

In the Indiana Supreme Court

In the Matter of the Approval of Local
Rules for Jennings County

Supreme Court Case No.
24S-MS-371



Order Approving Amended Local Rules

The Judges of the Jennings Circuit and Superior Courts request the approval of amended local rules for caseload allocation and criminal case assignment in accordance with Indiana Administrative Rule 1(E), for special judge assignments in accordance with Trial Rule 79, and for criminal special judge assignments in accordance with Administrative Rule 21. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Jennings Circuit and Superior Courts, this Court finds that the proposed rule amendments to LR 40-AR8-01 comply with the requirements of Indiana Administrative Rule 1(E), the amendments to LR 40-AR21-02 comply with Administrative Rule 21, and the amendments to LR 40-TR79-03 comply with Trial Rule 79, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR 40-AR8-01, LR 40-AR21-02, and LR 40-TR79-03, for the Jennings Circuit and Superior Courts, set forth as attachments to this Order, are approved effective on the date of this Order.

Done at Indianapolis, Indiana, on 10/24/2024 .

A handwritten signature in black ink that reads "Loretta H. Rush". The signature is written in a cursive style and is positioned above a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

LR 40-AR8-01 - INITIAL CASE ASSIGNMENT AND LOCAL CASELOAD PLAN
(See Indiana Administrative Rules 1(E) and 8)

Unless otherwise required by statute, the Clerk of Courts and the Prosecuting Attorney of Jennings County, to the extent applicable, shall file the following cases in the following Court:

Jennings Circuit Court

- 1.) All Level 1, 2, 3, 4, 5, and 6 felonies and Murder (MR), EXCEPT those filed alleging a Level 6 felony under IND. CODE §9-30-5-3 or §9-30-5-4 and related Post Conviction Relief proceedings.
- 2.) Mental Health (MH)
- 3.) All Adoption or Adoption History Petitions (AD and AH)
- 4.) All Estates and Trust (EU, ES, EM and TR)
- 5.) All Guardianships (GU and GM)
- 6.) All family law matters (new filings and previously filed cases- DC, DN, DR, and RS)
- 7.) All juvenile matters (new filings and previously filed- JC, JT, JD, JM, JS, JO and JP)
- 8.) All Grandparent visitation cases and pre-filing motions where the underlying case would be heard in Jennings Circuit Court.

All causes listed in paragraphs 6 and 7 above will routinely be assigned to and heard by the Magistrate of the Jennings Circuit Court. There may be instances in which the Magistrate may need to be assigned to and hear other types of cases or instances in which Circuit Court may maintain jurisdiction of cases listed in 6 and 7 above. However, the routine expectation will be that the Magistrate of Jennings Circuit Court is assigned and hears all previously existing and new DC, DN, DR, RS, JC, JT, JD, JM, JS, JO and JP cases after July 1, 2021.

Jennings Superior Court

- 1.) All Level 6 felonies alleging a violation of IND. CODE §9-30-5-3 or §9-30-5-4
- 2.) All Infractions (IF)
- 3.) All Misdemeanors (CM)
- 4.) All Local Ordinance and Exempted Ordinance Violations (OV and OE)
- 5.) All Small Claims (SC)
- 6.) All Protection Orders (PO)
- 7.) All civil actions unless otherwise assigned (CP, CT, PL, CC, EV, MF, ~~MI~~, TP and TS)
- 8.) All Miscellaneous (MI) cases except for grandparent visitation and pre-filing motions that would be heard by Jennings Circuit Court.

OTHER

Court Business (CB) cases shall be filed in the court where any related matters are filed. If the matters are concerning both Circuit and Superior Courts, it shall be filed in Circuit Court. Expungement petitions (XP) filed under IND. CODE §35-38-9 shall be filed in the court where the conviction occurred or was filed if no conviction occurred. If the Petition for Expungement involves convictions in both Circuit and Superior Courts, the petition shall be filed in the court with the highest level case.

If a petition is filed under IND. CODE §35-38-9-1(a) (arrest with no charges ever having been filed), the Petition shall be filed in the Court which would have handled the most serious charge not filed.

Any action involving a land contract, as defined in IND. CODE §24-4.4-1-301(36), shall be filed as a civil action and not as small claim.

In criminal cases, the most serious charge filed shall determine the proper Court.

If an information alleges a violation of IND. CODE §9-30-5-3 or 9-30-5-4 and any other Level 6 felony, the case shall be filed in the Jennings Circuit Court.

All Red Flag (RF) cases will be heard in the court where any related matters are filed. In the event there are no other related matters filed, the RF case shall be filed in the Jennings Circuit Court.

LR 40-AR21-02 - REASSIGNMENT IN CRIMINAL CASES

(See Indiana Administrative Rules 1(E) and (21))

In the event it becomes necessary to reassign a felony or misdemeanor case in the Jennings Circuit or Superior Court, the court may reassign the case first to the Jennings Magistrate, secondly to the Jennings Circuit Judge, thirdly to the Jennings Superior Judge. In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned on a rotating basis from a list of full-time judicial officers from the following contiguous counties and counties within Administrative District 21:

Bartholomew County

Brown County

Decatur County

Jackson County

Jefferson County

Ripley County

Scott County

Or, any Senior Judge who has agreed to serve as a special judge in the Jennings Circuit or Jennings Superior Court.

In the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

LR 40-TR79-03 - SPECIAL JUDGE APPOINTMENT IN CIVIL CASES

(See Indiana Rule of Civil Procedure 79(H))

In the event a special judge needs to be appointed under Indiana Rule of Trial Procedure 79(H), the Court may reassign the case first to the Jennings Magistrate, secondly to the Jennings Circuit Judge, thirdly to the Jennings Superior Judge. In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned in consecutive order on a rotating basis from a list of full-time judicial officers from the counties below in Administrative District 21 and from contiguous counties who have agreed to serve as a special judge

Bartholomew County

Brown County

Decatur County
Jackson County
Jefferson County
Ripley County
Scott County

Or, any Senior Judge who has agreed to serve as a special judge in the Jennings Circuit or Jennings Superior Court.

In the event that no judge is available for assignment or reassignment, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge.