

Instructions for Petitions and Proceedings for Specialized Driving Privileges Under IC 9-30-16

If your operator's license has been suspended by the Indiana Bureau of Motor Vehicles (BMV), you may be eligible to seek a court order directing the BMV to grant you specialized driving privileges.

To seek this court order granting specialized driving privileges, you must meet the following requirements:

1. You must be a resident of Delaware County, Indiana.
2. You must have proof of financial responsibility to bring to your court hearing (contact your insurance agent to obtain a written insurance quote).
3. Your operator's license must be suspended through the Indiana Bureau of Motor Vehicles.

If you meet the above requirements, please complete the following forms: (fill in all blanks and sign forms)

1. Appearance Form
2. Verified Petition for Specialized Driving Privileges.
 - a. Copy of your current Bureau of Motor Vehicles driving record.
3. Notice of Hearing
4. Summons - 2 (1 to Prosecutor's Office and 1 to BMV)

File the completed forms with the Delaware County Filing Clerk's Office in the Delaware County Justice Center.

If you are requesting a filing fee waiver, you must complete the fee waiver paperwork within this packet for the judge to consider your request.

The Clerk will assign your paperwork a Cause Number (MI- Miscellaneous).

The Clerk will issue a copy of your paperwork to the Prosecuting Attorney and BMV.

The Court will schedule a court hearing in the Delaware Circuit Court 3 at which you must appear and bring your proof of financial responsibility (i.e. proof of insurance).

Following the hearing the Court will issue an order either granting your Verified Petition or denying your request.

Should you fail to fully complete your paperwork or fail to attend your hearing, your Verified Petition will be summarily dismissed.

CAUSE NO.: 18 CO3- _____-MI- _____

Petitioner

vs

State of Indiana & Indiana Bureau of Motor Vehicles
 Respondents

VERIFIED MOTION FOR FEE WAIVER

The Petitioner now states:

1. I wish to file this action and I believe I have a case with merit.
2. I cannot pay any of the filing fees or other costs of this action because I do not have sufficient income or resources.
3. I live with the following persons who are over eighteen (18) years of age _____.
4. I live with the following persons who are **under** eighteen (18) years of age _____.
5. I am responsible for the financial support of the following people **who live in my household** _____.
6. The combined income of all persons I am responsible for supporting is \$ _____ per month (**total from below**).

Income Received Each Month (before taxes)

Wages (\$ _____ per hour x _____ hours per month)	\$ _____
Unemployment Compensation	\$ _____
AFDC/TANF Benefits	\$ _____
SSI/SSD Benefits	\$ _____
Child Support	\$ _____
Other (please describe)	\$ _____
Total Income	\$ _____

7. We have \$ _____ in the bank.
8. Our expenses total \$ _____ per month. (**Total from below**).

Monthly Expenses

Housing (Rent, Contract, or Mortgage)	\$
Utilities (Gas, Elective, Water, Phone, etc.)	\$
Food	\$
Child Care	\$
Medical Bills	\$
Transportation	\$
Insurance (Car, Medical, and/or Property)	\$
Child Support	\$
Other (please describe)	\$
Total Expenses	\$

I request that this Court waive all costs of this action and allow me to proceed without the payment of any filing fees or other costs.

There is no other party to serve.

I affirm under penalties for perjury that the foregoing representations and statements are true.

Date

Signature

Printed Name

STATE OF INDIANA)
) SS:
COUNTY OF DELAWARE)

IN THE DELAWARE CIRCUIT COURT NO. 3

CAUSE NO.: 18 CO3- _____-MI- _____

Petitioner

vs

State of Indiana & Indiana Bureau of Motor Vehicles
Respondents

ORDER ON FEE WAIVER

The Petitioner, self-represented, has filed a Verified Motion For Fee Waiver which the Court has read and finds should be granted.

IT IS THEREFORE ORDERED that Petitioner may file this case:

- Without the pre-payment of any filing fees, costs, security, bond or other expenses; **or**
- Upon the prepayment of \$ _____ which is a portion of the filing fee set by statute. Such sum must be paid by the Petitioner to the Clerk within the next twenty (20) days.

The Court will determine whether any or additional costs are to be paid at a preliminary or final hearing in this case.

Date

Judicial Officer

Distribution:

APPEARANCE BY A SELF-REPRESENTED LITIGANT IN A CIVIL CASE

STATE OF INDIANA
DELAWARE COUNTY

SS:

IN THE DELAWARE CIRCUIT
COURT NO. 3

_____,
Petitioner

CAUSE NO. 18C03-_____-MI-_____

v.

State of Indiana & Indiana Bureau of Motor Vehicles,
Respondents

1. My Name: _____

2. My Address: _____

3. My telephone number: _____

4. My fax number: _____

5. My e-mail address: _____

6. I will accept service from other parties by:

FAX at the above noted number: Yes _____ No _____

Email at the above noted address: Yes _____ No _____

7. This case involves child support issues: Yes _____ No _____

*(If yes, supply Social Security Numbers for all family members on a separately Attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-5.)*

8. There are related cases: Yes _____ No _____
(If yes, list in the space following #8.)

9. You MUST serve this Form and any other pleadings or documents you are filing or will file in this case on all other attorneys (or the other parties, if they are not represented by an attorney.) This form has been served on all other parties and Certificate of Service is attached:

Yes _____ No X

Your Signature

Your Printed Name

CERTIFICATE OF SERVICE

The Delaware County Clerk of the Court shall forward a copy of this Appearance to the Delaware County Prosecutor's Office & BMV.

COUNTY OF DELAWARE) IN DELAWARE CIRCUIT COURT NO. 3
) SS:
STATE OF INDIANA)

CAUSE NO.: 18C03-_____-MI-_____

Petitioner

-VS-

State of Indiana & Indiana Bureau Of Motor Vehicles
Respondents

Verified Petition for Specialized Driving Privileges
(I.C. 9-30-16)

Petitioner, _____, a self-represented litigant, respectfully moves the Court to grant Petitioner specialized driving privileges pursuant to I.C. 9-30-16.

Petitioner affirms under the penalties of perjury:

1. Petitioner's full name is _____.
2. Petitioner has no other legal names or aliases by which Petitioner is or has been known.

[OR]

Petitioner has had other legal names/or aliases by which Petitioner is or has been known and they are: _____.

3. Petitioner is _____ years old, Petitioner having been born on _____ day of _____, _____.
4. Petitioner's address is: _____

5. Petitioner has had a valid driver's license in the past, License # _____.
6. Petitioner does not now hold a commercial driver's license.
7. Petitioner has not refused to submit to a chemical test offered under IC 9-30-6.
8. **A current certified copy of Petitioner's Indiana Bureau of Motor Vehicles Driving Record is attached hereto as Exhibit A.**

9. Petitioner has filed no other petitions under I.C. 9-30-16.

[OR]

Petitioner has filed other written or oral petitions (requests) under I.C. 9-30-16 to seek specialized driving privileges; specifically, a petition filed in Delaware County, Indiana, under cause number _____ on the _____ day of _____, 20____; said petition is: pending/granted/denied (circle one strike the others).

10. There are no current criminal charges of traffic violations pending against Petitioner.

[OR]

The following criminal charges and/or traffic offenses are pending against Petitioner as follows: (Court, Cause Number, Criminal Charge or Traffic Violation): _____

11. Petitioner has the following prior criminal traffic related convictions: (Court, Cause Number, Crime and type of Conviction, Date of Conviction):

12. Petitioner has the following prior traffic infraction judgments: (Court, Cause Number, Judgment Offense, Date of Judgment):

13. Petitioner has the following past and current driving privileges suspensions:

14. Petitioner seeks stay of the current suspensions and grant of specialized driving privileges for the following suspensions: (list each and every suspension):

15. Petitioner specifically seeks the following: (state the grounds for relief and the relief sought): _____

16. Petitioner has served a copy of this Verified Petition for Specialized Driving Privileges upon the Prosecuting Attorney in accordance with the Indiana Rules of Trial Procedure.

WHEREFORE, Petitioner respectfully requests this Court issue specialized driving privileges pursuant to I.C. 9-30-16.

I affirm under the penalty of perjury that the foregoing representations are true.

Respectfully Submitted,

(Signature of Petitioner)

Name of Petitioner

The Delaware County Clerk of the Court shall forward a copy of this Petition to Delaware County Prosecutor's Office & BMV.

NOTICE OF HEARING

COUNTY OF DELAWARE) IN DELAWARE CIRCUIT COURT NO. 3
) SS:
STATE OF INDIANA)

CAUSE NO.: 18C03-_____-MI-_____

Petitioner

-VS-

State of Indiana & Indiana Bureau of Motor Vehicles
Respondents

To Respondent: State of Indiana
 Delaware County Prosecutor's Office
 100 W. Main Street, Suite 312
 Muncie, IN 47305

You are hereby notified that the Petitioner, _____, has filed his Verified Petition for Specialized Driving Privileges, a copy of which is attached hereto, in the Delaware Circuit Court No. 3 under the above-captioned cause.

You are further hereby notified that the Court has fixed the ____ day of _____, _____ at _____ o'clock _____m. as the date and time for the hearing in this matter. The hearing will take place in the Delaware Circuit Court No. 3, 100 W. Washington Street, Muncie, IN 47305

Be advised that if you fail to appear for said hearing, the petition will be summarily dismissed.

The Clerk of the Court is ordered to serve the State of Indiana c/o Delaware County Prosecuting Attorney, 100 W Main Street, Ste. 312, Muncie, IN 47305 by means of personal service.

WITNESS my hand and seal of the Delaware Circuit Court on _____.
(date)

Clerk of the Delaware Circuit Court No. 3

SUMMONS

THE STATE OF INDIANA

DELAWARE COUNTY CIRCUIT COURT NO. 3

Muncie, Indiana

Plaintiff

VS.

Cause No. 18C03-_____-MI-_____

State of Indiana
Delaware County Prosecutor's Office
100 W. Main Street, Suite 312
Muncie, IN 47305

Defendant

Indiana Bureau of Motor Vehicles
BMV Records Management Division
100 N. Senate Ave., IGCN RM N413
Indianapolis, IN 46204

Defendant

To Defendant: State of Indiana, Delaware County Prosecutor's Office, 100 West Main Street, Suite 312, Muncie, IN 47305

You have been sued by the person (s) named "Plaintiff" in the Court stated above for _____.

The nature of the suit against you is stated in the Petition which is attached to this document. It also states the demand which the Plaintiff has made and wants from you. ¹

You must answer the Petition in writing, by you or your attorney, within twenty (20) ² days commencing the day after you receive this summons, or a judgment will be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following manner of service of summons is hereby designated: _____

Date: _____

Clerk of the Delaware County Circuit Court No. ____

Plaintiff's Name, Address & Telephone

1. If the complaint is not attached, a copy is available for you in the Office of the Clerk of said Court.
2. Or, if the summons is served by registered or certified mail, within twenty-three (23) days.

SUMMONS

THE STATE OF INDIANA

DELAWARE COUNTY CIRCUIT COURT NO. 3

Muncie, Indiana

Plaintiff

VS.

Cause No. 18C03-_____-MI-_____

State of Indiana
Delaware County Prosecutor's Office
100 West Main Street, Suite 312
Muncie, IN 47305

Defendant

Indiana Bureau of Motor Vehicles
BMV Records Management Division
100 N. Senate Ave., IGSN RM N413
Indianapolis, IN 46204

Defendant

To Defendant: Indiana Bureau of Motor Vehicles, BMV Records Management Division, 100 N. Senate Ave, IGCN RM N413, Indianapolis, IN 46204

You have been sued by the person (s) named "Plaintiff" in the Court stated above for _____.

The nature of the suit against you is stated in the Petition which is attached to this document. It also states the demand which the Plaintiff has made and wants from you. ¹

You must answer the Petition in writing, by you or your attorney, within twenty (20) ² days commencing the day after you receive this summons, or a judgment will be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following manner of service of summons is hereby designated: _____

Date: _____

Clerk of the Delaware County Circuit Court No. ____

Plaintiff's Name, Address & Telephone

1. If the complaint is not attached, a copy is available for you in the Office of the Clerk of said Court.
2. Or, if the summons is served by registered or certified mail, within twenty-three (23) days.