

STATE OF INDIANA        ) IN THE WHITLEY CIRCUIT AND SUPERIOR COURTS  
                                  ) SS:  
COUNTY OF WHITLEY    )

**NOTICE OF PROPOSED NEW RULES  
AND AMENDMENTS TO LOCAL COURT RULES  
May 2, 2017**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Whitley Circuit and Superior Court give notice to the bar and the public that the courts propose to amend existing and add new Local Rules. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for the rules on caseload allocation, court reporter services, and special judge selection in civil and criminal cases, and may not take effect until approved.

The time period for the bar and the public to comment shall begin on May 2, 2017 and shall close on June 1, 2017.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Honorable Matthew J. Rentschler, Judge of the Whitley Circuit Court, Attn: Public Comment on Local Rules, Whitley County Courthouse, 101 West Van Buren Street, Columbia City, IN 46725; or [mjr@whitleygov.com](mailto:mjr@whitleygov.com).

A paper copy of the proposed amended local rules will be made available for viewing in the office of the Clerk of Whitley County, Whitley County Courthouse, 101 West Van Buren Street, Columbia City, IN 46725 during normal business hours.

The effective date of the new and amended rules shall be July 1, 2017.

\_\_\_\_\_/S/\_\_\_\_\_  
Matthew J. Rentschler, Judge  
Whitley Circuit Court

\_\_\_\_\_/S/\_\_\_\_\_  
J. Brad Voelz, Judge  
Whitley Superior Court

**WHITLEY COUNTY, INDIANA  
CIRCUIT AND SUPERIOR COURTS  
92<sup>ND</sup> JUDICIAL CIRCUIT**

**LOCAL RULES AND PROCEDURE**

[AS PROPOSED MAY 2, 2017]



**LOCAL COURT RULES FOR WHITLEY CIRCUIT COURT AND WHITLEY SUPERIOR  
COURT OF THE 92ND JUDICIAL CIRCUIT OF WHITLEY COUNTY, INDIANA**

~~[As amended and effective on July 1, 2014]~~ **[As amended on July 1, 2017]**

**TABLE OF CONTENTS**

**TRIAL RULES**

**LR92-TR5-1                    FILING OF DOCUMENTS IN THE WHITLEY CIRCUIT AND  
SUPERIOR COURTS BY FACSIMILE TRANSMISSION**

**LR92-TR79-1                SPECIAL JUDGE ASSIGNMENT IN CIVIL CASES**

**~~LR92-FL00-1                CHILD SUPPORT PARENT INFORMATION WORKSHEET~~**

**~~LR92-02-FL-2               CHILDREN FIRST PROGRAM~~**

**CRIMINAL RULES**

**LR92-CR-2.2-1             CRIMINAL CASE ASSIGNMENT**

**LR-92-CR2.2-2             TRANSFER**

**LR92-CR2.2-3             REFILING AND SUBSEQUENT FILINGS**

**LR92-CR2.2-4             REASSIGNMENT **AND APPOINTMENT OF SPECIAL JUDGE****

**~~LR92-CR2.2-5             APPOINTMENT OF SPECIAL JUDGE~~**

**ADMINISTRATIVE RULES**

**LR92-AR1-1                LOCAL CASELOAD PLAN**

**LR92-AR15-1              COURT REPORTER SERVICES**

**JURY RULES**

**LR92-JR4-1                JURY RULES**

**~~LR92-JR4-2                AMENDMENT TO LOCAL RULE 2002-1 OF THE COURT OF  
WHITLEY COUNTY, INDIANA~~**

**SMALL CLAIMS RULE**

**LR92-SC00-1              FORM OF GARNISHMENT**

**MENTAL HEALTH RULE**

**LR-92-MH-1                APPLICATION FOR EMERGENCY DETENTION FOR TREATMENT  
OF MENTALLY ILL INDIVIDUALS**

**DISSOLUTION RULE**

**LR-92-DR-1                DISSOLUTION MARRIAGE**

## **LR92-TR5-1 FILING OF DOCUMENTS IN THE WHITLEY CIRCUIT AND SUPERIOR COURTS BY FACSIMILE TRANSMISSION**

A. DEFINITIONS: For the purpose of this rule, the definitions set forth in this paragraph shall apply:

1. “Cover Sheet” means a descriptive initial page that accompanies an electronic transmission;
2. “Electronic Facsimile Transmission,” commonly referred to as “FAX,” means a method of transmitting and receiving information in paper medium over telephone lines or other forms of electronic transmissions;
3. “Original Document” means the initially prepared written document of any counterpart intended to have the same effect by the creator; and
4. “Duplicate Document” means a written counterpart of the original produced by the same impression as the original of from the same matrix or by digitized electronic transmission, readable by sight, which accurately reproduces the original.

B. The Whitley Circuit and Superior Courts hereby authorize the filing of pleadings, motions, and other documents via electronic facsimile at facsimile machine telephone number (260) 248-3137 provided:

1. Such matter does not exceed ten (10) pages, including the cover sheet;
2. Such matter does not require the payment of fees by the Court;
3. The sending party creates, at the time of transmission, a machine generated log for such transmission; and
4. The original document and the transmission log are maintained by the sending party for the duration of the litigation.

C. Time of Filing. During normal, posted business hours, the time of filing shall be the time the duplicate document is produced in the office of the clerk of the Whitley County Courts. Duplicate documents received at all other times shall be filed as of the next normal business day.

D. Cover Sheet. Any document sent to the clerk of the Whitley County Courts by electronic facsimile transmission shall be accompanied by a cover sheet which states the title of the document, case number, number or pages, identity and voice telephone number of the sending party and instructions for filing. The cover sheet shall contain the signature of the attorney or party, pro se, authorizing the filing.

## **LR92-TR79-1 SPECIAL JUDGE ASSIGNMENT IN CIVIL CASES**

(A) Cases involving a change of judge In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of other judges, senior judges or magistrates from Whitley County. If a sufficient number of Whitley County judges, senior judges or magistrates does not exist, then a panel shall be named including the available Whitley County judges, senior judges or magistrates and judges, senior judges or magistrates from counties selected within the Judicial Administrative District of which Whitley County is a member. If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from counties selected within the Judicial Administrative District of which Whitley County is a member. In cases in which no judge 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 may certify the case to the Supreme Court for appointment of a special judge.

(B) Cases involving recusal or disqualification of a judge In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from counties selected within the Judicial Administrative District of which Whitley County is a member. In cases in which no judge 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 may certify the case to the Supreme Court for appointment of a special judge.

## **LR92-TR79-1 SPECIAL JUDGE ASSIGNMENT IN CIVIL CASES**

In any case except for criminal, infraction, or ordinance violation involving a change of judge, the procedure mandated by Trial Rule 79 shall apply. The procedure for selecting a special judge is:

If a judge in Whitley County grants a motion for a change of judge, or the judge recuses or is disqualified, and 1) the parties are unable to agree to a particular special judge, or 2) the parties are unable to agree to have the regular sitting judge appoint a special judge, or 3) the agreed-upon or appointed judge does not accept appointment, the court may appoint a senior judge to handle the matter as a special judge. If a senior judge is not appointed or does not accept appointment, the following local rule applies:

- a. If the case originated in the Whitley Circuit Court, the case must be transferred to the judge of the Whitley Superior Court.
- b. If the case originated in the Whitley Superior Court, the case must be transferred to judge of the Whitley Circuit Court.

If no Whitley County judge, senior judge, or magistrate accepts appointment, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges eligible under Trial Rule 79 from counties within the Judicial Administrative District of which Whitley County is a member.

In cases in which no judge is eligible to serve as special judge pursuant to the above procedure, or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Indiana Supreme Court for appointment of a special judge.

The appointed judge under this local rule must accept appointment unless:

- a. Disqualified under the Code of Judicial Conduct;
- b. Ineligible under the Trial Rules; or
- c. Excused by the Indiana Supreme Court.

**LR92-FL00-1 CHILD SUPPORT PARENT INFORMATION WORKSHEET** In all cases wherein the courts of Whitley County are issuing an order for child support, each parent shall be required to submit to the Clerk of Whitley County a completed PARENT INFORMATION WORKSHEET (copy attached hereto) prior to or in conjunction with the issuance of a child support order. The Rule shall become effective as to all cases filed after August 1, 1998, and in all cases where an existing order of support is modified after August 1, 1998. No order of support shall issue until there is compliance with this Rule unless the requirement is specifically waived by the Court issuing the order. The Clerk of Whitley County is directed to provide to counsel of record or to pro se litigants copies of the Worksheet upon the filing of an action wherein an order of support is requested or upon the filing of a petition seeking to modify an existing order of support.

**NON-CUSTODIAL PARENT INFORMATION 1. CAUSE #**

\_\_\_\_\_  
(PLEASE TYPE OR PRINT)

NAME \_\_\_\_\_ DOB \_\_\_\_\_

ADDRESS \_\_\_\_\_ SSN \_\_\_\_\_

\_\_\_\_\_  
SEX M / F RACE \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ EMPLOYED

AT \_\_\_\_\_ PHONE \_\_\_\_\_ EMPLOYER OR

SUPERVISOR NAME \_\_\_\_\_ EMPLOYMENT

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_

STATE \_\_\_\_\_ ZIP \_\_\_\_\_ CUSTODIAL PARENT INFORMATION

NAME \_\_\_\_\_ DOB \_\_\_\_\_

ADDRESS \_\_\_\_\_ SSN \_\_\_\_\_

\_\_\_\_\_  
SEX M / F RACE \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ CHILD

NAME \_\_\_\_\_ SEX M / F DOB \_\_\_\_\_

RACE \_\_\_\_\_ SSN \_\_\_\_\_ CHILD

NAME \_\_\_\_\_ SEX M / F DOB \_\_\_\_\_

RACE \_\_\_\_\_ SSN \_\_\_\_\_ CHILD

NAME \_\_\_\_\_ SEX M / F DOB \_\_\_\_\_

RACE \_\_\_\_\_ SSN \_\_\_\_\_ CHILD

NAME \_\_\_\_\_ SEX M / F DOB \_\_\_\_\_

RACE \_\_\_\_\_ SSN \_\_\_\_\_ CHILD

NAME \_\_\_\_\_ SEX M / F DOB \_\_\_\_\_

RACE \_\_\_\_\_ SSN \_\_\_\_\_ CHILD  
NAME \_\_\_\_\_ SEX M / F DOB \_\_\_\_\_  
RACE \_\_\_\_\_ SSN \_\_\_\_\_

**LR92-02-FL-2 CHILDREN FIRST PROGRAM**

- I. ~~Prior to the courts granting a Petition for Dissolution of Marriage or Petition for Legal Separation in cases where the parties have minor children, each party must complete the Children First program offered by the courts and county school systems to learn about and discuss the effect that divorce and the changing family situation has on children.~~
- II. ~~The Children First program consists of two hours of discussion which may be accomplished in one two hour session or two one hour sessions. Classes will begin February 1, 1993. The schedule for Children First classes is as follows:~~
- ~~DAY TIME PLACE 1st & 2nd Monday 6:30 — 7:30 P.M. Whitko Middle School of each month At Larwill — Room 618 1 st Monday of 4:00 — 6:00 P.M. Columbia City High each month School — Room 121 2nd & 3rd Tuesday 10:00 — 11:00 A.M. Churubusco Elementary of each month Conference Room 3 rd Tuesday of 4:00 — 6:00 P.M. Columbia City High each month School — Room 121 1 st & 2nd Tuesday 4:00 — 5:00 P.M. Whitko Middle School of each month At Larwill — Room 618 1 st & 2nd Wednesday 4:00 — 5:00 P.M. Columbia City High of each month School — Room 121 2 nd Wednesday of 4:00 — 6:00 P.M. Churubusco High each month School Library~~
- III. ~~The moderators of each session will provide each attendee with a certificate of completion which must be filed with the Whitley County Clerk prior to the Court granting the Petition for Dissolution of Marriage or Petition for Legal Separation.~~
- IV. ~~There will be no fee or charge made for attendance at these sessions.~~
- V. ~~Participants may not bring children to these sessions. Smoking will not be permitted. Participants will not be permitted to attend class sessions if they are, or appear to be, under the influence of drugs or alcohol.~~
- VI. ~~Participants must present picture identification at class sessions and remain for the entire class in order to receive attendance credit.~~
- VII. ~~Class sessions will be cancelled for the day if school has been cancelled or closed for the day.~~
- VIII. ~~Participants shall register to attend Children First sessions by calling the Whitley County Probation Office at 248-3117. Persons not mandated to attend Children First but who wish to voluntarily attend may do so on a space available basis but will receive no attendance credit.~~
- IX. ~~Enforcement of this Rule shall be by civil contempt of court proceedings. Either court may waive the requirements herein for good cause shown upon the filing of a verified~~



petition requesting waiver. Such petitioning party must clearly demonstrate impossibility or impracticability or performance of the requirements of this Local Rule.

X. ~~This rule becomes effective as to all petitions for dissolution of marriage or for legal separation filed after January 2, 1993. The Clerk of the Whitley County Circuit and Superior Courts is ordered to spread this Local Rule of record in the Record of Judgments and Orders book of each of these Courts.~~

#### **~~LR92-CR2.2-4 REASSIGNMENT~~**

~~In the event a change of judge is granted or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, then that judge shall reassign the case to the other sitting judge in the county. If the other sitting judge in the county is disqualified or ineligible to serve, then a special judge shall be sequentially selected from an alphabetized alternative assignment list composed of judges from contiguous counties and senior judges assigned to that court.~~

#### **~~LR92-CR2.2-5 APPOINTMENT OF SPECIAL JUDGE~~**

~~In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event 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, this presiding judge may request the Indiana Supreme Court for such appointment.~~

#### **LR92-CR2.2-4 REASSIGNMENT AND APPOINTMENT OF SPECIAL JUDGE**

In any case in which a change of judge is necessary or appropriate involving a felony, misdemeanor, infraction, or ordinance violation, the procedure mandated by Indiana Rules of Criminal Procedure 2.2, 12, and 13, and Indiana Procedure for Post-Conviction Remedies 1(4)(B) shall apply.

If a judge in Whitley County grants a motion for a change of judge, or the judge recuses or is disqualified, the court may assign a senior judge to handle the matter as a special judge. If a senior judge is not assigned, or does not accept assignment, the following local rule applies:

c. If the case originated in the Whitley Circuit Court, the case must be reassigned to the judge of the Whitley Superior Court as successor.

d. If the case originated in the Whitley Superior Court, the case must be reassigned to the judge of the Whitley Circuit Court as successor.

If no Whitley County judge or senior judge accepts assignment, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges eligible under Criminal Rule 13 from contiguous counties and counties within the Judicial Administrative District of which Whitley County is a member.



In cases in which no judge is eligible to serve as special judge pursuant to the above procedure, or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Indiana Supreme Court for appointment of a special judge.

The assigned judge under this local rule must accept the assignment unless:

- d. Disqualified under the Code of Judicial Conduct;
- e. Ineligible under the Trial Rules; or
- f. Excused by the Indiana Supreme Court.

## **LR92-AR1-1 LOCAL CASELOAD PLAN**

1. The judge of the Whitley County Circuit Court may, with the consent of the judge of the Whitley Superior Court, transfer any action or proceeding from the Circuit Court to the Superior Court. The judge of the Whitley Superior Court may, with the consent of the judge of the Whitley Circuit Court, transfer any action or proceeding from the Whitley Superior Court to the Whitley Circuit Court. Other Local Rules previously filed with the Clerk of the Indiana Supreme Court establish rules for the filing of criminal cases in the courts of Whitley County. ~~Pursuant to I.C. 33-33-92-5, the Whitley Superior Court has the same jurisdiction as the Whitley Circuit Court, except only the Whitley Circuit Court has juvenile jurisdiction.~~

~~2. Although no disparity in caseloads between the courts or judges of Whitley County, Indiana presently exists sufficient to require the transfer of cases or judges between the courts of Whitley County, t~~ **I** The judges of Whitley County shall meet at least as often as annually to review the workload and caseload of each judge and court and then transfer, if necessary, such cases or judges between the courts as shall substantially equalize the workload of each of the judges of Whitley County.

3. Beginning July 1, 2017, to improve a discrepancy in the caseload, the courts and clerk shall require that all Civil Collections and Mortgage Foreclosure cases be filed in the Whitley Superior Court.

## **LR92-AR15-1 COURT REPORTER SERVICES**

**Section One. 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 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 transcribing electronic data.

3. “Work space” means that portion of the court’s facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
4. “Page” means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rules of Appellate Procedure 7.2.
5. “Recording” means the electronic, mechanical, stenographic or other recording made as required by Indiana Rules 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 hours are 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. Court may also mean all of the courts in Whitley County.
11. “County indigent transcript” means a transcript that is paid for from county funds and is for use 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 for use on behalf of a litigant who has been declared indigent by the court.
13. “Private transcript” means a transcript, including but not limited to, a deposition transcript that is paid for by a private party.

## **Section Two. Salaries and Per Page Fees.**

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours. The Whitley County Employee Handbook shall govern these issues unless later modified by the supervising court.

2. The maximum per-page fee a court reporter may charge for the preparation of a county indigent transcript shall be ~~\$3.00~~ **\$4.50**. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. Charge to copy transcript for an indigent shall be \$1.00 per page.
3. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be ~~\$3.00~~ **\$4.50**. Charge to copy transcript for a state indigent transcript would be \$1.00 per page.
4. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be ~~\$3.25~~ **\$4.50**. The charge to copy transcript for a private transcript would be \$1.25.
5. 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 Office of Court Services** ~~Indiana Supreme Court Division of State court Administration~~. The reporting shall be made on forms prescribed by **the Indiana Office of Court Services** ~~Division of State Court Administration~~.

### **Section Three. Private Practice.**

1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such 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 shall be 25 cents per page.
  - b. The method by which records are to be kept for the use of equipment, work space and supplies shall be a written document between the court and the individual court reporter.
  - c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies shall be on an annual basis.
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.

### **LR92-JR4-1 JURY RULES**

1. The Courts of Whitley County, Indiana, adopt and confirm the use of the Indiana Jury Rules as ordered and published by the Indiana Supreme Court.

2. ~~Deputy Whitley County Clerk Jeanne Howell is appointed as Jury Administrator for both courts.~~ **The Courts together with the Clerk shall appoint a jury administrator.**

3. The Whitley County Courts adopt a two-tier notice and summons process for summoning jurors. The Jury Administrator shall send the jury qualification form and notice to prospective jurors at least six (6) weeks before jury service, and shall summon prospective jurors at least one week before service.

4. The jury pool for each court shall be compiled by the jury administrator annually.

5. The jury pool shall consist of names randomly selected from the voter registration lists for Whitley County, Indiana, and motor vehicle registrations of Whitley County residents. The jury administrator shall avoid duplication of names from the lists.

6. Each of the Whitley County Courts will have its own jury pool.

~~The clerk of the Whitley Circuit and Superior Courts is ordered to spread this local rule of record in the Record of Judgments and Orders for each Court and sent two (2) copies of the Local Rule to the Clerk of the Indiana Supreme Court pursuant to Trial Rule 81.~~

#### **~~LR92-JR4-2 AMENDMENT TO LOCAL RULE 2002-1 OF THE COURT OF WHITLEY COUNTY, INDIANA~~**

~~1. The Judges of the Circuit and Superior Courts of Whitley County, Indiana, now amend paragraph 2 of the Local Rule 2002-1 as follows:~~

~~2. Deputy Whitley County Clerk, Jennifer Baxter, is appointed as Jury Administrator for both Courts.~~

~~The Clerk of Whitley County shall affix this amendment to Local Rule 2002-1 and make the matter of record.~~

#### **LR92-SC00-1 FORM OF GARNISHMENT**

A. All attorneys and collection agencies using the courts for collection matters and enforcement of judgments for payment of money shall use, when permitted by law, the form of garnishment order attached hereto, or a substantially similar form.

B. All attorneys and collection agencies using the courts for reasons described above shall submit the courts' requested garnishment orders which have been accurately completed on the form of order attached hereto.

C. The courts will not accept garnishment orders which do not comply with this local rule.

D. This local rule shall become effective for all garnishment orders filed or requested on or after March 3, 1997.

## **LR-92-MH-1 APPLICATION FOR EMERGENCY DETENTION FOR TREATMENT OF MENTALLY ILL INDIVIDUALS**

Any application for emergency detention for treatment of mentally ill individuals shall comply with Indiana Code 12-26-5-1 and Indiana Code 12-26-5-2.

A judicial officer authorized to issue a warrant for arrest may, after proper application and after making a determination that emergency detention is necessary, endorse an application made pursuant to Indiana Code 12-26-1-2 in any of the following manners:

- 1) by signing the application;
- 2) in a non-adversarial, recorded hearing before the judge;
- 3) orally by telephone or radio;
- 4) in writing by facsimile transmission (FAX); or
- 5) in a writing by electronic mail or other electronic transmission.

If the application is made orally by telephone or radio, the applicant shall recite the facts required by Indiana Code 12-26-5-1 under penalty for perjury and shall read to the judge the entire contents of the application. The judge may direct the applicant to modify the terms of the emergency detention. If the judge agrees to the emergency detention, the judge shall direct the applicant to sign the judge's name to the application and enter the time of its issuance.

## **LR92-DR-1 DISSOLUTION OF MARRIAGE**

**A. Provisional Relief Hearing.** Before a date and time is set for hearing on a Motion for Provisional Orders, the parties or their counsel shall attempt to resolve all provisional matters by way of Agreed Entry. At the beginning of each provisional order hearing, the parties will be asked whether this meeting has occurred. If not, except upon a showing of good cause, the parties will be directed to a conference room and the meeting shall occur forthwith.

On or before the date the Motion for Provisional Orders is set for hearing each party, if applicable, shall file with the court the Child Support Obligation Worksheet and Parenting Time Credit Worksheet set forth at Appendix 1. If a temporary division of marital assets and/or debts is to be at issue at the hearing, then the parties shall file with the Court the Verified Asset and Expense Statement set forth at Appendix 2.

**B. Final Hearing.** The court has made available to parties a Property, Indebtedness, and Earnings Disclosure Form as set forth at Appendix 3. Court time for a final contested hearing on a Petition for Dissolution of Marriage will not be scheduled until a party has fully completed and filed a Property, Indebtedness and Earnings Disclosure Form. The Form also functions as a request for admissions under Rule 36 of the Indiana Rules of Trial Procedure.

**C. Custody Evaluations.** Unless waived by the Court, no case involving the issue of contested child custody will be set for final hearing until there is filed with the Court a custodial evaluation prepared by an expert approved by the Court. Upon request, the Court will allocate costs subject to review at final hearing. The written report of the expert shall be deemed admitted into evidence subject to cross-examination. However, no custody evaluation may be conducted, ordered by the Court, or requested by any party unless and until cooperative approaches, such as mediation, have been exhausted.

**D. Parenting Time Schedule.** Unless the Court enters specific orders to the contrary, any order of the Court providing for custody of children shall be deemed to provide, by operation of this rule, for the implementation of parenting time with said child(ren) by the non-custodial parent in accordance with the Indiana Parenting Time Guidelines.

**E. Verified Submission of Child Support Information.** If not previously filed, on or before the date of the final hearing on any Petition for Dissolution of Marriage, Petition to Establish Paternity or Petition to Modify Child Support, the parties shall submit to the Court a completed copy of the Child Support Obligation Worksheet and Parenting Time Credit Worksheet set forth at Appendix 1. All numbers shall be rounded to the nearest whole dollar.

**F. Education Program.** In any dissolution, legal separation or paternity case where orders are requested regarding unemancipated children, the parties shall attend the “Children First” program and present their certificate of completion to the court on or before the date of final hearing. In the event that a party has not completed the program prior to the final hearing date, the party shall have fourteen (14) days after the hearing in which to complete the program before facing sanctions for contempt.

**G. Mediation.** It is the policy of Whitley County courts to require mediation in dissolution matters before setting the matter for final hearing, absent good cause shown. Once a case is referred to mediation, it shall not be set for contested final hearing until the court receives a written report from the mediator.

**H. Post-Dissolution.** All post-dissolution petitions or counter-petitions which seek a modification of child custody or an alteration of parenting time shall be immediately referred to mediation.

**I. Modest Means Program.** Whitley County Courts utilize a funding program to help those of modest means pay for mediation in dissolution matters. Parties who wish to participate in the program should inquire as to their eligibility, which is based, in part, on a sliding scale of income. The Program Fund Plan and requirements are set forth as Appendix 4.





## Worksheet – Child Support Obligation

Each party shall complete that portion of the worksheet that applies to him or her, sign the form and file it with the court. This worksheet is required in all proceedings establishing or modifying child support.

**IN RE:**

**CASE NO:**

FATHER:

MOTHER:

### CHILD SUPPORT OBLIGATION WORKSHEET (CSOW)

Children	DOB	Children	DOB

1. WEEKLY GROSS INCOME	FATHER	MOTHER	
A. Subsequent Children Multiplier Credit (.065 .097 .122 .137 .146 .155 .164 .173)			
B. Child Support (Court Order for Prior Born)			
C. Child Support (Legal Duty for Prior Born)			
D. Maintenance Paid			
E. WEEKLY ADJUSTED INCOME (WAI) Line 1 minus 1A, 1B, 1C and 1D			
2. PERCENTAGE SHARE OF TOTAL WAI	%	%	
3. COMBINED WEEKLY ADJUSTED INCOME (Line 1E)			
4. BASIC CHILD SUPPORT OBLIGATION Apply CWAI to Guideline Schedules			
A. Weekly Work-Related Child Care Expense of each parent			
B. Weekly Health Insurance Premium – (Children's portion)			
5. TOTAL CHILD SUPPORT OBLIGATION (Line 4 plus 4A and 4B)			
6. PARENT'S CHILD SUPPORT OBLIGATION (Line 2 times Line 5)			
7. ADJUSTMENTS			
( ) Obligation from Post-Secondary Education Worksheet Line J.	+ _____	+ _____	
( ) Payment of work-related child care by each parent. (Same amount as Line 4A )	- _____	- _____	
( ) Weekly Health Insurance Premium (Children's portion)	- _____	- _____	
( ) Parenting Time Credit	- _____	- _____	
8. RECOMMENDED CHILD SUPPORT OBLIGATION			

**I affirm under penalties for perjury that the foregoing representations are true.**

Father: \_\_\_\_\_

Dated: \_\_\_\_\_

Mother: \_\_\_\_\_

#### UNINSURED HEALTH CARE EXPENSE CALCULATION

- A. Custodial Parent Annual Obligation: (CSOW Line 4 Total) \$ \_\_\_\_\_ + (PSEW § Two, Line I) \$ \_\_\_\_\_ = \$ \_\_\_\_\_ x 52 weeks x .06 = \$ \_\_\_\_\_.
- B. Balance of Annual Expenses to be Paid: (Line 2) \_\_\_\_\_ % by Father; \_\_\_\_\_ % by Mother.

## Worksheet — Child Support Obligation

<b>IN RE:</b>		<b>CASE NO:</b>	
		FATHER:	
		MOTHER:	
<b>PARENTING TIME CREDIT WORKSHEET</b>			
<b>Children</b>	<b>DOB</b>	<b>Children</b>	<b>DOB</b>

Line:		
1PT	Enter Annual Number Of Overnights	
2PT	Enter Weekly Basic Child Support Obligation — BCSO (Enter Line 4 from Child Support Worksheet)	
3PT	Enter Total Parenting Time Expenses as a Percentage of the BCSO (Enter Appropriate TOTAL Entry from Table PT)	
4PT	Enter Duplicated Expenses as a Percentage of the BCSO (Enter Appropriate DUPLICATED Entry from Table PT)	
5PT	Parent's Share of Combined Weekly Income (Enter Line 2 from Child Support Worksheet)	
6PT	Average Weekly Total Expenses during Parenting Time (Multiply Line 2PT times Line 3PT)	
7PT	Average Weekly Duplicated Expenses (Multiply Line 2PT times Line 4PT)	
8PT	Parent's Share of Duplicated Expenses (Multiply Line 5PT times Line 7PT)	
9PT	Allowable Expenses during Parenting Time (Line 6PT — Line 8PT)	
	Enter Line 9PT on Line 7 of the Child Support Worksheet as the Parenting Time Credit	

**Worksheet — Child Support Obligation**

<b>IN RE:</b>	<b>CASE NO:</b> <b>FATHER:</b> <b>MOTHER:</b>
---------------	---

**POST-SECONDARY EDUCATION WORKSHEET (PSEW)**

<b>Child:</b>	<b>DOB</b>		
<b>SECTION ONE: DETERMINATION OF EDUCATION EXPENSE</b>	<b>FATHER</b>	<b>MOTHER</b>	
A. Parents' Percentage Share of Total Weekly Adjusted Income From Line 2 of Child Support Worksheet	%	%	
B. Educational Costs			
(1) Tuition			
(2) Room & Board			
(3) Books			
(4) Fees			
(5) Other			
<b>TOTAL EDUCATIONAL COSTS (Part B — Lines 1-5)</b>			
C. Child's Share of Costs			
(1) Scholarships			
(2) Grants in Aid			
(3) Student Loans			
(4) Child's Cash Share			
(5) Other			
<b>TOTAL CREDITS (Part C — Line 1-5))</b>			
D. Parents Total Obligations: Subtract Total Credits From Total Costs			
Parents' Share: Line A x Line D	\$	\$	

<b>SECTION TWO: DETERMINATION OF SUPPORT WHILE STUDENT AT HOME</b>			
E. Weeks Student Lives at Home _____ Divided by 52 =			%
F. Basic Child Support Obligation for All Children, including Student (Apply CWAI from Line 3 of Child Support Worksheet to Guidelines Schedule			
G. Basic Child Support Obligation for Children Living with Custodial Parent from Line 4			
H. Weekly Child Support Obligation Attributable to Student Living Away From Home			
I. Calculation of Support Obligation For Student (Multiply Line H x Line E)			
J. Parent's Weekly Child Support Obligation: (Line A x Line I)	\$	\$	

Line J of section Two will be reflected in Section 7 of the Child Support Worksheet resulting in the Recommended Support Obligation.

IN RE:		CASE NO:
		FATHER:
		MOTHER:
HEALTH INSURANCE PREMIUM WORKSHEET (HIPW)		
SECTION ONE: CALCULATION OF REASONABLE COST THRESHOLD	FATHER	MOTHER
A. Parent's Weekly Gross Income (from Line 1 of Child Support Worksheet)		
B. Weekly Reasonable Cost Threshold (Line A x .05)	\$	\$
SECTION TWO: DETERMINATION OF PRIVATE HEALTH INSURANCE AVAILABLE TO THE PARENTS		
C. Does the parent have private health insurance, for example, employer sponsored, available for the children? If the answer is No for a parent, STOP for that parent.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
SECTION THREE: DETERMINATION OF WHETHER PREMIUM IS REASONABLE IN COST		
D. What is the weekly premium for the children's portion only?	\$	\$
E. TEST ONE: Is Amount on Line D equal to or less than the Amount on Line B? If the answer is No for a parent, STOP for that parent. If the answer is Yes for at least one parent, proceed to Line F for that parent(s).	<input type="checkbox"/> YES *The premium may be reasonable in cost. <input type="checkbox"/> NO *The premium on Line D is not reasonable in cost.	<input type="checkbox"/> YES *The premium may be reasonable in cost. <input type="checkbox"/> NO *The premium on Line D is not
F. TEST TWO: Is the parent's child support obligation from Line 4 of the Basic CSOW plus the weekly premium from Line D of the HIPW equal to or less than 50% of the Parent's Weekly Gross Income on Line A of the HIPW? Formula: Father: Line 4, CSOW (\$ ) + Line D, HIPW, (\$ ) = \$ is equal to or less than Line A, HIPW \$ X .5 = \$ Mother: Line 4, CSOW (\$ ) + Line D, HIPW, (\$ ) = \$ is equal to or less than Line A, HIPW \$ X .5 = \$	<input type="checkbox"/> YES *The premium is reasonable in cost. Mother may be ordered to provide health insurance. <input type="checkbox"/> NO The premium on Line D is not reasonable in cost.	<input type="checkbox"/> YES *The premium is reasonable in cost. Mother may be ordered to provide health insurance. <input type="checkbox"/> NO The premium on Line D is not reasonable in cost.
SECTION FOUR: ACCESSIBILITY OF THE INSURANCE		
G. Is the insurance coverage accessible to the children? (See Guideline 7 for definition of accessible)	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
SECTION FIVE: PARENT(S) ORDERED TO PROVIDE HEALTH INSURANCE		
H. Parent(s) for whom health insurance is reasonable and accessible	<input type="checkbox"/> FATHER <input type="checkbox"/> MOTHER	
I. Parent(s) ordered to provide health insurance for children.	<input type="checkbox"/> FATHER <input type="checkbox"/> MOTHER <b>TOTAL ORDERED:</b>	\$ \$ 

STATE OF INDIANA       )  
                                  )  
COUNTY OF WHITLEY    )

IN THE WHITLEY CIRCUIT/SUPERIOR COURT  
SS:  
CAUSE NO.: \_\_\_\_\_

\_\_\_\_\_  
                    Petitioner       )  
                                  )  
and                                )  
                                  )  
\_\_\_\_\_  
                    Respondent    )

**VERIFIED PROVISIONAL ASSET AND EXPENSE STATEMENT**

A.     Wife wants the following assets temporarily set aside to her:

---

---

---

---

---

---

---

---

---

---

B.     Husband wants the following assets temporarily set aside to him:

---

---

---

---

---

---

---

---

C. The parties jointly agree that the monthly marital debts are as follows:

<u>Payment</u>	<u>Creditor</u>	<u>Monthly</u>
1. Mortgage 1 (Include taxes and insurance allocated on monthly basis)		
Address		
2. Mortgage 2 (Including taxes and insurance allocated on monthly basis)		
Address		
3. Auto (make, model, year) (Include insurance and taxes allocated on monthly basis)		
Address		
4. Auto (make, model, year) (Include insurance and taxes allocated on monthly basis)		
Address		
5. Auto (make, model, year) (Include insurance and taxes allocated on monthly basis)		
Address		
6. Rent (marital home) (Include insurance, if any, allocated on monthly basis)		
Address		
7. Land Contract (Include insurance and taxes, if applicable, allocated on monthly basis)		
Address		

8.	Mobile Home (Includes lot rent, taxes and insurance allocated on monthly basis)	_____	_____
	_____		
	Address		
9.	Installment Loan (Not set forth above)	_____	_____
10.	Installment Loan (Not set forth above)	_____	_____
11.	Medical Expense	_____	_____
12.	Medical Expense	_____	_____
13.	Medical Expense	_____	_____
14.	Utility Expense for marital home		
	a. Gas	_____	_____
	b. Electric	_____	_____
	c. Water	_____	_____
	d. Sewage	_____	_____
	e. Telephone	_____	_____
	f. Other _____	_____	_____
15.	Additional marital debts		
	a. _____	_____	_____
	b. _____	_____	_____
	c. _____	_____	_____
	d. _____	_____	_____
	e. _____	_____	_____
D.	Husband shall answer questions D3, 4, 5, 6, 7 and 8 and questions D1 and 2 if he has left the martial home.		
1.	Rent or mortgage (Includes taxes and insurance allocated on monthly basis)	_____	_____
	_____		
	Address		



2.	Utilities		
a.	Gas	_____	_____
b.	Electric	_____	_____
c.	Water	_____	_____
d.	Sewage	_____	_____
e.	Telephone	_____	_____
f.	Other _____	_____	_____
3.	Food		_____
4.	Clothing		_____
5.	Gas/Oil/Maintenance		_____
6.	Education		_____
7.	Scheduled Medical		_____
8.	Other		
a.	_____		_____
b.	_____		_____
c.	_____		_____

E. Wife shall answer questions E3, 4, 5, 6, 7, and 8 and questions E1 and 2 if she has left the marital home.

1.	Rent or mortgage (Includes taxes and insurance allocated on monthly basis)	_____	_____
	_____		
	Address		

2.	Utilities		
a.	Gas	_____	_____
b.	Electric	_____	_____
c.	Water	_____	_____
d.	Sewage	_____	_____

- |    |                     |       |       |
|----|---------------------|-------|-------|
| e. | Telephone           | _____ | _____ |
| f. | Other _____         | _____ | _____ |
| 3. | Food                |       | _____ |
| 4. | Clothing            |       | _____ |
| 5. | Gas/Oil/Maintenance |       | _____ |
| 6. | Education           |       | _____ |
| 7. | Scheduled Medical   |       | _____ |
| 8. | Other               |       |       |
| a. | _____               |       | _____ |
| b. | _____               |       | _____ |
| c. | _____               |       | _____ |

WE AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

\_\_\_\_\_  
WIFE

\_\_\_\_\_  
HUSBAND

IN RE: THE MARRIAGE OF \_\_\_\_\_ ) CAUSE NO. \_\_\_\_\_  
 )  
 \_\_\_\_\_ )  
 Petitioner )  
 )  
 and )  
 )  
 \_\_\_\_\_ )  
 Respondent )

I hereby certify that I did, on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, mail or deposit in the Whitley County Courthouse attorney's mailbox a copy  
of the above document to \_\_\_\_\_.

# APPENDIX 3

RE: Marriage of: \_\_\_\_\_

Cause No. \_\_\_\_\_

## ASSETS:

Description	Date acquired ----- Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H,W,or J	Lien holder and unpaid amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or V)
					Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or W)

### Real Estate

(Attach all legal descriptions)


### Motor Vehicles

(Please state make, model and year for each motor vehicle)


RE: Marriage of: \_\_\_\_\_

Cause No. \_\_\_\_\_

**ASSETS:**

Description	Date acquired	Mariner Acquired (Purchased, gift, inherited, etc)	Title H,W,or J	Lien holder and unpaid amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or V)
	Value				Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or W)

**Cash, bank accounts, CD's** (Please state location and identifying numbers)


**Stocks and Bonds** (Attach copies of certificates)


RE: Marriage of: \_\_\_\_\_

Cause No. \_\_\_\_\_

**ASSETS:**

Description	Date acquired	Manner Acquired (Purchased, gift, inherited, etc)	Title H, W, or J	Lien holder and unpaid amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or V)
	Value				Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or V)

**Business interests** (Sole proprietorships, partnerships, corporations, limited liability companies, etc. Attach all professional appraisals.)


**Other Assets**

(List value on date of marriage and date of filing)


RE: Marriage of: \_\_\_\_\_

Cause No. \_\_\_\_\_

**ASSETS:**

Description	Date acquired ----- Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H,W,or J	Lien holder and unpaid amount	Husbands Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or W)
					Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or W)
<b>Retirement accounts and IRA's</b>						
(List value on date of marriage and date of filing)						
<b>Life Insurance Policies</b>						
(List all policies even those without cash surrender value)						



---

**ASSETS:**

[illegible]

RE: Marriage of: \_\_\_\_\_

Cause No. \_\_\_\_\_

**ASSETS:**

Description	Date acquired ----- Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H,W, or J	Lien holder and unpaid amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution H or W
	Wife's Opinion of Gross Value on date of filing				Wife's Proposed Distribution H or W	
Household Furnishings						

RE: Marriage of: \_\_\_\_\_

Cause No. \_\_\_\_\_

**ASSETS:**

Description	Date acquired ----- Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H,W, or J	Lien holder and unpaid amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution H or W
					Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution H or W
Household Furnishings						

RE: Marriage of: \_\_\_\_\_ Cause No. \_\_\_\_\_

**DEBTS**

[illegible]

RE: Marriage of: \_\_\_\_\_ Cause No. \_\_\_\_\_

**INCOME**

	Employer	Job Classification	Length of Employment	Rate of Pay	Gross Earnings Per Pay Period	Net Per Pay Period
Husband						
Wife						

**OTHER INCOME (SOURCE - AMOUNT)**

Husband	
Wife	

I affirm under penalties for perjury that the foregoing representations, and all attachments hereto, are true and correct.

Dated: \_\_\_\_\_  
Petitioner

Dated: \_\_\_\_\_  
Respondent

You are under a continuing duty prior to trial to amend this statement if you learn the information contained herein is no longer accurate. Both parties should endeavor to stipulate as to the value of all assets, or be prepared to establish the values by appraisal.

**WHITLEY COUNTY ALTERNATIVE**  
**DISPUTE RESOLUTION FUND PLAN**

The undersigned who are all of the Circuit and Superior Court Judges who exercise jurisdiction over domestic relations and paternity cases in Whitley County, Indiana, approve, adopt and hereby submit the following Alternative Dispute Resolution Domestic Relations Fund Plan (hereinafter referred to as the "Plan") to the Judicial Conference of Indiana, for approval, pursuant to I.C. 33-23-6.

**(1) PROGRAM OVERVIEW**

The purpose of the plan is to provide alternative dispute resolution (ADR) services to litigants in dissolution and paternity cases. The goal of the program is to provide ADR services that minimize conflict and promote prompt resolution of disputes. The plan is specifically designed to provide ADR services to litigants that could not otherwise afford the services. As such, the judge directing the litigants into an ADR service will utilize the sliding scale attached at "Attachment A" to determine what contribution will be required of the parties.

The alternative dispute forms may include: mediation, facilitation, and parenting coordination. If mediation is ordered, the ADR Rules will apply. The Courts will seek approval of any new ADR programs from the Division of State Court Administration prior to ADR funds being expended on any "new" or unapproved ADR program

The goal is for the Plan to become effective with appropriate case referrals on January 1, 2015 and after this Plan has been approved by the Judicial Conference of Indiana. The Clerk shall commence collecting an additional \$20.00 alternative dispute resolution fee, pursuant to I.C. 33-23-6, as soon as the Plan is approved by the Division of State Court Administration for approval.

**(2) ELIGIBILITY CRITERIA & REFERRAL PROCESS**

Litigants in dissolution and paternity will be required to participate in the Plan if ordered by the Court. The Courts will encourage the Bar to assist in identifying cases that would benefit from ADR services but the Court will ultimately determine which matters will be submitted to ADR, the type of ADR, and the costs associated with the ADR referral in accordance with the sliding scale set forth in Attachment A. While the Plan is designed primarily for indigent or low-income litigants, to give them an avenue to resolve their issues quickly, with little expense, all litigants in the referenced types of cases may be referred to an ADR service. Litigants will be required to make a co-payment or full payment for services based upon the sliding scale found at Attachment A. Those individuals earning greater than \$35,000.00 shall not be considered eligible for services. However, nothing in the plan prohibits the Courts from varying from strict application of the sliding scale as justice may require.

A party currently charged with or convicted of a crime under I.C. 35-42 *et seq.* or a substantially similar crime in another jurisdiction may not participate in the Plan.

**(3) PLAN EDUCATION**

Information about the Plan, including the additional \$20.00 filing fee, the Plan's implementation, purpose, and goals will be presented to the Whitley County Bar Association at a meeting, with advance notice. The Whitley County attorneys will also be given handouts detailing the purpose, goals, eligibility, referral process, services to be offered, and Financial impact on litigants. Court and other government personnel, social service agencies, and providers will be given similar handouts, and offers to speak to groups, associations and meetings will be made. The general public will be advised through newspaper and radio news and feature stories to be arranged.

**(4) PLAN COORDINATION & PLAN ADMINISTRATION**

The Whitley Superior Court Judge will coordinate the plan. The court will initially seek agreements with qualified ADR service providers under terms and conditions mutually acceptable. Reimbursement shall not exceed \$100.00



per hour for up to 5 hours per case for mediation or \$100 per hour for up to 5 hours per case for parenting coordination. Any additional time will need to be approved by the Court. For 2015, the courts intend to utilize a family court grant to fund a mediator(s) on a flat rate basis (but at an hourly rate not greater than \$100.00 dollars per hour) so that the mediator will be available for services on set dates during the calendar year. The Courts will then refer matters to mediation on the pre assigned dates with notice to the mediator and with time reserved for the matter in the discretion of the Court. Whitley Superior Court will maintain the calendar for mediation and will coordinate with the mediator.

#### **(5) PLAN EVALUATION**

The ADR provider will provide each of the parties with a Participant Evaluation Form. The parties will be asked to complete the form and return it to the ADR provider at the close of the session.

The Plan will be measured by means of case/calendar analysis, integration with the Family Court Project and appropriateness of referrals to other programs, dedication of resources, and satisfaction of the court, counsel and participants.

#### **(6) PROJECT BUDGET**

It is estimated that the Whitley Circuit Court filings will generate \$2,920.00 (based on \$20.00 X 134 DR filing fees collected from January 1, 2013 to December 31, 2013, plus 12 JP filing fees (not Title IV-D) collected during the same time period) annually from filing fees for deposit into the Alternative Dispute Resolution Fund, and the Superior Court will generate \$1,240.00 (based on \$20.00 X 62 DR filings collected during the January 1, 2013 to January 31, 2013 time period. The estimated annual alternative dispute resolution fund budget for the Whitley Circuit and Superior Courts is attached.


The initial implementation of the Plan will begin after the approval of the Plan, January 1, 2015, by the Division of State Court Administration.

**(7) ANNUAL REPORT**

We shall submit a report to the Judicial Conference of Indiana no later than December 31 of each year, summarizing the results of the above program

Revised edition respectfully submitted this 26<sup>th</sup> day of November, 2014.

  
\_\_\_\_\_  
Douglas M. Fahl  
Whitley Superior Court

  
\_\_\_\_\_  
James R. Heuer  
Whitley Circuit Court

**DOMESTIC RELATIONS ALTERNATIVE DISPUTE  
RESOLUTION FUND PLAN OF THE CIRCUIT COURT AND  
SUPERIOR COURT OF WHITLEY COUNTY**

**ESTIMATED ANNUAL BUDGET**

January 1, 2015 – December 31, 2015

Annual Income from Filing Fees:

\$ 4,160.00 (based on \$20.00 X 196 DR Filings; and 12 JP filings from January 1, 2013 through December 31, 2013)

Expenses:

\$20,000.00 (Approximate) Contracted ADR/Facilitator Services and/or Parenting Coordination

\$500.00 Administrative services: start up costs, community and bar education regarding program and services, intake and referral services, and ongoing administration

**\*\*\* \$20,500.00 TOTAL ADR EXPENSES**

\*\* It is unclear at this time the amount the parties will pay directly for services, so we have not yet budgeted for such funds.

\*\* Whitley County will continue to seek grants until the program is self-sufficient.

## **ATTACHMENT A**

### **CO-PAY PROVISION AND LIMIT OF INCOME FOR PARTICIPANTS**

<u>TOTAL INCOME</u>	<u>CO-PAY PER HOUR</u>
\$0 - \$15,000	\$5
\$15,001 - \$20,000	\$10.00
\$20,001 - \$25,000	\$15.00
\$25,001 - \$30,000	\$20.00
\$30,001 - \$35,000	\$25.00

STATE OF INDIANA

IN THE WHITLEY CIRCUIT  
AND SUPERIOR COURTS


WHITLEY COUNTY, SS:


**GENERAL ORDER RE: WHITLEY COUNTY ALTERNATIVE  
DISPUTE RESOLUTION FUND PLAN**

Pursuant to I.C. 33-23-6 *et sec* providing for the funding of an approved Alternative Dispute Resolution Program, the Whitley Circuit and Superior Courts now Order:

1. In addition to the fees required under I.C. 33-37-4-4, the Clerk of the Court shall collect from the party filing a Petition for Legal Separation, Paternity, or Dissolution of Marriage under I.C. 31 an Alternative Dispute Resolution Fee in the amount of twenty dollars (\$20.00).
2. Not later than thirty (30) days after the Clerk collects a fee under paragraph (1), the Clerk shall forward to the County Auditor the Alternative Dispute Resolution Fee. The County Auditor shall deposit the fee forwarded by the Clerk under this section into the Alternative Dispute Resolution Fund.

SO ORDERED this 7<sup>th</sup> day of January, 2015.

  
\_\_\_\_\_  
James R. Heuer, Judge  
Whitley Circuit Court

  
\_\_\_\_\_  
Douglas M. Fahl, Judge  
Whitley Superior Court