

## General Court Procedures

Welcome to the Delaware County Circuit Courts. The Courts are here to serve the people. At all court hearings, it is the Judge's responsibility to see that the court proceedings are conducted with integrity, respect, and fairness and in accordance with our constitution, laws, and trial rules. Each individual and case in the court is important and deserving of mutual professionalism and respect. All formal hearings in the courtroom are recorded. In order to maintain an accurate and clear record and ensure a professional and respectful environment in the courtroom, your cooperation would be appreciated with the following:

1. **Court Attire:** A professional, neat, respectful appearance is important. T-shirts or clothing with any slogans, statement, symbols or profanities are not permitted.
2. **Court Conduct:** All individuals in the courtroom should conduct themselves in a manner that will not disrupt the proceedings and will promote the respect to the role and rights of each individual within the courtroom. Patience and courtesy are appreciated. Talking or distractions during formal proceedings are not permitted. The judge must ensure that the record of the proceedings is clear and accurate. The judge must make sure the focus is on the important issues coming into court.
3. **Cell Phones, Cameras, and Recording Devices:** These are not permitted in the Justice Center. Please leave these devices at home.
4. **Young Children and Infants:** Generally the courtroom is not an appropriate environment for young children or infants. Please make arrangements in advance so that children are not in the courtroom during proceedings. Bringing children and leaving them in the lobby is also discouraged.
5. **Food and Drinks:** Outside food and drinks are not permitted in the courtroom.
6. **Talking to the Judge or Court Staff:** The Judge cannot discuss any issues of the case directly with family members or others. This is important to maintain fairness. Questions are best addressed to an attorney. Questions about individuals in custody should be directed to the Delaware County Jail. Court Staff may address questions about court scheduling or basic procedures but they cannot discuss legal issues or facts about a specific case.

## **Brief Review of Criminal Court Terms and Proceedings**

The following should assist those unfamiliar with the court with a brief overview. It is not intended to be a complete list of all the defendant's rights or all criminal court proceedings.

1. **Defendant:** The individual or entity that has had criminal charges filed against them.
2. **State of Indiana:** The entity that initiates the formal criminal charge in state court represented by the Prosecuting Attorney.
3. **Criminal Charge Information or Indictment:** A formal charge alleging a violation of a statute enacted by the Indiana State Legislature that imposes a potential penalty of jail.
4. **Bond:** The Judge will generally set bond at an initial hearing in a cash only bond and/or surety bond. Other conditions may be ordered as a condition of release on bond. Failure to appear at hearings or failure to comply with a condition of bond can result in revocation of the bond and/or arrest of the defendant.
5. **Right to an Attorney:** All individuals facing a criminal charge have a right to be represented by an attorney.
6. **Presumption of Innocence:** All defendants of a criminal charge are presumed innocent unless and until proven guilty beyond a reasonable doubt.
7. **Initial Hearing:** The defendant is advised of his/her constitutional rights, the nature of the charges and the potential penalties. A plea of not guilty may be entered and bond will be considered and a future hearing date set.
8. **Pre-Trial Conference:** This is a conference between the defendant, and/or the defendant's attorney, the prosecuting attorney and the Judge in which the progression of the case is reviewed and future hearing dates are set.
9. **Trial:** All criminal defendants have a right to a jury trial. This right may be waived. If waived, there will be a bench trial in which the Judge decides the case and renders the verdict. In a jury trial, the jury decides the facts and the verdict.
10. **Sentencing:** The judge will hear evidence and determine the sentence when a defendant pleads guilty or is found guilty at trial. The State and the defendant may present the court with a plea agreement and the judge will sentence according to the terms of the plea if it is accepted. Restitution to a victim of a crime may be considered at this hearing.
11. **Probation:** As a part of sentencing, after a defendant pleads guilty or is found guilty at trial, a defendant may be placed on probation with certain required conditions. Failure to comply with conditions of probation can result in revocation of all or part of any suspended sentence.

## **Brief Review of Civil Court Terms and Proceedings**

The following is a brief overview of civil court proceedings and terms to assist those unfamiliar with court procedure. An attorney is always the best reference for in-depth information on the court process.

1. **Plaintiff or Petitioner:** The individual(s), corporation or agency initiating the legal action in civil court.
2. **Defendant or Respondent:** The individual(s), corporation or agency responding to the civil claim.
3. **Default Judgment:** A judgment of a monetary amount owed or other legal action that is ordered when a respondent has notice of a legal action and fails to answer and/or appear. A monetary judgment, once ordered, attaches as a lien to real estate and accrues interest and can result in garnishment of wages or other actions.
4. **Small Claims Court:** Civil remedies can be sought through this means when the amount of the claim is \$6,000.00 or less. The rules of evidence are relaxed so that certain matters can be resolved quickly and by individuals without the assistance of an attorney if desired. A small claims manual is available upon request from the Delaware County Clerk's Office with detailed information. This manual is also available on the County Clerk's website: [www.co.delaware.in.us/clerk](http://www.co.delaware.in.us/clerk)
5. **Representation by an Attorney:** An attorney has at a minimum a Bachelors Degree and a Law Degree and has successfully taken the Indiana Bar Exam to practice law in Indiana and is in the best position to provide legal guidance in civil matters.
6. **Rules of Evidence:** Indiana adopted Rules of Evidence effective January 1, 1994. These rules apply to all proceedings in the Circuit Courts except as specifically exempted. Common or statutory law applies to those specific evidentiary issues not covered by the Indiana Rules of Evidence.
7. **Testifying as a Witness:** All individuals testifying will be administered an oath. If testifying and an objection is raised, the witness or party testifying should stop and wait for guidance until the Judge makes a decision on the admissibility of the evidence based on the objection and legal issues raised by the attorneys. The witness or party is expected to answer questions directly and truthfully. The issue as to what testimony is admissible will be guided by the Individual Rule of Evidence and any applicable common or statutory law.
8. **Dissolution and Family Law Cases:** These cases, particularly where children are involved, can be very complex and require professional efforts of all involved for successful outcomes. All parties are expected to provide full cooperation in all discovery, mediation, education, and counseling orders. Status reports may be ordered to keep the court updated and to facilitate the case in court for the benefit of all involved.
9. **Protective Orders:** These may be requested in a situation involving a family relationship, pending dissolution, or intimate relationship where an individual has been threatened, harassed, or placed in fear. Protective Orders may also be issued in stalking cases. The Protective Order may be granted on a temporary or permanent basis. The order may be issued without a hearing. The respondent party may request a hearing. A Protective Order, if violated, is a criminal offense.