DR, DC, DN, JP, or PO shall be filed in the same court as the prior DR, DC, DN, JP, or PO.
  - 3. If a petitioner seeks an order of protection against an unemancipated minor pursuant to IC 34-26-5-2, the case shall be filed in the court in which JCs, JDs, JSs, JPs, JMs, and JTs are filed.
- H. Probate.**
  - 1. Except as set forth below, all ADs, ESs, EUs, EMs, GUs, and TRs shall be filed in Hendricks Superior Court No. 1.
  - 2. GUs of a minor child who is the subject of a pending JC or JT shall be filed in Hendricks Superior Court No. 3.

- I. **Small Claims.** SCs shall be filed in Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 subject to the case type limits set forth in Appendix A.
- J. **Reciprocal Support**
  - 1. All RSs shall be filed in Hendricks Superior Court No. 3.
  - 2. In the event a judge enters an order of disqualification or recusal on a pending RS, that case shall be transferred to Hendricks Superior Court No. 3.
- K. **Tax Deed/Tax Sale.** All Verified Petitions for Issuance of a Tax Deed (TPs) and Applications of Judgment in a Tax Sale (TSs) shall be filed in Hendricks Circuit Court.
- L. **Mental Health.** All MHs shall be filed in Hendricks Superior Court No. 1.
- M. **Expungement.** All expungements shall be assigned in the same manner as criminal cases are filed in these courts.
- N. In the event a party in a civil case does not request to file in a particular court, the case shall be assigned on a random basis to a court that hears that case type, subject to the case type limits set forth in Appendix A.

#### **Reassignment**

- A. When a court has reached its limit for a case type, no additional cases of that type shall be filed in that court until all other courts have reached their limit for that case type as set forth in Appendix A.
- B. When a court has reached its limit for a case type, the Clerk shall notify all courts of this fact and post notice to this effect in the Clerk's Office.
- C. Except where these rules provide otherwise, when all courts have reached their limit for a case type, any additional cases of that type shall be assigned on a rotating basis among the courts that hear that case type.
- D. This rule does not limit the authority of the judges and magistrates of the courts of record in the county to preside over hearings or issue orders for one another to promote efficiency and provide for timely resolution of cases.
- E. Cases transferred from one court to another shall not be included in the receiving court's limit for that case type as set forth in Appendix A.

**Evaluation of Caseload.** The judges of the Hendricks County Courts shall develop and implement a caseload allocation plan for the county that ensures an even distribution of judicial caseloads among the judges. Changes necessary to ensure this even distribution shall be developed and implemented consistent with Indiana Administrative Rule 1.

	<b>C01</b>	<b>D01</b>	<b>D02</b>	<b>D03</b>	<b>D04</b>	<b>D05</b>
<b>JC/JD/JS/JP/JM/JT</b>				All		
<b>PL</b>	64		40		24	
<b>MF</b>			All			
<b>CC</b>	750					600
<b>CT</b>		88			88	
<b>SC</b>		624	624		624	1,000
<b>DC</b>	31	173	67	31	43	
<b>DN</b>		86	173		86	
<b>RS</b>				All		
<b>MH/AD/EU/GU/TR</b>		All				
<b>MI</b>						All
<b>TP/TS</b>	All					

(Amended effective May 1, 2017.)

**LR32-AR15 Rule 2 Court Reporter Services**

**A. Definitions**

1. "Court reporter" means a person specifically designated to perform the official court reporting services for the court including preparing a transcript of the record.
2. "Equipment" means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
3. "Expedited transcript" means
  - a. a transcript to be delivered within five (5) business days if the transcript is twenty (20) pages or less or
  - b. a transcript to be delivered within fifteen (15) business days if the transcript is more than twenty (20) pages.
4. "Work space" means that portion of the court's facilities dedicated to each court reporter, including, but not limited to, actual space in the courtroom and any designated office space.
5. "Page" means the page unit of a transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
6. "Recording" means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.
7. "Regular hours worked" means those hours which the court is regularly scheduled to work during any given work week. Hendricks County required work hours are thirty five (35) hours per work week.
8. "Gap hours worked" means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
9. "Overtime hours worked" means those hours worked in excess of forty (40) hours per work week.
10. "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.

11. "Court" means that particular court for which the court reporter performs services. Court may also mean all of the courts in Hendricks County.
12. "County indigent transcript" means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
13. "State indigent transcript" means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
14. "Private transcript" means a transcript, including, but not limited to, a deposition transcript that is paid for by a private party.

**B. Salaries and Per Page Fees**

1. Court reporters shall be paid for time spent working under the control, direction, and direct supervision of their supervising court during any regular hours, gap hours, or overtime hours. The supervising court shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for gap and overtime hours worked, i.e. monetary compensation or compensatory time off regular hours. Nothing in this rule prevents the supervising court from requiring its court reporters to prepare county indigent transcripts or state indigent transcripts during regular hours in lieu of charging a transcript fee and/or per page fee. Nothing in this rule prevents the court from contracting with private entities to provide court reporting services.
2. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.75. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
3. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$4.75.
4. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.75.
5. Court reporters may charge up to an additional \$0.50/page for expedited transcripts.
6. A minimum transcript fee of \$40.00 may be charged for any transcript.
7. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.
8. Court reporters may charge an additional hourly labor charge for time spent binding the transcripts and copying the exhibits and binding the exhibits. This labor charge shall be equivalent to the court reporter's hourly compensation rate.
9. Court reporters may charge a supply charge as follows:
  - a. Paper \$0.05/sheet
  - b. Binders \$1.00/binder
  - c. Computer disk \$0.40/disk
  - d. Diskette pocket \$0.70/pocket
  - e. Diskette case \$1.20/case

**C. Appellate Transcripts.** Court reporters may charge up to an additional \$0.50/page for transcripts prepared in accordance with the Indiana Rules of Appellate Procedure.

**D. 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/or supplies; and the court agrees to the use of the court's 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 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, 2016.)

**LR32-AR00 Rule 3 Proposed Orders**

- A.** Each motion, petition or other request for relief shall be accompanied by a proposed order. Proposed orders must be set forth on a separate page from the motion and must be filed as a separate document.
- B.** Attorneys or unrepresented litigants shall select the Filing Code "Proposed Order Filed" for all proposed orders filed electronically using the Indiana E-Filing System.
- C.** All proposed orders shall contain a complete distribution list of all attorneys, self-represented litigants, and CASAs/GALs with full addresses, including email addresses.
- D.** Stamped envelopes appropriately addressed for each self-represented litigant and entity on the distribution list shall be provided for all proposed orders filed in MFs and XPs only.

(Amended effective August 18, 2017.)

**LR32 – AR00 Rule 4 Evidence Handling, Retention, and Disposition**

- A.** In all cases, the court shall proceed pursuant to these Rules unless the court directs a longer retention period after motion by any party or on its own motion.
- B. Civil Cases, Including Adoption, Paternity, and Juvenile Proceedings.**
1. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, four (4) months after the case is decided unless an appeal is taken.
  2. If an appeal is taken, all such exhibits shall be retained by the court reporter for sixty (60) days from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later.
  3. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.
- C. Criminal Cases**
1. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence except as otherwise ordered by the court, four (4) months after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken.
  2. If an appeal is taken, all such exhibits shall be retained by the court reporter for sixty (60) days 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.
  3. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.
- D. Non-documentary and Oversized Exhibits**
1. Non-documentary and oversized exhibits shall not be sent to the appellate level court, but shall remain in the custody of the trial court or administrative agency during the appeal.
  2. Under no circumstances should drugs, currency, or other dangerous or valuable items be included in appellate records.
- E. 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 a jury room.
- F. Notification and Disposition.**
1. The court may, without notice to attorneys of record and parties if unrepresented by counsel, destroy evidence not retrieved after the period during which the court reporter is required to retain the evidence has lapsed.

2. Nothing in this rule prevents the court reporter from immediately disposing of any documentary exhibits after they have been electronically imaged.

(Amended effective August 18, 2017.)

**LR32-AR00 Rule 5                      Hendricks County Superior Courts Alcohol & Drug Services Program Fee**

- A. The Hendricks Superior Courts have established a court-operated Alcohol and Drug Services Program pursuant to IC 12-23-14, administered by the Hendricks County Probation Department.
- B. In any criminal case where substance is alleged to have been a contributing factor, the person convicted shall be ordered to pay a substance abuse fee of two hundred dollars (\$200.00). This fee includes substance abuse assessment; client intake and orientation; referral to treatment, if required; transfer to another jurisdiction, if required; substance abuse education, if required; client-monitoring; urine-screening; case management; and compliance-monitoring until discharge.
- C. The substance abuse fee may be waived if the person is actively involved in a substance abuse treatment program at the time of sentencing or successfully completed a substance abuse treatment program as a result of the charge for which the person is currently being sentenced.

(Amended effective July 1, 2014.)

**LR32-AR00 Rule 6                      Hendricks County Superior Court No. 4's Drug Court Fees**

- A. Hendricks County Superior Court No. 4 has established a drug court pursuant to IC 33-23-16 and the Problem-Solving Court Rules.
- B. Participants admitted to the Hendricks County Superior Court No. 4 Drug Court shall be assessed a problem-solving court administration fee of one hundred dollars (\$100.00) for initial problem-solving court services upon admission into the program.
- C. Participants admitted to the Hendricks County Superior Court No. 4 Drug Court shall be assessed a monthly user fee of fifty dollars (\$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 Hendricks County Superior Court No. 4 Drug Court shall be responsible for all chemical testing fees. Participants shall be assessed eight dollars (\$8.00) per urine drug screen at the time of testing. Participants shall also be responsible for the costs of any confirmatory tests.
- 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, 2016.)



**LR32-AR00 Rule 7     Hendricks County Probation Department's Theft Class Fee**

- A.**     The Hendricks County Courts have established a theft class pursuant to IC 35-38-2-2.3(4), administered by the Hendricks County Probation Department.
  
- B.**     In criminal cases involving theft where the offender is court-ordered to attend a theft class or is required to attend a theft class as part of a diversion program offered by the Prosecutor's Office, the person shall be ordered to pay a theft class fee of seventy-five (\$75.00). This fee includes a cognitive-based eight (8) hour education class, the cost of the workbook, and all other materials necessary for successful completion of the class.
  
- C.**     The theft class fee may be waived by the judge at the time of sentencing or at other supplemental hearings.
  
- D.**     The theft class fee shall be deposited into the Adult User Fee Fund.

**IN THE CIRCUIT COURT AND SUPERIOR COURTS OF HENDRICKS COUNTY  
LOCAL CIVIL RULES**

<b>LR32-TR79 Rule 1</b>	<b>Special Judge Selection in Civil Cases</b>
<b>LR32-TR5 Rule 2</b>	<b>Courthouse Mail</b>
<b>LR32-FL00 Rule 3</b>	<b>Mediation</b>
<b>LR32-JR04 Rule 4</b>	<b>Summoning Jurors</b>

**Judicial Administrative District Special Judge Rule**

**Disqualification or Recusal of Judge**

Upon disqualification or recusal of a judge under Trial Rule 79, an eligible special judge shall be appointed in all civil and juvenile proceedings on a rotating basis from the full-time judicial officers (elected judges and magistrates) within Administrative District 16 (Hendricks and Morgan Counties).

**Hendricks County**

**LR32-TR79 Rule 1 Disqualification or Recusal of Judge**

Upon disqualification or recusal of a judge under Trial Rule 79, an eligible special judge shall be appointed in all civil and juvenile proceedings on a rotating basis from the full-time judicial officers (elected judges and magistrates) within Administrative District 16 (Hendricks and Morgan Counties).

**Procedure for Appointment**

Upon disqualification or recusal of a judge under Trial Rule 79(C) or in the event the parties do not agree to an eligible special judge or the agreed upon judge does not accept the case under Trial Rule 79(D), an eligible special judge shall be appointed in all civil and juvenile proceedings for Administrative District 16 as follows:

- A. Priority Given to Local Appointments.** Special judge appointments shall be made within the local county on a rotating basis, so long as a full-time judicial officer (elected judge or magistrate) within that county remains eligible to serve as special judge. Upon issuance of the order of appointment, the special judge may request that the case be transferred to his or her court.
  
- B. Secondary to Outside County Appointments.** If no full-time judicial officer within the local county is eligible to serve as special judge, a special judge shall be appointed on a rotating basis from the full-time judicial officers (elected judges and magistrates) of the other county within Administrative District 16 who are eligible to serve as special judge.

- C. **No Eligible Special Judge.** If no full-time judicial officer within Administrative District 16 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 judicial officer of the court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

**Acceptance Mandatory**

- A. A judicial officer appointed to serve as special judge under this rule must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under this rule, or excused from service by the Indiana Supreme Court.
- B. The order of appointment under this rule shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required.

(Effective June 28, 2016.)

**LR32-TR5 Rule 2 Courthouse Mail**

Delivery of a pleading or notice to an attorney's Hendricks County Courthouse mailbox constitutes service pursuant to Indiana Rule of Trial Procedure 5(B)(1)(d).

(Effective January 1, 2014.)

**LR32 – FL00 Rule 3 Mediation**

- A. Absent good cause, mediation shall be required prior to a hearing on all Petitions for Dissolution of Marriage, Petitions to Establish Paternity, and Petitions to Modify.
- B. Absent good cause, mediation shall be required prior to a hearing in all contempt proceedings that are expected to last longer than two (2) hours.
- C. This rule shall not apply to those issues in which the State of Indiana represents a party.

(Effective January 1, 2015.)

**LR32-JR04 Rule 4 Summoning Jurors**

A two-tier notice for summoning jurors will be used. The jury qualification form and notice shall be the first tier, and summoning the prospective jurors at least one (1) week before service shall be the second tier.

**IN THE CIRCUIT COURT AND SUPERIOR COURTS OF HENDRICKS COUNTY  
LOCAL CRIMINAL RULES**

- LR32-CR2.2 Rule 1                    Assignment of Criminal Cases**
- LR32-CR00 Rule 2                    Release on Bond or Personal Recognizance**
- LR 32-CR00 Rule 3                    Pre-Screening for Home Detention, Work Release, or SCRAM**

**LR32-CR2.2 Rule 1    Assignment of Criminal Cases**

**Definitions**

- A.**        **“Week”** shall mean 12:01 a.m. Friday until 12:00 a.m. the following Friday.
- B.**        The **“weekly rotation”** for assignment of cases shall be:
1. **“Week 1”** means Hendricks Circuit Court.
  2. **“Week 2”** means Hendricks Superior Court No. 2.
  3. **“Week 3”** means Hendricks Superior Court No. 4.
  4. **“Week 4”** means Hendricks Superior Court No. 5.

**Criminal Case Assignment**

**A.        General Rule**

1. Except as set forth below, all criminal case types shall be assigned according to the weekly rotation as defined in this rule by the date on which the offense alleged in the charging document (including grand jury indictments) occurred.
2. In the event of multiple offenses, the date on which the earliest offense alleged in the charging document occurred shall govern the assignment. Filing of multiple offenses shall comply with Indiana Administrative Rule 1(B)
3. In the event a charging document does not set forth a date on which the alleged offense occurred, the case shall be assigned to a court of record in the county on a random basis.
4. The week beginning 12:01 a.m. on Friday, April 28, 2017 shall be deemed Week 4.

- B.        Domestic Violence Cases.** All cases filed under IC 35-42-2-1.3 or IC 35-46-1-15.1 shall be assigned to Hendricks Superior Court No. 5.

**C.        Post-Conviction Relief Petitions**

1. All PCs shall be assigned to the same court where the defendant was tried or pled guilty.
2. In the event the defendant was tried or pled guilty in another county, the PC shall be assigned according to the weekly rotation as defined in this rule.

- D.        Miscellaneous Criminal Cases.** All MCs shall be assigned according to the weekly rotation as defined in this rule.

**E. Infractions and Ordinance Violations**

1. Unless filed as additional charges in a felony or misdemeanor proceeding – in which case the infractions shall be resolved in conjunction with the felony or misdemeanor proceeding:
  - a. All IFs issued by the Danville Police Department shall be assigned to Hendricks Superior Court No. 5.
  - b. All other IFs shall be assigned to the appropriate Town Court.
2. All OV's issued by the Towns of Amo or Danville shall be assigned to Hendricks Superior Court No. 5.
3. All other OV's shall be assigned to the appropriate Town Court.

**F. Town Courts**

1. Brownsburg Town Court
  - a. All cases filed under IC 35-43-5-5 shall be assigned to Brownsburg Town Court.
  - b. All CMs that occur within the limits of the town of Brownsburg shall be assigned to Brownsburg Town Court except cases filed under:
    - i. IC 9-30-5-1,
    - ii. IC 9-30-5-2,
    - iii. IC 35-42-2-1.3, or
    - iv. IC 35-46-1-15.1.
2. Plainfield Town Court
  - a. All CMs that occur within the limits of the town of Plainfield shall be assigned to Plainfield Town Court except cases filed under:
    - i. IC 9-30-5-1,
    - ii. IC 9-30-5-2,
    - iii. IC 35-42-2-1.3, or
    - iv. IC 35-46-1-15.1.

**Re-Filings and Subsequent Filings**

- A. Subsequent to Dismissals.** In the event the State of Indiana dismisses a case or charge, any subsequent re-filing of that case or charge against the defendant shall be assigned to the court from which the dismissal was taken.
- B. Filing of Additional Charges.** When additional charges are filed against a defendant subsequent to the assignment of the case, all such additional charges to be resolved in conjunction with the pending case shall be assigned to the court of initial assignment.
- C. New Causes of Action**
  1. When a new cause of action is filed against a defendant in a Town Court who is on probation or is a defendant in an existing felony or misdemeanor proceeding in a court of record in the county, the judge of the court of record may accept transfer of the Town Court case.
  2. When a new cause of action is filed against a defendant in a court of record in the county who is on probation or is a defendant in an existing felony or misdemeanor proceeding in another court of record in the county, the judges shall confer to determine into which court to consolidate all proceedings.

3. If the judges in subsection (2) cannot agree upon which court to consolidate all proceedings, all proceedings in subsection (2) shall remain separate.

### **Reassignment**

- A. In the event a change of judge is granted or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk for random assignment to another court of record that hears that case type.
- B. A judge, by appropriate order entered in the record of judgments and orders, may transfer and reassign any pending case to any other court of record in the county, subject to acceptance by the receiving court.
- C. This rule does not limit the authority of the judges and magistrates of the courts of record in the county to preside over hearings or issue orders for one another to promote efficiency and provide for timely resolution of cases.

### **Appointment of Special Judge**

- A. In the event a local judge is unavailable to accept reassignment of a case pursuant to this local rule, the case shall be returned to the Clerk for random reassignment from a list of full-time judicial officers from contiguous counties and counties within Administrative District 16 and senior judges.
- B. In the event no judge under this rule is available for appointment or the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.

**Waiver of Jurisdiction.** In the event the juvenile court waives jurisdiction under IC 31-30-3-2 to -6, the criminal case shall be assigned to a local judge who hears that case type.

(Amended effective May 1, 2017.)

### **LR32-CR-00 Rule 2 Release on Bond or Personal Recognizance**

**Release Schedules.** When any person is booked into the Hendricks County Jail on a warrantless arrest, the Sheriff shall either release or detain the person in accordance with the schedules found in Appendices A and B pertaining to pretrial release and bond.

### **Conditions of Release**

- A. All releases on bond or on personal recognizance are subject to the following conditions:
  1. the defendant shall appear in court at all times required by the Court;
  2. the defendant shall not leave the State of Indiana without the prior written approval of the Court;
  3. the defendant shall not commit or be arrested for another criminal offense;
  4. for the purposes of receiving court notices and reminders of hearing dates, the defendant shall provide a valid e-mail address and telephone number for a cellular telephone that can receive

text messages, if available;

5. the defendant shall keep his or her attorney and the Court advised in writing of any change of address, telephone number, or e-mail address within twenty-four (24) hours of such change; and
  6. any other condition of release ordered by the Court.
- B.** Pursuant to IC 35-33-8-3.2(a)(4), a defendant's release may also be conditioned upon refraining from any direct or indirect contact with the alleged victim of an offense or other individual so ordered by the Court.
- C.** Violation of any condition of release may result in the Court revoking the defendant's release and the issuance of a warrant for re-arrest.

**Alteration of Release Status.** Pre-trial motions for bond reduction or pretrial release shall be presented to the Court in writing and proper notice of the hearing scheduled thereon shall be given to the prosecuting attorney.

#### **Appendix A to LR32-CR-00 Rule 2 Release on Bond or Personal Recognizance**

##### **Scope of Bond Schedule**

- A.** This bond schedule applies to all cases filed in the Hendricks County Courts, the Avon Town Court, the Brownsburg Town Court, and the Plainfield Town Court. The Sheriff of Hendricks County is hereby ordered to follow this bond schedule for setting bonds for all persons arrested without warrants for criminal offenses to be filed in the foregoing courts.
- B.** This bond schedule shall apply to the highest charge pending against a person if multiple charges are or may be filed. If the bond provided is inappropriate under the circumstances, the prosecuting attorney shall bring such circumstances to the attention of the Court by written motion.
- C.** This bond schedule shall not be applicable in the case of a person who has been arrested for a crime while on adult probation, parole, community supervision, bond, or released on own recognizance for another offense in any jurisdiction. In such a case, the person may be detained for a maximum period of fifteen (15) calendar days, during which period the prosecuting attorney shall notify the appropriate probation, parole, or community corrections authority, and the Court shall determine the proper bond, if any.

Offense	Cash Bond	Surety Bond
Non-violent Level 5 Felony <sup>1</sup>	\$3,500	\$25,000
Level 6 Felony IN-residents	\$500	\$5,000
Level 6 Felony out-of-state residents	\$1,000	\$15,000
Class A Misdemeanor IN residents	\$300	
Class A Misdemeanor out-of-state residents	\$500	\$5,000
Class B Misdemeanor IN residents	\$300	
Class B Misdemeanor out-of-state residents	\$500	\$3,000
Class C Misdemeanor IN residents	\$300	
Class C Misdemeanor out-of-state residents	\$500	\$2,000
Habitual Offender	\$5,000	\$30,000

**Lack of Identification.** Any person who cannot be positively identified at book-in shall be held without bond until the person is brought before the Court for a hearing to determine bond. This includes, but is not limited to, those individuals who refuse to cooperate in their identification by refusing to be fingerprinted, individuals who possess conflicting identification, and individuals whose identifying information cannot be verified.

**Persons Charged with a Crime of Driving While Suspended or No Valid License.** After being processed by the Hendricks County Sheriff and completing the “Promise to Appear” form, persons arrested for driving while suspended pursuant to IC 9-24-19-2 or -3 or no valid license pursuant to IC 9-24-18-1 shall be released without bond. The Sheriff shall provide these persons with an initial hearing date.

**Cash Bonds**

- A. All cash bonds shall be posted with the Hendricks County Clerk or the Hendricks County Sheriff only after the defendant signs a personal appearance bond.
- B. The Hendricks County Clerk shall retain a portion of each cash bond posted in criminal cases as an administrative fee in all cases pending in the Hendricks County Courts. The administrative fee shall not exceed ten percent (10%) of the monetary value of the deposit or fifty dollars (\$50.00), whichever is less.

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<sup>1</sup> This means a Level 5 felony offense in which:

1. the defendant did not possess a firearm or other deadly weapon;
2. no bodily injured occurred to any person; and
3. no force was used or threatened against any person.



## **Appendix B to LR32-CR-00 Rule 2 Release on Bond or Personal Recognizance**

**Scope of Pretrial Release Schedule.** This release schedule applies to certain cases filed in the Hendricks County Courts, the Avon Town Court, the Brownsburg Town Court, and the Plainfield Town Court. The Sheriff of Hendricks County is hereby ordered to follow this schedule for determining the pretrial release of certain categories of persons arrested without warrants for criminal offenses to be filed in the foregoing courts.

**Definitions.** The terms in the release schedule below are defined as follows:

- A. Less Serious Misdemeanor.** This includes all non-violent misdemeanors except Operating a Vehicle While Intoxicated (“OWI”) and possession of a controlled substance other than marijuana or a syringe.
- B. Non-Violent Offense.** This means an offense in which:
1. the defendant did not possess a firearm or other deadly weapon;
  2. no bodily injury occurred to any person; and
  3. no force was used or threatened against any person.
- C. More Serious Misdemeanor.** This means an offense in which:
1. the defendant possessed a firearm or other deadly weapon;
  2. simple bodily injury other than domestic battery occurred to another person; or
  3. force was used or threatened against another person, including by use of motor vehicle, to someone other than law enforcement.
  4. This also includes persons charged with
    - d. first-time OWI and
    - e. all offenses listed under IC 9-30-10-0.3 through IC 9-30-10-13.
  5. This does not include possession of a controlled substance other than marijuana or a syringe.
- D. Violent Offense.** This includes:
1. all “crimes of violence” listed under IC 35-50-1-2;
  2. all sex offenses listed under IC 35-42-4-1 through IC 35-42-4-14;
  3. any offense that results in moderate bodily injury, serious bodily injury, or death to someone other than the defendant;
  4. any offense where the defendant possessed a firearm or other deadly weapon and is charged with a Level 5 felony;
  5. any offense where the threat of deadly force occurred;
  6. arson charged as a Level 6 felony;
  7. assisting a criminal, charged as a Level 5 felony;
  8. burglary;
  9. criminal confinement;
  10. disarming law enforcement officer;
  11. domestic battery;
  12. escape;
  13. explosive devices;
  14. failure to return;

15. felony intimidation;
16. human trafficking charged as a Level 5 felony;
17. incest;
18. kidnapping;
19. neglect of dependent;
20. possession of dangerous device while incarcerated;
21. residential entry charged as Level 6 felony;
22. resisting law enforcement;
23. robbery;
24. stalking;
25. strangulation;
26. trafficking with inmate; and
27. attempts, aiding, or conspiracy of (1) above offenses, (2) Levels 1-4 felonies, or (3) murder.

<b>Offense</b>  <b>Risk Level</b>	<b>Less Serious Misdemeanor</b>	<b>More Serious Misdemeanor, Level 6 Felony, &amp; Habitual Traffic Violator<sup>2</sup></b>	<b>Non-Violent Level 5 Felony</b>	<b>Felony Possession of Controlled Substance Other than Marijuana/Possession of Syringe/OWI with prior OWI conviction within 10 years</b>	<b>Violent Offenses, Level 3 Felony, &amp; Level 4 Felony</b>	<b>Murder, Level 1 Felony, &amp; Level 2 Felony</b>
<b>Low</b>	Bond Schedule or Eligible for Release with Conditions Once Assessed	Bond Schedule or Eligible for Release with Conditions Once Assessed	Bond Schedule or Eligible for Release with Conditions After Initial Hearing	Bond Schedule Only	No Bond Detain Until Initial Hearing	No Bond Detain Until Initial Hearing
<b>Medium</b>	Bond Schedule or Eligible for Release with Conditions Once Assessed	Bond Schedule or Eligible for Release with Conditions Once Assessed	Bond Schedule or Eligible for Release with Conditions After Initial Hearing	Bond Schedule Only	No Bond Detain Until Initial Hearing	No Bond Detain Until Initial Hearing
<b>High</b>	Bond Schedule or Eligible for Release with Conditions Once Assessed	Bond Schedule or Eligible for Release with Conditions Once Assessed	Bond Schedule or Eligible for Release with Conditions After Initial Hearing	Bond Schedule Only	No Bond Detain Until Initial Hearing	No Bond Detain Until Initial Hearing

<sup>2</sup> This column excludes possession of a controlled substance or syringe or OWI with prior OWI conviction within 10 years.

### **Pretrial Release Risk Assessment**

- A.** All persons detained in the Hendricks County Jail charged with the following offenses shall be eligible for pretrial release risk assessment:
  - 1. Misdemeanor,
  - 2. Level 6 felony,
  - 3. Habitual traffic violator, and
  - 4. Non-violent Level 5 felony.
  
- B.** Regardless of the charged offense, any person eligible to post bond pursuant to the bond schedule in Appendix A may post bond and shall be released without receiving a pretrial release risk assessment.
  
- C.** The pretrial release risk assessment shall include the administration of at least one (1) State-approved pretrial release risk assessment and such other risk assessment instrument(s) that may be approved and required by the judges of the Hendricks County Courts.
  
- D.** All decisions regarding release and/or release conditions under this pretrial release schedule are conditional and may be reviewed *sua sponte* by the Court at the first appearance based upon information obtained through the pretrial screening process. After a defendant's first appearance (or waiver thereof), the Court, *sua sponte*, or the prosecuting attorney or the defendant may by written motion request a hearing on the defendant's pretrial release/detention status and/or conditions of release.

### **Eligibility for Pretrial Release**

- A.** Any person charged with a less serious misdemeanor who is assessed shall be eligible for release on their own recognizance and supervision through the pretrial release program.
  
- B.** Any person charged with a more serious misdemeanor, Level 6 felony, or habitual traffic violator who is assessed shall be eligible for release on their own recognizance and supervision through the pretrial release program.
  
- C.** Any person charged with a non-violent Level 5 felony who is assessed shall be eligible for release on their own recognizance only after the first appearance and shall be supervised through the pretrial release program.
  
- D.** Any person charged with a violent offense, Level 3 felony, or Level 4 felony shall be detained in custody until his or her release can be reviewed by a judicial officer at or before the first appearance regardless of risk level.
  
- E.** Any person charged with Murder, Level 1 felony, or Level 2 felony shall be detained in custody until his or her release can be reviewed by a judicial officer at or before the first appearance regardless of risk level.

**Pretrial Release Conditions.** Pretrial conditions of release under this pretrial release schedule may include that the person released shall:

- A. respond promptly to e-mail, telephone calls, or text messages from the pretrial release program;
- B. verify employment, residence, and contact information;
- C. meet in person as directed with a case monitor from the pretrial release program;
- D. obey all rules and regulations of the pretrial release program; and
- E. obey all other conditions imposed by the Court.

(Amended effective March 11, 2019.)

**LR 32 – CR00 Rule 3 Pre-Screening for Home Detention, Work Release, or SCRAM**

- A. Any defendant in a criminal case who requests placement on home detention or work release or monitoring by a SCRAM device, either pursuant to a pre-trial release or as a result of a sentence imposed by a court, shall be required to submit to pre-screening prior to approval by the court.
- B. **Procedure**
  - 1. Any defendant pre-screened for home detention, work release, or SCRAM shall be required to submit to a urine drug screen at the defendant’s pre-screen appointment. Positive urine drug screen results will be reported to the court and may be considered as a basis to deny placement.
  - 2. Defendants shall be responsible for the cost of drug testing.
  - 3. For defendants who are not in custody of the Hendricks County Sheriff’s Department, pre-screening for placement in home detention or work release or monitoring by a SCRAM device shall occur at the Hendricks County Work Release Facility.
  - 4. For in-custody defendants, pre-screening for placement in home detention or work release or monitoring by a SCRAM device shall occur at the Hendricks County Jail.
  - 5. Absent good cause, all pre-screenings for home detention, work release, or SCRAM shall be completed at least seven (7) days prior to a plea hearing, sentencing, or court approval. Absent good cause, any defendant who fails to appear for his/her pre-screen appointment shall not be eligible for placement.
- C. Ultimate authority to approve a defendant for placement on home detention or work release or monitoring by a SCRAM device shall remain with the court.

(Effective May 1, 2015.)