

FILED

STATE OF INDIANA) IN OPEN COURT IN THE PORTER SUPERIOR COURT
) ~~SS~~ MAY 29 2012 DIVISION 4
 COUNTY OF PORTER) VALPARAISO, INDIANA
 IN RE:) *Mary R. Harper*
 GENERAL ORDER) Porter Circuit and Superior Court CAUSE # 04D05-1200-CB-2178

**NOTICE OF PROPOSED NEW RULES
 AND AMENDMENTS TO LOCAL COURT RULES**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Porter Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Porter County Local Juvenile Rules, effective January 1, 2013. All new numbering systems are outlined in the headings of the rules, shown by underline and deleted text is shown by ~~strike through~~. Two additional rules involving House Arrest Levels have also been added and are included at the end portions of the proposed amendments with underlined text. The new rules have also been formatted to include bold/un-bold text, which should be reflected in the newly amended rules.

The time period for the bar and the public to comment shall begin on June 1, 2012, and shall close on ~~July 1, 2012 (thirty days after the open comment date)~~. The proposed amendments to the rules and the proposed new rules will be adopted, modified or rejected before ~~July 31, 2012 (an additional thirty days after the closing comment date)~~, and if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than ~~August 1, 2012~~. Comments by the bar and the public should be made to the following address:

Clerk, Porter Circuit Court
 Attn: Comment to Local Rule Amendment
 16 Lincolnway
 Valparaiso, IN 46383

A paper copy of the proposed amended local rules will be made available for viewing in the office of the Clerk of Porter County during normal business hours. Persons with internet access may view the proposed local rule at the Porter County Website.
<http://www.porterco.org/index.php?id=clerk>

The proposed rules are to be adopted as follows:

PROPOSED AMENDMENT TO LOCAL RULE

**8000 SERIES PORTER
COUNTY LOCAL JUVENILE
RULES**

LR64-JV00-8000 CITATION

These rules shall be known as Porter County Local Juvenile Rules and shall be cited as:
"PORTER COUNTY LOCAL JUVENILE RULE "(OR "LR64-JV - "); AND

**LR64-JV00-81008010 ASSIGNMENT OF
CASES**

All cases which contain a cause number of the juvenile case type shall be filed on the juvenile docket.

**LR64-JV00-
82008020**

**APPLICATION OF LOCAL CIVIL AND CRIMINAL
RULES**

The Porter County Local Civil Rules whether adopted by this Court on its own or in conjunction with the Porter Superior Court including any subsequent modifications or amendments thereto apply to all Paternity and Children in Need of Services cases, unless otherwise provided in these Porter County Local Juvenile Rules. The Porter County Local Criminal Rules whether adopted by this Court on its own or in conjunction with the Porter Superior Court including any subsequent modifications or amendments thereto apply to all Delinquency cases, unless otherwise provided in these Porter County Local Juvenile Rules. The Porter County Local Family Law Rules apply to all Juvenile cases unless there is a conflict, in which event the Porter County Local Juvenile Rules shall control.

**LR64-JV00-83008030
REPORTS**

All reports required to be filed with the Court or are filed with the Court shall be filed at least 10 days prior to the hearing and shall promptly be given to the parents, foster parents, Special Advocate, caseworker, probation officer and attorneys. If the hearing was set with less than 10 days notice then the report shall be provided to the Court and the above individuals within 4 days of the date of the hearing but no later than 2 hours prior to the hearing. Reports include DCS 310's and DCS 311's. If the child is not with parents or relatives, all reports shall state what family members have requested custody and specifically why that relative is not being considered.

**LR64-JV00-84008040 SERVICE PROVIDER
REPORT**

All Individuals and agencies providing service for a child or family that is the subject of a Delinquency or CHINS Petition shall provide at least monthly reports. The monthly reports shall among other things state specifically why the service should continue and whether or not there are less costly services that can be provided by the service provider or some other service provider. The monthly reports are to be provided to the Department of Child Services, Probation Department, CASA, parents, foster parents, and attorneys. The caseworker or probation officer shall keep the service providers informed of the above individuals address so that the service providers can comply with this rule.

**LR64-JV00-85008050 CASE
CONFERENCE**

Case Conferences are to be set at least 2 weeks in advance and cleared on the parents and the child's attorney's calendar. Notice must be given immediately to the parent, foster parents, CASA and anyone else necessary for the conference to be a success. The approved case plan must be filed with the Court.

**LR64-JV00-86008060 NOTICE OF
HEARING**

Proof of Notice of any hearing required to be served by the caseworker or probation worker shall be filed with the Court as soon as practicable after service has been made.

**LR64-JV00-87008070 CHILD SUPPORT
WORKSHEET**

The probation officer or caseworker shall, not less than 3 days prior to an initial hearing, file a completed child support worksheet so that the Court may enter an order requiring the parents to pay for services as required by statute. The parents, under penalties for contempt, shall furnish the caseworker or officer with the necessary income information including the name and case number of any case where they are paying or receiving child support.

**LR64-JV00-88008080 SHARING OF
INFORMATION**

The Department of Child Services and the Probation Department shall freely share and exchange information, including documents, with each other concerning a child or family, upon request, regardless of the status of the case. Information deemed confidential shall be treated as such by the recipient.

**LR64-JV00-89008090 SPECIAL FINDINGS OF
FACT**

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

**LR64-JV00-80108100 CHANGE OF VENUE FROM THE
JUDGE**

No change of venue from a Magistrate shall be granted. A change of venue from the Judge of the Porter Circuit Court may be sought under applicable Indiana Rules of Trial Procedure.

**LR64-JV00-80208110 PARENTING
TIME**

Unless the Court enters specific orders to the contrary parenting time shall be in accordance with the Indiana Parenting Time Guidelines. For all settlement agreements in which parenting time is established, the parties shall certify in such agreement that they have received a copy of such guidelines and have read and understand the same.

LR64-JV00-8120 PLACEMENT ON HOUSE ARREST

Juveniles placed on House Arrest shall be subject to conditions based upon the level of House Arrest to which they are assigned.

LR64-JV00-8130 HOUSE ARREST LEVEL I

- 1. You will remain on House Arrest until you have been informed by the Juvenile Probation Department or the Court of your formal release from said conditions.**
- 2. When at home you are to be supervised by a parent/guardian or an approved adult unless otherwise approved by the Probation Department.**
- 3. You are to adhere to a curfew of 5:00 p.m. on weekdays and 7:00 p.m. on weekends unless otherwise approved by the Probation Department. While on House Arrest:**
 - a. Only friends approved by your parent(s) and the Probation Department are permitted to visit you in your home and/or on your property.**
 - b. Only one (1) approved friend is permitted to visit at any given time.**
 - c. Visitation with said friend shall be supervised by your parent or guardian.**
 - d. You are not allowed in anyone else's home unless accompanied by your parent and/or guardian or unless approved by your probation officer.**
 - e. You will be allowed to participate in out of home and after school activities approved by your parent(s) and the Probation Department**
- 4. Internet use is allowed only under your parent's direct supervision.**
- 5. At all times your parents/guardians are to know where you are. You are not to be with any other adult without your parents and the Probation Department's permission.**
- 6. If you are absent from school, you must report your absence to the Probation Department by 9:00 a.m. You may be required to provide a medical excuse to validate your illness.**
- 7. At any time submit to a drug screen. Any confirmed controlled or illegal substance or substance metabolite is a violation of Court Ordered Restriction.**
- 8. At any time allow any Juvenile Court representative or Law Enforcement Officer to enter your residence without prior notice, and to make reasonable inquiry into your activities and others in the home, and you shall at anytime submit to the reasonable search of your home, person and/or vehicle which shall relate to your compliance with these conditions of house arrest.**

Further, a Juvenile Court representative may visit or telephone your home or require you to attend an appointment to verify your compliance to these rules. Non-attendance will be viewed as a violation of House Arrest. You shall answer all reasonable inquires by any Juvenile Court Representatives.

9. You are not allowed to operate any motorized vehicle for the duration of House Arrest unless otherwise approved by both your parent(s) and the Probation Department.

10. Further specific conditions:

LR64-JV00-8140 HOUSE ARREST LEVEL II

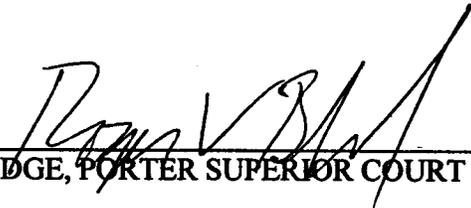
1. **When at home you are to be supervised by a parent/guardian or a Court appointed adult unless otherwise approved by the Juvenile Probation Department.**
2. **You are not allowed to leave your property unless you are directly going to school, to work, or you are with your parents/guardians. If you are allowed to work, your hours must be approved by your Probation Officer. You must provide a written report of your work schedule each week to the Juvenile Probation Department.**
3. **You are not permitted to have friends in your home, on your property, or on the telephone. You are not allowed to use the Internet or a pager.**
4. **At ALL times your parents/guardians are to know where you are. You are not to be with any other adult without your parents' and the Probation Department's permission.**
5. **Obey all laws. Any tobacco products found in the possession of a child on home detention will be confiscated.**
6. **If you are absent from school, you must report your absence to the Juvenile Probation Department by 9:00 a.m. You may be required to provide a medical excuse to validate your illness.**
7. **At any time a Juvenile Court representative may visit or telephone your home or require you to attend an appointment to verify your compliance with these rules. Non-attendance will be viewed as a violation of home detention.**
8. **At any time submit to a drug screen. Any confirmed controlled or illegal substance or substance metabolites is a violation of home detention.**

9. At any time allow any Juvenile Court representative or law enforcement officer to enter your residence without prior notice, and to make reasonable inquiry into the activities of you and others in the home. At all times you shall be subject to reasonable searches of your home, vehicle and/or person which shall relate to your compliance with these conditions of House Arrest. You shall answer all reasonable inquiries by any Juvenile Court representative.
10. You are not allowed to operate any motorized vehicle while you are on home detention without prior approval of the Court.
11. Obey all laws. Any tobacco products found in the possession of a child on home detention will be confiscated.
12. Further specific conditions:

SO ORDERED THIS 29th DAY OF MAY, 2012.



JUDGE, PORTER CIRCUIT COURT



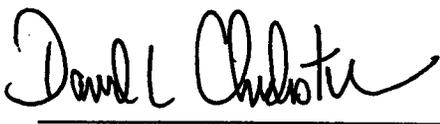
JUDGE, PORTER SUPERIOR COURT #1



JUDGE, PORTER SUPERIOR COURT #2



JUDGE, PORTER SUPERIOR COURT #3



JUDGE, PORTER SUPERIOR COURT #4



JUDGE, PORTER SUPERIOR COURT #6