

**2017**  
**LOCAL RULES OF**  
**COURT**  
*FOR THE*  
**PORTER COUNTY**  
**COURTS**

Modified and Drafted in 2016  
*Amended and Adopted July of 2016, and approved by the Indiana Supreme  
Court on July 26, 2016 and to take effect 1/1/2017*

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# 1000 SERIES PORTER COUNTY LOCAL SMALL CLAIMS RULES

## LR64-SC00-1000 GENERAL PROCEDURE

**1000.10 Conflict of Rules.** All small claim proceedings in the Porter Superior Court, County Division shall be governed by the Small Claims Rules promulgated from time to time by the Indiana Supreme Court, and these published herein. In any instance where these rules conflict with the rules of the Indiana Supreme Court, the latter shall control.

**1000.20 Tender of Completed Documents and Proper Costs.** Parties or their attorneys are solely responsible for tender to the Court of any documents desired to be filed in complete and correct form, together with proper costs and the correct number of copies, as determined by the Clerk. Neither the Court nor the Clerk will be responsible for delays or deadlines missed due to the tender of incomplete or incorrect documents, improper costs, or insufficient number of copies. In every case on an account, an Affidavit of Debt required by Indiana Small Claims Rule 2(B) shall be filed with the Notice of Claim.

**1000.30 Appearance by Husband or Wife.** Except for hearing on proceedings supplemental or by contrary order of the Court, appearances by a party's spouse shall be considered the appearance of the party upon said spouse's representation on the record that the party and the appearing spouse are currently married and cohabiting.

**1000.40 Parties Current Addresses.** Notices from the Court will be sent to the parties at the most recent address in the Court's possession. The parties are solely responsible to advise the Court in writing of any change of address. Failure of Plaintiff to notify the Court of his/her current address may result in the dismissal of the claim.

## LR64-SC00-1100 FORMS

**1100.10 Court's Forms.** The Court shall from time to time, and through consultation with the Clerk, draft forms for use of litigants, the Clerk, and the Court in small claims actions. All small claims shall be filed on forms furnished by the Clerk of the Court.

**1100.20 No Other Forms.** Originals or photocopies of the forms described in LR64-SC2-1100.10 shall be acceptable for filing. Any other form, photocopy or computer generated copy thereof presented to the Clerk shall be accepted for filing upon approval of the

Judge to whom the case is assigned.

**1100.30 Production and Form.** All filings shall be placed on white, 8-1/2" x 11" paper, with printing or writing on one side only.

### **LR64-SC00-1200 HEARING CALENDARS**

**1200.10 General Procedure.** Upon the filing of a notice of claim, the Clerk shall schedule an initial hearing for the purpose of determining whether the matter is settled, contested, uncontested or to be dismissed. If uncontested, the Court or parties shall prepare Agreed Judgment forms. If contested, the Court shall set the matter for trial or mediation. The parties need not bring their exhibits or witnesses to the initial hearing, except in eviction hearings. Failure to appear at the Initial Hearing by Plaintiff shall result in dismissal without prejudice pursuant to Indiana Small Claims Rule 10(A). If the Defendant fails to appear at initial hearing and proof of service is established, a default judgment shall be entered against the Defendant.

**1200.20 Change of Calendar.** Should any party file a motion to continue the initial hearing, the Court may grant or deny the motion, or strike the initial hearing and set the matter for bench trial at a later date. The moving party must notify the other party of the continuance motion and serve notice thereon.

**1200.30 Alternative Dispute Resolution in SC Cases.** The Court may order Alternative Dispute Resolution (ADR) in the form of mediation at the request of either party or in the discretion of the Court.

### **LR64-SC00-1300 CONTINUANCES**

**1300.10 General Rule.** With appropriate verified written motion and for good cause only, any party may file a motion to continue the initial hearing, bench trial, motions hearing or proceedings supplemental to judgment, stating cause for such continuance. Continuances are highly disfavored and interfere with the general principle of quick and speedy justice in the Small Claims Rules. A continuance under this subsection may not be granted within ten (10) days of a hearing or bench trial unless agreed upon by the opposing party and approved by a Judge. All motions for continuance must be made in writing by the party or by the party's attorney who has filed a written appearance on behalf of said party. The party or attorney obtaining the continuance shall notify any opposing party in a timely fashion and the Court or Clerk shall distribute a copy of the order continuing trial to the parties.

**1300.20 No Delay Beyond Nine (9) Months.** No case shall be continued for trial beyond nine (9) months from the date the action is filed. Only extreme hardship or emergency shall serve as an exception. Any continuance shall be granted only by the Court upon due showing of extreme hardship or emergency by either party. Said hardship condition shall be reported to the Court immediately upon learning of the hardship. In the event such extreme hardship or emergency is shown, the Court will grant an additional continuance for a period not longer than necessary.

**1300.30 Possession of Real Estate.** No continuance shall be granted to a Defendant where the action involves the issue of possession of real estate, except for good cause shown and upon approval by the Court.

**1300.40 Sanctions for Failure to Notify.** Where notice of continuance has not been timely given, the Court may assess sanctions which may include, but are not limited to, reasonable attorney's fees, lost wages and other costs for each party and necessary witness appearances due to lack of notice. Motions for sanctions shall be heard as a part of the trial on the merits.

## **LR64-SC00-1400 DISMISSAL OF ACTIONS**

**1400.10 Dismissal by Plaintiff.** Any claim may be dismissed by the plaintiff at any time before judgment has been entered unless a counterclaim has been filed by a Defendant.

**1400.20 Dismissal by Court.** The Court may dismiss any Notice of Claim, subject to amendment, which is vague or ambiguous as not to state a proper cause of action. The Court may dismiss any Notice of Claim which does not abide by Local Rule.

**1400.30 Dismissal by Stipulation.** Any claim may be dismissed by filing a stipulation of dismissal signed by all parties to the claim.

**1400.40 Conversion of Action from Small Claims to Plenary Docket.** Should any party seek to have a small claims case converted to the plenary docket, the party shall first pay the difference in filing fee between small claims and the plenary docket. Should a case be filed on the plenary docket seeking less than the statutory maximum damages of small claims court, the plenary court may have the matter transferred to small claims court without reimbursement of any difference in filing fees. The Clerk shall then assign an SC designation to the caption and file. If any pending case having an SC designation is converted or transferred to the plenary docket and is given a PL, CT, or CC case designation, the Clerk shall affix the appropriate new designation to the caption and file and the case shall remain in the same court as the original SC designation. A party plaintiff may not file consecutive cases against the same defendant to bypass a plenary designation or to avoid Small Claims Rule 8 requiring an attorney appearing for a corporate party. No Plaintiff may file consecutive Small Claims cases under the jurisdictional limit to avoid filing the matter on the plenary docket.

**1400.50 Request for Jury Trial.** Any Defendant may request a jury trial by submitting a written request to the court no fewer than ten (10) days after receipt of the Notice of Claim. A Plaintiff filing a Notice of Claim on the small claims docket impliedly waives a right to trial by jury. Once a jury request has been granted, it may not be withdrawn without the consent of the other party or parties. Within ten (10) days after the jury request has been granted, the requesting party shall pay the Clerk the difference between the small claims and plenary docket filing fee. If not timely filed, the Court may deny the request for jury trial.

## **LR64-SC00-1500 DEFAULT**

**1500.10 Grace Period.** The Court shall permit each party a ten (10) minute grace period to appear for any proceeding.

**1500.20 Default of Plaintiff.** Upon the failure of a Plaintiff to appear at any hearing or trial on the merits, the cause may be dismissed without prejudice. Further, default judgment may be entered for the Defendant against the Plaintiff on any timely-filed counterclaim. Upon Plaintiff's failure to appear at the initial hearing or at a trial on the merits in a subsequent cause based on the same facts as the cause earlier dismissed without prejudice, the cause may be dismissed with prejudice and a default judgment may be entered for the Defendant against the Plaintiff on any timely-filed counterclaim.

**1500.30 Default of Defendant.** Upon the failure of a Defendant to appear at any hearing or trial on the merits, with proof of good service, a default judgment may be entered.

**1500.40 Notice in the Event of Inadequate Service.** Where the Court has received return of service which discloses less than ten (10) days notice to any Defendant of a hearing set pursuant to LR64-SC00-1200, and the Defendant fails to appear for said hearing, the Plaintiff shall not be entitled to entry of default. If the Plaintiff wishes to proceed, the Clerk shall notify the Defendant of a new calendar setting by first class mail to the address at which service was obtained. Such notice is sufficient if said notice is sent and the hearing set so as to comply with T.R. 6 and S.C. 2.

**1500.50 Setting Aside Default Judgment.** A default judgment may be set aside according to the procedure set forth in S.C. 10(C):

(1)Expedited Hearing. An expedited hearing on such a motion to set aside default judgment shall be set on the Judge's calendar.

(2)Stay of Collection Proceedings. In any cause in which a motion to set aside default judgment has been filed, collection proceedings as to the judgment debtor filing the motion will not be stayed unless a motion to stay such proceedings is filed and granted.

**1500. 60 Default on Proceedings Supplemental.** The Court may permit the parties a ten (10) minute grace period to appear for any proceeding supplemental hearing. After the ten (10) minute grace period has elapsed the court may issue appropriate orders including dismissal of the hearing, or default orders against a judgment debtor.

## **LR64-SC00-1600 ATTORNEY FEES**

**1600.10 Evidence Required to Support Award.** The amount of attorney fees awarded shall be within the sound discretion of the Court. No attorney fees shall be requested unless provided for by written agreement between the parties, applicable statute or common law. In the event attorney fees are requested pursuant to a written agreement a copy of said agreement shall be filed with the Court.

Absent the filing of an appropriate fee affidavit, attorney fees for an NSF check shall be based upon the actual amount of the check.

**1600.20 Submission of Attorney Fee Affidavit.** For any matter in which a party is seeking an award of attorney fees, the attorney shall submit and file an Attorney Fee Affidavit detailing the hourly rate, number of hours performed, type of work performed and total fee requested.

## **LR64-SC00-1700 JUDGMENTS FOR POSSESSION OF REAL ESTATE**

**1700.10 Bifurcated Hearing and Expedited Hearing on Possession.** Hearings in actions involving the issue of possession of real estate shall be bifurcated. The possession hearing shall be set in an expedited setting as an initial hearing to determine whether a breach of any lease term has occurred. A final judgment for the possession of the real estate shall be entered at the initial hearing and a judgment for back rent and/or other damages, if any, shall be entered at a separate damages hearing. At least seven (7) days prior to the damages hearing, the landlord shall have filed the Landlord Computation of Damages Form (See Appendix 1). At the damages hearing, the parties shall be required to advise the Court of any subsequent change of address during the pendency of the action.

**1700.20 Notice to Tenant.** Unless the landlord shall file the pleading and bond set forth in I.C. 32-6-1.5-1, et seq., notice of the possession hearing shall be served on a tenant not less than ten (10) days prior to the possession hearing. Should a landlord request a continuance of the possession hearing, the landlord must serve new notice to the tenant of the possession hearing. A landlord may not utilize the damage hearing to seek ejectment, unless tenant is aware of the issue and possibility of ejectment and has received proper notice.

**1700.30 Disposition of Tenant=s Remaining Personal Property.** If a tenant leaves personal property of value in or about the demised premises under circumstances which reasonably show abandonment of said personal property, the landlord shall follow the provisions of I.C. 32-31-4-3 et. seq. for removal of same.

**1700.40 Landlord Computation of Damages Form.** At least seven (7) days prior to the damages hearing, the landlord shall complete and tender to the Tenant and Court a copy of the Landlord Computation of Damages Form, so that the Tenant may review the form and appropriately respond to the Court=s inquiry whether the Damages Hearing is contested or uncontested. Also, it is expected that the parties meet in civil and orderly fashion prior to the hearing to determine whether an agreement or stipulation can be made on any damages.

## **LR6400-SC00-1800 VENUE**

**Local Small Claims Venue.** When Porter County is the proper venue for a small claims action under Indiana Small Claims Rule 12, said action shall be filed as follows:

- A.** Small claims from Washington, Boone, Pleasant, Center, Union, Porter and Morgan Townships shall be filed in Porter Superior Court #4, sitting in Valparaiso, Indiana.
- B.** Small claims from Jackson, Liberty, Pine, Portage, and Westchester Townships shall be filed in Porter Superior Court #3 and Porter Superior Court #6, sitting in Portage, Indiana on a tally basis kept by the Clerk of the Court. Where proper venue for small claims cases would lie in either Porter Superior Court #3 or Porter Superior Court #6, uncontested collection cases filed in volume by an individual plaintiff or an attorney representing several plaintiffs shall be filed in a group in the Court that would be next available by Clerk tally. The Clerk shall at all times keep the next available cause number confidential.

In the event the filing of cases pursuant to this rule shall result in a disparity of small claims filings reflected by the Quarterly Case Status Report (QCSR), the Judges of the Superior Court County Division may jointly direct the Clerk of the Court to assign case filings in the County Division, so as to eliminate the disparity.

## **LR64-SC00-1900 PROCEEDINGS SUPPLEMENTAL**

**1900.10 General Procedure.** Proceedings supplemental to execution shall be governed by T.R. 69(E) and applicable statutes, and subject to the approval of the Court which entered judgment.

**1900.20 Thirty Day Rule.** A motion for proceedings supplemental may not be filed until thirty (30) calendar days have elapsed since the date of judgment except by order of the Court for good cause shown.

**1900.30 Hearing.** Unless a party specifically requests otherwise and sets the hearing accordingly, all hearing on proceedings supplemental will be set on the uncontested calendar.

**1900.40 Conduct of Hearings.** Unless the judgment creditor is represented by an attorney at the proceeding supplemental hearing, said hearing may be conducted by an officer of the Court. However, an Officer of the Court shall advise the judgment debtor from the outset that he/she has a right to a hearing in the presence of the Judge.

## **LR64-SC00-1010 COURT ORDERS TO APPEAR (COTA)**

**1010.10 General Rule.** A judgment creditor may request that the Court issue an Order to Appear (COTA) to a judgment debtor when an active proceeding supplemental is pending against the judgment debtor. The first hearing date set for a COTA shall be set within sixty (60) days of the date on which the COTA is issued.

**1010.20 Failure to Appear on a COTA.** Upon a judgment debtor's failure to appear on the date and time set by the COTA, the Court may order any appropriate remedy including the issuance of a contempt citation to the judgment debtor.

**1010.30 Status Compliance Hearings.** Unless good cause shown, a judgment creditor may not schedule a Status Hearing for Compliance and Order to Appear (COTA) within 100 days of any previous setting.

## **LR64-SC00-1020 CONTEMPT/RULE TO SHOW CAUSE/ BODY ATTACHMENT**

**1020.10 Contempt.** Upon failure of a judgment debtor or garnishee defendant to appear as ordered for a scheduled hearing, the Court may issue a contempt citation to said person.

**1020.20 Body Attachment.** Body attachment shall be requested and issued only when:

- (1) any party contemptuously fails to comply with a Court Order, or;
- (2) the judgment debtor or garnishee defendant previously ordered to appear for a scheduled hearing was served with a contempt citation and failed to appear for the contempt hearing, and
- (3) the judgment creditor or attorney for judgment creditor has filed a form entitled AAffidavit in Support of Bench Warrant@ which affirmatively shows the Court that notice and service has been obtained upon the judgment debtor, that the address being utilized is current and good, and that sufficient assets exist upon which a levy can be made; and
- (4) Counsel has filed an accounting of all payments on judgments received exclusive of payments made through the Clerk, together with a balance due on the account; and

(5) the judgment creditor or attorney has supplied the Clerk of Court with sufficient identifiers to allow the Civil Sheriff to proceed with body attachment.

**1020.30 Procedure for Contacting Judgment Creditor When Attached Person is in Custody.** Whenever a judgment defendant has been arrested on a Writ of Body Attachment, a hearing shall be conducted pursuant to Indiana Trial Rule 64. When creditor/plaintiff is unrepresented, the Court shall conduct hearing without notice to all parties. If creditor is represented, counsel for creditor shall be given the opportunity to appear and conduct proceedings supplemental to judgment. Should counsel waive appearance or fail to appear, the Court shall set bond, if appropriate, and issue an Order for debtor to appear at future court hearings.

**1020.40 Judgment Debtor in Jail.** No bench warrant or body attachment shall issue for a judgment debtor already incarcerated on an unrelated matter. A Judgment Debtor shall check the Department of Correction Locator Website to determine whether the debtor is incarcerated in Indiana. If incarcerated in the Porter County Jail, the judgment creditor or attorney shall proceed to the jail to conduct proceedings supplemental to judgment.

**1020.50 Setting of Cash Bond.** The Court shall set an appropriate bond for the release of the judgment defendant from incarceration and upon promise to appear for future court proceedings. The Courts shall agree upon the appropriate cash bond to guarantee future appearance, which shall not be in the amount of the judgment due.

**1020.60 Recall of Body Attachments.** A judgment creditor or attorney must timely seek to have a bench warrant or body attachment recalled, when appropriate. Upon timely filing of a Motion to Recall Warrant or Body Attachment, the Court shall notify the Civil Bureau of the Sheriff to recall the warrant.

**1020.70 Payment of Cash Bond to Clerk.** Upon receiving notice from the Sheriff that a Bench Warrant or Body Attachment Order has been entered by the Court, a Judgment Debtor/Defendant may proceed to the Clerk's Office and post the amount of bond with the Clerk, who shall notify Court Staff to have the bench warrant recalled immediately. Court Staff shall obtain a current address from the Judgment Debtor/Defendant and assign a court date for the Judgment Debtor/Defendant to appear for further proceedings supplemental to judgment, unless the posting of bond satisfies and releases the judgment.

**1020.80 Expiration of Writs of Body Attachment and Civil Bench Warrants.** A writ of body attachment expires 180 days after its issuance. An expired writ may be reissued upon written request referencing and reaffirming the allegations contained in the original request, accompanied by an updated Affidavit In Support of Bench Warrant.

## **LR64-SC00-1030 GARNISHMENT**

**1030.10 General Procedure.** All garnishment proceedings shall be subject to the approval of the Court.

**1030.20 Requirements for Garnishment Order to Issue.** A Garnishment Order shall not issue with respect to a judgment debtor's wages or other property without:

- (1) an active proceeding supplemental as to the judgment debtor;
- (2) service on the garnishee-defendant of the proceeding supplemental by:
  - (a) first-class mail, certified mail, or refusal thereof,
  - (b) Sheriff's service, or;
  - (c) private process server; and
- (3) return of answered interrogatories, other verification of employment by the garnishee-defendant, or failure to answer interrogatories after notice.

**1030.30 Voluntary Garnishments.** In instances where a judgment debtor has entered a voluntary agreement for periodic payments to satisfy the judgment and has further consented to garnishment upon default, notwithstanding the terms of the agreement, no Garnishment Order shall issue unless an active proceeding supplemental is pending against the judgment debtor and the garnishee-defendant.

**1030.40 Release.** Upon receipt by the judgment creditor, or by the Clerk on the judgment creditor's behalf, of monies sufficient to fully satisfy the judgment, and any accrued interest and costs, the judgment creditor shall immediately obtain a Court order releasing the applicable Garnishment Order and shall forward a copy to the garnishee-defendant.

## **LR64-SC00-1040 BANKRUPTCY OF JUDGMENT DEBTOR**

**1040.10 Motion to Stay Proceedings Per Bankruptcy Filing.** All actions, including pending collection proceedings, shall be stayed as to any Judgment Debtor who files with the Court in each relevant action one (1) copy of the Bankruptcy Court's notice of relief (or Bankruptcy Cover sheet showing date of filing, cause number, applicable bankruptcy chapter) or who files with the Court in each relevant action a Motion to Stay reciting the filing of bankruptcy by the Judgment Debtor and resultant stay of all proceedings by the Bankruptcy Court, including the cause number, date of filing, bankruptcy chapter, and attaching a copy of the applicable address matrix or schedule showing the listing of the creditor, and the name of the Bankruptcy Court. Debtor's counsel shall file a Proposed Order of Stay with the Court which shall include a provision to recall any and all outstanding bench warrants.

**1040.20 Notice of Dismissal of Chapter 7 or 13 Bankruptcy.** A Motion to Dissolve Bankruptcy Stay on account of dismissal of a bankruptcy must include the Order from the United States Bankruptcy Court showing dismissal.

## **LR64-SC00-1050 RELEASE OF JUDGMENT**

**1050.10 Release of Judgment.** Upon Defendant's payment of the judgment together with interest and costs in full the plaintiff shall, upon receipt of said funds, promptly release the judgment. Should the Plaintiff fail to release the judgment the Court may order the judgment released.

**SMALL CLAIMS RULES APPENDIX 1**

STATE OF INDIANA ) IN THE PORTER SUPERIOR COURT  
 ) SS:  
 COUNTY OF PORTER ) \_\_\_\_\_, INDIANA  
 )  
 \_\_\_\_\_ )  
 PLAINTIFF )  
 )  
 vs. ) CAUSE NO. 64D0 \_\_\_\_-\_\_\_\_\_  
 )  
 \_\_\_\_\_ ) DEFENDANT )

**LANDLORD COMPUTATION OF DAMAGES FORM**

The Plaintiff(s)/Landlord, under the penalties for perjury states that the following computations represent the damages incurred as a result of a breach of the lease agreement and/or tenancy by the Defendant/Tenant:

*[Ordinary wear and tear is not a compensable damage and will be subtracted by the Court in many instances. Also, labor costs for cleanup by the Landlord are normally disfavored]*

I. UNPAID RENT: \_\_\_\_\_ MONTHS @ \$ \_\_\_\_\_ PER MONTH = \$ \_\_\_\_\_ LESS SECURITY DEPOSIT  
 Sub-Total Due \$ \_\_\_\_\_

II. DAMAGES TO PREMISES

- 1. Paint, cleaning products \$ \_\_\_\_\_
  - 2. Physical damage to walls, etc. \$ \_\_\_\_\_
  - 3. Removal of personal property \$ \_\_\_\_\_
  - 4. OTHER \$ \_\_\_\_\_
  - 5. OTHER \$ \_\_\_\_\_
- Total Physical Damages \$ \_\_\_\_\_

**GRAND TOTAL OF DAMAGES DUE** \$ \_\_\_\_\_

This form can be utilized when requesting a default judgment for damages, post-eviction, or as a summary exhibit at a contested trial or damages hearing. Plaintiff must return this form personally or by first class mail to the Clerk=s Office on or before seven (7) calendar days before the scheduled trial. Failure to timely return this claim form to the Clerk=s Office may result in the granting of a continuance to the Defendant.

PLEASE SIGN: \_\_\_\_\_

**2000 SERIES  
PORTER  
COUNTY  
LOCAL FAMILY LAW  
RULES LR64-FL00-2000  
ALTERNATIVE DISPUTE RESOLUTION  
(ADR) AND CASE MANAGEMENT**

**LR64-FL00-2000.1 ADR.** In all contested family law matters, including dissolutions, separations, custody disputes, post-decree and support proceedings, the parties may be required to comply with the requirements of ADR.

**LR64-FL00-2000.2 Case Management.**

(1) The Domestic Relations Case Management Order (see Appendix A) shall may apply at the Court's discretion to the following contested causes of action:

- (a) Petition for Dissolution of Marriage;
- (b) Petition for Legal Separation;
- (c) Petition for Modification of an existing court order;
- (d) Petition for Rule to Show Cause;
- (e) Any other cause of action the Court deems appropriate.

(2) In the alternative, the Court may require the parties and Counsel to attend a Status or Case Management Hearing or Conference at which time the Court may enter further Orders and deadlines to facilitate the progression of the Cause.

**LR64-FL00-2100 FINANCIAL DECLARATION  
FORM**

**LR64-FL00-2100.1 Requirement.** In all family law matters, including dissolutions, separations, post-decree and support proceedings, each party shall prepare and exchange, respectively, within 45 days of the initial filing of the action or within 30 days of the filing of any post-decree matters, a Financial Declaration Form (see Appendix B and C). These time limits may be extended or shortened by court order for good cause shown. In those cases where there is service but no appearance by counsel, it is the responsibility of the moving party to serve the completed Form on the other party and to notify that party of the duty to prepare and serve one as well.

**LR64-FL00-2100.2 Exceptions.** The Form need not be exchanged if:

- (1) the parties agree in writing within 30 days of the initial filing to waive exchange, **and**;
- (2) the parties have executed a written agreement which settles all financial issues, or;
- (3) the proceeding is merely at a provisional or emergency relief stage, or;
- (4) the proceeding is one in which the service is by publication and there is no response, or;
- (5) the proceeding is post-decree and concerns issues without financial implications. Provided, however, when the proceeding is post-decree and concerns an arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely that portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation).

**LR64-FL99-2100.3 Use at Trial.** The Form is intended primarily as discovery although, subject to appropriate objection, it shall be admissible at the request of any party. Therefore, particularly in view of the presumptive nature of the Support Guidelines, direct examination on Form data shall address only unusual factors which require explanation, or corrections, and shall not, particularly with respect to issues of support, be routinely permitted. For evidentiary purposes, the pages of the Form shall be deemed severable.

**LR64-FL00-2100.4 Supporting Documents.** For the purposes of providing a full and complete verification of assets, liabilities and values, each party shall attach to the Form all information reasonably required and reasonably available. This shall include recent bills, wage and tax records, and bank, pension and year-end mortgage statements. "Reasonably available" means that material which may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed or is in possession of the other party. Appraisals of real estate and pensions, or of personal property such as jewelry, antiques or special collections (stamps, coins or guns, for example), are not required. However, once an appraisal is obtained, it must be exchanged. Moreover, the Court may direct that an appraisal be obtained, and may designate the appraiser.

**LR64-FL00-2100.5 Privacy - Sealing of Forms.** Whenever the interest of privacy so requires, the Court may, upon motion, direct the admitted Forms sealed until further order. However, such requests shall not be made as a matter of course. When ordered sealed, the court reporter shall take custody of the Forms and place them in a flat manner in an envelope of sufficient size, seal the envelope and affix a copy of the order. Forms may be withdrawn at the conclusion of the case on such terms as the Court allows.

**LR64-FL00-2100.6 Final Declaration - Mandatory Discovery.** The exchange of Forms constitutes mandatory discovery. Thus, Indiana Rules of Trial Procedure, Rule 37

sanctions apply. Additionally, pursuant to Trial Rule 26(E)(2) and (3), the Form shall be supplemented if additional material becomes available. Further, any additional discovery such as a motion to produce, interrogatories, or depositions of the parties shall not commence until the Forms are exchanged.

## **LR64-FL00-2200 CHILD SUPPORT GUIDELINES**

**LR64-FL00-2200.1 Worksheet Required.** In all proceedings involving child support, each party shall file with any settlement, or enter into evidence during any trial, Indiana Child Support Guidelines worksheets - one or more depending on the facts. Further, the worksheet(s) shall, when reasonably possible, be delivered to the other party simultaneously with the Financial Declaration Form, but, in any event, within ten (10) days of receiving the other party's Form. The worksheet(s) shall be promptly supplemented if any changes occur prior to resolution.

**LR64-FL00-2200.2 Support Settlement Agreements.** If an agreement concerning support contains deviation ten percent (10%) or more from the Guidelines, the parties shall present to the Court a written explanation, with supporting documents, justifying the deviation.

## **LR64-FL00-2300 CHILD CUSTODY**

**LR64-FL00-2200.1** In all proceedings regarding custody of minor children which remain contested after ADR, the Court may appoint a qualified family therapist to make a recommendation as to custody, and the Court may allocate the cost thereof as it deems reasonable.

## **LR64-FL00-2400 GUARDIANS AD LITEM**

**LR64-FL00-2400.1 Definition.** An individual appointed by the Court under I.C. 31-1-11.5-28(b); I.C. 31-15-6-1; I.C. 31-17-6-1 or by Order of Court.

**LR64-FL00-2400.2 When appointed.** The Court shall appoint a Guardian at

**Litem.** Whenever the Court is required to do so by statute, or whenever the Court finds in its discretion that it is appropriate to appoint a Guardian Ad Litem to do so, the Guardian Ad Litem then becomes a party and anything to be served on the opposing party shall also be served on the Guardian Ad Litem.

**LR64-FL00-2400.3 Duties.** The Guardian Ad Litem shall:

(1) Perform all duties required by law which includes to protect the best interests of the child(ren); and

(2) Submit a written report of his or her finding to the Court prior to the matter being heard by the Court. The attorneys and self-represented litigants shall receive notice of the filing of the report and may inspect same upon notice to the Court.

**LR64-FL00-2400.4 How appointed.**

(1) Where one or both parties request and/or where the Court has determined a Guardian Ad Litem should be appointed to protect the best interest of the child(ren), the parties shall within the time set by the Court, select a Guardian-Ad Litem.

(2) In the event the parties fail to select a Guardian Ad Litem within the time determined by the Court, the Court shall name a three-person panel.

(3) Unless the Court instructs otherwise, after the Court has named the panel, the party listed on the case caption as Petitioner, shall within three (3) days, strike first. Respondent shall, within three (3) days thereafter, strike from the remaining two (2) persons. The remaining person is the court appointed Guardian Ad Litem, subject to that person's acceptance.

(a) in the event either party should fail to strike within the time frame provided, they have waived their opportunity to strike and the other party may strike in their place.

(b) Should both parties fail to strike, the first named person on the list is appointed Guardian Ad Litem, subject to acceptance.

**LR64-FL00-2400.5 Fees.**

(1) When a Guardian Ad Litem is selected, the Court shall order each party to pay a lump sum in the Clerk of Court, to the prospective Guardian Ad Litem, or into the trust account of one of the party's attorneys, to be held for payment of Guardian Ad Litem fees.

(2) The Guardian Ad Litem shall file a fee affidavit or motion with the Court if the Guardian Ad Litem needs additional fees to bring the fees current or to cover fees anticipated for the completion of the investigation, preparation of the report or appearance in court.

(3) The Court may order the parties to pay additional monies into the Clerk, directly to the Guardian At Litem or into the trust account of Counsel as it becomes necessary.

(4) The Court may reapportion the total costs at the time of disposition.

**LR64-FL00-2400.6 Term of Service.**

(1) The Guardian Ad Litem shall serve in such capacity until such time as discharged by the Court.

(2) The Guardian Ad Litem may, at anytime, request that he or she be relieved of their duties.

(3) The parties may request that a Guardian Ad Litem be removed and it will be within the Court's discretion whether just cause exists for such removal.

**LR64-FL00-2400.7 Form of Order.** Whenever a Guardian Ad Litem is appointed the Appointment of Guardian Ad Litem Order (See Appendix D) shall be prepared and submitted for approval of the Court.

**LR64-FL00-2500 VISITATION ORDERS**

**LR64-FL00-2500.1 Visitation.** Visitation shall be governed by the Indiana Parenting Time Guidelines.

**LR64-FL00-2600 PREPARATION OF ORDERS**

**LR64-FL00-2600.1 Exchange.** It shall be the duty of the parties' attorneys to prepare decrees and other orders as directed by the Court. The attorney so directed shall first submit them to all other attorneys of record, within fourteen (14) days, to enable them to challenge any provision thereof before submission to the Court for entry.

**LR64-FL00-2600.2 Additions.** If the preparing attorney believes the receiving attorney is unreasonably withholding approval as to the form of order, or if either attorney believes the other is attempting to make additions not addressed by the Court, either may submit a proposed form of order to the Court, and shall attach thereto a written explanation of the dispute. Either attorney shall have seven (7) days to respond before the Court enters any order. The Court may enter sanctions against a party who has unreasonably withheld approval or attempted to make additions not addressed by the Court.

**LR64-FL00-2600.3 Required Number of Copies.** In all cases that been assigned to the Porter County Family Court, it shall be the responsibility of the parties to make sure that Family Court receives a copy of all Orders. Therefore, all orders submitted to the Court shall be accompanied by a sufficient number of copies and the same number of postage paid addressed

envelopes, so that a copy may be mailed to each party or counsel of record and a copy to the Family Court. The original and one copy of all orders shall be retained by the Clerk.

## **LR64-FLOO-2700 SANCTIONS**

**LR64-FL00-2700.1** If a party or counsel fails to timely prepare, exchange or file a Financial Declaration Form or Child Support Worksheet(s), or fails to cooperate in providing information relevant thereto in a timely manner, either is subject to sanctions under Trial Rule 37.

## **LR64-FL00-2800 ATTORNEY FEE REQUESTS**

**2800.1 Affidavits.** When attorney fees, except those sought provisionally, are requested from the opposing party, the requesting attorney shall submit an appropriate affidavit, which the Court may admit as an exhibit.

**2800.2 Written Requirements.**

(1) The affidavit shall indicate the:

- (a) requested fee and the basis thereof;
- (b) amount counsel has billed, contracted for or been promised, and;
- (c) amount counsel has received from all sources.

(2) A copy of the written fee contract, if any, shall be attached to the affidavit and be deemed as part thereof.

(3) Opposing counsel may cross-examine the requesting attorney as to any of the submitted material.

## **LR64-FL00-2900 AGREED MATTERS - SUBMISSION**

**LR64-FL00-2900.1 Signed Agreements Required.** No agreed matter shall be submitted unless accompanied by a signed agreement, and other appropriate documents, such as a decree, a wage-withholding order, or a Qualified Domestic Relations Order. However, if the parties reach an agreement "on the courthouse steps", then the Court will accept evidence of that settlement on the record.

## **LR64-FL00-2910 RESTRAINING ORDERS**

**LR64-FL00-2910.1 Restraining Orders.** Temporary Restraining Orders Without Notice will only be issued upon a showing of **strict** compliance with T.R. 65(B)(1) & (2). In Re: Anonymous, 729 N.E.2d 566 (Ind. 2000)

## **LR64-FL00-2911 CHILD COUNSELING SESSION**

**LR64-FL00-2911.1 General Requirements.** In all proceedings involving minor children, attendance at a four (4) hour educational seminar, hereinafter referred to as *TransParenting*, is required of all parties in all dissolution of marriage and legal separation proceedings and shall be successfully completed within sixty (60) days of service of the original petition. Administration of the program shall be by agencies appointed by the Court using qualified counselors, trainers and educators. Participants shall pay a fee to cover the total cost of the seminar. A copy of the *TransParenting* certificate shall be filed with the Court prior to the final hearing or shall be attached to the final decree as an exhibit thereto. For good cause shown, the Court may waive the requirement of completion of this program in individual cases.

**LR64-FL00-2911.2 Attendance.** Attendance at the seminar shall be required of all parties to a case where the interests of children under the age of 18 years are involved. The Court's action on a petition shall not be delayed by a non-moving party or responding party's failure to complete or delay in completing the seminar. An equivalent counseling program may be substituted for the seminar if satisfactory written verification is provided to the Court by a third party indicating that the specific issues covered in the *TransParenting* program have been addressed in another forum through professional or pastoral counseling, mediation or other similar educational program.

**LR64-FL00-2911.3 Fees.** A fee determined annually and payable per party is required and is used to cover all costs of the *TransParenting* program including the presenter's fees, handouts, applications and program administration. The fee may be waived if a party presents a verified affidavit of poverty and it appears upon investigation that the party is indigent.

**LR64-FL00-2911.4 Application Process.** Notification to the parties of their responsibility to complete the seminar or provide alternative verification shall be provided at the time of the filing of the pleadings. Applications may be obtained from the court administrator or from the Clerk of the Court. The application and fee must be returned to the agency conducting the seminar.

## **LR64-FL00-2912 AGREEMENT WITH COURT DATE PENDING**

**LR64-FL00-2912. Timely Notification to Court of Agreement.** In all proceedings where a court date is pending and the parties reach an agreement between themselves, the parties shall notify the Court in a timely manner. Failure to do so may result in sanctions being imposed against either or both parties and/or their attorneys.

**SUPPLEMENT TO THE PORTER COUNT  
LOCAL FAMILY LAW RULES**

**APPENDICES A-F**

APPENDIX A

STATE OF INDIANA ) PORTER SUPERIOR COURT ) SS:

IN RE THE MARRIAGE/PATERNITY OF: )
)
Petitioner ) CAUSE #\_\_\_\_
v, )
Respondent )

DOMESTIC RELATIONS CASE MANAGEMENT ORDER

The Court, in the exercise of its discretion under Trial Rule 16 (A), now orders the parties, including pro se litigants, and their respective attorneys to comply with the following orders:

- A. Financial Declaration Forms, complete with supporting exhibits, shall be exchanged between the parties within forty five (45) days from the date the Petition for Dissolution of Marriage or Petition for Legal Separation is filed, and within thirty (30) days from the date that a Petition for Modification or Petition for Rule to Show Cause is filed, provided said petitions address the financial obligations of the parties, i.e. child support, including but not limited to, educational expenses or the payment of marital debt.
B. Within forty-five (45) days from the date either party filed their petition, the parties shall be required to appear in person, if they are proceeding pro se, or by their respective attorneys, for an Initial Pre-Trial Conference. Said conference is hereby scheduled before this court on the \_\_\_day of \_\_\_\_, 201\_\_, at \_\_\_m.

Each party shall be prepared to address the following issues:

- i. Identification of the issues pending before the court;
ii. Identification of issues which have been amicably resolved between the parties, together with the terms of said resolution;
iii. Identification of the remaining contested issues;
iv. Estimated time required to complete discovery relative to the contested issues;

- v. If not addressed at the Provisional Hearing, the identification or appointment of experts who shall assist the parties or the court in the resolution of the contested issues, including the appointment of a Guardian-ad-Litem, custodial evaluator or a property evaluator;
- vi. The possibility of settlement on all or a portion of the contested issues through mediation, settlement conference or the implementation of another Alternative Dispute Resolution method;
- vii. The estimated time required to present the contested issues before the court, including the possibility of disposing of all or a portion of the contested issues in summary fashion;
- viii. The parties= attendance and completion of the Trans-Parenting Class as required by Local Rule \_\_\_;
- ix. **AT THE CONCLUSION OF THE INITIAL PRE-TRIAL CONFERENCE, THE COURT SHALL SCHEDULE THE CASE FOR A FINAL PRE-TRIAL CONFERENCE. NO FINAL HEARINGS SHALL BE SCHEDULED UNTIL THE CONCLUSION OF THE FINAL PRE-TRIAL CONFERENCE.**

C. Within ninety (90) days from the conclusion of the Initial Pre-Trial Conference, the parties shall be required to appear in person, if they are proceeding pro se, or by their respective attorneys, for a Final Pre-Trial Conference. Said conference is hereby scheduled before this court on the \_\_\_ day of \_\_\_\_, 201\_\_, at \_\_\_m. Provided, however, the court shall be permitted schedule the Final Pre-Trial Conference later than ninety (90) days from the date of the Initial Pre-Trial Conference if it determines that additional time is required by the parties to complete the discovery identified at the Initial Pre-Trial Conference or if additional time is required to complete the Guardian-ad-Litem=s investigation and report, the custodial evaluations, the real and personal property evaluations and/or mediation, or if the parties intend to attempt counseling and/or reconciliation.

D That counsel, or party/parties, if pro-se, shall confer in person at a PreliminaryConference at least ten (10) days before the scheduled Final Pre-Trial Conference. The moving party shall undertake the responsibility of arranging the aforementioned conference at a time and location which is mutually agreeable between the parties. In preparation for the Final Pre-Trial Conference, the parties shall address the following issues at their Preliminary Conference:

- i. The possibility of reaching an agreement regarding the contested issues;
- ii. The possibility of disposing of the cause in summary

- fashion as to some or all of the issues;
- iii. The identification and exchange of exhibits which the parties intend to introduce into evidence at the Final Hearing;
  - iv. The possibility of stipulating to the authenticity or admissibility of each parties= exhibits to avoid unnecessary delays at the Final Hearing;
  - v. The exchange of each parties= witness lists, including expert witnesses, and the nature of the testimony that each witness shall be expected to testify to at the Final Hearing;
  - vi. The preparation of a master list of the parties= real and personal property, which list shall be submitted by the parties to the court as a joint exhibit at the Final Pre-Trial Conference. Said exhibit shall be presented to the court in the following form and shall include all assets of the parties subject to division by the court:

**EXAMPLE ASSET FORM**

ASSET NUMBER	ASSET NAME AGREED VALUE	WIFE=S VALUE COURT=S VALUE	HUSBAND=S VALUE
1	Marital Residence  11 River Drive Valparaiso, IN Titled: Jointly	\$150,000.00	\$175,000.00
2	2002 Jeep Cherokee Titled: Jointly	\$ 12,500.00	
3	Joint Checking Acct. Bank One Account # 1234	\$ 1,500.00	\$ 2,500.00
4	Antique Rocker	\$ 500.00	\$ 750.00

- vii. The preparation of a master debt list, which shall be submitted by the parties to the court

as a joint exhibit at the Final Pre-Trial Conference. Said exhibit shall be presented to the court in the following form:

**EXAMPLE DEBT FORM**

DEBT NUMBER	ACCOUNT NAME AND NUMBER	DATE OF SEPARATION BALANCE	CURRENT BALANCE
1	SEARS MASTERCARD ACCOUNT # 1234 5678-9876	\$5,250.00	\$5,210.00
	TITLED: JOINTLY		
2	MBNA VISA  ACCOUNT # 9876 5432-0987	\$500.00	\$475.00
	TITLED: HUSBAND		

E. The parties shall be prepared to address the following issues at their Final Pre-Trial Conference:

- vi. The status of discovery;
- vii. The results of mediation or settlement conference;
- viii. Identification of the issues resolved by agreement, together with the terms of said agreement;
- ix. Identification of the remaining contested issues;
- x. The parties= final witness and exhibit lists, together with stipulations regarding the admissibility of any exhibits;
- xi. A brief summary regarding the parties= contentions relative to the contested issues;
- xii. The presentation of the parties= joint asset list;
- xiii. The presentation of the parties= joint debt list; and
- xiv. Anticipated time required to litigate the contested issues.

F. At the conclusion of the Final Pre-Trial Conference, the court shall schedule the cause of action for final hearing, and shall enter additional orders, if required, regarding Pre-Trial motions presented by the parties.

G. Pursuant to Trial Rule 16(K) and Trial Rule 41(E), failure to attend the Initial Pre-Trial Conference or the Final Pre-Trial Conference, may result in the entry of an order of dismissal or default against the party or parties who fail to appear. In addition, the court may impose sanctions against any party or attorney of record who fails to attend the preliminary conference; is unprepared to participate in either the Initial Pre-Trial Conference or Final

Pre-Trial Conference, or who refuses, in bad faith, to enter into stipulations regarding the facts, the law, or the exhibits. Said sanctions may include costs associated with rescheduling any of the three conferences identified herein, and attorney fees.

No continuances of the Provisional Hearing, Initial Pre-Trial Conference, Final Pre-Trial Conference, or Final Hearing may be obtained without strict compliance with the provisions outlined in Trial Rule 53.5 and Local Rule 3500 . If a continuance is requested and granted, said continuance shall be charged against the party requesting same. The existence of charged continuances, whether or not in good faith, may be considered by the court in its ruling regarding the payment of attorney fees or other costs of the action.

ALL OF WHICH IS FOUND AND RECOMMENDED THIS \_\_\_DAY OF \_\_\_\_\_,  
20\_\_.

MAGISTRATE, PORTER SUPERIOR COURT

ALL OF WHICH IS ORDERED, ADJUDGED AND DECREED THIS \_\_\_DAY OF \_\_\_\_\_, 20\_\_.

JUDGE, PORTER SUPERIOR COURT



Name \_\_\_\_\_ Age \_\_\_\_\_ Dob: \_\_\_\_\_ SS#: \_\_\_\_\_ Name \_\_Age \_\_

**II. HEALTH INSURANCE INFORMATION**

Name and Address of health care insurance company: \_\_\_\_\_

Name all persons covered under Plan(s):

Weekly cost of total health insurance premium: \_\_\_\_\_

Weekly cost of health insurance premium for children only: \_\_\_\_\_

Name of the children=s= health care providers: \_\_\_\_\_

The names of the schools and grade level for each child are:

List any extraordinary health care concerns of any family member:

List any educational concerns of any family member:

**III. INCOME INFORMATION**

**A. EMPLOYMENT HISTORY**

Current employer \_\_\_\_\_

Address \_\_\_\_\_

Telephone No: \_\_\_\_\_

Length of Employment \_\_\_\_\_

Job Description \_\_\_\_\_

Gross Income \_\_\_\_\_  
Per week      bi-weekly      per month      yearly

Net Income \_\_\_\_\_  
Per week      bi-weekly      per month      yearly

**B. EMPLOYMENT HISTORY FOR LAST 5 YEARS**

Employer	Dates of employment	Compensation (per wk/mo/yr)
----------	---------------------	-----------------------------

**C. INCOME SUMMARY**

**1. GROSS WEEKLY INCOME** from: Salary and wages, including commissions, bonuses, allowances and over-time \$ \_\_\_\_\_

Note: If paid monthly, determine weekly income by dividing monthly income by 4.3

Pensions & Retirement

Social Security

Disability and unemployment insurance

Public Assistance (welfare, AFDC payments, etc.)

Food stamps

Child support received for any child(ren) not born of the parties to this marriage

Dividends and Interest

Rents received  
All other sources (specify)

TOTAL GROSS WEEKLY INCOME

\$\_\_\_\_\_

**2. ITEMIZED WEEKLY DEDUCTIONS**

from gross income:

State and Federal Income taxes:

Social Security

Medical Insurance

Coverage: Health (\_\_\_)

Dental (\_\_\_) Eye Care (\_\_\_) Psychiatric (\_\_\_)

Union or other dues:

Retirement:

Pension fund: Mandatory ( ) Optional ( ) Profit Sharing: Mandatory ( )

Optional

401(k): Mandatory ( ) Optional ( )

SEP: Mandatory ( ) Optional ( )

ESOP: Mandatory ( ) Optional ( )

IRA: Mandatory ( ) Optional ( )

Child support withheld from pay  
(not including this case)

Garnishments (itemize on separate sheet)

Credit Union debts

Direct Withdrawals Out of Paychecks:

Car payments

Life insurance

Disability insurance \_\_\_\_\_ Thrift plans

Credit union savings \_\_\_\_\_ Bonds

Donations

Other (specify)

Other (Specify):

TOTAL WEEKLY DEDUCTIONS

**3. WEEKLY DISPOSABLE INCOME**

(A minus B: Subtract Total Weekly Deductions from Total Weekly Gross Income)

**IN ALL CASES INVOLVING CHILD SUPPORT:** Prepare and attach an Indiana Child Support Guideline Worksheet (with documentation verifying your income); or, supplement with such a Worksheet within ten (10) days of the exchange of this Form.

**IV. MONTHLY LIVING EXPENSES:**

**House**

1. Rent(Mortgage)
2. 2nd Mortgage
3. Line of credit
4. Gas/Electric
5. Telephone
6. Water
7. Sewer
8. Sanitation (garbage)
9. Cable
10. Satellite
11. Internet
12. Taxes (Real Estate) (If not part of mortgage payment)
13. Insurance(House) (If not part of mortgage payment)
14. Lawn Care/Snow Removal

**Groceries**

1. Food
2. Toiletries
3. Cleaning Products
4. Paper Products

**Clothing**

1. Clothes
2. Shoes
3. Uniforms

**Health Care**

1. Health insurance not deducted from pay
2. Dental insurance not deducted from pay
3. Doctor Visits (non insurance covered)
4. Dental Visits (non insurance covered)
5. Prescription Pharmaceutical (non insurance covered)
6. Over the counter medicine

7. Glasses/contact lenses
8. Other non-insurance covered health care\*

### **Car & Travel**

1. Car Payment
2. Gasoline
3. Oil/Maintenance
4. Insurance (Car)
5. Car Wash
6. Tolls
7. Train/Bus
8. Parking Lot Fees
9. License plates

### **Beauty Care**

1. Hair Dresser/Barber
2. Cosmetics

### **School Needs**

1. Lunches
2. Book
3. Tuition/Registration
4. Uniforms
5. School Supplies
6. Extra curricular activities

### **Infant Care**

1. Diapers
2. Baby Food

### **Miscellaneous**

1. Church Donations
2. Charitable Donations
3. Life Insurance
4. Babysitter
5. Newspapers & Magazines
6. Cigarettes
7. Dry Cleaning
8. Entertainment
  
9. Cell phone
10. Dues/subscriptions
14. Charge Cards
15. Other \*

\* Itemize at bottom of page

**Sub-Total of Expenses**

Average Weekly Expenses (multiply monthly expenses by 12 and divide by 52)

**V. PROVISIONAL ARREARAGE COMPUTATIONS.** If you allege the existence of a child support, maintenance, or other arrearage, attach all records or other exhibits regarding the payment history and compute the child support arrearages.

You must attach a Child Support Guideline Worksheet to your Financial Declaration Form or one must be exchanged with the opposing party/counsel within 10 days of receipt of the other parties= Financial Declaration Form.

### **ASSETS**

All property is to be listed regardless of whether it is titled in your name only or jointly or if property you own is being held for you in the name of a third party.

## **VI. PROPERTY**

### **A. MARITAL RESIDENCE**

Description:

Location:

Date Acquired:

Purchase Price:

Down Payment:

Source of Down Payment:

Current Indebtedness: \_\_\_\_\_

Monthly  
Payment: \_\_\_\_\_

Current Fair Market Value: \_\_\_\_\_

**B. OTHER REAL PROPERTY** (Complete B, on a separate sheet of paper for each additional parcel of real estate owned, etc).

Description: \_\_\_\_\_

Location:

Purchase Price:

Down Payment:

Source of Down Payment:

Current Indebtedness:

Monthly Payment:

Current Fair Market Value:

**C. PERSONAL PROPERTY** (motor vehicles, boats, motorcycles, furnishings, household goods, jewelry, firearms, etc. Household furnishings and household goods such as pots and pans need not be itemized.)

<u>Description</u>	<u>Titled</u>	<u>Current Value</u>	<u>Indebtedness</u>	<u>Payment</u>	<u>Present User</u>
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**VII. BANK ACCOUNTS**

<u>Name</u>	<u>Type of Account</u> (Checking, Savings, CDs, etc.)	<u>Owner No.</u>	<u>Account</u>	<u>Balance on</u> <u>Date of Filing</u>
-------------	--	------------------	----------------	--

**VIII NON-RETIREMENT SECURITIES** (stocks, bonds, mutual funds, etc.)

Type of account  
 (Money mkt,  
 Stocks, Bonds,

Value Mutual Funds Account

**IX. LIFE INSURANCE POLICIES** (whole life, variable life, annuities, term)

			Face	Loan	Cash
<u>Company</u>	<u>Owner</u>	<u>Policy #</u>	<u>Beneficiary</u>	<u>Value</u>	<u>Amount</u>
				<u>Value</u>	

**X. RETIREMENT ACCOUNTS** (Pension, Profit Sharing, 401(k), SEP, IRA, KEOGH, ESOP, etc).

				Vested Value as of	
<u>Company</u>	<u>Type of Plan</u>	<u>Owner</u>	<u>Account #</u>	<u>(Yes/No)</u>	<u>Date of Filing</u>
<u>Divorce</u>					

**I. OTHER PROFESSIONAL OR BUSINESS INTERESTS**

	Type (Corp.,		
<u>Name of Business</u>	<u>Part., Sole Owner)</u>	<u>% Owned</u>	<u>Estimated Value</u>

**XII. MARITAL BILLS, DEBTS, AND OBLIGATIONS** (list every single bill, debt and obligation regardless of whether the bill is titled in your name, your spouse=s name, or jointly. Please include all mortgages, 2nd mortgages, home equity loans, charge cards, other loans, credit union loans, car payments, and unpaid medical bills, etc. Do not include monthly expenses such as utilities that are paid in full every month.)

			Monthly	Balance -	Current
<u>Creditor</u>	<u>Description</u>	<u>Acct #</u>	<u>Payment</u>	<u>Date of Filing</u>	<u>Balance</u>

Example(s):

<u>1st National Bank</u>	<u>Mortgage</u>	<u>87612368459</u>	<u>\$1,530.00</u>	<u>\$145,680.00</u>	<u>\$145,100.00</u>
<u>Visa</u>	<u>Misc household</u>				
	<u>expenses</u>	<u>14567865349</u>	<u>\$300.00</u>	<u>\$3,500.00</u>	<u>\$3,250.00</u>

**XIII. RECAPITULATION.** A summary of the marital estate is as follows:

<u>Asset</u>	<u>In Name of</u>			<u>Total</u>
	<u>Husband</u>	<u>Wife</u>	<u>Jointly Held</u>	
Family Dwelling				
Other Real Estate				
Personal Property				
Bank Accounts				
Non-Retirement Securities	_____			
Life Insurance Policies				
Retirement Accounts				
Other Professional/Business Interests				
<b>Total Assets</b>				
<u>Liabilities</u>				
General Creditors				
Mortgage on Family Dwelling	_____			
Mortgages on other real estate	_____			
Notes to Banks and Others	_____			
Loans on Insurance Policies	_____			

Other Liabilities

**Total Liabilities**

**ASSETS MINUS LIABILITIES** \_\_\_\_\_

**XIV. PERSONAL STATEMENT REGARDING DIVISION OF PROPERTY**

Indiana law presumes that the marital property be split on a 50/50 basis. However, the Judge may order a division which may differ from an exact 50/50 division of your property. Please provide a brief statement as to your reasons, if there be any, why the Court should divide your property on anything other than a 50/50 basis.

**XV. MANDATORY EXHIBITS**

The following exhibits must be attached to your Financial Declaration Form:

1. The last three years of Individual State and Federal income tax returns together with all W-2 forms, 1099 forms and K-1 forms.
2. The immediate preceding six paycheck stubs showing year-to-date earnings.
3. Documents showing the amount of income received from any other source in the past three years including irregular income in an amount greater than \$500 per year plus any expenses relating thereto.
4. Child support worksheet, if applicable.
5. Arrearage calculation, if applicable under V of this Financial Declaration Form.
6. With regard to all real estate listed under VI (A) and (B):
  - a. The title insurance policy, if available,
  - b. The deed,
  - c. An amortization schedule from the lending institution, if available,
  - d. Documents showing the mortgage balance as of the date of the filing of the Petition for Dissolution of Marriage,
7. As to all bank accounts identified in VII of this Financial Declaration Form:
  - a. Copy of the bank statement closest to the date of the filing of the petition for Dissolution of Marriage, and
  - b. Copies of the bank statements for the five months immediately preceding the filing of the Petition for Dissolution of Marriage.
8. As to all Non-retirement Securities identified in VIII of this Financial Declaration

Form:

- a. Copy of the statement closest to the date of the filing of the petition for Dissolution of Marriage, and
  - b. Copies of the statements for the five months immediately preceding the filing of the Petition for Dissolution of Marriage.
9. As to all Life Insurance policies identified in IX of this Financial Declaration Form attach statements as of cash value as of the date of the filing of the Petition for Dissolution of Marriage.
10. As to all Retirement Accounts identified in X of this Financial Declaration Form attach statements showing the value of the account as of the date of the filing of the Petition for Dissolution of Marriage and for the preceding five months, if such statements are available, except for pension accounts and other defined benefit plans, in which event attach a statement from the employer describing the benefits.
11. As to all marital bills, debts and obligations identified in XII of this Financial Declaration Form, attach a statement showing the amount of each bill, debt and obligation as of the date of the filing of the divorce and for the immediately preceding five months.

## **XV. VERIFICATION**

I declare, under the pains and penalty of perjury, that the foregoing, including statements of my income, expenses, assets and liabilities, are true and correct to the best of my knowledge and that I have made a complete and absolute disclosure of all sources of income, all assets, and all liabilities. If it is proven to the Court that I have intentionally failed to disclose all of my income, any asset, or liability, I may lose the asset and may be required to pay the liability.

Further, this Financial Declaration Form is considered as a Request for Admissions to the recipient under Trial Rule 35 and should the recipient fail to fully prepare and exchange this statement then the Court may prohibit the party who did not properly complete the Financial Declaration Form from introducing any evidence at any hearing to contradict the evidence of the other party on the issues of income, expenses, assets and liabilities.

Date: \_\_\_\_\_

Signature

**XVI. ATTORNEY=S CERTIFICATION**

I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligation under Trial Rule 11 of the Indiana Rules of Procedure.

Date: \_\_\_\_\_

Attorney for the \_\_\_\_\_  
15 N. Washington Street  
Valparaiso, IN 46383  
219/464-3246

**FINANCIAL DECLARATION FORM  
STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS  
OF PORTER COUNTY  
(PATERNITY SHORT FORM)**

IN RE: THE PATERNITY OF:

CAUSE NO: \_\_\_\_\_

Petitioner

and

Respondent

In accordance with Local Rule 2200.1 of the Porter Superior Court and Indiana Trial Rules 26, 33, 34, 35 and 37, the undersigned, Petitioner or Respondent, hereby submits the following VERIFIED FINANCIAL DISCLOSURE STATEMENT:

**FINANCIAL DECLARATION OF \_\_\_\_\_**

**I. PRELIMINARY INFORMATION**

Mother

Father

\_\_\_\_\_ Address:

Address:

Soc. Sec. No. \_\_\_\_\_ Soc. Sec. No. \_\_\_\_\_

Occupation: \_\_\_\_\_ Occupation: \_\_\_\_\_

Employer: \_\_\_\_\_ Employer: \_\_\_\_\_

Birth Date: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Children of this action:

Name \_\_\_\_\_ Age \_\_\_\_\_ DOB: \_\_\_\_\_ SSN: \_\_\_\_\_ Name \_\_\_\_\_ Age \_\_\_\_\_

Name \_\_\_\_\_ Age \_\_\_\_\_ DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

For each child:

Attached copy of birth certificate:	Yes	No
Attached copy of signed paternity affidavit	Yes	No

Date of filing Petition: \_\_\_\_\_ Your other children not subject to this proceeding:

Name \_\_Date of Birth \_\_SSN: \_ Lives with you: YesNoReceives Support: Yes No Amount of Support \_ Pays Support: Yes No Amount of Support

Name \_\_Date of Birth \_\_SSN: \_ Lives with you: YesNoReceives Support: Yes No Amount of Support \_ Pays Support: Yes No Amount of Support

Name \_\_Date of Birth \_\_SSN: \_ Lives with you: YesNoReceives Support: Yes No Amount of Support \_ Pays Support: Yes No Amount of Support

Name \_\_Date of Birth \_\_SSN: \_ Lives with you: YesNoReceives Support: Yes No Amount of Support \_ Pays Support: Yes No Amount of Support

**II. INCOME INFORMATION**

**A. EMPLOYMENT HISTORY**

Current employer: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_ Length of employment: \_\_\_\_\_

Job description: \_\_\_\_\_

Gross Income \_\_\_\_\_

Per week      Bi-weekly      Per month      Yearly

**B. EMPLOYMENT HISTORY FOR LAST 5 YEARS**

(Attach additional sheet if necessary)

Employer	Dates of employment	Compensation (per wk/mo/yr)
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**C. INCOME SUMMARY**

L. GROSS WEEKLY INCOME FROM: Salary and wages, including commissions, bonuses, allowances and over-time \$ \_\_\_\_\_

Note: If paid monthly, determine weekly income by dividing monthly income by 4.3

Pensions & Retirement

Social Security

Disability and unemployment insurance

Public Assistance (welfare, AFDC payments etc.)

Food stamps

Child support received for any child(ren) not subject to this action

Dividends and Interest

Rents received

Income from present spouse/relationship

All other sources (specify)

TOTAL GROSS WEEKLY INCOME \$ \_\_\_\_\_

ATTACH COPIES OF:

    Last two Federal and State Income Tax Returns

    Five of your most recent payroll stubs

**III. HEALTH INSURANCE INFORMATION**

Name and address of health care insurance company:

Name                    all                    persons                    covered                    under                    Plan(s):

Weekly cost of total health insurance premium: \_\_\_\_\_ Weekly cost of health insurance premium for children only: \_\_\_\_\_

**IV. MONTHLY BUDGET OF EXPENSES**

**A. HOUSING**

**Yourself**

**Children**

- 1. Rent
- 2. Mortgage-principal & interest
- 3. Second Mortgage
- 4. Lot rent
- 5. Home insurance
- 6. Other (itemize) \_\_\_\_\_ Sub-total

**B. UTILITIES**

- A. Electricity
- B. Gas/heating Oil
- C. Telephone
- D. Water
- E. Other (itemize) \_\_\_\_\_ Sub-total

**C. HOUSEHOLD MAINTENANCE**

- 1. Repairs (normal/on-going)
- 2. Cable TV
- 3. Child Support withheld from pay
- 4. Garnishments
- 5. Credit cards
- 6. Legal fines/costs
- 7. Other (itemize) \_\_\_\_\_

**D. OTHER EXPENSES**

- 1. Food
- 2. Clothing
- 3. Transportation
- 4. Health/medical/dental
- 5. Childcare/daycare
- 6. Personal/entertainment

**E. ALL OTHER EXPENSES**

**V. PROVISIONAL ARREARAGE COMPUTATIONS.** If you allege the existence of a child support, birthing expenses, past medical bills, daycare expenses, maintenance, or other arrearage, attach all records or other exhibits regarding the payment history and compute the child support arrearages.

You must attach a Child Support guideline Worksheet to your Financial Declaration Form or one must be exchanged with the opposing party/counsel within 10 days of receipt of the other parties = Financial Declaration Form.

**VI. VERIFICATION**

I declare, under the penalties of perjury, that the foregoing, including any valuations and attachments, is true and correct and that I have made a complete and absolute disclosure of all my assets and liabilities. Furthermore, I understand that if, in the future, it is proved to this Court that I have intentionally failed to disclose any asset or liability, I may lose the asset and be required to pay the liability. Finally, I acknowledge that sanctions may be imposed against me, including reasonable attorney=s fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose assets or liabilities.

Date: \_\_\_\_\_

PARTY=S SIGNATURE

**VII. ATTORNEY CERTIFICATION**

I have reviewed with my client, the foregoing information, including any valuations and attachments, and have signed this certification with my obligation under Trial Rule Eleven (11) of the Indiana Rules of Procedure.

Date: \_\_\_\_\_

ATTORNEY=S SIGNATURE



**APPENDIX  
D**

STATE OF INDIANA        )  
                                  )SS:     PORTER SUPERIOR COURT  
COUNTY OF PORTER     )     Sitting in Valparaiso, Indiana  
  CONTINUOUS TERM 20\_\_\_\_

IN RE THE MARRIAGE/PATERNITY OF:)



