

**Local Rules of Practice and Procedure
In the Circuit and Superior Courts of the 48th Judicial Circuit
Grant County, Indiana**

January 1, 2023

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LR-27 TR 63-1
Authority to Sit in Other Courts

- A. The judges of Grant Circuit Court, Grant Superior Court 1, Grant Superior Court 2, Grant Superior Court 3, and the full-time juvenile magistrate appointed by the judge of Grant Superior Court 2, may sit as acting judge in any matter as if the judge were the elected or appointed judge in the courts listed below upon the unavailability of the elected or appointed judges and shall denominate their authority as “Acting Judge”, as provided in Ind. Administrative Rule 1:
1. Grant Circuit;
 2. Grant Superior 1;
 3. Grant Superior 2;
 4. Grant Superior 3;
 5. Gas City City Court; and
 6. Marion City Court.

LR-27 AR 01-24
Assignment of Civil Cases

- A. Civil cases for the following case types shall be filed as follows:
1. All MH cases shall be filed in Circuit Court.
 2. All cases related to tax sales shall be filed in Superior Court 1
 3. All PO and AD cases shall be filed in Superior Court 2.
 4. All IV-D cases for the collection of support shall be filed in Superior Court 2.
 5. All JP, JC, JT, and JM cases shall be filed in Superior Court 2
 6. All IF and OV cases that are not designated to be filed in the Gas City City Court or the Marion City Court shall be filed in Superior Court 3.
 7. All SC, EV and CC cases shall be filed in Superior Court 3.
 8. All ES, EU, and EM cases shall be filed in Superior Court 3.
 9. All GU cases involving the guardianship of incapacitated adults and minors shall be filed in Superior Court 3.
- B) Except as set forth above, any statutory limitations on subject matter jurisdiction civil cases may be filed in any court.

LR-27 CR 2.2-2

Assignment of Criminal Cases

All felony and misdemeanor (CM) cases [and all infraction (IF) cases and all ordinance (OV) cases] are to be filed in the Courts in Grant County pursuant to this Local Rule (this Rule). The Courts are Gas City City Court (27H01), Marion City Court (27H02), Grant Circuit Court (27C01), Grant Superior Court 1 (27D01), Grant Superior Court 2 (27D02), and Grant Superior Court 3 (27D03).

I. Case Assignments When There Is a Pending Case or Probation

- A. If charges are pending against an individual in 27C01, 27D01, or 27D02 or if an individual is on probation in 27C01, 27D01, or 27D02, and a new felony charge is filed, the new felony shall be filed in the Court with the pending charge or probation.
- B. If charges are pending against an individual in 27D03, or if an individual is on probation in 27D03, and a new L6 case is filed, it shall be filed in 27D03.
- C. Otherwise, the felony cases shall be filed as shown in Section II and III of this Rule.

II. Case Assignments When There Are No Pending Cases nor Probation

Cases shall be assigned as set out below when no other criminal proceeding is pending and when the Defendant is not on probation:

- A. The following cases shall be filed in 27H01:
 - (1) All CM and IF cases that are alleged to have occurred in Grant County, Indiana, outside the corporate limits of the City of Marion, except those assigned to 27D03 pursuant to this Rule.
 - (2) All OV cases that are alleged to have occurred within the city limits of Gas City.
 - (3) All CM and infraction cases that are alleged to have occurred within the corporate limits of the City of Marion, when the primary law enforcement officer is an officer with the Grant County Sheriff's Department or with the Indiana State Police, except those cases assigned to 27D03 pursuant to this Rule.
 - (4) All CM cases in which the crime alleged is compulsory school attendance violation [Ind. Code § 20-33-2], including cases that would otherwise be filed in 27H02.
- B. The following cases shall be filed in 27H02:
 - (1) All CM and IF cases that are alleged to have occurred within the corporate limits of the City of Marion, Indiana, that are not assigned to 27H01 or 27D03.
 - (2) All OV cases that are alleged to have occurred within the city limits of Marion.
- C. The following cases shall be filed in 27C01:
 - (1) All waivers of jurisdiction over juveniles to adult court.

- (2) All cases designated as Drug Court or Veterans Court cases.
- (3) All grand jury proceedings, including impaneling the grand jury.
- D. The following cases shall be filed in 27D01:
 - (1) All Reentry Court cases.
- E. The following cases shall be filed in 27D02:
 - (1) All juvenile cases except waivers of jurisdiction to adult court.
 - (2)
- F. The following cases shall be filed in 27D03:
 - (1) All OV cases, other than those assigned to 27H01 or 27H02.
 - (2) All trial de novo cases from 27H01 or 27H02.
 - (3) All cases transferred from 27H01 or 27H02 due to a timely jury trial demand.
 - (4) All cases transferred from 27H01 and 27H02 when the City Court Judge enters an order of disqualification or recusal or grants a motion for change of judge.
 - (5) All CM cases that include a charge under I.C. § 9-30-5 (Operating a Vehicle While Intoxicated).

III. Random Selection for All Other Criminal Cases

Level 6 felony cases shall be filed by random selection in 27C01, 27D01, 27D02 and 27D03. All other felony cases, including those filed upon a grand jury indictment, shall be filed by random selection in 27C01, 27D01 and 27D02. Random selection shall be done as follows:

- A. The Clerk of the Grant Circuit Court (the Clerk) shall utilize the Odyssey case management program's random filing feature to select a court.
- B. If the case must be transferred from the Court selected on the first draw, the Clerk shall randomly select one (1) of the two (2) remaining Courts and the case shall then be filed in that Court. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- C. If the case must be transferred from the Court selected on the second draw, the case shall be transferred to the remaining Court. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- D. If the case must be transferred from the third Court selected, the case shall be transferred to the 27D03. The Clerk shall enter the Court so designated on the criminal information and record the date and time of the Court was selected.
- E. If a case filed in 27D03 must be transferred to another Court, the Clerk is to use the random selection process outlined above.

- F. If 27C01, 27D01, or 27D02 becomes over-burdened with cases from the blind draw system that Court's ball may be removed from further draws in criminal cases upon majority vote of the three (3) Judges of those Courts for whatever length of time and upon such terms and conditions that those Judges agree.
- G. When a change of Judge has been granted, the successor Court shall be selected in accordance with the random selection process outlined above. If all Grant County Judges have declined to exercise jurisdiction or are unable to do so, a special judge will be assigned according to the provisions of Local Rule 79-3(E).

IV. Miscellaneous Provisions

- A. Multiple offenses against the same defendant arising from the same course of conduct shall be filed contemporaneously with the other charges using the highest class of charge in determining in which Court the case shall be filed.
- B. When multiple defendants are charged with crimes arising out of the same facts and circumstances, all of the charges shall be filed in the same Court, which shall be selected according to the highest class of the charges filed against any of the defendants.
- C. The Judge of one Court may transfer any case to be redocketed in another Court, if the Judge of the receiving Court consents to the transfer and the receiving Court has jurisdiction over the subject matter of the case.

LR-27 CR 00-20 Bond Schedule Bail/10% Cash Bond/Surety Bond/Schedule for Warrantless Arrests For All Courts in Grant County, Indiana

The **Bail / Surety Bond Schedule** for cases filed in Gas City City Court (GCCC); Grant Circuit Court (Circuit), Grant Superior Court 1 (Superior 1), Grant Superior Court 2 (Superior 2), Grant Superior Court 3 (Superior 3), and Marion City Court (MCC) shall be as set out below, **unless otherwise ordered by a judicial officer in a specific case**. The term "bail" means the full amount (100%). The term "cash bond" refers to posting 10% of the amount of the bail in cash. The term "surety bond" refers to paying a non-refundable fee (usually 10% of the bail) to an approved surety company, which in turn posts its guarantee to pay the full amount of the bail, if the Defendant fails to appear and the appropriate revocation procedures have been followed. The term "cash" includes a credit card payment.

When a 10% cash bond or a surety bond is posted, the Defendant must also pay the \$5 special death benefit fee. [See Ind. Code § 35-33-8-3.2(d)(1).]

If the Defendant posts a cash bond, a 10% administrative fee not to exceed \$50 will be assessed. [See I.C. § 35-33-8-3.2(a)(2).]

The Defendant and any other person posting cash must execute an agreement authorizing the Court, if the Defendant is convicted, to use all or part of the cash to pay the following: 1) fines; 2) costs; 3) fees; 4) publicly paid costs of representation; and 5)

restitution. [See I.C. § 35-33-8-1.5 and I.C. § 35-33-8-3.2(a).] In addition, the agreement must authorize the Defendant to use all or part of the cash to privately employ and pay an attorney to represent the Defendant in the criminal case. [See *State ex rel. Williams v. Ryan*, 490 N.E.2d 1113 (Ind. 1986).]

If the Defendant is a foreign national unlawfully present in the United States under federal immigration law, only a 100% cash bail may be posted.

A Defendant posting bail or the 10% cash bond by means of a credit card must pay the credit card service fee under I.C. § 33-37-6.

If the Defendant is a sexually violent predator defendant, as defined in I.C. § 35-38-1-7.5, or is arrested for or charged with the commission of an offense that would classify the person as a sex or violent offender, as defined in I.C. § 11-8-8-5, the Defendant may not be admitted to bail until a judicial officer has conducted a bail hearing in open court, which should be done within 48 hours after arrest unless exigent circumstances prevent holding the hearing within 48 hours. [See I.C. § 35-33-8-3.5.]

If the Defendant was arrested for a crime of domestic violence as described in I.C. § 35-31.5-2-78, the judicial officer may not authorize the Defendant to be released until at least 8 hours from the time of the arrest. [See I.C. § 35-33-8-6.5.]

When multiple crimes have been charged, use the bail that is listed for the highest level crime.

If the Defendant has been arrested for a violent crime (as defined in I.C. § 5-2-6.1-8) that results in bodily injury to a person, such as battery with injury, strangulation, domestic battery, etc., the Defendant is automatically prohibited from having any direct or indirect contact with the alleged victim for 10 days from the Defendant's release from custody or until the initial hearing, whichever occurs first. [I.C. § 35-33-8-3.6]. If a judicial officer issues a No Contact Order, it will replace the automatic no contact provision of the bond. A No Contact Order issued by a judicial officer will be in effect until changed or terminated by a judicial officer.

If the Defendant was on probation or parole for a case in a court of general jurisdiction when the new crime is alleged to have been committed, the Defendant is to be **held for up to 15 days after arrest on the new charge** to allow the appropriate parole or probation authority time to file a petition to revoke the Defendant's probation or parole, unless otherwise ordered by a judicial officer. [See I.C. § 35-33-8-6.] The 15 day hold does not apply to cases in courts that are not general jurisdiction courts, such as the GCCC and the MCC.

<p>In columns with two figures, such as “\$4,000 – \$400”, the higher amount is the bail, and the smaller amount is the 10% cash bond. If only one amount appears in a column, it refers to the bail.</p>	<p>Bail-Bond Price for Grant County Resident</p>	<p>Bail-Bond Price for Other Indiana Resident</p>	<p>Bail-Bond Price for Out-of-State Resident</p>	<p>Surety bonds may not be used for any person, whose identity cannot be verified and/or for a foreign national unlawfully in the United States. Only cash is accepted.</p>
<p>Extra bond added to the standard bond for a new felony arrest while on bail, bond or recognizance on a pending felony case: Cash Only</p>	<p>\$25,000 – \$2,500</p>	<p>\$50,000 – \$5,000</p>	<p>\$75,000 – \$7,500</p>	<p>\$75,000</p>
<p>Probation Violation and Home Detention Violation in the Circuit & Superior Courts: Cash Only</p>	<p>\$25,000 – \$2,500</p>	<p>\$50,000 – \$5,000</p>	<p>\$75,000 – \$7,500</p>	<p>\$75,000</p>
<p>Probation Violation and Home Detention Violation in the GCCC & MCC: Cash Only</p>	<p>\$2,000 – \$200</p>	<p>\$4,000 – \$400</p>	<p>\$6,000 – \$600</p>	<p>\$6,000</p>
<p>GCCC and MCC domestic battery, battery with injury, resisting, and invasion of privacy misdemeanors: Cash Only</p>	<p>\$4,000 – \$400</p>	<p>\$8,000 – \$800</p>	<p>\$12,000 – \$1,200</p>	<p>\$12,000</p>
<p>All other GCCC and MCC misdemeanors: Cash Only</p>	<p>\$2,000 – \$200</p>	<p>\$4,000 – \$400</p>	<p>\$6,000 – \$600</p>	<p>\$6,000</p>
<p>All misdemeanors in the Circuit & Superior Courts: Cash Only</p>	<p>\$5,000 – \$500</p>	<p>\$10,000 – \$1,000</p>	<p>\$15,000 – \$1,500</p>	<p>\$15,000</p>
<p>Level 6 Felonies of Domestic Battery or Strangulation: Cash Only</p>	<p>\$10,000 – \$1,000</p>	<p>\$20,000 – \$2,000</p>	<p>\$30,000 – \$3,000</p>	<p>\$30,000</p>

All other Level 6 Felonies:Cash Only	\$6,000 – \$600	\$12,000 – \$1,200	\$18,000 – \$1,800	\$18,000
Level 5 Felonies of Robbery or Kidnapping: Full cash bail or surety bond	\$20,000	\$40,000	\$60,000	\$60,000
All other Level 5 Felonies:Cash Only	\$10,000 – \$1,000	\$20,000 – \$2,000	\$30,000 – \$3,000	\$30,000
Level 4 Felony: Full cashbail or surety bond	\$20,000	\$40,000	\$60,000	\$60,000
Level 3 Felony: Full cashbail or surety bond	\$30,000	\$60,000	\$90,000	\$90,000
Level 2 Felony: Full cashbail or surety bond	\$50,000	\$100,000	\$150,000	\$150,000
Level 1 Felony: Full cashbail or surety bond	\$100,000	\$200,000	\$300,000	\$300,000
Murder or Treason	There shall be NO BOND, except as set by a judicial officer.	There shall be NO BOND, except as set by a judicial officer.	There shall be NO BOND, except as set by a judicial officer.	There shall be NO BOND, except as set by a judicial officer.

LR-27 TR 79-3
Selection of Special Judges in Civil Cases

When a change of judge has been granted by a Judge of the Grant Circuit Court, Superior Court 1, Superior Court 2, or Superior Court 3 or if the Judge of the Grant Circuit or Superior Court disqualifies under Indiana Trial Rule 79(C) and a Special Judge is not selected under T.R. 79(D), then the special judge in the case shall be selected from the full-time general jurisdiction judges of the remaining three (3) courts. This shall be done in the following manner:

- A. Random selection of the special judge shall be done by the Clerk of the Grant Circuit Court. The Clerk shall utilize the Odyssey case management program's random filing feature to select a court. The Clerk shall enter the name of the Court that has been drawn on the Chronological Case Summary (CCS) of the case and notify the Judge that he or she has been selected to serve as the special judge in the case. The Clerk is to redocket the case using the court identifier of the Special Judge's Court.
- B. If a change of venue from the judge is granted by the first named special judge or if the first named special judge disqualifies himself or herself under T.R. 79(C), then a Court shall be selected among the remaining courts using the Odyssey case management program's random selection feature. The Clerk is to notify the Judge of that Court that he or she has been selected to serve as the special judge in the case. The Clerk is to redocket the case using the court identifier of the second named special judge's court.
- C. If a change of venue from the judge is granted by the second named special judge or if the second named special judge disqualifies himself or herself under T.R. 79(C), then the Clerk is to notify the Judge of the remaining Court that he or she has been selected to serve as the special judge of the case. The Clerk is to redocket the case using the court identifier of the third named special judge's court.
- D. The Special Judge selected under A, B, or C above is required to accept jurisdiction unless he or she is disqualified, ineligible for service, or excused by the Indiana Supreme Court. An oath or additional evidence of acceptance of jurisdiction is not required. The order of appointment under this Rule shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required when the Special Judge is selected under A, B, or C above.
- E. If no Judge is selected by the above-described method then the Clerk shall select the name of a Special Judge from the list of full-time judicial officers serving in the counties contiguous to Grant County [Blackford, Delaware, Howard, Huntington, Madison, Miami, Tipton, Wabash, and Wells Counties].

The assignments shall begin with the judges of Blackford County, then Delaware County, then Howard County, then Huntington County, then Madison County, then Miami County, then Tipton County, then Wabash County, and finally Wells

County, and then the assignments shall begin again with the judges of Blackford County.

The judges of a county shall be selected, naming the Circuit Court judge first then the Superior Court judges next in order, i.e. Superior Court 1, Superior Court 2, etc. In counties with a unified court system, such as Madison County, the judge of Circuit Court 1 shall be first, then the judge of Circuit Court 2, and so on. Other full-time judicial officers in a court of record in a county shall be named last, in the order of the court in which they serve.

The Clerk of Grant County shall keep a list of Judges selected by the method described here and refer to that list should it be necessary to select a Special Judge using this method.

- F. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

LR-27 TR 3-1 Filing Fees

- A. A party commencing an action shall pay to the Clerk of the Court the amount prescribed by law as a filing fee.
- B. Persons desiring to commence an action without pre-payment of court costs shall file with the Court their verified petition as prescribed by Indiana Code Section 33-37-3-2. Authorization to commence an action without advance payment of court costs shall be only by order of court.

LR 27 CR 00-23 Grant County Court Programs – Schedule of Fees

Alcohol & Drug Program

All individuals ordered to enroll in the Grant County Court Alcohol and Drug Program shall be charged a program fee of \$400.00. Those clients that are referred for transfer and/or monitoring services may be charged a \$100.00 fee.

Drug Court and Veteran's Treatment Court

All individuals ordered to enroll in the Grant County Drug Court Program or the Veteran's Treatment Court Program shall be charged a program fee of \$50 per month while in the Program.

Re-Entry Court

All individuals ordered to enroll in the Grant County Re-Entry Court Program shall be charged a program fee of \$50 per month while in the Program.

Transfers from Problem-Solving Court in Other Jurisdictions

If the judge of Drug Court or Re-entry Court accepts a transfer of a case from another jurisdiction, the participant shall be charged a transfer fee of \$25.

These program fees cover maintenance and operating costs and are separate from the costs of referral services for education, counseling, or other treatment costs (including urine drug screens as required). The costs of referral services will be the client's responsibility.

LR-27 TR 3.1-5 Appearances

- A. A party's written appearance form shall be served upon all parties of record before or immediately upon filing.
- B. When a party to an action appears without an attorney, the party shall give, and the Clerk shall note on the docket of the cause, a name, mailing address and phone number of the party where notices and communications concerning the cause may be forwarded.
- C. It shall be the duty of attorneys who have entered their written appearance and of all parties who are not represented by an attorney, to notify the Court of any change of their mailing addresses and phone numbers. Such notification shall be in writing filed separately for each cause to which the change applies and served upon other parties to each cause or their attorneys of record.
- D. Proof of Mailing. Certificates of service or proof of mailing of pleadings concerning any cause shall be deemed sufficient proof of service if such pleadings were mailed to the last address of a party or attorney noted upon the docket of a cause.

LR-27 RPC 1.3-25 Timeliness and Preparation

It is intended that the business of the Courts in Grant County will be conducted by the Judges and Magistrate Judge in a manner consistent with the Indiana Code of Judicial Conduct and that the attorneys and litigants shall conduct themselves consistent with the requirements of the Indiana Rules of Professional Conduct and other rules of court. The conduct of proceedings in all Courts within Grant County is appropriately described by the following quotation:

"[L]itigation provides an opportunity for private parties to dispose of

disputes in orderly and disciplined fashion. But the open forum which our courts provide for conflict resolution is not, nor can it ever be, a license to slander and abuse one's adversary. Such conduct diminishes the integrity of an institution whose usefulness depends upon the respect in which it is held by the public and by the lawyers who practice in it."

Van Iderstine v. RGJ Contracting Co., Inc., 480 F.2d 454 (2nd Cir. 1973)

As noted by former Chief Justice Warren E. Burger, "fixed rules of etiquette and manners are the lubricant to keep the focus of the courtroom contest on issues and facts and away from distracting personal clashes and irrelevancies." Burger, ABA Journal 2, 74 Vol. 60, p.171 (1974)

With this in mind, lawyers and litigants are reminded of their continuing obligation to comply with the rules of court and to maintain an atmosphere of civility within the courtrooms in Grant County.

Prompt Appearance at Hearings and Trials. Counsel and parties are expected to appear on time for all hearings and trials. Should an occasion arise when counsel or a party proceeding pro se is detained in another court or an emergency has arisen, and he or she will be tardy for a scheduled hearing, counsel or the party shall notify the Court immediately.

Readiness to Proceed. Counsel must be present, fully prepared, and ready to present his or her case whenever a hearing or trial is scheduled to commence. It is expected that all settlement negotiations will be completed before the time the case is set to be heard by the court.

Penalties for Failure to Comply. Unless good cause is shown, the failure of counsel or pro se litigants to comply with this rule or to appear for a scheduled hearing or trial may result in a finding of direct contempt of court and **WILL** result in a monetary fine. Fines shall accrue on a yearly basis and shall be levied as follows:

Sanction

Number of Violations	Price of Monetary Fine
First violation	\$1.00
Second violation	\$2.00
Third violation	\$4.00
Fourth violation	\$8.00
Fifth or more violation	Amount to be determined by Court

All fines shall be paid to the Court and thereafter forwarded to District 6 Access to Justice.

LR-27 JC 2.8-26
Courtroom Dress Code

- A. In order to protect the decorum and dignity of the Courts and judicial process, all persons entering the courtrooms of the five Grant County courts, whether as spectators or participants, shall refrain from wearing the following inappropriate clothing:
1. Short-shorts, micro-mini skirts
 2. Tank tops, muscle shirts, halter tops, tube tops
 3. See-through clothing, low-cut tops
 4. Clothing that exposes bare midriff and/or undergarments
 5. Hats, head coverings (except those worn for religious purposes)
 6. Pajamas, slippers
 7. Clothing that depicts or promotes illegal activity, drug/alcohol use, violence, sex acts or profanity
- B. Any law enforcement officer and/or Court staff member may enforce this Order as follows:
1. If the person is a party, prospective juror or witness, the Court is to be notified so the decision can be made to: Turn the person away with a requirement to obtain suitable clothing and return within the time they are given (which will vary depending on where the person has to go) or at the Court's direction, to allow them to attend the hearing as dressed.
 2. If the person is a spectator: Turn the person away with notice of the dress code and instruction that they will be welcome in the courtroom when they dress appropriately.

LR-27 TR 4.11-6
Service of Process

Any party requesting the Clerk to mail the summons and a copy of the complaint by registered or certified mail shall provide an addressed envelope and shall prepare the return receipt and include the number of the cause of action and mark the "RETURN TO" to the Clerk of Grant County, Courthouse, 101 East Fourth Street, Marion, Indiana, 46952 (Amended May 12, 1997).

LR-27 TR 11-8
Form and Style of Papers, Number of Copies, Filing and Service

- A. All papers, pleadings and motions presented for filing shall comply with Rule Admin. R. 11.

- B. Every pleading filed, including estates and guardianships, shall clearly identify the name, address, e-mail address and telephone number of the attorney filing the pleading.
- C. Any pleading not signed by at least one attorney appearing of record as required by Rule T.R. 11 of the Indiana Rules of Procedure shall not be accepted for filing by the Clerk or if inadvertently accepted for filing, shall, upon discovery of the omission, be promptly corrected.
- D. All motions seeking an order of the Court shall be e-filed with a proposed order.

LR-27 TR 73-9 Motions

- A. The filing of any motion with the Clerk of the Court or with the Court shall be brought to the attention of the Judge by the moving party within five (5) days following the filing of the motion.
- B. The time of hearing motions shall be fixed by the Court. Dates of hearings shall not be specified in the notice of hearing of the motion unless prior authorization shall be obtained from the Judge or Court Reporter. Any party may request oral argument upon a motion, but the granting of oral argument is wholly discretionary with the Court. Any party requesting oral argument shall advise the Court Reporter of the estimated time necessary for hearing.
- C. Counsel desiring to file a brief in support of or in opposition to any motion must file the brief prior to or at the time of hearing on the motion, unless otherwise ordered.

LR-27 TR 53.5-10 Continuances

Motions for Continuance are discouraged. Neither side is entitled to an automatic continuance as a matter of right.

- A. A Motion for Continuance, unless made during the hearing of the cause, shall be in writing, state whether opposing counsel objects to the motion and whether prior continuances have been requested by the moving party. The Court may require any written Motion for Continuance to be signed by the party requesting the continuance.
- B. A Motion for Continuance, whether it is plaintiff's or defendant's motion, shall denominate whether it is the first (1st), second (2nd), third (3rd), etc. Motion for Continuance filed by plaintiff or defendant.
- C. The filing of a dispositive motion shall not constitute good cause for a Motion for Continuance of a trial if the time requirements governing such motion will not allow for the resolution of the motion prior to the date of trial.

LR-27 TR 26-11
Discovery

- A. Filing of depositions, requests for discovery or responses thereto under Rules Tr. 27 through 36 shall be permitted only as allowed by Rule Tr. 5(D)(2), (3) and (4).
- B. Strict compliance with Trial Rules 26 through 37 is required. The discovery process is intended to be largely self-actuating, with minimal court supervision. Therefore, the Court will not rule on requests to extend time to respond to discovery or motions related to discovery disputes unless moving counsel represents that, after personal or telephonic conference in good faith effort to resolve differences, counsel are unable to reach accord. If counsel advises the Court, by way of motion, or response thereto, that opposing counsel has refused or delayed resolution of the discovery dispute, the Court may, after hearing, impose appropriate sanctions.
- C. Interrogatories shall be limited in number wherever possible and shall be used solely for the purpose of discovery.
- D. Any party to an action or counsel to a party to an action may obtain a photocopy of a deposition on file with the Clerk of the Court upon tender of a receipt of the deposing party showing payment to said deposing party of 50% of the cost of said deposition. In addition, the requesting party or counsel shall tender to the Clerk the Clerk's standard per page copying fee.

LR-27 TR 16-12
Pre-Trial Conference

Conferences of attorneys and pre-trial conferences shall be conducted generally in accordance with Rule Tr. 16. However, counsel should contact the Court in which a case is pending for advice on specific procedure required by that Court relative to these conferences.

LR-27 JR 4-22
Jury Rules

- A. This local rule shall govern petit and grand jury assembly, selection and management in the Grant Superior and Circuit Courts of Grant, Indiana. It is the intention of these rules to implement the Indiana Jury Rules adopted by the Indiana Supreme Court, effective January 1, 2003.
- B. The Grant Circuit and Superior Courts of Grant County, Indiana, shall each have a jury administrator. The jury administrator's position for each court shall be filled by that Court's bailiff.
- C. Pursuant to Rule 4 of the Indiana Jury Rules adopted by the Indiana Supreme Court the Circuit and Superior Courts of Grant County, Indiana, adopt the two-tier

notice and summons as described within Indiana Jury Rule 4 effective January 1, 2003. The Courts of this County shall, from time to time, develop, and revise, forms necessary to implement the two-tiered notice system and such other forms as are necessary to implement the intent of the Indiana Jury Rules.

LR-27 AP 9H-14 Transcript Fees

The attorney requesting a transcript of Court proceedings, for use on appeal or otherwise, shall be personally responsible for payment of the Court Reporter's charges.

LR-27 AR 15-21 Court Reporters

The undersigned Courts comprise all of the Courts of record of Grant County, Indiana and hereby adopt the following Local Rule by which Court Reporter services shall be governed.

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 and 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 Rule of Appellate Procedure 7.2.
5. *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. *Regular hours worked* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the County but remain the same for each work week.
7. *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

8. *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
9. *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
10. *Court* means the particular Court for which the Court Reporter performs services. Court may also mean all of the Courts in Grant County.
11. *County indigent transcript* means a transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
12. *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
13. *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.
14. *Expedited Transcript* means a transcript which is requested to be delivered by the Court Reporter in a time period which is less than 30 days.

Section Two: Salaries, Per Page Fees and Private Practice

1. The Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during all regular work hours, gap hours or overtime. The Judge of the supervising Court and Court Reporter(s) shall enter into a separate written agreement addressing gap hours and overtime.
2. Effective January 1, 2023, the Court Reporter shall charge as follows:
 - A. A per page fee of Five Dollars and Fifty Cents (\$5.50) for indigent county transcripts, state indigent transcripts and private practice transcripts,
 - B. a minimum fee of \$35.00 per transcript, and
 - C. additional labor charge for time spent binding the transcript and exhibit binders (this is to be an hourly rate based upon Court reporter's paid salary / 35 hour work week and taking into consideration the additional costs associated with an individual who receives self-employed income. This rate shall be calculated on an annual basis by the Judges of Grant County and communicated to the Court Reporters.)
 - D. If preparing an Expedited Transcript, the Court Reporter may charge up to an additional \$2.00 per page.

A claim for all county indigent transcripts shall be submitted to the Grant County Auditor for payment. Depositions shall remain at Four Dollars (\$4.00) per page.

3. Pursuant to Administrative Rule 15 all Court Reporters will report, on an annual basis, to the Indiana Supreme Court Division of State Court Administration on forms prescribed by the Division.
4. If the Court Reporter elects to engage in the private practice of recording a deposition and/or preparation of a deposition and the Court Reporter desires to utilize the Court's equipment, work space and supplies, and the Court agrees to the use of Court's equipment for such purpose, the Court Reporter agrees to the following:
 - A. Record and transcribe the deposition on the Court Reporter's own time and keep a record of such on employee time sheets.
 - B. Reimburse the County at the rate of ten cents (\$.10) per page for use of equipment, work space and supplies.
 - (1) The Court Reporter shall submit a claim to the Grant County Auditor for payment of an indigent deposition, however, said claim shall include the deduction for use of equipment, work space and supplies.
 - (2) The Court Reporter shall remit payment to the Grant County Auditor annually, by December 15th, for use of equipment, work space and supplies in conjunction with a non-indigent deposition.

LR-27 TR 77-15 Withdrawal of Original Records and Papers

No person shall withdraw any original pleading, paper, record, model or exhibit from the custody of the Clerk or other officer of the Court having custody thereof except (1) upon order of a Judge of the Court and (2) upon leaving a proper receipt with the Clerk or officer.

LR-27 AR10-16 Custody and Disposition of Models and Exhibits in Civil Cases

- A. Custody. After being marked for identification, models, diagrams, exhibits, and material offered or admitted in evidence in any cause pending or tried before the Court shall be placed in custody of the Clerk or Court Reporter unless otherwise ordered by the Court.
- B. Removal. All models, diagrams, exhibits, or material placed in the custody of the Clerk or Court Reporter shall be removed by the parties offering them in evidence within four (4) months after the case is decided, unless an appeal is taken. In all cases in which an appeal is taken, the exhibits shall be removed within ninety (90) days after the filing of the appeal. At the time of removal, a

detailed receipt shall be given to the Clerk or the Court Reporter and filed in the cause.

LR-27 CR 00-30

Discovery and Motions in Limine in Criminal Cases

I. Discovery

A. Duty of the State of Indiana

In all Murder, class A, class B, class C, and class D felony cases, (filed prior to July 1, 2014); and in all F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony); MC (Miscellaneous Criminal), and misdemeanors in conjunction with Level 1, 2, 3, 4, 5, and 6 felonies (filed after July 1, 2014), **unless relieved by court order**, the Prosecuting Attorney shall, within thirty (30) days after the initial hearing furnish the attorney for the Defendant the following:

1. The names and addresses of persons whom the Prosecuting Attorney intends to call as witnesses at the trial, together with their relevant written or recorded statements;
2. Any written or recorded statements and any summaries of oral statements made by the accused herein or any statements of others which contain a declaration of the accused;
3. Those portions of the Grand Jury minutes which contain statements of witnesses whom the Prosecutor intends to call and directly examine at trial, which statements are probably within the control of the prosecution and which statements will relate to matters covered in the witness' testimony in this case, for the purpose of cross-examination and impeachment of such witness' credibility;
4. The relevant testimony which is reduced to writing of persons whom the Prosecutor intends to call as a witness at the trial, but who did not testify before the Grand Jury;
5. Any reports or statements of experts made in connection with this case, including results of physical or mental examination and of scientific tests, experiments, and comparisons;
6. Any books, papers, documents, photographs or tangible objects, which the Prosecuting Attorney intends to use in the trial or which were obtained from or belong to the accused or his family;
7. Any declarations against interest made by the Defendant;
8. Any evidence the Prosecutor might have, favorable to the Defendant;
9. Copies of any photographs which the prosecution has in its possession which it intends to introduce as evidence;
10. Any description of the Defendant's conduct, if any, that the prosecution intends to introduce as an implied admission;
11. Any promises, rewards, or inducements provided to prosecution witnesses or defense witnesses;

12. Any victim's statement that was recorded or memorialized and that is under the State's control;
13. Any and all medical reports in the State's possession or under the State's control in appropriate cases;
14. That portion of police reports containing substantially verbatim statements of witnesses;
15. The criminal record of the Defendant, including arrests and convictions; and
16. Evidence of other crimes, wrongs, or acts pursuant to Evidence Rule 404(b).

The State shall also allow counsel for the Defendant to examine any and all physical evidence, whether or not the prosecution intends to present the evidence at trial, within thirty (30) days after the initial hearing.

B. Duty of Counsel for the Defendant.

In all Murder, class A, class B, class C, and class D felony cases (filed prior to July 1, 2014); and in all F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Level 1, 2, 3, 4, 5, and 6 felonies (filed after July 1, 2014), unless relieved by court order, counsel for the Defendant shall, within thirty (30) days after receiving the discovery from the State of Indiana in any criminal action filed against the Defendant, furnish the attorney for the State of Indiana the following:

1. Any reports or results or testimony relative thereto, of physical or mental examination or of scientific tests, experiments or comparisons, or any other reports or statements of experts pertaining to this case;
2. A summary of any special or statutory defense(s), which Defendant intends to make at a hearing or trial in this cause;
3. Names and last known addresses of persons Defendant intends to call as witnesses, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements, and any record of prior criminal convictions known to the Defendant; and
4. Any books, papers, documents, photographs, or tangible objects Defendant intends to use as evidence or for impeachment at a hearing or trial.

C. Duty When Defendant is Not Represented by Counsel.

If a Defendant is not represented by an attorney, the above duties do not apply. The parties must file written motions with the court to request discovery.

II. Motions in Limine.

In all Murder, class A, class B, class C, and class D felony cases, (filed prior to July 1, 2014); and in all F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony); MC (Miscellaneous Criminal), and misdemeanors in conjunction with Level 1, 2, 3, 4, 5 and 6 felonies (filed after July 1, 2014), unless relieved by court order, the following items are excluded from evidence, and the Court prohibits any reference at the fact-finding hearing to the following. In addition, counsel and all witnesses may not refer to, mention, or testify about the following:

1. The fact that the Defendant failed to make a statements either orally or in writing at the time of his arrest;
2. Any questioning of the Defendant, or any statements which Defendant may have made while he was in the custody of the police, absent proof beyond a reasonable doubt that the statements were made freely and voluntarily and after knowing and intelligent waiver of rights by the Defendant;
3. Any previous arrest or detention of the Defendant which did not result in a conviction;
4. Any other alleged offenses, allegedly involving the Defendant, in which he or she was neither arrested nor charged;
5. Any prior conviction of the Defendant, except those which may be used for the purpose of impeachment; and
6. The statutory penalty for the offense(s) charged, or any and all included offenses.

The rule regarding Motions in Limine applies in cases where Defendant is represented by counsel, and it also applies to cases where Defendant is not represented by counsel.

LR-27 PO 00-18 Guardianships

- A. In all guardianship or protective proceedings seeking to declare an adult incapacitated, either the person alleged to be incapacitated shall be present at the hearing or the petitioner shall present sufficient medical evidence to establish that a Court appearance would result in injury to the person's health or safety.
- B. In all guardianship or protective proceedings seeking to declare an adult incapacitated, a physician's report must be completed and presented to the Court at or before the hearing.
- C. No guardian of an adult shall be appointed or protective order entered without notice, except upon verified allegations that delay may result in immediate and irreparable injury to the person or loss or damage to property.
- D. No guardian of a minor shall be appointed or protective order entered without notice to, or consents from, both natural parents.

- E. No surety bond is required where a corporate fiduciary serves as guardian or co-guardian. In all other cases, a bond will be required in an amount equal to the value of the protected person's assets.
- F. Biennial accountings will be required in all permanent guardianship of the estate cases, unless otherwise ordered by the Court. Biennial reports will be required in all permanent guardianship of the person cases. Biennial reports filed by guardians of the person shall state the present residence and general welfare of the incapacitated person.
- G. In every petition for the appointment of a guardian of the person of a minor child, the following information shall be given:
 - 1. The child's birth date and present address;
 - 2. The places where the child has lived within the past two (2) years and the names and present addresses of persons with whom the child has lived during that period;
 - 3. Whether, to Petitioner's knowledge, any other litigation is pending concerning the custody of the child in this or any other state.
 - 4. Whether, to Petitioner's knowledge, any person not a party to the guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child.
- H. In all cases where the guardian of the estate is not a corporate fiduciary, the guardian shall sign and file with the Court, within five (5) days of the order appointing guardian, the "Instructions to Guardian Concerning Financial Matters" form attached to these Rules as Exhibit B.

LR-27 PO 00-19 Estates

- A. All petitions to open an estate shall set forth the probable value of the personal property plus the estimated annual rents and profits to be derived from the property in the estate.
- B. In every unsupervised and supervised estate the Personal Representative shall file a corporate surety bond in an amount determined by the Court to be adequate to protect distributees, creditors and taxing authorities, except:
 - 1. No surety bond is required where a corporate fiduciary serves as Personal Representative or Co-Personal Representative.
 - 2. No surety bond is required in a solvent estate where the decedent's spouse serves as Personal Representative and is the sole distributee.

3. Where a Will provides that bond be dispensed with, the Court may fix a bond in an amount adequate to protect creditors and taxing authorities.
 4. Where the Personal Representative is a distributee, the bond may be reduced by the Personal Representative's estimated net distributive share, but the Court will fix a bond adequate to protect other distributees (if any), creditors and taxing authorities.
 5. Where all distributees consent in writing that the Personal Representative serve without bond, the Court may fix a bond in an amount adequate to protect creditors and taxing authorities.
- C. In all supervised estates, the Personal Representative shall file an inventory conforming with the requirements of I.C. 29-1-12-1 within two (2) months of appointment.
- D. In all unsupervised estates, the Personal Representative shall, within two (2) months of appointment either:
1. file an inventory conforming with the requirements of I.C. 29-1-7.5-3.2(b); or
 2. file a verified certification that an inventory conforming with the requirements of I.C. 29-1-7.5-3.2 has been prepared and is available to be furnished to distributees on request.
- E. Personal Representatives shall comply with I.C. 29-1-16-2, which provides as follows: "Every Personal Representative shall close the estate as promptly as possible. Unless for good cause shown, the time for filing the final account in the estate shall not exceed one (1) year from the appointment of a Personal Representative".
- F. Whenever a supervised estate cannot be closed within one (1) year, the Personal Representative shall file an intermediate account with the Court within thirty (30) days after the expiration of one (1) year and each succeeding year thereafter. The accounting:
1. Shall state facts showing why the estate cannot be closed and an estimated date of closing.
 2. Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants.
- G. In unsupervised estates a closing statement shall be filed within one (1) year after opening the estate. Whenever an unsupervised estate cannot be closed within one (1) year, the Personal Representative shall file a status report indicating why the estate cannot be closed and an estimated date of closing.
- H. In estates opened for the sole purpose of prosecuting a wrongful claim the Personal Representative shall annually file a status report as to the progress of the claim or suit.

- I. Disputes regarding Personal Representative and attorney fees in estates shall be resolved utilizing the fee guidelines adopted by the Probate Committee of the Indiana Judicial Conference.

LR-27 11 USC 362-27
Bankruptcy Notification Requirements

- A. When a local court proceeding is stayed by federal bankruptcy law, such as when a party to the local court proceeding files a bankruptcy proceeding, that party shall promptly file with the local court and serve on every other party to the local proceeding a notice reciting:
 1. the filing of a bankruptcy petition by the party;
 2. the bankruptcy case number;
 3. the date the bankruptcy proceeding was filed;
 4. the name and address of the bankruptcy court; and
 5. the name, address, and phone number of the attorney representing the party in the bankruptcy proceeding, if any.
- B. The party shall also promptly file with the local court and serve on every other party to the local proceeding a copy of the bankruptcy court order setting out any of the following:
 1. the order closing the case;
 2. the order dismissing the case;
 3. the order granting or denying the discharge.
- C. If the party to the local court proceeding is represented by an attorney in the local court proceeding, the attorney shall comply with the foregoing on behalf of his or her client. If the party is not represented by an attorney in the local court proceeding, the party is personally responsible to comply with the foregoing.

LR-27 AR 00-28
Court Building Security

Pursuant to the inherent power of the Courts to provide for the orderly operation of the Courts and for the safety of litigants, witnesses, court staff, and the public, the judges of the Grant Circuit and Superior Courts (“the Courts”) enter the following orders after completing the process of publishing this Court Building Security Order as a local court rule:

1. Everyone entering the Grant County Courthouse and any other location where a judicial officer of any of the Courts maintains an office or conducts court proceedings (collectively “the courtroom buildings”), must consent to a search of their person, including any package, briefcase, or purse.

2. If a courtroom building has more than one entrance/exit, the Courts may designate one or more of the entrances/exits to be used only for restricted purposes, as the Courts deem to be appropriate.
3. Unless exempt under Paragraph 6, below, everyone entering a courtroom building is prohibited from having any of the following in their possession when in the courtroom building:
 - a. an audiovisual recording device as defined by I.C. § 35-31.5-2-23 & I.C. § 35-46-8-2
 - b. body armor as defined by I.C. § 35-31.5-2-28 & I.C. § 35-47-5-13(a)
 - c. a bomb as defined by I.C. § 35-31.5-2-31
 - d. a camera as defined by I.C. § 35-31.5-2-33 & I.C. § 35-45-4-5(a)(1)
 - e. a cell phone or similar communication device, unless the person is 1) an attorney licensed to practice law in the State of Indiana; 2) a member of the attorney's support staff; 3) a governmental employee; or 4) a workman or vendor, so long as the attorney, staff member, governmental employee, workman or vendor is conducting business in the courtroom building
 - f. a Chinese throwing star as defined by I.C. § 35-31.5-2-41 & I.C. § 35-47-5-12
 - g. a dangerous device as defined by I.C. § 35-31.5-2-82 & I.C. § 35-47-6-1.1(a)
 - h. a dangerous gas as defined by I.C. § 35-31.5-2-83
 - i. a deadly weapon as defined by Ind. Code § 35-31.5-2-86
 - j. a destructive device as defined by I.C. § 35-31.5-2-92 & I.C. § 35-47.5-2-4
 - k. a detonator as defined by I.C. § 35-31.5-2-93 & I.C. § 35-47.5-2-5
 - l. an electronic stun weapon as defined by I.C. § 35-47-8-1
 - m. an explosive as defined by I.C. § 35-31.5-2-125 & I.C. § 35-47.5-2-7
 - n. a firearm as defined by I.C. § 35-31.5-2-133, I.C. § 35-47-1-5, & I.C. § 35-47-15-1
 - o. a handgun as defined by I.C. § 35-31.5-2-148 & I.C. § 35-47-1-6
 - p. a knife as defined by I.C. § 35-31.5-2-180 & I.C. § 35-47-5-2.5(a) and (b)
 - q. a stun gun as defined by I.C. § 35-31.5-2-112 & I.C. § 35-47-8-1
 - r. a taser as defined by I.C. § 35-31.5-2-324 & I.C. § 35-47-8-3
 - s. a tear gas device such as Mace® or pepper spray
 - t. and any other material that, in the manner in which it is used, could ordinarily be used or is intended to be used and is readily capable of causing serious bodily injury (as defined by I.C. § 35-31.5-2-292) as initially

determined by the Grant County Sheriff's Officers and as approved by any of the judges of the Courts.

4. Anyone refusing to comply with this Order is to be denied entrance to the courtroom buildings.
5. Anyone violating this Order may be found to be:
 - a. in direct contempt of court under I.C. § 34-47-2, if the violation occurs in the presence of a judicial officer; or
 - b. in indirect contempt of court under I.C. § 34-47-3, if the violation is willful and occurs out of the presence of a judicial officer.
6. The following individuals are exempt from this order:
 - a. Any law enforcement officer appearing at any of the courtroom buildings on official duty is exempt. The term "law enforcement officer" is defined in I.C. § 35-31.5-2-185 as follows:
 - (1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general,
 - (2) a deputy of the people listed in Paragraph 6(a)(1),
 - (3) an investigator for a prosecuting attorney or for the inspector general,
 - (4) a conservation officer,
 - (5) an enforcement officer of the alcohol and tobacco commission, and
 - (6) an enforcement officer of the securities division of the office of the Secretary of State.
 - b. Any federal enforcement officer as defined in I.C. § 35-31.5-2-129 is a "law enforcement officer". This includes a Federal Bureau of Investigation special agent, a United States Marshals Service marshal or deputy, a United States Secret Service special agent, a United States Fish and Wildlife Service special agent, a United States Drug Enforcement Agency agent, a Bureau of Alcohol, Tobacco, Firearms and Explosives agent, a United States Forest Service law enforcement officer, a United States Department of Defense police officer or criminal investigator, a United States Customs Service agent, a United States Postal Service investigator, a National Park Service law enforcement commissioned ranger, a United States Department of Agriculture–Office of Inspector General special agent, a United States Citizenship and Immigration Services special agent, and any individual who is an employee of a federal agency and is authorized to make arrests and carry a firearm in the performance of the individual's official duties;
 - c. Indiana Department of Correction Officers,

- d. Community Correction officers,
 - e. judicial officers,
 - f. probation officers,
 - g. employees of the courtroom buildings, who carry chemical spray devices for personal protection are also exempt, and
 - h. any other person authorized by at least three (3) full-time judicial officers of the Courts shall be exempt until at least three (3) full-time judicial officers of the Courts withdraw the exemption. The judicial officers are to provide the Grant County Sheriff with a copy of the authorization and/or the withdrawal of the authorization for the exemption to be valid.
7. Any person listed in Paragraph 6 **SHALL NOT BE EXEMPT** whenever they or any member of their family is a party to any proceeding taking place. This does not include appearing in the individual's official capacity.
8. The statutes cited above may change from time to time. This local court rule shall automatically refer to the relevant statutes in effect at any given time.

LR-27 PO 00-18 Exhibit B
Instructions to Guardian Concerning Financial Matters

You have been appointed to serve as guardian of an individual who, because of some infirmity, is unable to manage his or her own financial affairs. It is important that you understand the significance of this appointment and your responsibilities as guardian.

Upon being appointed guardian, you are required to post a bond in the amount set by the Court and take an oath to faithfully discharge your duties as guardian. Along with your other duties as guardian, you should be aware of the following:

- A. You are required to file in the Clerk's Office a verified inventory and appraisal of all property belonging to the Protected Person within ninety (90) days after your appointment.
- B. Every two (2) years you must file with the Court a verified accounting detailing all property and income received and all expenses paid with receipts to verify each expenditure of the guardianship.
- C. You must pay bond premiums and court costs as they become due.
- D. You must file Federal & State Tax Returns for the Protected Person & pay taxes.
- E. You are required to file a final accounting with the Court upon the termination of the guardianship or upon the death of the Protected Person detailing all property and income received and all expenses paid with receipts to verify each expenditure.
- F. You must deposit all money directly into the Guardianship Account and obtain and keep receipts (preferably cancelled checks) for all expenditures.

It is the duty of the guardian to protect and preserve the Protected Person's property, to account for such assets faithfully and to perform all duties required by law of a guardian. You may not make expenditures or investments from guardianship funds without Court's authorization.

Guardianship funds should never be co-mingled with personal funds. Accurate accounts must be kept and accurate reports made. Unauthorized use of guardianship funds may result in personal liability, and/or criminal prosecution.

It is important to understand that a guardian has the same duties and responsibilities concerning the Protected Person even if the Protected Person is a relative.

If any questions arise during the guardianship you should consult your attorney.

Signed on _____, Judge

I acknowledge receipt of a copy of the above instructions and affirm under the penalties for perjury that I will follow the instructions carefully.

Signed on _____, Guardian