

# HAMILTON COUNTY

—INDIANA—

## COURTS

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#### **HELP FOR UNREPRESENTED LITIGANTS**

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# **HAMILTON COUNTY LEGAL SELF-HELP CENTER FOR UNREPRESENTED LITIGANTS**

## **COURT FORM USAGE**

**IMPORTANT NOTICE:** The attached forms were created by the Courts to assist individuals without an attorney to complete certain legal actions in the family courts. You should closely read the instructions, including the information on their limited use, before you file your case with the Court. Although the forms are accepted in Hamilton County, individual judges and courtrooms may require other materials to complete your case. You must also follow each court's rules and are subject to all other court requirements.

Volunteers with the Center cannot provide you with legal advice and cannot represent you in Court. Volunteers will only assist you with the attached forms and by providing legal and procedural information regarding their completion and filing.

It is better to be represented by an attorney when you go to court. If you can obtain the resources to hire an attorney, please ask the volunteer for information on the Hamilton County Bar Association.

## **Your Rights and Responsibilities**

Forms DO NOT explain the law and may not provide all of the information necessary for a court to reach a decision. Users have permission to use the files, forms and information presented here for any lawful purpose. The files and forms may not be used to engage in the unauthorized practice of law.

The Self-Help Center assumes no responsibilities and accepts no liability for actions taken by users of these documents, including reliance on their contents. All documents and forms are under continual revision. If you are not using these forms right away, or if you plan to use them repeatedly, we strongly recommend that you check in on a regular basis to make sure that the files you are using are the most current.

It is very important for you to know that when you sign a court document, you provide information to the court that may help or hurt your case. Before you sign any court document or get involved with a court case, it is strongly suggested that you talk with a lawyer to make sure you know your rights and all your legal options. If you choose to represent yourself you must be prepared. Although these forms have been prepared to help you represent yourself, you should know that certain courts have their own procedures and may not accept every form.

# Indiana State Court

## Self-Service Forms

### [Court Forms](#)

The forms on the courts.in.gov website are prepared for your convenience. They do not explain the law and are not a substitute for legal representation. Before going to court, you should always seek advice from a lawyer, including having a lawyer review your forms before you file them. See below for [more information about your rights and responsibilities](#).

### **Family Law & General Civil Forms**

Form packets with instructions and checklists are available for the following types of civil cases:

- [Child Support](#) Web Address: <http://www.in.gov/judiciary/selfservice/2483.htm>
- [Contempt](#) Web Address: <http://www.in.gov/judiciary/selfservice/2484.htm>
- [Continuance](#) Web Address: <http://www.in.gov/judiciary/selfservice/2336.htm>
- [Divorce](#) Web Address: <http://www.in.gov/judiciary/selfservice/2486.htm>
- [Fee Waiver](#) Web Address: <http://www.in.gov/judiciary/selfservice/2487.htm>
- [Name Change](#) Web Address: <http://www.in.gov/judiciary/selfservice/2488.htm>

### **Protection Order Forms**

A petition for a protection order, no contact order, or restraining order may be filed online from the comfort and privacy of a domestic violence shelter.

- [Learn about getting a protection order and where to go for help](#)

#### **Hamilton County:**

[Prevail, Inc.](#) - 1100 South 9th Street, Suite 100,

Noblesville, IN 46060

Phone: 317.773.6942

Web address: <http://www.prevailinc.com/>

### **Small Claims**

Damages in a small claims case are limited to \$6,000. Marion County is the only county with special small claims courts, and the rules for small claims in Marion County differ from those in the rest of the state.

- [Small Claim outside Marion County](#)  
Address: <http://www.in.gov/judiciary/2710.htm>
- [Video: Going to Small Claims Court without a Lawyer](#)  
Address: <http://www.in.gov/judiciary/3966.htm>

# Small Claims Manual

## Summary

The Small Claims Court allows every citizen to bring a lawsuit in an informal manner and does not require that a party hire an attorney. You may hire an attorney if you want; however, in most instances you will not be able to get the other party to pay your legal fees even if you win unless there is some written agreement making the other party liable for your attorney's fees.

The Small Claims Courts were created so that you would have a speedy, reasonably inexpensive, uncomplicated means for the determination of your claim. It is for your benefit. It is your right. Do not be afraid to use it.

The procedures are not complex. The Plaintiff fills out a simple form stating why the Defendant owes him or her money or that the Defendant has property which should be returned to the Plaintiff. Each party will explain his or her side of the story to the judge at trial. The judge may ask questions of each party to determine the complete facts of the case. The judge will make a decision based on the facts and evidence presented by the parties and on the law as it applies to the facts.

## How to Use this Manual

This manual has been prepared to provide you with general knowledge of the operation of Small Claims Courts in County Courts, Superior Courts, and Circuit Courts. It does not address the specific jurisdiction or procedures of [Marion County Small Claims Court](#). Marion County Small Claims Court is governed by [Ind. Code § 33-34](#) et seq.

The manual does not cover all areas of the law or procedure, it does deal with many of the problem areas experienced in small claims court and, hopefully, will aid you in preparing your case. Keep in mind that the procedures outlined in this manual may be subject to change by local court rule, practice or custom.

Please read the manual from cover to cover.

- [Indiana Small Claims Manual](#)
- [Indiana Small Claims Rules](#)
- [Video: Representing Yourself in Small Claims Court](#) (RECOMMENDED)

# Help with Mortgage Foreclosures

## How Can I Get Help With Foreclosure or Preparing for a Settlement Conference?

Borrowers looking for help with mortgage foreclosures or in preparing for a settlement conference should contact the Indiana Foreclosure Prevention Network (IFPN) at 1-877-GET-HOPE or <http://www.877gethope.org/>. The IFPN is made up of state-certified foreclosure prevention counselors who specialize in reviewing homeowners' financial situations to help determine options to avoid foreclosure. All services provided by the IFPN are free and confidential.

## CONTENTS

- [What is a Settlement Conference?](#)
- [Is a Settlement Conference Right for Me?](#)
- **FORM-REQUEST A SETTLEMENT CONFERENCE:** [How Do I Request a Settlement Conference?](#)
- **MOTION TO CONTINUE:** [What if I need more time to prepare for my settlement conference?](#)
- [What Items Do I Need?](#)
- [What Workout Options Are Available To Me?](#)
- [Can I Get An Attorney?](#)

[Instructions for Completing Foreclosure](#)

[Notices required by SEA No. 492](#)

["Get Help - Get Hope" Pre-Suit Notice](#)

[Settlement Conference Notice](#)

[Spanish Version](#)

[Spanish Version](#)

# HAMILTON COUNTY

## COURT FORMS

### Small Claims Forms

Web Address: <http://www.hamiltoncounty.in.gov/192/Court-Forms>

1. [Superior Court No. 4](#)
2. [Superior Court No. 5](#)
3. [Superior Court No. 6](#)

#### Superior Court No. 4

1. [Affidavit of Debt \(PDF\)](#)
  2. [Affidavit of Employee for Small Claims Rule 8 \(PDF\)](#)
  3. [Certificate of Compliance for Small Claims Rule 8 \(PDF\)](#)
  4. [Final Order in Garnishment \(PDF\)](#)
  5. [Green Confidential Form for Social Security Number \(PDF\)](#)
  6. [Interrogatories Propounded to Garnishee Defendant \(Employer\) \(PDF\)](#)
  7. [Motion for Continuance \(PDF\)](#)
  8. [Order in Garnishment to Financial institution \(PDF\)](#)
  9. [Plaintiffs Motion to Dismiss \(PDF\)](#)
  10. [Plaintiffs Petition to Release Judgment \(PDF\)](#)
- 
1. [Post Judgment Payment Agreement \(PDF\)](#)
  2. [Pre Trial Settlement Agreement \(PDF\)](#)
  3. [Small Claims Complaint \(PDF\)](#)
  4. [Small Claims Counterclaim \(PDF\)](#)
  5. [Small Claims Eviction Complaint \(PDF\)](#)
  6. [Verified Motion for Default Judgment \(PDF\)](#)
  7. [Verified Motion for Proceedings Supplemental and Order to Appear \(PDF\)](#)
  8. [Verified Motion for Proceedings Supplemental Order and Summons \(Employer\) \(PDF\)](#)
  9. [Verified Motion for Proceedings Supplemental Order and Summons \(PDF\)](#)

#### Superior Court No. 5

1. [Affidavit for Default \(PDF\)](#)
2. [Affidavit of Debt \(PDF\)](#)
3. [Alias Small Claims Complaint \(PDF\)](#)
4. [Amended Small Claims Complaint \(PDF\)](#)
5. [Certificate of Compliance for Small Claims Rule 8 \(PDF\)](#)
6. [Certificate of Compliance SC 8 \(PDF\)](#)
7. [Eviction Complaint \(PDF\)](#)
8. [Exemption Claim and Request for Hearing \(PDF\)](#)
9. [Plaintiffs Motion to Dismiss \(PDF\)](#)
10. [Post Judgment Payment Agreement \(PDF\)](#)
11. [Pre Trial Settlement Agreement \(PDF\)](#)
12. [Release of Judgment and Request to Terminate Garnishment Order \(PDF\)](#)

1. [Request to Release Judgment and Order thereon \(PDF\)](#)

2. [Resolution \(PDF\)](#)
3. [Small Claims Complaint \(PDF\)](#)
4. [Small Claims Complaint CCS Entry \(PDF\)](#)
5. [Small Claims Counterclaim \(PDF\)](#)
6. [Small Claims Cross Claim \(PDF\)](#)
7. [Verified Motion for Continuance \(PDF\)](#)
8. [Verified Motion for Proceedings Supplemental \(PDF\)](#)
9. [Verified Motion for Proceedings Supplemental Employer \(PDF\)](#)
10. [Verified Motion for Proceedings Supplemental Financial Institution \(PDF\)](#)
11. [Verified Motion to Set Aside Default Judgment \(PDF\)](#)

### **Superior Court No. 6**

1. [Affidavit for Default \(PDF\)](#)
  2. [Affidavit for Default Eviction \(PDF\)](#)
  3. [Affidavit of Debt \(PDF\)](#)
  4. [Affidavit of Indigency and Request for Appointment of Counsel \(PDF\)](#)
  5. [Alias Small Claims Complaint \(PDF\)](#)
  6. [Amended Small Claims Complaint \(PDF\)](#)
  7. [Certificate of Compliance for Small Claims Rule 8 \(PDF\)](#)
  8. [Final Order in Garnishment \(PDF\)](#)
  9. [Green Confidential Form \(PDF\)](#)
  10. [Interrogatories Propounded to Financial Institution \(PDF\)](#)
  11. [Order in Garnishment to Financial Institution \(PDF\)](#)
  12. [Order to Answer Interrogatories \(PDF\)](#)
  13. [Plaintiffs Motion to Dismiss \(PDF\)](#)
  14. [Post Judgment Payment Agreement \(PDF\)](#)
- 
1. [Pre Trial Settlement Agreement \(PDF\)](#)
  2. [Release of Judgment and Request to Terminate Garnishment Order \(PDF\)](#)
  3. [Request to Release Judgment \(PDF\)](#)
  4. [Resolution \(PDF\)](#)
  5. [Small Claims Complaint \(PDF\)](#)
  6. [Small Claims Counterclaim \(PDF\)](#)
  7. [Small Claims Cross Claim \(PDF\)](#)
  8. [Small Claims Eviction Complaint \(PDF\)](#)
  9. [Verified Motion for Continuance \(PDF\)](#)
  10. [Verified Motion for Default Judgment \(PDF\)](#)
  11. [Verified Motion for Proceedings Supplemental and Order to Appear \(PDF\)](#)
  12. [Verified Motion for Proceedings Supplemental Order and Summons and Interrogatories to Defendant and](#)
  13. [Verified Motion to Set Aside Default Judgment \(PDF\)](#)

### **Local Rules Forms**

1. [Affidavit of Indigency \(LR-29-DN01-602.20, LR29-DN02-603.20\) - Form DN 01/02 - 602/03 \(PDF\)](#)
2. [Financial Declaration \(LR29-FL00-402.10\) - Form 402B \(PDF\)](#)
3. [Indiana Child Support Obligation Worksheet \(LR29-FL00-402.10\) \(PDF\)](#)
4. [Modification of Court Reporter Policy \(LR29-AR15-109\) - Form AR 15-109 \(PDF\)](#)
5. [Out of State Travel Permit \(PDF\)](#)
6. [Request to Waive Misdemeanor Initial Hearing \(LR29-CR00-306.20\) - Form CR-306 \(PDF\)](#)
7. [Transcript Request Form \(PDF\)](#)

## Hamilton County Legal Self-Help Center

### Legal Assistance Options

While the Center can assist you in the selection and completion of certain Court forms and provide limited referrals for other types of assistance, the Center will not be providing legal advice or assistance or representing you in Court. It is best to have an attorney represent you in a legal matter. If you **CAN** afford to hire an attorney, you should do so. The Hamilton County Bar Association may be able to help you begin your search for an attorney with expertise in the area of law for which you need help.

Hamilton County Bar Association  
1312 Maple Avenue  
Noblesville, IN 46060

If you **CANNOT** afford an attorney, the agencies listed below may be able to help you based upon certain income and/or asset limits. Please feel free to contact:

District 6 Access to Justice, Inc.	P.O. Box 325 New Castle, IN 47362 (800) 910-4407 <a href="http://www.myjustice.org">www.myjustice.org</a> Online intake: <a href="http://www.in.gov/judiciary/probono/files/providers-6-intake.pdf">http://www.in.gov/judiciary/probono/files/providers-6-intake.pdf</a> Office intake: 765-521-6979	Guardianship, Mortgage Foreclosure, Divorce, Small Estates, Landlord/Tenant, and other civil matters. No Criminal, Fee-Generating Cases, or Immediate Assistance.
Indiana Legal Services-Indianapolis	151 N. Delaware, Suite 1800 Indianapolis, IN 46204 (800) 869-0212 (317) 631-9410 <a href="http://www.indianajustice.org">www.indianajustice.org</a> Hours: Phone intake: Mon. & Fri., 9-11 a.m.; Wed. 1-3 p.m. Walk-in intake: Wed.- 9-11 a.m.; Tu/Th 1-3 p.m.	Family Law, Consumer Law, Senior Law, Housing Issues, and Public Benefits
Indianapolis Legal Aid Society, Inc.	615 N. Alabama, Suite 122 Indianapolis, IN 46204 (317) 635-9538 Office hours; Mon.-Fri. 9 a.m.-5 p.m. <a href="http://www.indylas.org">www.indylas.org</a>	Adoption, Paternity, Visitation, Guardianship, Support, Custody, Divorce, Housing, Bankruptcy, and Debt Collection. No assistance for fee-generating cases, and criminal issues.
Neighborhood Christian Legal Clinic	First Presbyterian Church of Noblesville 1207 Conner Street Noblesville, IN 46060	Landlord/Tenant, Guardianship, Custody/Visitation,



	<p>Mandatory Intake-Held every Thursday  Registration: 12 p.m.  <a href="http://www.nclegalclinic.org/intakeschedule.aspx">www.nclegalclinic.org/intakeschedule.aspx</a>  (317) 429-4134</p>	<p>Immigration,  Bankruptcy, Child  Support,  Housing/Foreclosure,  Wills/Estate,  Disability Benefits,  Discrimination,  Consumer/Debt, and  Tax Controversies.  No Criminal Issues or  Divorce cases.</p>
<p>Indiana Legal  Services-Senior  Law Project</p>	<p>151 N. Delaware, Suite 1800  Indianapolis, IN 46204  (317) 631-9410  <u>Eligibility:</u> Persons 60 and over.  <u>Screening:</u> Office hours: Mon.-Fri. 8:30-5:00.  Intake hours: call (317) 631-9424 or 1-800  number and leave a message (will receive a call  back); walk in to office Monday-Friday between  9 am and 4 pm for interview (subject to staff  availability).  <a href="http://www.indianalegalservices.org/node/588/indiana-legal-services-senior-law-project">www.indianalegalservices.org/node/588/indiana-legal-services-senior-law-project</a></p>	<p>Estate Planning;  Public Benefits;  Housing; Consumer;  Family</p>
<p>American Civil  Liberties Union of  Indiana</p>	<p>1031 E. Washington St.  Indianapolis, IN 46202  (317) 635-4059 ext. 102  <a href="http://www.aclu-in.org">www.aclu-in.org</a></p>	<p>Civil Liberties  Constitutional Rights  Violations</p>
<p>Disability Legal  Services of Indiana,  Inc.</p>	<p>5954 N. College Avenue  Indianapolis, IN 46220  (317) 426-7733  (317) 282-0608 (f)   Intake form on web at  <a href="http://www.disabilitylegalservicesindiana.org">www.disabilitylegalservicesindiana.org</a></p>	<p>Adults and children  with disabilities who  have issues in  educational matters,  probate, and  disability law  compliance</p>
<p>Hoosier  Environmental  Council</p>	<p>3951 N. Meridian, Suite 100  Indianapolis, IN 46208  (317) 685-8800  (317) 686-4794 (f)  <a href="http://www.hecweb.org/about/legal-defense-fund/">www.hecweb.org/about/legal-defense-fund/</a></p>	<p>Environmental and  Land-Use Issues</p>

**Domestic Violence Notice: If the safety of you or your children is in danger, call 911 for help or 211 to seek the assistance of a local domestic violence organization.**

**Hamilton County:**

Prevail, Inc. - 1100 South 9th Street, Suite 100,  
Noblesville, IN 46060

Phone: 317.773.6942

Web address: <http://www.prevailinc.com/>

# Legal Issues Affecting Families

## Resources: Websites

### Indiana Supreme Court Self-Service Legal Center

<http://courts.IN.gov/selfservice/>

Provides information, court forms, and various resources to those persons wishing to represent themselves in court.

### Indiana Courts and Clerk's Offices

<http://www.in.gov/judiciary/2794.htm>

Provides links to all courts and clerks offices in Indiana.

### Indiana Government - Family Website

<http://www.in.gov/core/family.html>

Provides information and links to resources on various family issues.

### Indiana Department of Child Services: Child Support Bureau

<http://www.in.gov/dcs/support.htm>

Provides information and links to the Title IV-D Child Support Program.

### Indiana Online Child Support Calculator

<http://www.in.gov/judiciary/2625.htm>

Online tool for calculating child support obligation based on the Indiana Child Support Guidelines.

### Indiana State Bar Association

<http://www.inbar.org/>

Provides information on local resources to contact for attorney referral.

### Indiana Legal Services Organization

<http://www.indianalegalservices.org/>

Indiana Legal Services provides free civil legal assistance to eligible low-income people throughout the State of Indiana; website provides information on various legal topics, including how to find a lawyer.

### Indiana Pro Bono Commission

<http://courts.IN.gov/probono/>

Provides information on how to obtain a pro bono attorney.

### Indiana Code Title 31 (Family Law)

[www.in.gov/legislative/ic/code/title31/](http://www.in.gov/legislative/ic/code/title31/)

### Current Indiana Parenting Time Guidelines

<http://www.in.gov/judiciary/rules/parenting/>

### **Previous Indiana Parenting Time Guidelines**

<http://www.in.gov/judiciary/files/order-rules-2013-0107-parenting.pdf>

*This order, which amended the parenting time guidelines in 2013, shows the language of the previous parenting time guidelines and the additions of the new language.*

### **Learn about Indiana's Court System**

<http://www.in.gov/judiciary/2646.htm>

### **Useful Websites to Develop Parenting Time Plans**

**Arizona Parenting Time Guidelines**, available at:

<http://www.azcourts.gov/Portals/31/ParentingTime/PPWguidelines.pdf>

**Michigan Parenting Time Guidelines**, available at:

<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/FOC/Pages/Parenting-Time-Guideline.aspx>

**Missouri Parenting Plan Guidelines**, available at:

[http://www.courts.mo.gov/sup/index.nsf/0/629aab74004234eb862566e2006b5181/\\$FILE/plan.PDF](http://www.courts.mo.gov/sup/index.nsf/0/629aab74004234eb862566e2006b5181/$FILE/plan.PDF)

### **Resources: Phone Numbers**

#### **Indiana Department of Health - Family Helpline**

855.HELP.1ST (855.435.7178)

Communication specialists are on duty from 7:30 AM to 5:00 PM EST Monday – Friday and provide information and referrals on a variety of topics including obtaining early prenatal and child health care; accessing Medicaid and WIC providers; locating emergency housing, food pantries, utility assistance; and literacy, vocational and GED programs.

#### **Indiana Coalition Against Domestic Violence**

800.332.7385

Toll-free 24-hour hotline providing emotional and practical support that includes, but is not limited to the following: crisis intervention, criminal justice information, personal advocacy, information and referral services, and violent crime compensation assistance.

#### **Indiana Child Abuse Hotline**

800.800.5556

Call toll free 24 hours a day, 7 days a week to report suspected child abuse or neglect.

#### **Indiana Child Support Hotline**

800.840.8757

Automated payment information is available 24 hours a day, 7 days a week, and customer service representatives are available from 7:00 AM until 6:00 PM EST Monday-Friday.