

LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO ESTATES

L.R.45-P.R.00 Rule 1.

All probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

L.R.45-P.R.00 Rule 2.

A Personal Representative's Information Sheet must be completed and filed with any petition opening a supervised or unsupervised Estate. The Court will not act upon the petition until the Personal Representative's Information Sheet is completed and filed. The Personal Representative's Information Sheet must be filed in compliance with Indiana Trial Rule 5(G) and the Indiana Rules on Access to Court Records, Rule 5. (SEE ATTACHED FORM A).

L.R.45-P.R.00 Rule 3.

In all supervised and unsupervised estates, the Court's Instructions to the Personal Representative, executed by the Personal Representative and the Attorney, must be filed with the Court prior to Court appointment and issuance of letters. These Instructions are to be considered as direct Orders of the Court. Instructions to Personal Representative of Supervised Estate (SEE ATTACHED FORM B) or Instructions to Personal Representative of Unsupervised Estate (SEE ATTACHED FORM C), as applicable, must be completed and filed with the Court. No substitute form will be accepted by the Court.

L.R.45-P.R.00 Rule 4.

All petitions, of any nature or kind, in all matters, must be executed and verified by the Personal Representative, the Trustee, or the Interested Party (Petitioner), and not by the Attorney. All petitions requesting relief or action by the Court should, where applicable, contain reference to the appropriate statute or rule authorizing such relief or action.

L.R.45-P.R.00 Rule 5.

All Attorneys are required to prepare Orders in a form approved by the Court (order per form or OPF) for all proceedings except where expressly indicated to the contrary by the Court.

L.R.45-P.R.00 Rule 6.

Unless waived by the applicable Court, Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

L.R.45-P.R.00 Rule 7.

The Attorney shall prepare and serve any required notices on interested persons pursuant to I.C. §29-1-7-4.5, as amended, and proof thereof pursuant to I.C. §29-1-1-16, as amended.

L.R.45-P.R.00 Rule 8.

A verified inventory must be prepared and filed in all supervised estates within sixty (60) days after appointment of the Personal Representative. In unsupervised estates, the Personal Representative shall comply with I.C. §29-1-7.5-3.2 with respect to inventories.

L.R.45-P.R.00 Rule 9.

Attorneys must attend all hearings. The Court may, in its discretion, require the attendance of the Personal Representative or Trustee at any such hearing.

L.R.45-P.R.00 Rule 10.

All accountings filed with the Court must follow the statutory format prescribed by I.C. §29-1-16-4, as amended. Informal, handwritten, or transactional accountings will not be accepted. Unless otherwise ordered by the Court, an accounting filed with the Court shall be accompanied by an Affidavit in Lieu of Vouchers stating that receipts are available for all disbursements contained in the accounting.

L.R.45-P.R.00 Rule 11.

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

L.R.45-P.R.00 Rule 12.

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any estate.

L.R.45-P.R.00 Rule 13.

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

L.R.45-P.R.00 Rule 14.

In a supervised estate, any petition for the allowance of fees, pursuant to the Fee Guidelines, for the Attorney and/or the Personal Representative shall set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a supervised estate. A separate petition must be filed requesting such fee determination. No fee shall be paid without the prior approval of the Court. No Attorney

or Personal Representative fees will be authorized for payment until a Final Account is filed with the Court. If an Interim Account is filed with the Court, a petition for Attorney or Personal Representative Fees may be filed for the Court's review and approval.

L.R.45-P.R.00 Rule 15.

Attorney and Personal Representative fees will not be determined or authorized for payment by the Court in an unsupervised estate.

L.R.45-P.R.00 Rule 16.

Unless otherwise stated in the decedent's Last Will and Testament, any Attorney or Personal Representative fees determined to be due by reason of non-probate assets shall be assessed against the recipients of the non-probate assets.

L.R.45-P.R.00 Rule 17.

All documents filed with the Court must comply with the requirements of Ind. Trial Rule 5(G) and the Indiana Rules on Access to Court Records, Rule 5 utilizing the Notice of Exclusion of Confidential Information From Public Access form. (SEE ATTACHED FORM D).

L.R.45-P.R.00 Rule 18.

For good cause shown, the Court may waive any local procedural rule.

L.R.45-P.R.00 Rule 19.

When required by law, all Wills must be admitted to Probate unless filed with the Clerk pursuant to Ind. Code § 29-1-7-3.1, as amended. Pursuant to Indiana Trial Rule 86(F), an Affidavit must be filed by the Attorney or Personal Representative regarding the possession of the decedent's Last Will and Testament. (SEE ATTACHED FORM E).

L.R.45-P.R.00 Rule 20.

Bond procedures for Estates:

- a. If the decedent's Will provides for no bond, the Court may honor the request unless otherwise required by statute;
- b. If all heirs request no bond or a minimal bond, the Court may honor such request unless otherwise required by statute;
- c. In all instances, upon petition by an interested person, the Court may require a bond to protect creditors, heirs, legatees, or devisees;
- d. In all other situations, the Court will determine and set the amount of the bond and in no event shall it be less than that required to protect creditors and taxing authorities;

e. Personal surety must meet the requirements of Ind. Code § 29-1-11-5;

f. No Attorney will be accepted as personal surety on any bond required to be filed in Court.

L.R.45-P.R.00 Rule 21.

Subject to the discretion of the Court, the Court may restrict transfer of all or part of the liquid assets of a supervised estate by placing those assets in a federally-insured financial institution or in a brokerage account (or any combination of the two) with the following restriction placed on the face of each account or document creating or evidencing the account:

NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF THE LAKE CIRCUIT/SUPERIOR COURT, PROBATE DIVISION. THE PERSONAL REPRESENTATIVE AND/OR FINANCIAL INSTITUTION SHALL PROMPTLY NOTIFY THE COURT IN WRITING IN THE EVENT PRINCIPAL AND/OR INTEREST IS WITHDRAWN WITHOUT WRITTEN COURT ORDER.

Within thirty (30) days after an Order authorizing the creation of the restricted account or investment, a certificate by an officer of the institution at which the restricted account or investment has been created shall be filed with the Court which affirms that the account or investment is restricted by Court Order. (SEE ATTACHED FORM F).

The Personal Representative and/or the financial institution shall promptly notify the Court in writing in the event that any principal or interest is withdrawn from the account without Court authorization.

L.R.45-P.R.00 Rule 22.

On or before three (3) months and fifteen (15) days after the date of the first published notice to creditors, the Personal Representative, or the Personal Representative's Attorney, must allow or disallow a claim filed against the estate within three (3) months after the date of the first published notice to creditors.

For a claim filed not later than nine (9) months after the decedent's death (other than the United States, the state, or a subdivision of the state) by a claimant who did not received a notice of administration under I.C. § 29-1-7-7, the Personal Representative, or the Personal Representative's Attorney, must allow or disallow a claim not later than fifteen (15) days after the date of the filing of the claim.

For a claim filed by the United States, the state, or a subdivision of the state the Personal Representative, or the Personal Representative's Attorney, must allow or disallow a claim on or before the later of: (1) three (3) months and fifteen (15) days after the first published notice to creditors; or (2) fifteen (15) days after the date on which the claim was filed.

For purposes of allowing or disallowing a claim, the Personal Representative or the Personal Representative's Attorney shall electronically file a Notice of Allowance/Disallowance of Claim form. (SEE ATTACHED FORM G).

L.R.45-P.R.00 Rule 23.

If an estate cannot be promptly closed, the Personal Representative must report the condition of the estate to the Court one (1) year after the date of the Personal Representative's appointment, and thereafter every year until the estate is fully administered.

L.R.45-P.R.00 Rule 24.

The Federal Estate Tax closing letter and/or the countersigned receipt, or a photocopy thereof, showing payment of the Federal Estate in the estate must be filed with the Final Report or the Supplemental Report.

L.R.45-P.R.00 Rule 25.

Proof of publication of all notices required to be published shall be filed with the Court by the Attorney for the estate within thirty (30) days after receipt of the same from the newspaper. It is the Attorney's responsibility to ensure that publication was timely made, and proof thereof is properly filed with the Court.

L.R.45-P.R.00 Rule 26.

In an unsupervised estate, the Court shall not be involved other than for opening and closing the estate, unless requested pursuant to I.C. § 29-1-7.5-3(c). The Court reserves the right to revoke unsupervised administration and convert the estate to supervised administration if the Court, in its discretion, believes supervised administration is warranted.

L.R.45-P.R.00 Rule 27.

If, after three (3) months following the date that the verified closing statement is filed in an unsupervised estate and an objection has not been filed, the Attorney must file a proposed Order closing the estate within thirty (30) days after the objection deadline expires.

ESTATE FORMS

FORM A. PERSONAL REPRESENTATIVE'S INFORMATION SHEET

STATE OF INDIANA) **IN THE LAKE CIRCUIT/SUPERIOR COURT**
) **SITTING AT _____,**
COUNTY OF LAKE) **LAKE COUNTY, INDIANA**

IN THE MATTER OF THE ESTATE)
_____, DECEASED) CAUSE NO. _____

PERSONAL REPRESENTATIVE'S INFORMATION SHEET

NAME: _____
 Last First Middle

ALIAS: _____

ADDRESS: _____

WORK ADDRESS: _____

DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: _____

DRIVER'S LICENSE NUMBER: _____ (attach a copy)

SEX: _____

RACE: White ____ Black ____ Hispanic ____ Asian ____
 American Indian ____ Unknown ____

HEIGHT: _____

WEIGHT: _____

EYE COLOR: _____

HAIR COLOR: _____

**THIS FORM MUST BE FILED IN COMPLIANCE WITH INDIANA TRIAL RULE 5(G)
AND THE INDIANA RULES ON ACCESS TO COURT RECORDS, RULE 5.**

**FORM B. COURT'S INSTRUCTIONS TO PERSONAL REPRESENTATIVE
OF SUPERVISED ESTATE**

STATE OF INDIANA) **IN THE LAKE CIRCUIT/SUPERIOR COURT**
) **SITTING AT _____,**
COUNTY OF LAKE) **LAKE COUNTY, INDIANA**

IN THE MATTER OF THE ESTATE)
_____, DECEASED) CAUSE NO. _____

**COURT'S INSTRUCTIONS TO PERSONAL REPRESENTATIVE
OF SUPERVISED ESTATE**

Please read carefully before you date and sign. One copy of this form must be filed with the Court before your appointment as personal representative is confirmed by the Court. Keep one copy for your records.

Introduction:

You have been appointed as the personal representative of the estate of a deceased person. By your appointment, the Court has placed in you the highest trust that you will perform your duties in the best interests of all beneficiaries and creditors of the estate. It is important that you fully realize your duties and responsibilities. Listed below are some, but not all of them.

You must be represented at all times by an attorney of record. Your attorney is required to reasonably supervise and guide your actions as personal representative unless and until that attorney is permitted by order of the Court to withdraw from representing you.

Your attorney is required to notify the Court in the event that you are not timely performing or improperly performing your fiduciary duties to the beneficiaries and creditors of the estate and by signing these Instructions, you agree that the filing of that notice does not violate the attorney-client privilege. If the Court receives such notice, it will set the matter for hearing and require you to personally appear and account to the Court for all actions taken or not taken by you as personal representative. You are required to notify the Court in writing in the event that your attorney is not timely performing or improperly performing his or her duties to reasonably supervise and guide your actions as personal representative. Upon receipt of the notice, the Court will set the matter for hearing and require you and your attorney to personally appear and account to the Court for all actions taken or not taken by the attorney.

The Instructions which follow are to be considered by you as Orders of the Court which require you to perform as directed. Although your attorney will file all papers with the Court, you, as personal representative, are ultimately responsible to see that the estate is properly and promptly administered, and you are personally liable for incorrect distributions, payments, or acts, as well as any unpaid taxes or costs of administration. The Court appreciates your efforts on behalf of the estate.

As Personal Representative, you are required to:

1. Locate, collect and maintain all property owned by the decedent.
2. Keep motor vehicles and real estate insured and protected.
3. Immediately fill out a change of address at the post office to have the decedent's mail forwarded to you.
4. No later than two (2) months after your appointment, have your attorney file in this Court an inventory describing all property belonging to the estate, with date of death values, and forthwith serve a copy of the inventory on all known heirs, beneficiaries or distributees of the estate.
5. Estate Checking Account.
 - A. Open a separate checking account at an Indiana financial institution in your name "as personal representative for the estate of (the decedent)." Obtain a federal tax I.D. number for the checking account. Do not use your Social Security number or the decedent's Social Security number.
 - B. As a general rule, **DO NOT** put any of your funds or anyone else's funds in this account. However, if circumstances warrant, you should consult your attorney prior to doing so.
 - C. Always pay for estate expenses by checks from this account. Do not pay any expenses with cash.
 - D. Make sure that the bank is willing to return cancelled checks or electronic versions of the checks to you.
 - E. Keep records of all deposits including the identity of the person or entity paying the money into the estate.
6. Determine all debts that the decedent owed. Look through the decedent's tax returns and other papers. Talk to anyone who knew the decedent's business. Consult your attorney as to payment of debts, costs of administration, bond premiums, and funeral bills. Some debts may be unenforceable. Some may have priority over others.
7. Have your attorney provide written notice of the administration of the estate to all known creditors of the estate.
8. If the decedent owned a business or was involved in contracts which were not yet fully performed, have your attorney obtain directions from the Court as to those matters.

9. **DO NOT MAKE** any distribution of personal property or real estate to an heir or devisee without prior Court order.

10. **NEVER** borrow estate property or put it to your own personal use.

11. Prepare and file income tax returns for the tax year in which the decedent died and any returns for prior years if needed. Timely prepare and file any estate, inheritance or fiduciary tax returns and pay taxes as they come due.

12. **Accounting.** Indiana law requires the estate to be closed within one (1) year of your appointment as personal representative. Before the estate can be closed, you must file with the Court a final accounting of your actions as personal representative.

A. Have your attorney file your final accounting, consisting of three (3) schedules, after the administration of the estate has been completed.

B. The first schedule must include all assets listed on the inventory, any income and additional assets obtained during administration, and any adjustments to the inventory.

C. The second schedule must be an itemized list of expenditures. Documentation for each expense shall include: (a) the payee; (b) check number or other identifying number on the instrument; (c) the amount disbursed; and, (d) if the reason for disbursement is not apparent from the description of the payee, a description of the reason for the disbursement sufficient to substantiate the reason for the disbursement as part of the administration of the estate. Cancelled checks or facsimile copies of paid checks for each expenditure must be attached as evidence of payment.

D. The third schedule must be a recapitulation indicating the remaining estate property after subtracting expenditures. A proposed distribution must be furnished to all interested parties, including heirs.

13. After the Court approves your final account, make distribution to the proper people and file a supplemental report with the Court, attaching receipts.

14. Notify the Court and your attorney of any change in your address or telephone number.

15. **NEVER** pay yourself or your attorney any fees from assets of the estate without a prior Court Order, unless your attorney confirms to you that the law or local court rules allow you to reimburse yourself from estate assets for necessary expenses that you previously paid with your personal funds.

16. Keep a record of the time you spend working on the estate. You are entitled to a reasonable fee, unless you waive a fee. Time records will help the Court determine your fee.

17. Always contact your attorney for advice if you are unsure as to any act as personal representative. Have your attorney counsel you in relation to the estate and explain anything that you do not fully understand.

18. Do not sell an estate asset without prior Court Order unless the Will, in very specific terms, authorizes the sale without court order. Consult your attorney about this.

I acknowledge that I have carefully and completely read the above instructions and received a copy for my records. I agree to properly carry out my duties.

Dated this _____ day of _____, 20 ____.

Signature, Personal Representative

Signature, Personal Representative

Print, Personal Representative

Print, Personal Representative

I acknowledge that I have carefully and completely discussed the above instructions with my client before this form was signed and believe that he or she is fully aware of and capable of performing the duties required of a personal representative of a supervised estate.

Signature, Attorney

Signature, Attorney

Print, Attorney

Print, Attorney

FORM C. COURT'S INSTRUCTIONS TO PERSONAL REPRESENTATIVE OF UNSUPERVISED ESTATE

STATE OF INDIANA) **IN THE LAKE CIRCUIT/SUPERIOR COURT**
) **SITTING AT _____,**
COUNTY OF LAKE) **LAKE COUNTY, INDIANA**

IN THE MATTER OF THE ESTATE)
_____, DECEASED) CAUSE NO. _____

COURT'S INSTRUCTIONS TO PERSONAL REPRESENTATIVE OF UNSUPERVISED ESTATE

Please read carefully before you date and sign. One copy of this form must be filed with the Court before your appointment as personal representative is confirmed by the Court. Keep one copy for your records.

Introduction:

You have been appointed as the personal representative of the estate of a deceased person. By your appointment, the Court has placed in you the highest trust that you will perform your duties in the best interests of all beneficiaries and creditors of the estate. It is important that you fully realize your duties and responsibilities. Listed below are some, but not all of them.

You must be represented at all times by an attorney of record. Your attorney is required to reasonably supervise and guide your actions as personal representative unless and until that attorney is permitted by order of the Court to withdraw from representing you.

Your attorney is required to notify the Court in the event that you are not timely performing or improperly performing your fiduciary duties to the beneficiaries and creditors of the estate and by signing these Instructions, you agree that the filing of that notice does not violate the attorney-client privilege. If the Court receives such notice it will set the matter for hearing and require you to personally appear and account to the Court for all actions taken or not taken by you as personal representative. You are required to notify the Court in writing in the event that your attorney is not timely performing or improperly performing their duties to reasonably supervise and guide your actions as personal representative. Upon receipt of the notice, the Court will set the matter for hearing and require you and your attorney to personally appear and account to the Court for all actions taken or not taken by the attorney.

The Instructions which follow are to be considered by you as Orders of the Court which require you to perform as directed. Although your attorney will file all papers with the Court, you, as personal representative, are ultimately responsible to see that the estate is properly and promptly administered, and you are personally liable for incorrect distributions, payments, or acts, as well as any unpaid taxes or costs of administration.

The Court appreciates your efforts on behalf of the estate.

As personal representative, you are required to:

1. Locate, collect and maintain all property owned by the decedent.
2. Keep motor vehicles and real estate insured and protected.
3. Immediately fill out a change of address at the post office to have the decedent's mail forwarded to you.
4. Within two (2) months of your appointment, you must prepare an inventory conforming with the requirements of I.C. 29-1-7.5-3.2 (b), as amended.
5. Estate Checking Account.
 - A. Open a separate checking account at an Indiana financial institution in your name "as personal representative for the estate of (the decedent)." Obtain a federal tax I.D. number for the checking account. Do not use your Social Security number or the decedent's Social Security number.
 - B. As a general rule, DO NOT put any of your funds or anyone else's funds in this account. However, if circumstances warrant, you should consult your attorney prior to doing so.
 - C. Always pay for estate expenses by checks from this account. DO NOT pay any expenses with cash.
 - D. Make sure that the bank is willing to return cancelled checks or electronic copies or digital images of the paid checks to you.
 - E. Keep records of all deposits, including the identity of each person or entity paying the money into the estate.
6. Determine all debts that the decedent owed. Look through decedent's tax returns and other papers. Talk to anyone who knew the decedent's business. Consult your attorney as to payment of debts, costs of administration, bond premiums, and funeral bills. Some debts may be unenforceable. Some may have priority over others.
7. Have your attorney provide written notice of the administration of the estate to all known creditors of the estate.
8. **NEVER** borrow estate property or put it to your own personal use.
9. DO NOT distribute any estate assets until assets (including personal property) are appraised, and consult with your attorney prior to making any distribution.

10. Prepare and file income tax returns for the tax year in which the decedent died and any returns for prior years if needed. Timely prepare and file any estate, inheritance or fiduciary tax returns and pay taxes as they come due.

11. After you fully complete the estate administration, you must file a closing statement with the Court verifying that all proper claims, expenses and taxes have been paid, that all assets have been properly distributed, and that a copy of the closing statement has been sent to all distributees, fully accounting for all assets, expenses and distributions made to the heirs.

12. Notify the Court and your attorney of any change in your address or telephone number.

13. Keep a record of the time you spend working on the estate. You are entitled to a reasonable fee, unless you waive a fee.

14. Always contact your attorney for advice if you are unsure as to any act as personal representative. Have your attorney counsel you in relation to the estate and explain anything that you do not fully understand.

I acknowledge that I have carefully and completely read the above instructions and received a copy for my records. I agree to properly carry out my duties.

Dated this _____ day of _____, 20 _____.

Signature, Personal Representative

Signature, Personal Representative

Print, Personal Representative

Print, Personal Representative

I acknowledge that I have carefully and completely discussed the above instructions with my client before this form was signed and believe that he or she is fully aware of and capable of performing the duties required of a personal representative of a supervised estate.

Signature, Attorney

Signature, Attorney

Print, Attorney

Print, Attorney

FORM D. NOTICE OF EXCLUSION OF CONFIDENTIAL INFORMATION FROM PUBLIC ACCESS

STATE OF INDIANA) **IN THE LAKE CIRCUIT/SUPERIOR COURT**
) **SITTING AT _____,**
COUNTY OF LAKE) **LAKE COUNTY, INDIANA**

IN THE MATTER OF THE ESTATE)
_____, DECEASED) CAUSE NO. _____

NOTICE OF EXCLUSION OF CONFIDENTIAL INFORMATION FROM PUBLIC ACCESS
(FILED WITH TRIAL COURT CLERK for documents filed with the clerk) (TENDERED IN OPEN COURT for documents tendered in open court)

Contemporaneous with the [filing/tender] of this notice, [party name] has [filed/tendered] confidential information under the Indiana Rules on Access to Court Records. [party name], provides this notice that the confidential information is to remain excluded from public access in accordance with the authority listed below:

<u>Name or description of document</u>	<u>ACR grounds for exclusion</u>
[List here]	[List specific A.C.R. grounds here.]
	[NOTE: If Rule 5(A)(1 or 3), 5(B)(1 or 2), or 5(D)(2) provides the basis for exclusion, you must also list the specific law, statute, or rule declaring the information confidential.]
	Respectfully submitted,

INSERT SIGNATURE BLOCK

STATE OF _____)

COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, and acknowledged the execution of the foregoing instrument to be his/her free and voluntary act.

Witness my hand and seal this _____ day of _____, 20____.

My commission expires: _____

Commission No.: _____

_____, Notary Public
Resident of _____ County,

FORM F. CERTIFICATE OF ACCOUNT RESTRICTION

STATE OF INDIANA)
)
COUNTY OF LAKE)
)
IN THE MATTER OF THE ESTATE)
_____, DECEASED) CAUSE NO. _____

**CERTIFICATE OF RESTRICTION OF ACCOUNT IN COMPLIANCE WITH
LAWYER'S UNDERTAKING**

The undersigned hereby certifies that he/she is an Officer or employee of the below named financial institution and that the following account has been opened:

Type of Account: _____

Account Number: _____

Amount Deposited: _____

Owner per Signature Card or Document of Title: _____

The undersigned further certifies that a copy of the Order of the Circuit/Superior Court of Lake County has been examined in full by us and that the terms of this account included a restriction that withdrawal of principal or interest may be made only on written order of the Circuit/Superior Court of Lake County.

DATE: _____

Name of Financial Institution

Signature

Printed

Title

**FORM G. ALLOWANCE/DISALLOWANCE OF CLAIM AND NOTICE OF
ALLOWANCE/DISALLOWANCE OF CLAIM**

STATE OF INDIANA) **IN THE LAKE CIRCUIT/SUPERIOR COURT**
) **SITTING AT _____,**
COUNTY OF LAKE) **LAKE COUNTY, INDIANA**

IN THE MATTER OF THE ESTATE)
_____, DECEASED) CAUSE NO. _____

ALLOWANCE/DISALLOWANCE OF CLAIM #

_____, Personal Representative of the Estate of _____, deceased, pursuant to I.C. § 29-1-14-10, hereby allows/disallows the Claim # _____, filed on or about _____ in the sum of \$ _____.

The Personal Representative requests that an appropriate notation of allowance/disallowance of claim be noted by having the Clerk of the Court complete the Notice of Allowance/Disallowance of Claim filed contemporaneously herewith and process the same via the Odyssey e-filing system.

The Personal Representative will serve a Notice of Allowance/Disallowance of Claim # _____, with the Allowance/Disallowance of Claim # _____ attached to said notice, on the claimant and all parties and counsel of record via the Odyssey e-filing system, or by U.S. First Class Mail, as applicable.

Upon service, the Personal Representative or his/her/its legal counsel will file a Certificate/Affidavit of Mailing Notice of Allowance/Disallowance of Claim # _____ with this Court.

_____, Personal Representative
of the Estate of _____

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT.

_____**STATE OF INDIANA) **IN THE LAKE CIRCUIT/SUPERIOR****
COURT) **SITTING AT _____**
_____,
COUNTY OF LAKE) **LAKE COUNTY, INDIANA**

IN THE MATTER OF THE ESTATE)

_____, **DECEASED**) CAUSE NO. _____

NOTICE OF ALLOWANCE/DISALLOWANCE OF CLAIM # _____

Notice is hereby given that _____, as Personal Representative of the Estate of _____, has filed with the Court an/a Allowance/Disallowance of Claim # _____, which Claim was filed with the Court on or about _____ in the sum of \$ _____. A true and correct copy of the Allowance/Disallowance of Claim # _____ is attached hereto.

CLERK OF THE CIRCUIT/SUPERIOR COURT
OF LAKE COUNTY, INDIANA

By: _____
_____ Deputy

Attorney for Personal Representative

LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO GUARDIANSHIPS

LR 45-PR00-28

All probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

LR 45-PR00-29

A Guardian's Information Sheet must be completed and filed with any petition seeking to establish a temporary or permanent guardianship or a protective order pursuant to I.C. § 29-1-3-4 et. seq., as amended. The Court will not act upon the petition until the Guardian's Information Sheet is completed and filed. The Guardian's Information Sheet must be filed in compliance with Indiana Trial Rule 5(G) and the Indiana Rules on Access to Court Records, Rule 5. (SEE ATTACHED FORM A).

LR 45-PR00-30

In all guardianship matters pertaining to declaring an adult incapacitated for any reason, at a minimum, the Physician's Statement in a form acceptable to the Court, executed by the licensed physician treating the alleged incapacitated person, must be submitted at the time the petition is filed or on the hearing date. No determination will be made without the Physician's Statement and/or supporting medical testimony. (SEE ATTACHED FORM B)

LR 45-PR00-31

In all guardianship matters, the Court's Instructions to the Guardian, executed by the Guardian, must be filed with the Court prior to Court appointment and issuance of letters. These Instructions are to be considered as direct Orders of the Court. Instructions to Guardian when the guardianship will be of the person only (SEE ATTACHED FORM C) or when the guardianship will apply to the minor's or incapacitated adult's property (SEE ATTACHED FORM D) must be completed and filed with the Court. If the Guardian will be appointed over both the person and estate, both sets of Court's Instructions to the Guardian must be completed and filed with the Court. No substitute form will be accepted by the Court.

LR 45-PR00-32

All petitions, of any nature or kind, in all matters, must be executed and verified by the Guardian or the Interested Party (Petitioner), and not by the Attorney. All petitions requesting relief or action by the Court should, where applicable, contain reference to the appropriate statute or rule authorizing such relief or action.

LR 45-PR00-33

Pursuant to I.C. §30-5-3-4(b), as amended, an appointment of a Guardian over an estate shall not operate to terminate a valid power of attorney, unless the power of attorney instrument provides for termination upon the incapacity of the principal. A Guardian shall not have power over property or health care conditions that are subject to a valid power of attorney. A Guardian cannot revoke or amend a power of attorney on behalf of a principal without Court approval. A Guardian seeking to revoke a valid power of attorney must obtain Court approval which can be granted only after hearing and notice to the attorney-in-fact.

LR 45-PR00-34

All Attorneys are required to prepare Orders in a form approved by the Court (order per form or OPF) for all proceedings except where expressly indicated to the contrary by the Court.

LR 45-PR00-35

Unless waived by the applicable Court, Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

LR 45-PR00-36

The Attorney shall prepare and serve any required notices on interested persons pursuant to I.C. §29-1-7-4.5, as amended, and proof thereof pursuant to I.C. §29-1-1-16, as amended.

LR 45-PR00-37

Inventories must be filed in all temporary guardianships of the estate within thirty (30) days after appointment of the Guardian. For permanent guardianships of the estate, inventories must be filed within ninety (90) days after appointment of the Guardian.

LR 45-PR00-38

Attorneys must attend all hearings. The Court may, in its discretion, require the attendance of the Guardian at any hearing.

LR 45-PR00-39

All accountings filed with the Court must follow the statutory format prescribed by I.C. §29-1-16-4, as amended. Informal, handwritten, or transactional accountings will not be accepted. Unless otherwise ordered by the Court, an accounting filed with the Court shall be accompanied by an Affidavit in Lieu of Vouchers stating that receipts are available for all disbursements contained in the accounting.

LR 45-PR00-40

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

LR 45-PR00-41

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any guardianship.

LR 45-PR00-42

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

LR 45-PR00-43

Any petition for the allowance of fees, for the Attorney and/or the Guardian shall set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a guardianship proceeding. A separate petition must be filed requesting such fee determination. No fee shall be paid without prior approval of the Court.

LR 45-PR00-44

Attorney and Guardian fees in guardianship proceedings over the person of the protected person shall not be subject to Court approval.

LR 45-PR00-45

All transfers, sales, or encumbrances of the protected person's real or personal property are subject to prior Court approval.

LR 45-PR00-46

In all wrongful death proceedings, the Guardian must be present at the time the settlement, either partial and/or final, is presented to the Court for approval. The Court retains the right to require the presence of the minor, incapacitated person, or a Custodial parent at the time the settlement is presented to the Court for approval.

LR 45-PR00-47

All documents filed with the Court must comply with the requirements of Indiana Trial Rule 5(G) and the Indiana Rules on Access to Court Records, Rule 5 utilizing the Notice of Exclusion of Confidential Information From Public Access form. (SEE ATTACHED FORM E).

LR 45-PR00-48

For good cause shown, the Court may waive any local procedural rule.

LR 45-PR00-49

The Court shall determine the amount of the Guardian's bond in accordance with I.C. §29-3-7-1, as amended. A bond shall be required equal to the sum calculated under I.C. §29-3-7-1, as amended. Exceptions as provided by statute may be permitted in the Court's discretion.

LR 45-PR00-50

Subject to the discretion of the Court, the Court may restrict transfer of all or part of the liquid assets of a Guardianship by placing those assets in a federally-insured financial institution or in a brokerage account (or any combination of the two) with the following restriction placed on the face of each account or document creating or evidencing the account:

NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF THE LAKE CIRCUIT/SUPERIOR COURT, PROBATE DIVISION. THE GUARDIAN AND/OR FINANCIAL INSTITUTION SHALL PROMPTLY NOTIFY THE COURT IN WRITING IN THE EVENT PRINCIPAL AND/OR INTEREST IS WITHDRAWN WITHOUT WRITTEN COURT ORDER.

Within thirty (30) days after an Order authorizing the creation of the restricted account or investment, a certificate by an officer of the institution at which the restricted account or investment has been created shall be filed with the Court which affirms that the account or investment is restricted by Court Order. (SEE ATTACHED FORM F).

The Guardian and/or the financial institution shall promptly notify the Court in writing in the event that any principal or interest is withdrawn from the account without Court authorization.

LR 45-PR00-51

Current reports filed by the Guardian must show the present whereabouts of the protected person and his/her general welfare.

LR 45-PR00-52

All benefits and payments, such as Social Security benefits received on behalf of a protected person, must be included and accounted for in the Guardian's accountings unless excluded by prior order of the Court.

LR 45-PR00-53

Neither the Guardian nor the Attorney shall take or receive any fees until the amount thereof has been approved by the Court.

LR 45-PR00-54

Unless limitations on the powers of the Guardian are sought in the Petition for Appointment, an order in a form approved by the Court (order per form or OPF) must be submitted at the time of the appointment of a Guardian, detailing the duties, responsibilities and powers of the Guardian.

LR 45-PR00-55

In all instances in which the appointment of a Guardian is contested, a Guardian Ad Litem shall be appointed unless waived by law, or by the Court in the Court's discretion, or if the alleged incapacitated person is represented by counsel.

GUARDIANSHIP FORMS

FORM A. GUARDIAN'S INFORMATION SHEET

STATE OF INDIANA)
)
COUNTY OF LAKE) **IN THE LAKE CIRCUIT/SUPERIOR COURT**
 SITTING AT _____,
 LAKE COUNTY, INDIANA

IN THE MATTER OF THE)
GUARDIANSHIP OF _____) CAUSE NO. _____

GUARDIAN'S INFORMATION SHEET

NAME: _____
 Last First Middle

ALIAS: _____

ADDRESS: _____

WORK ADDRESS: _____

DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: _____

DRIVER'S LICENSE NUMBER: _____ (attach a copy)

SEX: _____

RACE: White ____ Black ____ Hispanic ____ Asian ____ Indian ____
 Unknown ____

HEIGHT: _____

WEIGHT: _____

EYE COLOR: _____

HAIR COLOR: _____

FORM B. PHYSICIAN'S REPORT

STATE OF INDIANA)
)
COUNTY OF LAKE)

IN THE MATTER OF THE)
GUARDIANSHIP OF _____) CAUSE NO. _____

PHYSICIAN'S REPORT

_____, a physician holding an unlimited license to practice medicine in the State of Indiana, submits the following report on _____, "Patient", based upon examination of Patient.

1. Set forth the dates of all examinations of the Patient within the last one (1) year from the date hereof.

2. In your opinion, based upon your examination and observation of the Patient, is the Patient incapacitated as defined by Indiana law (see attached definition of "Incapacity")?

Yes _____ No _____ If more than one cause for incapacity exists, describe the nature and type of each incapacity.

3. In your opinion, based upon your examination and observation of the Patient, how long has the Patient been incapacitated?

4. Describe the Patient's mental and physical condition; and, if appropriate, describe the Patient's educational condition, adaptive behavior and social skills.

5. In your opinion, is the Patient totally or only partially incapable of making personal and financial decisions?

Totally Incapable _____ Partially Incapable _____ Capable _____

If the Patient is partially incapable of making personal and/or financial decisions, please state the kinds of decisions which the Patient can and cannot make; and, include the reasons for this opinion.

6. In your opinion, what is the most appropriate living arrangement for the Patient? And, if applicable, describe the most appropriate treatment or rehabilitation plan. Include the reasons for your opinion.

7. In your opinion, can the Patient appear in Court without injury to his/her health?

Yes _____ No _____

If the answer is no, explain the medical reasons for your answer.

8. In your opinion, is the Patient capable of making a knowing and voluntary consent to the appointment of a Guardian?

Yes _____ No _____

9. In your opinion, is the Patient capable of making a knowing and voluntary waiver of the "Notice of Court Hearing" in Guardianship proceedings?

Yes _____ No _____

10. In your opinion, is it in the best interests of the Patient that a Guardian be appointed to care for the Patient?

Yes _____ No _____

If a Guardian is needed, is one needed for personal or financial needs, or both? Personal _____ Financial _____ Both _____

11. In your opinion, are there less restrictive alternatives available to meet the Patient's needs that restricts fewer rights of the Patient than would the appointment of a Guardian, such as a supported decision-making agreement, appropriate technological assistance, the appointment of

a representative payee, the appointment of a health care representative, the creation of a power of attorney, or otherwise?

Yes _____ No _____

If yes, please describe in detail the less restrictive alternatives that should be considered in lieu of having a Guardian appointed for the Patient. If so, please explain in detail why less restrictive alternatives are not viable for the Patient.

-

I affirm, under the penalties of perjury, the above and foregoing is true and correct to the best of my knowledge and belief.

Signed: _____

Address: _____

Telephone: _____

Dated: _____

If the description of the Patient's mental, physical and educational condition, adaptive behavior or social skills is based on evaluations by other professionals, please provide the names and addresses of all professionals who are able to provide additional evaluations. Evaluations on which the report is based should have been performed within three (3) months of the date of the filing of the Petition.

Names and addresses of other persons who performed evaluations upon which this report is based (including without limitation nurse practitioners, physician assistants, etc.):

Name: _____

Address: _____

Telephone: _____

Signed: _____

Dated: _____

Name: _____

Address: _____

Telephone: _____

Signed: _____

Dated: _____

DEFINITION OF "INCAPACITY"
AS DEFINED BY INDIANA LAW

I.C. 29-3-1-7.5, INCAPACITATED PERSON:

It means an individual who:

- (1) cannot be located upon reasonable inquiry;
- (2) is unable:
 - (a) to manage in whole or in part the individual's property;
 - (b) to provide self-care; or
 - (c) bothbecause of insanity, mental illness, mental deficiency, physical illness, infirmity, habitual drunkenness, excessive use of drugs, incarceration, confinement, detention, duress, fraud, undue influence of others on the individual, or other incapacity; or

I.C. 12-7-2-61, DEVELOPMENTAL DISABILITY:

- (1) Has a developmental disability attributable to:
 - (a) mental retardation, cerebral palsy, epilepsy, or autism;
 - (b) any other condition closely related to mental retardation;
 - (c) dyslexia resulting from any disability described above;
 - (d) originates before the person is 18 years old, has continued or is expected to continue indefinitely, and substantially affects the individual's ability to function normally in society.
- (2) Has a severe, chronic disability that:
 - (a) is attributable to a mental or physical impairment, or a combination of both;
 - (b) is manifested before the individual is 22 years old;
 - (c) is likely to continue indefinitely;

- (d) reflects the need for special types of care of lifelong, or extended duration, individually planned and coordinated;
- (e) results in substantial limitations in a least 3 of:
 - i. Self-care;
 - ii. Receptive and expressive language;
 - iii. Learning;
 - iv. Mobility;
 - v. Self-direction;
 - vi. Capacity for independent living;
 - vii. Economic self-sufficiency.

FORM C. COURT'S INSTRUCTIONS TO GUARDIAN OF THE PERSON

STATE OF INDIANA) **IN THE LAKE CIRCUIT/SUPERIOR COURT**
) **SITTING AT _____,**
COUNTY OF LAKE) **LAKE COUNTY, INDIANA**

IN THE MATTER OF THE)
GUARDIANSHIP OF _____) CAUSE NO. _____

COURT'S INSTRUCTIONS TO GUARDIAN OF THE PERSON

Please read carefully before you date and sign. One copy of this form must be filed with the Court before your appointment as guardian is confirmed by the Court. Keep a copy for your records.

You have been appointed as the guardian of an individual who is unable to care for his or her own personal affairs. It is important that you fully realize your duties and responsibilities. Listed below are some of your duties.

You should be represented at all times by an attorney of record. Your attorney is required to notify the Court if you are not properly performing your duties to the protected person. By signing these Instructions you agree that the filing of that notice does not violate the attorney-client privilege. If the Court receives such notice it will set the matter for hearing and require you to personally appear and account to the Court for all actions taken or not taken by you as guardian.

The Instructions which follow are to be considered by you as Orders of the Court which require you to perform as directed. The Court appreciates your efforts on behalf of the protected person.

As Guardian of the person, you have the following duties and authority:

1. You must be or become sufficiently acquainted with the protected person and maintain sufficient contact with the protected person to know his or her capabilities, disabilities, limitations, needs, opportunities, and physical and mental health.
2. You are responsible to make sure the protected person has an adequate place to live that is appropriate for the protected person's needs. You can decide where the protected person will live. You must obtain approval of the Court before you move the protected person to another residence or health facility that is more than fifty (50) miles away.
3. You are responsible to make sure that the protected person receives needed and appropriate medical care. You can consent to medical or other professional care and treatment for the protected person's health and welfare. You can consent to the protected person's admission to a health care facility.

4. You shall, to the extent possible, encourage and promote the self-reliance and independence of the protected person.

5. You can, to the extent that the protected person is able, delegate to the protected person certain responsibilities for decisions affecting the protected person's well-being.

6. You or your attorney must notify the Court if your address changes.

7. You must file a report with the Court at least every two (2) years. The report must state the present residence of the protected person and a statement of the protected person's current condition and general welfare. Failure to file the report may result in your removal as guardian.

I authorize my attorney to notify the Court in the event that he or she has reason to believe that I am not timely performing or am improperly performing my duties to the protected person even if such information would be otherwise confidential.

I acknowledge that I have carefully and completely read the above instructions and received a copy for my records. I agree to properly carry out my duties.

Dated this ____ day of _____, 20 ____.

Signature, Guardian

Signature, Guardian

Print, Guardian

Print, Guardian

I acknowledge that I have carefully and completely discussed the above instructions with my client before this form was signed and believe that he or she is fully aware of and capable of performing the duties required of a guardian of the person.

Signature, Attorney

Signature, Attorney

Print, Attorney

Print, Attorney

FORM D. COURT'S INSTRUCTIONS TO GUARDIAN OF ESTATE

STATE OF INDIANA) **IN THE LAKE CIRCUIT/SUPERIOR COURT**
) **SITTING AT _____,**
COUNTY OF LAKE) **LAKE COUNTY, INDIANA**

IN THE MATTER OF THE)
GUARDIANSHIP OF _____) CAUSE NO. _____

COURT'S INSTRUCTIONS TO GUARDIAN OF ESTATE

Please read carefully before you date and sign. One copy of this form must be filed with the Court before your appointment as guardian is confirmed by the Court. Keep one copy for your records.

Introduction:

You have been appointed as the guardian of an individual who is unable to care for his or her own financial affairs. It is important that you fully realize your duties and responsibilities. Listed below are some of your duties, but not all of them.

You must be represented at all times by an attorney of record. Your attorney is required to reasonably supervise and guide your actions as guardian unless and until that attorney is permitted by order of the Court to withdraw from representing you.

Your attorney is required to notify the Court in the event that you are not timely performing or improperly performing your fiduciary duties to the protected person, and by signing these Instructions you agree that the filing of that notice does not violate the attorney client privilege. If the Court receives such notice, it will set the matter for hearing and will require you to personally appear and account to the Court for all actions taken or not taken by you as guardian. You are required to notify the Court in writing in the event that your attorney is not timely performing or improperly performing his or her duties to reasonably supervise and guide your actions as guardian. Upon receipt of the notice, the Court will set the matter for hearing and require you and your attorney to personally appear and account to the Court for all actions taken or not taken by the attorney.

The Instructions which follow are to be considered by you as Orders of the Court which require you to perform as directed. Although your attorney will file all papers with the Court, the ultimate responsibility to see that all accounts and other documents are accurately prepared and filed, rests with you and you can be found personally liable should you not properly perform.

The Court appreciates your efforts on behalf of the protected person.

As Guardian you are required to:

1. Locate, collect and maintain all property owned by the protected person. Keep motor vehicles and real estate insured and protected.

2. Have your attorney file with the Court, within ninety (90) days after your appointment, a verified inventory and appraisal of all the property belonging to the protected person, with values as of the date you were appointed. You must provide a copy of the inventory to the protected person [if over fourteen (14) years of age] and to certain other persons as set out in Indiana Code §29-3-9-5, as amended.

3. Have your attorney file with the Court a verified current account of all the income and expenditures of the guardianship every two (2) years after your appointment, in the statutory format prescribed by I.C. §29-1-16-4. Informal, handwritten, or transactional accountings will not be accepted.

4. Pay bond premiums as they become due.

5. File and pay taxes on the protected person's income and assets.

6. Have your attorney file a final accounting with the Court upon the termination of the guardianship, whether due to the death of the protected person, or for any other reason.

7. Keep all of the assets of the protected person separate from your own. Guardianship funds should **never be co-mingled** with personal funds. Unauthorized use of the guardianship funds will result in personal liability.

8. Open a guardianship checking account in your name "as guardian of **(the protected person)**". This account **shall** be used for all payments or disbursements on behalf of the protected person. The account should be in the protected person's Social Security number, not yours. It cannot be a joint account.

9. Real estate, automobiles and other accounts and investments should be held in the name of the protected person.

10. All investment accounts and other bank account holdings should be retitled as follows: "John Smith Guardianship, Mary Jones Guardian."

11. Obtain approval from the Court to use guardianship assets, other than for normal bills.

12. Do not self-deal. Do not buy anything from or sell anything to the protected person. Do not borrow anything from the protected person.

13. If applicable, timely qualify the protected person for Medicaid or other public assistance.

14. It is the duty of the guardian to protect and preserve the protected person's property, to account for the use of the property faithfully, and to perform all the duties required by law of a guardian.

15. The guardian has the same duties and responsibilities concerning the protected person whether or not the protected person is a relative of the guardian.

16. **NEVER** pay attorney fees or compensation to yourself from assets of the guardianship without first obtaining the advance written approval of the Court.

17. If any questions arise during the guardianship, immediately consult with your attorney.

I authorize my attorney to notify the Court in the event that he or she has reason to believe that I am not timely performing or improperly performing my fiduciary duties to the protected person even if such information would be otherwise confidential.

I acknowledge that I have carefully and completely read the above instructions and received a copy for my records. I agree to properly carry out my duties.

Dated this _____ day of _____, 20_____.

Signature, Guardian

Signature, Guardian

Print, Guardian

Print, Guardian

I acknowledge that I have carefully and completely discussed the above instructions with my client before this form was signed and believe that he or she is fully aware of and capable of performing the duties required of a guardian of the estate.

Signature, Attorney

Signature, Attorney

Print, Attorney

Print, Attorney

FORM F. CERTIFICATE OF ACCOUNT RESTRICTION

STATE OF INDIANA)
)
COUNTY OF LAKE)
)
IN THE MATTER OF THE)
GUARDIANSHIP OF _____) CAUSE NO. _____

IN THE LAKE CIRCUIT/SUPERIOR COURT
SITTING AT _____,
LAKE COUNTY, INDIANA

CERTIFICATE OF ACCOUNT RESTRICTION

The undersigned hereby certifies that he/she is an Officer or employee of the below named financial institution and that the following account has been opened:

Type of Account: _____
Account Number: _____
Amount Deposited: _____
Owner per Signature Card or Document of Title: _____

The undersigned further certifies that a copy of the Order of the Circuit/Superior Court of Lake County has been examined in full by us and that the terms of this account included a restriction that withdrawal of principal or interest may be made only on written order of the Circuit/Superior Court of Lake County, or upon the Protected Person reaching the age of majority unless the Court orders the guardianship extended past the age of majority pursuant to I.C. §29-3-12-7, as amended.

DATE: _____

Name of Financial Institution

Signature

Printed

Title

LAKE COUNTY ALTERNATIVE DISPUTE RESOLUTION RULES

LR 45-ADR2.2-1 Applications and list of mediators

A. Any individual who fulfills the qualifications for mediator established by the Supreme Court of Indiana may submit an application to the circuit or any superior court to be placed upon the list of mediators. The application shall include the following information:

1. mediator's name, address and telephone number;
2. county of residence;
3. information about co-mediator if applicable;
4. type of cases which the mediator is competent to mediate;
5. any known limitations on referrals, such as disqualification because of marital relationship or employment, etc.;
6. statement of mediation training;
7. statement of professional background, including attorney number and date of admission to bar, and/or educational requirements for domestic mediation;
8. statement of use of effective conflicts-checking system;
9. such other information on background and mediation training relevant to the court's review of the application.

A sample form is provided as Appendix A.

B. The court shall review each application and determine the eligibility of the individual to be included on the list of mediators approved by the court.

1. The court administrator shall maintain a comprehensive list of all court- approved mediators for the county. A copy of the list of mediators shall be available to the public for inspection in the Office of the Clerk of Lake County.
2. The court administrator shall also maintain a comprehensive list of lawyers engaged in the practice of law in the county who are willing to serve as arbitrators. A copy of the list of arbitrators shall likewise be available to the public for inspection in the Office of the Clerk of Lake County.

LR 45-ADR2.7-2 Civil cases

A. Definition. For the purposes of this rule, "alternative dispute resolution" and "ADR" shall mean mediation and/or mini-hearings. This rule does not affect the parties' rights to agree to arbitration as provided by the ADR Rules of the Supreme Court of Indiana.

B. Case Selection and Objections. The court may order the parties to mediation or mini-hearing upon the occurrence of any of the following:

1. Any party's written request for mediation or mini-hearing any time after the expiration of the fifteen (15) day period allowed for preemptory change of venue;
2. At any time following the filing of the claim for relief if all of the parties file a written stipulation therefor; or
3. More than ninety (90) days have elapsed since the initiation of the claim and the case has not been scheduled for a pretrial conference.

In determining whether a case is appropriate for a judicial referral to ADR, the court may consider such factors as:

- (a) whether the case has been pending more than 180 days;
- (b) whether a pretrial conference has been requested;
- (c) whether the case is eligible for dismissal pursuant to TR 41(E);
- (d) whether the case is set for trial.

C. Nothing in this rule shall be interpreted to constrain or otherwise limit the court from referring a case to ADR at such other time as the court deems appropriate.

D. Any party may object to an order for mediation or mini-hearing by filing a written objection specifying the grounds for the objection within fifteen (15) days of the date of the order referring the case to mediation or mini-hearing, as provided in ADR Rule 2.2. Any response to the objection must be filed within ten (10) days of the service of the objection.

E. Completion of Mediation. The mediator and the parties shall make a good faith effort to complete the mediation process within ninety (90) days from the date of the order to engage in ADR, unless specifically ordered otherwise. In the event mediation is not complete within that time, the mediator shall file a report with the court as to the current status of the mediation and the projected date of completion of the mediation.

If the mediation is complete, the mediator shall file the agreement and report as required by ADR Rule 2.7(E) within 15 days of completion of the mediation. However, if the parties agree, a party may file the agreement in place of the mediator. If a party is to file the agreement, that party shall be identified in the mediator's report.

F. Payment of the Mediator's Fees. Unless otherwise specifically set forth in the order referring the case to mediation, or unless otherwise agreed by the parties, the mediator's fees shall be paid in the following proportions:

one-third (1/3) by the plaintiff or plaintiffs;
one-third (1/3) by the defendant or defendants;
one-third (1/3) by the intervenor or third party.

In the case of multiple plaintiffs, defendants or intervenors, the mediator's fee shall be apportioned equally among the number of plaintiffs, defendants or intervenors, unless they shall agree otherwise.

G. Written Agreements. All agreements which resolve issues shall be reduced to writing and signed by all parties and their counsel, and shall be submitted to the court with the mediator's report, or as soon thereafter as is practicable.

H. Parties to Attend. In all non-family cases, the attorney(s) who will try the case and the parties shall attend the mediation conference. A corporate party shall send a corporate representative with full authority to settle the case. If insurance is involved in the matter, the insurance carrier shall send a company representative who has full and absolute authority to resolve the matter for an amount which is the lesser of the policy limits or the most recent demand of the adverse party.

LR 45-ADR00-3 Domestic relations cases

A. Case Selection. In applying the Alternative Dispute Resolution Rules, mediation is the appropriate method of court-ordered dispute resolution in domestic relations cases.

B. Time for Filing Motions and Stipulations. Either party may file a motion for referral to mediation at any time during the pendency of the case, from the time of filing and thereafter until the final hearing. The parties may file a joint application for referral to mediation at any time during the pendency of the case.

1. In determining whether a case is appropriate for judicial referral to ADR, the court may consider such factors as:

- (a) whether the time for exchange of financial disclosure information has passed;
- (b) when time for a contested hearing has been requested on the court's calendar;
- (c) whether the case involves post-decree issues.

2. Nothing in this rule shall be interpreted to constrain or otherwise limit the court from referring a case to ADR at such other time as the court deems appropriate.

3. Completion of Mediation. The mediator and the parties shall make a good faith effort to complete the mediation process within sixty (60) days from the date of the order to engage in ADR. In the event that mediation is not complete within that time, the mediator shall file a report with the court as to the current status of the mediation and the projected date of completion of the mediation. If the mediation is complete, the mediator shall file the agreement and report as required by ADR Rule 2.7(E). However, if the parties so agree, a party may file the agreement separately, and that party shall be identified in the mediator's report.

The mediator's report shall also include the parties' agreement as to a date certain for filing their agreement.

4. Payment of Mediator's Fees. Unless otherwise specifically set forth in the order referring the case to mediation, or unless otherwise agreed by the parties prior to the mediation conference, the mediator's fees shall be paid in the following proportions:

one-half (1/2) by the petitioner;
one-half (1/2) by the respondent.

5. Parties to Attend. In domestic relations cases, the attendance of the parties' counsel is not required at every session. If counsel choose not to attend, they shall be given the opportunity to review and discuss any settlement proposal made at a mediation conference.

APPENDIX A. MEDIATOR'S APPLICATION FOR CIVIL/DOMESTIC CASES

(strike one if necessary)

I, _____, hereby apply to be placed on the court's listing of mediators, and include the following information pursuant to ADR Rule 2.5:

1. NAME AND ADDRESS

Name: _____

Business address: _____

Phone: _____

Resident of _____ County

2. CO-MEDIATOR (check one)

This is not a joint application _____

This is a joint application _____

My co-mediator has also filed an application with the court, and his/her name is _____.

3. TYPES OF CASES In accordance with ADR Rule 2.3, I am applying to mediate the following types of cases:

CIVIL:

_____ CONTRACT

_____ TORT

_____ PROBATE

_____ all civil cases

_____ PROBATE

_____ PROPERTY

_____ OTHER (list)

DOMESTIC RELATIONS:

_____ CHILD CUSTODY ONLY

_____ PROPERTY DIVISION

_____ COMPLETE DIVORCE--NO CHILDREN

_____ COMPLETE DIVORCE WITH CHILDREN

_____ CHILD SUPPORT ONLY

_____ OTHER (list)

4. LIMITATION ON REFERRALS I am unable to accept referrals pursuant to ADR Rule 2.5(A)(1) when one of the following attorneys is an attorney of record in the case, because I am employed by them OR related to them: _____.

5. MEDIATION TRAINING I have completed the following total number of hours of mediation training: _____

CORE MEDIATION TRAINING I have attended a forty (40) hour minimum mediation training course certified as appropriate by the Indiana Commission for Continuing Legal Education.

Number of hours: _____

Dates of training: _____

Trainers: _____

Title of seminar: _____

Location of seminar: _____

Sponsor: _____

Such training was: _____ pre-certified by the commission; or _____ certified after the fact by the commission.

(Attach copy of certificate)

6. PROFESSIONAL BACKGROUND:

CIVIL: I am an attorney in good standing in Indiana. I was admitted to the Indiana bar on _____, and my attorney number is _____.

DOMESTIC RELATIONS: I am an attorney in good standing in Indiana. I was admitted to the Indiana bar on _____, and my attorney number is _____.

AND/OR:

I have a bachelor's degree from the following accredited institution of higher learning:

degree
earned: _____

Date conferred: _____

Major: _____

Other graduate degrees: _____

7. CONFLICT-CHECKING SYSTEM I utilize an effective system to identify potential conflicts of interest, as required by ADR Rule 2.8.

8. DOMESTIC MEDIATOR KNOWLEDGE REQUIREMENTS I have knowledge (or my mediation team has combined knowledge) of all of the following to the extent practicable, as required by ADR Rule 2.5(C)(2). I personally have knowledge of the following:

- _____ Indiana judicial system
- _____ procedures used in domestic relations cases
- _____ community resources for client referral
- _____ stages of child development
- _____ clinical issues relating to children
- _____ the effects of divorce on children
- _____ family systems theory

9. FEES

My fee or fee range for civil matters is _____
_____.

My fee or fee range for domestic matters is _____
_____.

Signature

Date

(VERIFICATION)

