

**STATE OF INDIANA – COUNTY OF ALLEN  
IN THE ALLEN CIRCUIT AND SUPERIOR COURTS**

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**NOTICE OF PROPOSED AMENDMENT  
TO RULE FOR CASELOAD ALLOCATION PLAN**

**June 1, 2024**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the Allen Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend local court rule **LR02-AR1E-1 (Caseload Allocation Plan)** to be effective **January 1, 2025**. All new text is shown by underlining and deleted text is shown by ~~striketrough~~.

Comments by the bar and the public should be made in writing until July 6, 2024, by email to:  
John McGauley, Court Executive  
*Allen Superior Court*  
[john.mcgaleay@allensuperiorcourt.us](mailto:john.mcgaleay@allensuperiorcourt.us)

A paper copy of the proposed amended local rule will be made available for viewing in the office of the Clerk of Allen County during normal business hours, Allen County Courthouse, 715 S. Calhoun Street, Fort Wayne, IN 46802. Persons with Internet access may view the proposed amended local rules at the following website:  
<http://www.in.gov/judiciary/2994.htm>

For the Courts of Record of Allen County

\_\_\_\_\_/S/\_\_\_\_\_  
Judge Frances C. Gull  
Chief Judge, Allen Superior Court

\_\_\_\_\_/S/\_\_\_\_\_  
Judge Ashley N. Hand  
Allen Circuit Court

## **LR02-AR1E-1 Allen County Caseload Allocation Plan**

### **(A) Domestic Relations (DC/DN) cases with self-represented litigants**

New cases filed with the Clerk of the Allen Superior and Circuit Court on a Verified Petition for Dissolution of Marriage without legal representation shall be assigned on an alternating basis (every other case) to Superior Court 8 and Circuit Court respectively.

### **(B) Mortgage Foreclosures (MF)**

- (1) 10% shall be filed in Circuit Court, and
- (2) 90% shall be filed in Superior Court 3.

### **(C) Civil Collections (CC)**

Civil Collection (CC) cases shall be assigned in the proportion of 100% in Superior Court, divided evenly among the four judges of the Civil Division (Superior 1, Superior 2, Superior 3, and Superior 9).

### **(D) Criminal Cases**

- (1) All MR, F1, F2, F3, F4, F5, F6, PC, OV and IF cases except as provided in (D)(3) herein below, shall be divided evenly among Superior 4, Superior 5 and Superior 6.
- (2) All CM cases shall be divided as follows: 40% in Superior 4, 30% in Superior 5 and 30% in Superior 6.
- (3) All Criminal cases filed by information, charging an offense of:
  - (a) Operating a Motor Vehicle with Lifetime Suspension, a Level 5 Felony, I.C. 35-30-10-17.
  - (b) Operating While Intoxicated, a Level 6 Felony, I.C. 9-30-5-3.
  - (c) Operating Vehicle as Habitual Traffic Violator, a Level 6 Felony, I.C. 9-30-10-16.
  - (d) Criminal Non-support of Dependents, a Level 6 Felony, I.C. 35-46-1-5 through I.C. 35-46-1-6shall be filed in the Allen Circuit Court.
- (4) All MC cases shall be filed in Superior Court and shall be divided equally among Superior 4, Superior 5, and Superior 6.
- (5) All RF cases shall be filed in Superior Court 5.

### **(E) Other Civil Cases**

- (1) All Small Claims (SC) cases shall be filed in Superior Court and shall be divided as follows: 33% assigned to Superior Court 9 with the remainder divided equally between Courts 1, 2 and 3.
- (2) Civil plenary (PL) cases may be filed in Circuit Court or Superior Court. All Superior Court PL cases shall be divided evenly among Superior 1, Superior 2, Superior 3, and Superior 9.
- (3) All mental health (MH) cases shall be filed in Superior Court 1.
- (4) All Protective Order (PO) cases shall be divided evenly among Superior 1, Superior 2, Superior 3 and Superior 9.
- (5) All Estate supervised/unsupervised (ES and EU) cases shall be filed in Superior Court 2.
- (6) All Estate miscellaneous (EM), Guardianship (GU), Guardianship Miscellaneous (GM) and Trust (TR) cases shall be filed in Superior Court 3.
- (7) All Eviction (EV) cases shall be filed in Superior Court and shall be divided evenly among Superior 1, Superior 2, Superior 3, and Superior 9.

### **(F) Civil Tort (CT)**

100% of civil tort claims (CT) will be filed in the Superior Court, divided evenly among Superior 1, Superior 2, Superior 3, and Superior 9.

**(G) Civil Miscellaneous (MI), Property Tax (TS/TP) and Expungement (XP)**

Property tax cases, property forfeiture cases, expungement cases originating in Circuit Court and name change cases shall be filed in Circuit Court. For civil miscellaneous (MI) cases, all Specialized Driving Privileges shall be filed in Superior Court 9, structured settlements shall be filed in Superior Court 2, and custody/visitation petitions filed by grandparents or other third parties shall be filed in Superior Court 8. All other civil miscellaneous (MI) cases shall be filed in Superior Court, Civil Division and divided among Superior 1, 2, 3, and 9. Expungement (XP) filings originating in Superior Court shall be divided equally among Superior 4, 5, and 6.

**(H) Juvenile Cases**

(1) All juvenile CHINS (JC), juvenile termination (JT), and adoptions (AD) shall be filed in Superior Court 8, and juvenile delinquency (JD) and juvenile status (JS) shall be filed in Superior Court 7. Juvenile miscellaneous (JM) cases shall be filed in Superior Court 7 or 8.

(2) Juvenile Paternity (JP) cases may be filed in Circuit Court or Superior Court. All JP cases filed in Superior Court shall be assigned to Superior Court 7.

**(I) Other Family Cases**

(1) Domestic relations (DC/DN) may be filed in Circuit Court or Superior Court.

(2) Of the DC/DN cases filed in Superior Court 100% shall be filed in Superior 8.

(3) All Reciprocal support (RS) cases shall be filed in Superior Court 7.

*Amended effective January 1, 2015; amended effective January 1, 2018; amended effective April 30, 2020, amended effective July 15, 2022, amended effective January 1, 2025.*